

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Clifton Newman, Circuit Court Judge

JABRIEL L. SINGLETON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2019-001496

APPENDIX

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SW - T. ODOM - DIRECT

1 known samples we have are not complete and we're not
2 able to see that particular area so we can't make a
3 conclusion.

4 Q And now I want to touch on the first category
5 that you mentioned, prints that were made by the
6 same source as a known standard. Which --
7 throughout your conclusion were there ones that you
8 were able to identify as prints that were made by
9 the known standard?

10 A Yes.

11 Q And which ones were there?

12 A For the latent prints only, 'cause we already
13 identified the post-mortem prints that's labeled
14 L-1.1. But L-8.1 and L-11.1 were both positively
15 identified.

16 Q And what were you able to positively identify the
17 8.1 latent print as?

18 A That was made by the right palm of Garfield
19 Belton.

20 Q And 11.1, what latent print, who made that latent
21 print?

22 A The victim Mr. Jones' right thumb.

23 Q And where was the -- Mr. Jones' print found?

24 A The rear view mirror of the blue Suzuki.

25 Q Okay. And is it unusual to find latent prints at

SW - T. ODOM - DIRECT

1 crime scene from multiple sources?

2 A No, not at all.

3 Q And is there any way to determine when a print is
4 made?

5 A No.

6 Q And to time date it?

7 A No.

8 MR. STEADMAN: Thank you, Your Honor.

9 MR. SUTHERLAND: May it please the Court.

10 THE COURT: I'm not through.

11 MR. SUTHERLAND: Oh, I'm sorry.

12 BY MR. STEADMAN:

13 Q Now, I want to go back to how latent prints are
14 actually made. Can the surface of an item effect
15 the ability to leave a latent print?

16 A Sure, yes.

17 Q And what kind of factors would affect that?

18 A Well, what — what affects whether or not a
19 latent print is left behind is a couple of things.
20 First of all, like we said, you have those loose
21 ridges all over your fingers; and I like to refer to
22 those, the ridges, as like an ink stain that you get
23 from a craft store. And it's gonna leave that same
24 impression behind every single time as long as it's
25 inked the same way. In this case, with fingerprints

SW - T. ODOM - DIRECT

1 they're typically inked with sweats and the oils
2 that you naturally secret so typically that's what a
3 latent print is. It's the residue and the oils and
4 the water that come from your sweat.

5 Now the surface of the, that that's being
6 touched, can definitely affect what kind of
7 fingerprint you leave behind. You have a relatively
8 smooth surface like this wood right here but it has
9 some grain in it, so when you touch it some of that
10 oil is going into those grains and when you try to
11 process it with fingerprint powder the other
12 investigators have probably told you about, you're
13 gonna end up picking up that grain quite a bit. A
14 really good surface is something that's smooth and
15 flat. Glass windows are really good. Glass ware is
16 very good and something like that. Those are really
17 good surfaces to get fingerprints off of. If it's a
18 surface like the dashboard in your car, you know, it
19 has that little texture to it. It may not show
20 fingerprints; that's exactly what it's for and
21 that's what it does. It's not impossible to get
22 fingerprints off of that, but it's a lot less likely
23 to be something that's identifiable just because of
24 that pattern in it.

25 Q And so those are surfaces that affect the ability

SW - T. ODOM - DIRECT

1 to leave a latent print. What about an individual's
2 body, his make of whether he's sweating or whether
3 there's oil on his hands?

4 A Sure. It's like that ink stain I was telling you
5 about. If you ink at the same point every single
6 time it's gonna leave that same print behind. If
7 you don't have any ink on it it's not going to leave
8 an impression behind. So if you're not sweating as
9 much, I mean, there area people who just don't sweat
10 as much. If you're sweating too much it can leave
11 too much of that moisture behind so how much you
12 sweat, whether you're sweating, whether you just
13 washed your hands, that can affect leaving a
14 fingerprint behind.

15 Q And as you stated before you were able to match
16 one of the latent prints to the known standard of a
17 man named Garfield Belton?

18 A That's correct.

19 Q Do you have that person's date of birth on your
20 report? I can direct your attention to page 2 I
21 believe.

22 A Yes, Mr. Belton was born on [REDACTED],
23 [REDACTED].

24 Q Does any one person has the same print?

25 A No one has the same fingerprints, and all of your

SW - T. ODOM - DIRECT

1 ten fingers are different as well.

2 Q Thank you. No further questions.

3 THE COURT: Thank you, Solicitor.

4 Mr. Sutherland?

5 MR. SUTHERLAND: Sir, I have no questions
6 for the witness.

7 THE COURT: Thank you. Thank you very
8 much. You may step down.

9 You may call your next witness, Solicitor.

10 MS. SIMPSON: Your Honor, may we approach?

11 THE COURT: Yes, ma'am.

12 (WHEREUPON, counsel approached the Bench
13 for an off-the-record discussion.)

14 THE COURT: All right. Perhaps now will
15 be a good time to take our lunch and recess, so Mr.
16 Foreman, ladies and gentlemen of the jury, as I told
17 you previously you'll probably be able to repeat
18 this back to me before the week's over. Please
19 remember during this recess do not discuss this case
20 with anyone including your fellow jurors, lunch
21 mates, family, friends, or anyone else. Do not
22 read, watch, or listen to any news reports about the
23 case should there be any. Do not use your computer
24 or cell phone or any other electronic device with
25 communication capability to research any

1 information. That is prohibited. I have explained
2 that to y'all on numerous occasions. Do not do any
3 independent investigation or any investigation on
4 the internet. Remember, you make your decision and
5 reach your verdict in the case by the evidence and
6 the testimony you give from the witnesses testifying
7 under oath from the witness stand and any exhibits
8 that are introduced dissed into evidence and the law
9 as I tell you the law is.

10 Please remember to keep an open mind and
11 not begin your deliberations until I instruct you to
12 do so. Please be back promptly at 1:45. Please be
13 back, excuse me — yes, 1:45, quarter to 2. Thank
14 you very much. Hope y'all have a pleasant lunch.

15 (The jury was removed from the courtroom
16 at 12:30 p.m.)

17 THE COURT: Is Investigator Collins still
18 present?

19 MS. SIMPSON: Yes, sir.

20 THE COURT: Step back for a minute around
21 here please. I just want to clarify my notes on one
22 thing.

23 Investigator Collins, did you testify that
24 there was a print on L-10 that was inconclusive for
25 Frazier?

1 INVESTIGATOR COLLINS: I'm sorry, sir, I
2 didn't bring my notes. May I look in the back
3 of —

4 THE COURT: Would you look at that for me.
5 I just want to see if I wrote it down wrong, that's
6 all.

7 INVESTIGATOR COLLINS: Yes, sir. L-10.1
8 wasn't made by Mr. Jones, Mr. Singleton, or
9 Mr. Belton, but it was inconclusive to Mr. Frazier.

10 THE COURT: All right, thank you. Thank
11 you very much.

12 INVESTIGATOR COLLINS: Yes, sir.

13 THE COURT: Anything from the State before
14 we take a recess?

15 MS. SIMPSON: No, Your Honor.

16 THE COURT: Defense?

17 MR. SUTHERLAND: Not from the Defense?

18 THE COURT: Thank you very much.

19 (Whereupon, a short recess was held.)

20 THE COURT: All right. Anything before we
21 bring in our jury from the State?

22 MS. SIMPSON: No, Your Honor.

23 THE COURT: From the Defense?

24 MR. SUTHERLAND: No, sir.

25 (The jury was returned to the courtroom at

1 1:45 p.m.)

2 BAILIFF: The jury is seated, Your Honor.

3 THE COURT: Thank you, Mr. Bailiff.

4 Good afternoon, ladies and gentlemen of
5 the jury, welcome back. Hope y'all had a pleasant
6 lunch. We'll continue in the trial of the case by
7 the presentation of evidence and testimony by the
8 State in its case and chief. If you would please
9 continue to give the parties your complete and
10 undivided addition.

11 Solicitor, you may call your next witness.

12 MS. CAVANAUGH: Thank you. The State
13 calls Sergeant Andrew Caldwell.

14 WHEREUPON,

15 **ANDREW CALDWELL,**

16 after having been duly sworn, testified as follows:

17 THE CLERK: Give us your full name and
18 please spell your last name.

19 THE WITNESS: Andrew Caldwell,
20 C-A-L-D-W-E-L-L.

21 **D I R E C T E X A M I N A T I O N**

22 **BY MS. CAVANAUGH:**

23 Q Good afternoon, Sergeant Caldwell.

24 A Good afternoon.

25 Q Where do you work?

SW - A. CALDWELL - DIRECT

1 A I work for the Richland County Sheriff's
2 Department.

3 Q And how long have been employed with the
4 sheriff's department?

5 A Just a tad under 25 years.

6 Q And what is your current position in the
7 sheriff's office?

8 A I'm currently one of the two sergeants assigned
9 to our narcotics enforcement division.

10 Q And how long have you been in that position?

11 A Only about five or six months.

12 Q And what was your — what unit were you in before
13 being transferred to the narcotics unit?

14 A I was the sergeant ahead of a fugitive task force
15 unit at that time.

16 Q And what is meant by the fugitive task force?

17 A We have a group of investigators in our unit.
18 Our primary goal for that unit was to focus on
19 identifying, locating, and apprehending any wanted
20 violent offenders.

21 Q Okay. And I'm gonna bring your attention to
22 January 25th of 2012. Did you become involved in
23 the arrest and apprehension of Jabriel Singleton?

24 A Yes, ma'am, I did.

25 Q And at the point that the fugitive unit becomes

SW - A. CALDWELL - DIRECT

1 involved are there already arrest warrants —

2 A There are.

3 Q —issued? Was that case in this case?

4 A It is. We are attempting to locate these
5 individuals and serve these arrest warrants on them
6 for whatever the particular charge is.

7 Q And as a — as a fugitive team member what type
8 of information do you usually have as it relates as
9 to the person you are searching for?

10 A We try to conduct an entire background on that
11 particular target, friends, families, girlfriends,
12 ex-girlfriends, codefendants, codefendants. We try
13 to learn as much as we possibly can about them
14 'cause that helps us to narrow down to potential
15 locations that someone may go to, or flee to try to
16 hide from to keep from being arrested.

17 Q Did you, along with other investigators, go to
18 1917 Hardwood Hill Road, that area, on January 25th?

19 A Yes, ma'am, we did.

20 Q And where, where is that? What area of town is
21 that in?

22 A That's considered the lower side of Richland
23 County. Leesburg Road, Forest area, that side of
24 Richland County.

25 Q Is it in Hopkins?

SW - A. CALDWELL - DIRECT

1 A It is.

2 Q I'm gonna show you what's marked as State's
3 Exhibit 193 and ask you to look at that map. Do you
4 recognize that area?

5 A I do.

6 Q And what is that an aerial map of?

7 A That's an aerial map of that particular section
8 [REDACTED], [REDACTED]. I believe the pin
9 there is going to be father's address of that
10 general neighborhood area of where we arrived at
11 that day.

12 Q Okay.?

13 MS. CAVANAUGH: Your Honor, at this time I
14 move to introduce State's 193 into evidence.

15 MR. SUTHERLAND: No objection, sir.

16 THE COURT: All right. State's 193 is in
17 evidence without objection.

18 (State's Exhibit No. 193 was admitted into
19 evidence.)

20 BY MS. CAVANAUGH:

21 Q What did you indicate the push pin showed?

22 A I believe that was his father's residence which
23 was [REDACTED].

24 Q And we'll get back to that in just a second.

25 Now, when the other investigators arrived at that

SW - A. CALDWELL - DIRECT

1 location do y'all have your sirens on at this point?

2 A No.

3 Q Okay. Did you -- where did you initially respond
4 to when approaching that address?

5 A We pulled in from what would, I guess, be the
6 back street from Coral Hill that's Cross Hill road.

7 MS. CAVANAUGH: Permission for the witness
8 to step down?

9 THE COURT: Yes, sir, you may step down.
10 Just keep your voice up when you're away from the
11 microphone.

12 THE WITNESS: Like I said, we had
13 developed information to believe that the defendant
14 could possibly would be located at his father's
15 house. Following receiving that information, we
16 determined that there was a high probability that he
17 might be connected to one of these two homes here
18 which is actually Cross Hill Road; but as you can
19 see from the back yard, you can walk back and forth
20 in between the two properties from Cross Hill and
21 Coral Hill. And this was originally where we
22 entered the, the location was this house, these
23 houses here at Cross Hill.

24 BY MS. CAVANAUGH:

25 Q And did y'all, did you park your vehicles

SW - A. CALDWELL - DIRECT

1 somewhere?

2 A We did. We immediately pulled into these
3 driveways here for these two homes at Cross Hill
4 where an unmarked cars but I mean, I think it's
5 fairly obvious we're police officers. As soon as we
6 got out of our cars we were all wearing our bullet
7 tactical vests that has deputy sheriff patch on the
8 front and back on them.

9 Q Okay. And about how many vehicles can you
10 estimate were out there that day?

11 A Probably a minimum of five to six.

12 Q Okay.

13 A I mean, we had the majority of the sheriff's
14 department fugitive task, as well as task force
15 officers from the State Law Enforcement Division
16 that were assisting us out that day.

17 Q Okay. And upon parking in this location that you
18 just pointed out what did y'all do next?

19 A Surrounded the homes, attempted to make contact.
20 And at that point, while we're trying to make
21 contact at either of one of these two locations I
22 believe it was Corporal Hayhurst, somebody on the
23 team observed an individual —

24 MR. SUTHERLAND: Objection, that's
25 hearsay, sir.

SW - A. CALDWELL - DIRECT

1 THE COURT: Hearsay and will be sustained.

2 BY MS. CAVANAUGH:

3 Q What happened — what happened after y'all got
4 out of the vehicles? You said you responded to
5 certain houses.

6 A An individual was observed in a very close
7 proximity to this wood line.

8 Q Okay.

9 A And when he took off running into the woods we
10 all gave chase.

11 Q Okay. You can have a seat.

12 A (Witness complies.)

13 Q Right next to his father's address?

14 A That's correct.

15 Q Now based on your memory from, from that
16 location, is it pretty open as far as where y'all
17 parked versus where the father's address is?

18 A It's all open. There were no privacy fence
19 issues that we'd sometime have to deal with. The
20 wood line looks fairly thick from that aerial photo,
21 but it's not. It's just all pine trees; it's clear
22 underneath. There's no underbrush or thickets.
23 It's all a bed of pine straw and pine trees.

24 Q So y'all began tracking the person that was
25 observed running?

SW - A. CALDWELL - DIRECT

1 A Yes, ma'am.

2 Q And can you describe, can you describe that a
3 little bit?

4 A Like I said, somebody yelled out, we got one
5 running. We all took off in that general direction.
6 There's no guarantee, but we believe if somebody ran
7 from us that's the individual we're going to want to
8 talk to, or at least somebody that may have
9 information on the individual we're going to try to
10 talk to or target and place under arrest. And we
11 ran into the wood line trying to follow him or ran
12 into the woods trying to follow him.

13 Q And what, what was actually -- was anything
14 located in that wood line?

15 A It was. A short distance as you enterer the
16 woods, maybe 15 yards or so, it wasn't very far, we
17 located a hoody, a jacket, and a cell phone.

18 Q Okay. And through the use -- were you able to
19 determine whose cell phone that was?

20 A It was. It belonged to the defendant. It was --
21 the jacket and the phone both were on top of the
22 pine straw. These were not items that had been out
23 there for any length of time. They all were very
24 fresh. No debris or, you know, from leaves or pine
25 straw. They were just laying on top of the

SW - A. CALDWELL - DIRECT

1 foundation of the pine straw and the phone was
2 ringing.

3 Q Okay. And again, through the use of the phone
4 number you were able to tell that that was his
5 phone?

6 A We did. At some point later on -- I don't
7 remember the exact time. We called that -- we
8 called the phone number that knew was associated
9 with the defendant and that phone that we located in
10 the woods rang.

11 Q Okay. And you've had that? You had that number
12 --

13 A We did.

14 Q --before you even went to the --

15 A We did.

16 Q --to the house? Now, did you actually come into
17 contact with that phone and that jacket at the scene
18 that day, at the?

19 A In the woods.

20 Q In the wood line?

21 A Yes, ma'am. I took possession of it; and at some
22 point later on during the evening when we called the
23 chase off, I believe I turned over the jacket and
24 phone to Sergeant Ellis.

25 Q Because you weren't necessarily going back to

SW - A. CALDWELL - DIRECT

1 headquarters, right?

2 A No.

3 Q Because you're with the fugitive team?

4 A I'm with the fugitive team. We were going to
5 continue to look for possible leads or locations on
6 the defendant.

7 Q I'm going to show you what's marked as State's
8 Exhibit 191.

9 A Yes, ma'am.

10 Q Do you recognize that phone?

11 A That appears to be the phone that we found in the
12 woods.

13 MS. CAVANAUGH: Your Honor, at this time I
14 would move to introduce State's Exhibit 191 into
15 evidence.

16 MR. SUTHERLAND: No objections.

17 THE COURT: State's 191 is in evidence
18 without adjunction.

19 (State's Exhibit No. 191 was admitted into
20 evidence.)

21 BY MS. CAVANAUGH:

22 Q And I will also show you what's in the box what's
23 marked as 192. Does this appear to be the hoodie
24 that you also retrieved from the wood line?

25 A Yes, ma'am.

SW - A. CALDWELL - DIRECT

1 MS. CAVANAUGH: At this point I would
2 introduce State's Exhibit 192, Your Honor.

3 MR. SUTHERLAND: No objections.

4 THE COURT: State's Exhibit 192 is in
5 evidence without objection.

6 (State's Exhibit No. 192 was admitted into
7 evidence.)

8 BY MS. CAVANAUGH:

9 Q And again, was it established that the phone
10 belongs to the defendant?

11 A We did.

12 Q And you said you turned it over to one of the
13 investigators at the sheriff's department?

14 A Yes, ma'am.

15 Q Did Richland County actually use their helicopter
16 in this case?

17 A We did. This was a fairly significant man hunt
18 at the time based on the charges obviously were very
19 violent crime, murder. We take that very seriously.
20 There's nothing higher else we can try to locate
21 somebody for. We utilized our helicopter. I
22 believe it was at least one, if not two, K-9
23 tracking teams. We continued that trail for several
24 hours into the evening going door to door at some
25 points and as well as trying to follow the trail

SW - A. CALDWELL - DIRECT

1 with our K-9s that ultimately to no success.

2 Q So can you estimate about how long y'all were --
3 or you yourself were out there looking for the
4 defendant?

5 A At one point as I was tramping through the woods
6 it seemed like forever. Hours at least, going
7 through just from the roadways to the community into
8 some of the very thick harsh, heavy underbrush
9 trying to tramp through those trails looking for --
10 like I said, we had the majority of the Richland
11 County fugitive task force, members of the State Law
12 Enforcement Division's task force. We utilized the
13 uniform patrol divisions assigned to that area to
14 help establish a perimeter as best we could given
15 that it was a fairly large rural area, keeping them
16 on the roadways. Going down, if you're like walking
17 down the road and it went on probably until close to
18 dark.

19 Q Okay. At least a couple of hours?

20 A Yes, ma'am.

21 Q And this is on Hopkins area, right?

22 A It is.

23 Q Okay. The next day were you involved with this
24 investigation of the case?

25 A It did. It continued on.

SW - A. CALDWELL - DIRECT

1 Q And where did you respond on January the 26th of
2 2012?

3 A Usually we received, again, some more information
4 that lead us to believe that the defendant might be
5 located at the America's Best Inn, and that's a
6 hotel that's basically right there at Garners Ferry
7 kind of next to the VA hospital behind — I think
8 that's a Hardees Restaurant. It's more on the
9 Veterans Road but you see it if you're on Garners
10 Ferry, Garners Ferry and 77.

11 Q Okay. And did you and the other law enforcement
12 investigators get the list of occupied rooms?

13 A We did. After we developed this information that
14 led us to believe he would be at the hotel, the
15 first thing we did was make contact with management.
16 I obtained a list of every room that was registered
17 to somebody, obviously leaving off the vacant rooms.
18 We proceeded systematically to open the door of that
19 entire hotel making personal contact with somebody
20 that was in every one of those rooms. While this is
21 the kind of a building that's a long building and
22 there's rooms on each side. We maintained officer
23 presence on the opposite side of what we were going
24 to door to door to make sure we didn't lose anybody
25 that way. And ultimately, we narrowed it down to

SW - A. CALDWELL - DIRECT

1 one room that was registered that we could not get
2 anybody to answer.

3 Q And when you're knocking on these doors are you
4 identifying yourselves as members of the Richland
5 County Sheriff's Department?

6 A We are.

7 Q So once no one answered the door at 118 and you
8 were aware that was occupied, what happened?

9 A We — obviously we were extremely suspicious of
10 this room. We had information that led us to
11 believe that he's at this hotel. For some reason
12 this is the one room that's rented that nobody's
13 come to the door. We continued knocking very loudly
14 and forcibly for quite some time, probably anywhere
15 from 15 to 30 minutes. But ultimately we obtained
16 the key to that door. There was some resistance at
17 first — I'm not sure really what caused that — but
18 ultimately we made entry into that hotel room.

19 Q And what — who or — who was found in that room?

20 A The defendant and his girlfriend.

21 Q Okay. And where were they located in that room?

22 A We found the defendant and his girlfriend
23 finally. They were located, you come in, it's the
24 two beds and a dresser. Go into the bathroom, the
25 sink, and then what I would call the bathroom. They

SW - A. CALDWELL - DIRECT

1 were in the bathroom in the shower with the shower
2 curtain pulled, and he was behind his girlfriend.

3 Q Were they taking a shower?

4 A No, they were fully clothed. The shower was not
5 on; they were just hiding.

6 Q He was with his girlfriend?

7 A He was.

8 Q Did you have -- did you know anything about her?
9 Did you have her name at that point?

10 A I believe we did, yes, ma'am.

11 Q Okay. Do you remember it now?

12 A It was Kenyatha (ph) Hickman.

13 Q Okay.

14 A I may be mispronouncing that first name.

15 Q What happened once the defendant was located?

16 A It's a very small bathroom. Not everybody, you
17 know, we probably had ten officers with us in there.
18 Not everybody can get into the hotel, let alone this
19 bathroom. So at that point it becomes a shuttle or
20 relay. She was grabbed, just passed from I believe
21 Agent Thrower was probably the first person to break
22 the doorway of that bathroom. I had possession of
23 her at one point just pushing her back to the next
24 officer to get to the defendant Mr. Singleton.

25 Q Okay. And was he arrested?

SW - A. CALDWELL - DIRECT

1 A He was.

2 Q Now is he read his arrest warrant? He is served
3 with his arrest warrant at that time?

4 A No, I don't believe he was served with the actual
5 arrest warrant until we arrived at headquarters.

6 Q And is he read his Miranda rights at this point?

7 A Not by us.

8 Q Okay, 'cause y'all aren't attempting to do any
9 type of questioning?

10 A We're not to interview any defendant. We are
11 simply there to serve that warrant and take this
12 person into custody. Then we contact the CID
13 investigators to attempt to try to take a statement
14 if that's what the defendant wants to do, but we're
15 just — our sole priority is to locate that person,
16 that body, and that's all.

17 Q Not question anyone?

18 A Not question anyone. Quite often I — well, I'm
19 not — it's almost everybody. I'm not gonna to know
20 all of the facts of the case itself. I'm trying to
21 know everything there is about that person, not the
22 facts of the case.

23 Q And to your knowledge was the defendant
24 transported to the Richland County headquarters at
25 that time?

SW - A. CALDWELL - DIRECT

1 A He was.

2 MS. CAVANAUGH: Beg the Court's
3 indulgence.

4 THE COURT: Yes, ma'am.

5 BY MS. CAVANAUGH:

6 Q Sergeant Caldwell, was that the extent of your
7 involvement with this particular case?

8 A Yes -- well, to maintain custody of the room
9 until some other investigators could arrive with a
10 search warrant for the room because at this point we
11 just merely went in to retrieve the defendant Mr.
12 Singleton, search the room for evidence, maintain
13 custody of that room until that warrant was
14 delivered on site. I believe that was when I
15 physically left the premises.

16 Q Okay. All right, thank you. Please answer any
17 questions from Defense.

18 **CROSS - EXAMINATION**

19 **BY MR. SUTHERLAND:**

20 Q Sir, was there any use of force report filed with
21 respect to the arrest?

22 A I'm not aware of one. I don't have one in front
23 of me.

24 Q Yes, sir. Okay, and are you aware of whether or
25 not he was tazed?

SW - A. CALDWELL - CROSS

1 A I believe — I'm not 100 percent positive. I
2 believe attempts were made what we call dry stuns.
3 I don't know.

4 Q Okay, thank you. No further questions.

5 THE COURT: Redirect?

6 MS. CAVANAUGH: No further questions.

7 Thank you.

8 THE COURT: Thank you. Thank you very
9 much.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: You may step down. You may be
12 excused.

13 Solicitor, you may call your next witness.

14 MR. STEADMAN: The State calls Dale
15 Blackmon.

16 THE COURT: All right, come around please.

17 MR. STEADMAN: Your Honor, may we approach
18 real quick.

19 THE COURT: Yes.

20 (Whereupon, a Bench conference was held.)

21 WHEREUPON,

22 **DALE BLACKMON,**

23 after having been duly sworn, testified as follows:

24 THE CLERK: Thank you. Please have a seat
25 in the witness stand and state your full name for

SW - D. BLACKMON - DIRECT

1 the record.

2 THE WITNESS: Dale Blackmon.

3 DIRECT EXAMINATION

4 BY MR. STEADMAN:

5 Q Good afternoon, Mr. Blackmon, where are you
6 employed?

7 A Richland County Sheriff's Department.

8 Q How long have you been employed there?

9 A About 18 months.

10 Q What is your position with Richland County
11 Sheriff's Department?

12 A I'm supervisor of the evidence property section.

13 Q And can you briefly describe your duties and
14 responsibilities with respect to that issue?

15 A We maintain the evidence that the officers pick
16 up and bring in.

17 THE COURT: Ms. Blackmon, would you pull
18 that microphone just a little bit closer to you for
19 me please.

20 THE WITNESS: Yes, sir.

21 THE COURT: Thank you.

22 THE WITNESS: We maintain the evidence as
23 the officers collect it until we have to sign it out
24 to DNA, drug, ballistics, whatever requires, but we
25 hold it in the evidence room until court.

SW - D. BLACKMON - DIRECT

1 BY MR. STEADMAN:

2 Q Can you briefly describe the procedure for taking
3 in pieces of evidence?

4 A Yes, sir. An officer will bring it to us. He
5 will collect it at the scene whatever the case may
6 be, and he will bring it into the evidence room.
7 And one of us, myself and two other people that work
8 in there, will bring it directly to us. We take it
9 from them, log it in in our program which is called
10 ASIS and with the bar code on it and we assign it --
11 it has a case number already, and we assign it a
12 number. It depends on how many items are brought in
13 on this one case, and then we have a certain area we
14 store it in. It depends on what the item is as to
15 where we store it. It could be in a refrigerator,
16 to shelves, to freezers. And it stays there until
17 we have a request from the lab whether it be, like I
18 said, drugs or ballistics or whatever; and then we
19 will sign it out to whoever comes in and requests
20 that piece of evidence.

21 Q And as part of your duties as evidence custodian
22 you possess evidence in the case, correct?

23 A Yes, sir.

24 Q All right. I'm gonna show you what's been marked
25 for identification purposes as Exhibit 196 and

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1 Exhibit 197. Please just briefly take a look at
2 that?

3 A Yes, sir.

4 Q What is that piece of evidence?

5 A Which does it ---

6 Q Oh, excuse me, we'll start with 196. What is the
7 description on that bag?

8 A Okay. Now these are --- this is 147 and 145, our
9 evidence number.

10 Q Okay, let's start with --- what's the Richland
11 County Sheriff's Department number?

12 THE COURT: Let me stop you a minute. Let
13 me see those items please, Solicitor.

14 MR. STEADMAN: And I'll do one at a time,
15 Judge.

16 THE COURT: Thank you. Thank you,
17 Solicitor. You may proceed.

18 BY MR. STEADMAN:

19 Q All right, let me do this one at a time.

20 A Okay.

21 Q Exhibit 196, marked for identification purposes.
22 What is the label on that package?

23 A It says job with two plastic mats and GPM, which
24 is green plant material.

25 Q And you received custody of this evidence at some

SW - D. BLACKMON - DIRECT

1 point correct?

2 A Yes, sir.

3 Q What was the condition of the evidence when you
4 obtained it?

5 A In this envelope sealed with the evidence tape.

6 Q From who -- from whom did you obtain that piece
7 of evidence?

8 A Trevor Holt.

9 Q And where did that evidence go after you had it?

10 A (There was no response.)

11 Q And do you have your report in front of you?

12 A Yeah, I've got it in front of me.

13 Q I have that you transferred that piece of
14 evidence to Tricia Wheat; is that correct?

15 A Yes, sir.

16 Q Okay. Now I'm gonna show you what's been marked
17 as State's Exhibit 197.

18 A Okay.

19 Q Please take a look at that.

20 A Yes, sir.

21 Q What is the Richland County Sheriff Department
22 number on that piece of evidence?

23 A 147.

24 Q Number 147?

25 A Uh-huh.

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1 Q What is the description on that bag?

2 A It's a buccal swab from Jonathan Frazier
3 collected by Unger at Palmetto Richland.

4 Q And what was the condition of those when you
5 obtained it?

6 A Exactly, sealed in this bag.

7 Q Did you tamper with it in any way?

8 A No, sir.

9 Q You didn't change it?

10 A No, sir. The only thing I would do on there is
11 document that I received it on the bottom.

12 Q And you transferred it to Tricia Wheat, correct?

13 A Yes, sir.

14 Q Thank you. I believe that is it. Thank you. No
15 further questions.

16 A Yes, sir.

17 MR. SUTHERLAND: I have no questions of
18 this witness, Your Honor.

19 THE COURT: All right, thank you. Thank
20 you very much, Ms. Blackmon. You may step down.

21 MR. STEADMAN: The State calls Patricia
22 Wheat.

23 WHEREUPON,

24 **PATRICIA WHEAT,**

25 having been duly sworn by the Clerk, testified as

SW - D. BLACKMON - DIRECT

1 follows:

2 THE CLERK: Thank you. Please have a seat
3 in the witness stand and state your full name for
4 the record.

5 THE WITNESS: Patricia Wheat.

6 **DIRECT EXAMINATION**

7 **BY MR. STEADMAN:**

8 Q Good morning, ma'am, where are you employed?

9 A Richland County Sheriff's Department.

10 Q How long have you been employed there?

11 A Sixteen years.

12 Q And what is your position there?

13 A I am an investigator.

14 Q As part of your job did you take custody of any
15 piece of evidence in this case?

16 A I did, sir.

17 Q All right. I'm showing you what's been marked
18 for identification purposes as State's Exhibit 198.
19 Please take a look at that.

20 A (Witness complies.)

21 Q What is the label -- well, first of all, tell me
22 what -- where's the Richland County Department
23 number on that item?

24 A It is item 108.

25 Q From whom did you obtain this piece of evidence?

SW - P. WHEAT - DIRECT

- 1 A From CSI Investigator Holt.
- 2 Q And what was the condition of the evidence when
- 3 you obtained that?
- 4 A It was in this envelope sealed with a red tag.
- 5 Q And you didn't tamper with it in any way?
- 6 A No, sir.
- 7 Q And you transferred it to —
- 8 A Yes, sir —
- 9 Q —the South Carolina Law Enforcement Division?
- 10 A I did transfer it straight over there.
- 11 Q Thank you. I'm gonna show you what's been marked
- 12 as State's Exhibit 196. What is that?
- 13 A It's a swab of plastic bag with GPM which is
- 14 green plant material.
- 15 Q And did you obtain that from Dale Blackmon,
- 16 correct?
- 17 A I have marked on mine — I have took it from
- 18 Christine Barrickman after it was tested.
- 19 Q Okay. And that is item number 145?
- 20 A Yes, sir.
- 21 Q So you transferred it to Christine Barrickman,
- 22 that item?
- 23 A Yes, sir.
- 24 Q Okay, thank you. Thank you. No further
- 25 questions.

SW - P. WHEAT - DIRECT

1 MR. SUTHERLAND: I have no questions of
2 this witness, Your Honor.

3 THE COURT: Thank you. Thank you very
4 much. You may step down.

5 All right, you may call your next witness.

6 MR. STEADMAN: Thank you, Your Honor. The
7 State calls Tena Goff.

8 WHEREUPON,

9 **TENA GOFF,**

10 after having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please have seat
12 in the witness stand and state your full name for
13 the record and please spell your first name.

14 THE WITNESS: Tena, T-E-N-A, Goff,
15 G-O-F-F.

16 **DIRECT EXAMINATION**

17 **BY MR. STEADMAN:**

18 Q Good afternoon, ma'am. Where are you employed or
19 where were you employed, excuse me?

20 A I was employed with the Richland County Sheriff's
21 Department.

22 Q How long were you employed there?

23 A Nineteen years.

24 Q What was your position while you were at the
25 Richland County Sheriff's Department?

SW - T. GOFF - DIRECT

1 A I was an evidence technician.

2 Q And as part of your duties as evidence
3 technician, you handled pieces of evidence in this
4 case, correct?

5 A Yes, sir, I did.

6 Q I'm showing you what's been marked as State's
7 Exhibit 197. Please take a look at that.

8 A (Pause.)

9 Q What is that?

10 A This says it's a buccal swab from Jonathan
11 Frazier.

12 Q And you received that from Rachel Grant, correct?

13 A I did not. This was — this was submitted by
14 Investigator Unger and received by Dale Blackmon.

15 Q Okay, excuse me. Please take a look at this
16 piece of evidence. This is marked as State's
17 Exhibit 195. Now you received this piece of
18 evidence from Investigator Holt, correct?

19 A It was submitted by Investigator Holt and I
20 accepted it the next day.

21 Q Okay. And where did you transfer this piece of
22 evidence?

23 A I retrieved it from the lockers, our temporary
24 storage facility outside the evidence room after
25 business hours. The next morning when I came in I

SW - T. GOFF - DIRECT

1 took it out of locker number 33. Once I logged it
2 in I put it on the shelf in the back of the evidence
3 room.

4 Q And was it properly sealed and packaged when you
5 received it?

6 A Yes, it was.

7 Q And when you transferred it?

8 A Yes, sir.

9 Q Thank you. Now I'm showing you what's been
10 marked as State's Exhibit 199. Please take a look
11 at that.

12 A (Witness complies.)

13 Q You received that from Trevor Holt, correct?

14 A Yes, sir, I did.

15 Q And was it — what condition was it in when you
16 received it from him?

17 A It was properly sealed and packaged.

18 Q When you transferred it from your custody was it
19 properly sealed and packaged?

20 A Yes, sir.

21 Q Thank you. No further questions.

22 MR. SUTHERLAND: No questions of this
23 witness, Your Honor.

24 THE COURT: Thank you. Thank you very
25 much, Detective Goff. You may step down.

SW - T. GOFF - DIRECT

1 All right, you may call your next witness.

2 MR. STEADMAN: The State calls Anthony
3 Branham.

4 WHEREUPON,

5 **ANTHONY BRANHAM,**

6 after having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please have a seat
8 in the witness stand and state your full name for
9 the record.

10 THE WITNESS: My first name is Anthony,
11 A-N-T-H-O-N-Y, last name Branham, B-R-A-N-H-A-M.

12 **DIRECT EXAMINATION.**

13 **BY MR. STEADMAN:**

14 Q Sir, were you employed with the Richland County
15 Sheriff's Department?

16 A Yes, sir.

17 Q How long were you employed there?

18 A Nearly 17 years.

19 Q And was your position within the evidence room?

20 A I was the supervisor over the evidence room
21 before I trained Ms. Dale Blackmon who testified
22 earlier.

23 Q And as part of your duties in charge of the
24 evidence room you possessed evidence in this case,
25 correct?

SW - A. BRANHAM - DIRECT

1 A That's is true.

2 Q Showing you what's been marked as State's 199.

3 Please take a look at that. What is that?

4 A Evidence containing a black glove, number 3,
5 front yard.

6 Q And you received that piece of evidence from Tena
7 Goff?

8 A Let me refer to my notes if you don't mind. Yes,
9 Tena Goff logged it into the evidence room and then
10 I turned it over to the, to Rachel Grant with our,
11 with Richland County Sheriff Department DNA lab.

12 Q Was is properly sealed and intact when you
13 received it?

14 A It was.

15 Q And was it in the same condition when you
16 transferred it to Rachel Grant?

17 A It was properly sealed and had not been modified
18 from where it had been turned in?

19 Q Thank you. Showing you what's been marked as
20 State's Exhibit 195 for identification purposes.

21 A 195 is a DNA standard from D. Jones.

22 Q And from who did you receive that?

23 A It was received from Trevor Holt. He turned it
24 in. Tena Goff received it and that's one of the
25 items that...

SW - A. BRANHAM - DIRECT

1 Q You said you received that from Tena Goff,
2 correct?

3 A Well, it was — Tena Goff took receipt of it from
4 Trevor Holt.

5 Q Okay.

6 A And then it was turned over to Rachel Grant with
7 DNA lab by me.

8 Q And that package was properly sealed and
9 contained when you received it?

10 A It was.

11 Q And it was properly contained when you
12 transferred it to Rachel Grant.

13 A It was.

14 Q Thank you. Showing you what's been marked as
15 State's 193. Please take a look at welcome that,
16 then tell me what it is.

17 A It's a buccal swab collected from Jonathan
18 Frazier.

19 Q And you received that piece of evidence from
20 David Unger, correct?

21 A I did.

22 Q And you transferred that piece of evidence to,
23 once again, to Rachel Grant?

24 A I did.

25 Q Was it properly sealed and packaged when you

SW - A. BRANHAM - DIRECT

1 received it?

2 A Yes, investigator Unger had properly sealed it.
3 That's the only way we're able to receive it in the
4 evidence room when it's properly sealed.

5 Q And it was properly sealed when you transferred
6 it to Rachel Grant, correct?

7 A That is correct.

8 Q Thank you, no further questions.

9 THE COURT: What number was that?

10 MR. STEADMAN: This is 193.

11 THE COURT: 190 what?

12 MR. STEADMAN: State's Exhibit 193.

13 THE COURT: 193?

14 MR. STEADMAN: Yes, Your Honor.

15 THE COURT: I had 193 as an aerial map of
16 the area around Garners Ferry Road, Mr. Caldwell.

17 MR. SUTHERLAND: State's 197 is the swab
18 of Frazier.

19 MR. STEADMAN: Yes, Your Honor, this is
20 marked also as State's Exhibit 193.

21 THE COURT: All right. Mr. Foreman,
22 ladies and gentlemen of the jury, would you step out
23 momentarily. Do not discuss the case.

24 (The jury is removed from the courtroom at

25 2:29 p.m..)

SW - A. BRANHAM - DIRECT

1 THE COURT: All right. Detective, you may
2 step down and refresh yourself during the brief
3 recess. Do not discuss your testimony with anyone
4 while we're in recess. Court will be in recess ten
5 minutes. Thank you.

6 (Whereupon, a recess was held.)

7 THE COURT: All right. Anything before we
8 bring in our jury from the State, Solicitor?

9 MS. CAVANAUGH: Your Honor, Mr. Sutherland
10 brought to my attention before we submitted Mr. the
11 defendant's swab into evidence, whenever that time
12 comes we did attempt to blackout the bag that shows
13 this came from 2010. However, you can still see
14 because of the nature of the plastic, you can still
15 see it has 2010 on here. What we have agreed to do
16 if okay with Your Honor is to have Richland County
17 so that attention is not drawn to this particular
18 swab, have it put in another evidence bag that
19 doesn't have any dates on it but just has his name
20 on it and then blackout the actual date on the swab
21 box so that attention is not drawn to this
22 particular swab. We can do that on all of the other
23 buccal swabs from Mr. Frazier and Mr. Jones.

24 MR. SUTHERLAND: It cert-- that sounds
25 like that would work.

1 THE COURT: Is that what y'all agreed to?

2 MR. SUTHERLAND: Yes, sir.

3 THE COURT: That's fine with me.

4 All right. Anything before we bring the
5 jury out?

6 MS. SIMPSON: Your Honor, we do have one
7 issue.

8 THE COURT: Okay.

9 MS. SIMPSON: May we approach?

10 (Whereupon, there was an off-the-record
11 Bench conference held.)

12 THE COURT: All right, thank you. That's
13 juror 151, Solicitor?

14 MS. SIMPSON: I believe so. That should
15 be Mr...

16 THE COURT: Bring me juror 151 please.

17 BAILIFF: Yes, sir.

18 THE COURT: Is Sergeant Ellis a
19 lieutenant?

20 MS. SIMPSON: Sergeant Ellis is now an
21 investigator with the Attorney General's Office.

22 COURT: All right, so it's — all right,
23 thank you.

24 You're juror 151?

25 THE JUROR: Correct.

1 THE COURT: When I called out a list of
2 names, among those names I called out Sergeant Mat
3 Ellis. Do you know Sergeant Ellis?

4 THE JUROR: Yes, sir, that's — I
5 actually, I didn't make out the first name when you,
6 when you went through that list.

7 THE COURT: All right.

8 THE JUROR: So I thought it was somebody
9 else. And then when I heard the prosecution mention
10 Sergeant Mat Ellis, I went, that may be the same one
11 that I know and that's why I wrote that note
12 previously.

13 THE COURT: All right. Let's say it is
14 the same one.

15 THE JUROR: Right.

16 THE COURT: How do you know him?

17 THE JUROR: We're all part of the same
18 club. I know him through Jay Russ and we're all
19 good friends —

20 THE COURT: All right.

21 THE JUROR: And do cookouts together and
22 stuff.

23 THE COURT: As a result of your club
24 affiliation? As a result of being in the same club?

25 THE JUROR: Yes.

1 THE COURT: All right. The fact that you
2 know -- stand up for me, Mr. Ellis, that you know;
3 is that right?

4 THE JUROR: Yes, yes, that's correct.

5 THE COURT: Thank you. Thank you very
6 much. The fact that you know Mr. Ellis and you're
7 friends with Mr. Ellis and socialize with him; is
8 this correct?

9 THE JUROR: Correct.

10 THE COURT: Can you still be a fair and
11 impartial juror in the trial of this case for both
12 the State and the Defense?

13 THE JUROR: I'm not sure how to answer
14 that. It depends on the gravity of his contribution
15 to it, and so I honestly don't know how to answer
16 that.

17 THE COURT: All right. Well, me and you
18 are a lot a like. I didn't know how to answer your
19 note.

20 THE JUROR: I thought I had phrased it
21 incorrectly because I was trying to figure out
22 whether it was the same Mr. Ellis.

23 THE COURT: You didn't phrase it
24 incorrectly at all. I just cannot comment on the
25 facts with a juror.

1 THE JUROR: Sure.

2 THE COURT: I thought maybe the answer
3 would be clarified perhaps with other testimony.
4 Would you just step out in the hallway with the
5 bailiff just for a moment please.

6 THE JUROR: Certainly.

7 (Juror was removed from the courtroom.)

8 THE COURT: All right. Solicitor,
9 anything from the State?

10 MS. SIMPSON: I guess I'll hear arguments
11 from the Defense. I don't think that at this point
12 that juror — we only have one alternate left. As I
13 said, this juror is in a substantially different
14 position than our previous juror, but we'll leave it
15 in Your Honor's discretion.

16 MR. SUTHERLAND: Sir, just my position is,
17 at least as far as I'm concerned, cooking out and
18 grilling with somebody you get pretty tight; and I
19 believe he did say that it would depend on his role
20 in the case. I just think at least out of abundance
21 of caution that he ought to be dismissed.

22 THE COURT: All right. Would somebody
23 have the bailiff bring him back in please.

24 Thank you.

25 (Juror was returned to the courtroom.)

1 THE COURT: All right. Juror number 151,
2 I'm gonna excuse you from any further service on
3 this trial. Thank you, thank you very much for your
4 responses. I try to take every experience and learn
5 something from it, and I will certainly try and be
6 clearer in my —

7 THE JUROR: And I do apologize for not
8 recognizing the name during the qualifying process.

9 THE COURT: That's all right. Of course,
10 Matthew is not an uncommon name. Ellis necessarily
11 isn't ether. No problem. If he thinks the juror
12 did write me the note earlier as y'all recall
13 concerning clarification on Investigator Mat Ellis
14 who was just introduced by prosecution who collected
15 two cases. I took that as just being a question on
16 the facts that might be clarified later on. But
17 given your response, I appreciate it very much, I'm
18 gonna release you from jury service at this time.
19 All right. Thank you. Thank you so much.

20 THE JUROR: Thank you.

21 THE COURT: He's not to go back in the
22 jury room.

23 BAILIFF: Right.

24 THE COURT: If he needs anything you can
25 get it, Mr. Bailiff.

1 All right, promote juror number 161.

2 Anything further from the State before we
3 bring our jury in, Solicitor?

4 MS. CAVANAUGH: No, Your Honor.

5 THE COURT: The Defense?

6 MR. SUTHERLAND: None from the Defense,
7 sir.

8 THE COURT: All right.

9 THE CLERK: We ready?

10 THE COURT: Thank you, yes.

11 (The jury was returned to the courtroom at
12 2:52 p.m.)

13 BAILLIFF: All jurors are present, Judge,
14 Your Honor.

15 THE COURT: Thank you very much.

16 Juror 161, you've now been promoted.

17 You're now no longer in the status of alternate.

18 You're now a member of the jury. It seems like
19 every time I take a break I lose a juror so we're
20 not going to take any more breaks, which I real did
21 on lick to take them this way as well can tell I
22 have no life outside the courtroom. Be that as it
23 may, if y'all please continue to give the parties
24 your complete and undivided attention as you have
25 done throughout the trial of this case.

1 Solicitor, you may proceed.

2 MR. STEADMAN: Thank you, Your Honor.

3 BY MR. STEADMAN:

4 Q Sir, I'm now gonna show you what's been re-marked
5 as State's Exhibit 200. Please take a look at that
6 and tell me what it is.

7 A That's a buccal swab collected from Jonathan
8 Frazier turned in to the Richland County Sheriff's
9 department evidence room by Investigator Unger.

10 Q Thank you. Did —

11 A Received by me.

12 Q You received possession of that. Did you receive
13 possession of that from Rachel Grant?

14 A I did.

15 Q Thank you. No further questions.

16 THE COURT: All right, Mr. Sutherland.

17 MR. SUTHERLAND: No questions of this
18 witness.

19 THE COURT: Thank you. Thank you so much,
20 Officer. You may step down.

21 All right, Solicitor.

22 MR. SUTHERLAND: At this time the State
23 would re-call Patricia Wheat.

24 THE COURT: Come around please. You're
25 still under oath.

SW - P. WHEAT - DIRECT

1 **DIRECT EXAMINATION**2 **BY MR. STEADMAN:**

3 Q Now I'm gonna show you what's been marked as
4 State's Exhibit 194. Did you take custody of that
5 piece of evidence which is a swab for Jabriel
6 Singleton? Did you take custody of that piece of
7 evidence?

8 A I took it from Christine Barrickman after it was
9 tested.

10 Q Do you have a copy of the report with you?

11 A Uh-huh.

12 Q Okay. Let me just show you, I have -- looking at
13 the same report. On this report is that -- this
14 would be -- yes, that's the report.

15 A Yes, I did take custody of this and gave it to
16 Christine Barrickman for testing.

17 Q Thank you. Was that piece of evidence properly
18 sealed and packaged when you took it into custody?

19 A Yes, sir, it was.

20 Q And did you transfer that piece of evidence to
21 Christine Barrickman?

22 A For -- yes.

23 Q Thank you. No further questions.

24 MR. SUTHERLAND: No questions of the
25 witness, Your Honor.

SW - P. WHEAT - DIRECT

1 THE COURT: Thank you. You may step back
2 down, Officer.

3 MR. STEADMAN: The State calls Curtis
4 Burnett.

5 WHEREUPON,

6 **CURTIS LEE BURNETT,**

7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please have a seat
9 in the witness stand and state your full name for
10 the record and please spell your last name.

11 THE WITNESS: Curtis Lee Burnett. It's
12 C-U-R-T-I-S and Burnett, B-U-R-N-E-T-T.

13 **DIRECT EXAMINATION**

14 **BY MR. STEADMAN:**

15 Q I'm showing you State's Exhibit 194. Please take
16 that and take a look at it. Is that a buccal swab
17 of Jabriel Singleton?

18 A Yes, sir.

19 Q And you received that piece of evidence from
20 Investigator Gabriel, correct?

21 A Yes, sir.

22 Q And it was properly sealed and packaged when you
23 received it, correct? And you didn't tamper with it
24 in any way while it was in your possession, correct?

25 A No, sir, I did not.

SW - C. BURNETT - DIRECT

1 Q Thank you. No further questions.

2 THE COURT: Mr. Sutherland.

3 MR. SUTHERLAND: No questions of the
4 witness.

5 THE COURT: Thank you. Thank you very
6 much, Officer. You may step down.

7 All right, Solicitor.

8 MS. SIMPSON: The State calls Sergeant, or
9 Investigator Mat Ellis.

10 WHEREUPON,

11 **MATTHEW ELLIS,**

12 after having been duly sworn, testified as follows:

13 THE CLERK: Thank you. Please have a seat
14 in the witness stand and state your full name for
15 the record.

16 THE WITNESS: Matthew Ellis.

17 **DIRECT EXAMINATION**

18 **BY MS. SIMPSON:**

19 Q Where are you employed?

20 A South Carolina Attorney General's Office.

21 Q And what is your position with the Attorney
22 General's Office?

23 A I'm an investigator in the prosecution and the
24 State grand jury section of the office.

25 Q And as an investigator in the state grand jury

SW - M. ELLIS - DIRECT

1 section what do some of your duties include?

2 A The Attorney General's Office receives cases from
3 all over the state in which different circuits are
4 unable to prosecute, some kind of conflict. Those
5 cases come to the Attorney General's Office for
6 prosecution, and I assist the attorneys in prepping
7 and finding witnesses and interviewing people
8 involved in such cases.

9 Q And back in January of last year where were you
10 working?

11 A I was working for Richland County Sheriff's
12 Department.

13 Q And what was your position at the sheriff's
14 department?

15 A I was the sergeant over the major crime section,
16 typically the aggravated assault and battery
17 division.

18 Q How long have you been with Richland County?

19 A Approximately 13 years.

20 Q — okay. And before becoming a sergeant did you
21 work in an investigative capacity or as an
22 investigator?

23 A I did. I believe I was in investigations for
24 approximately ten years, worked different sections
25 of investigations, major crimes, financial crimes,

SW - M. ELLIS - DIRECT

1 burglary, motor vehicle theft.

2 Q As a sergeant with the sheriff's department what
3 did some of your duties include?

4 A As a sergeant of the major crimes division, every
5 morning I would assign cases to the investigators
6 that were assigned to me in my unit. We would have
7 a stack of cases every morning that came in from
8 over the night, and I would assign them to my
9 manpower, monitor some cases. And then we also have
10 to work evening shift, and our evening shift rotated
11 I believe at this time about every seven weeks. We
12 had to work a night shift, and I had a different
13 group of individuals that worked for my evening
14 shift, and we would be responsible for calls,
15 particularly from around lunch time to 7:00 the next
16 morning taking -- I would receive the calls for
17 service as investigators were requested and send
18 appropriate investigators to those locations as
19 needed.

20 Q So even in a oversight capacity and
21 administrative capacity you were still intimately
22 involved with respect to the investigations?

23 A Sure.

24 Q And did you actually assign the lead
25 investigators as well, or did that depend upon

SW - M. ELLIS - DIRECT

1 rotation?

2 A Lead investigators as it pertained to homicide
3 investigations would -- we were assigned, my
4 supervisor Mr. Stan Smith was in charge of promoting
5 so to speak investigators to primary roles as
6 homicide lead investigators, and each sergeant had a
7 primary lead investigator assigned to him for his
8 evening shift work.

9 Q Okay. And did you have occasion to become
10 involved in this case?

11 A I did.

12 Q Can you tell us about that?

13 A Approximately 2:30 in the afternoon I heard radio
14 traffic in reference to shots fired with a
15 individual hit. This was broadcast over our lower
16 Richland side of the county's channel of our police
17 radios. Again, to monitor this location, it was now
18 for Masonry Circle is where they originally
19 dispatched to. Once officers would arrive on that
20 scene and they had time and I could hear what was
21 going on, I would communicate with them either radio
22 or phone to find out the extent of what was going
23 on. And once I, -- they confirmed to me that there
24 was an individual shot and possibly another
25 individual shot at another location, I began to

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1 contact my investigators working for me on my
2 evening shift and direct them to the appropriate
3 locations.

4 Q And which investigators did you contact?

5 A I believe I contacted first off Investigator
6 Unger with my primary homicide investigator even
7 though we didn't know if it was homicide at the
8 time. Any time anyone is shot that potential is
9 there so I like to go ahead and get myself involved
10 in the situation. And also, the primary homicide
11 investigator is normally probably your more seasoned
12 investigator so I had him in route to that location.
13 I believe Investigator Carter who worked for me who
14 actual office is located on Garners Ferry Road near
15 Pineview, I called him immediately because I knew
16 that he would be probably one of the closest
17 investigators I had to get to the scene. I also had
18 Investigator Goff I believe. And over radio traffic
19 I could hear other investigators already in the area
20 responding.

21 Q All right. And where did you — and I may have
22 missed it — where did you request that Investigator
23 Goff respond to?

24 A I believe that once I contacted him and found out
25 I had information that an individual was being

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1 transported to the hospital. I believe I had -- I
2 believe I had Investigator Goff respond to the
3 hospital to make contact with that victim.

4 Q And through the course of your investigation did
5 you deputy the defendant Jabriel Singleton as a
6 possible suspect?

7 A I was provided information of a first name of
8 Jabriel through investigators on the scene; and
9 that, yes, that information was provided to me.

10 Q And did you ultimately or eventually, were you
11 able to respond to the incident location?

12 A I did. I responded.

13 Q Where and when did respond?

14 A I, I originally heard this incident approximately
15 2:30 in the afternoon. I arrived on scene
16 approximately 3:45.

17 Q Okay. And when you arrived what did you observe
18 about the scene?

19 A When I arrived the scene was secure and there was
20 crime scene tape up. I actually arrived to 156
21 Prioleau. I'm not sure if that was drive or road.
22 It's just right around the corner of Mason-- it runs
23 on to Masonry Circle. I responded to that location
24 as I had been advised by that point that there was
25 there a individual in a vehicle deceased.

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1 Q And I believe that location was actually 157
2 Prioleau?

3 A It could be a typographical error on my part, but
4 it's Prioleau Drive.

5 Q And you said it was down a dirt road?

6 A It was on a dirt road off of Masonry Circle.
7 Prioleau is kind of a circle type road as I
8 remember. It was on the back portion. There was a
9 house that had a, kind of an opened field beside it,
10 dirt driveway I believe.

11 Q So was this location fairly, fairly secluded or
12 somewhat surrounded by wooded area and things of
13 that nature?

14 A There was wooded areas. There was the house then
15 a small, I consider a small, there was an opened
16 area field beside it to the right if you're facing
17 the house and then there's trees kind of bordering
18 from the field to another house to the right of this
19 location and there's trees all down the road.

20 Q And when you arrived at the incident location did
21 Investigator Polis advise you of certain items of
22 evidence?

23 A Yes, she did.

24 Q What were those items of evidence?

25 A She advised me that they had located .38-caliber

SW - M. ELLIS - DIRECT

1 Winchester special casings at the scene.

2 Q And was there any indication that any weapons had
3 been found at that time?

4 A I did not have any information there was ever a
5 weapon at the item at the scene.

6 Q And did you obtain information regarding the
7 vehicle where the deceased victim was found?

8 A Yes, we had — we obviously had the vehicle
9 location which had a tag on it. That tag
10 information was run through statewide DMV system.
11 And the individual that owned that car was
12 identified, and I believe Investigator Caldwell
13 responded to that location to make contact with her
14 in an effort to try to identify the deceased
15 individual in her vehicle.

16 Q Okay. And who was the owner of that vehicle? Or
17 who was the vehicle registered to?

18 A Rosemary Williams? Yes, 2002 Suzuki.

19 Q I believe you said you sent out investigators to
20 speak or make contact with Ms. Williams?

21 A I'm not sure if I directly did or they might have
22 already been in the process of doing that when I
23 arrived on the scene but I do have noted that
24 Investigator Caldwell was working that information.

25 Q And did you learn of a connection between Ms.

SW - M. ELLIS - DIRECT

1 Williams and the deceased victim?

2 A Yes, we did.

3 Q What was the relationship?

4 A That it was boyfriend and girlfriend.

5 Q Okay. Did an investigator — I apologize. And

6 did you, were you eventually able to learn that

7 identity of her boyfriend and the deceased victim?

8 A Yes, there were prints done.

9 Q And who was the deceased victim?

10 A Dashawn Jones.

11 Q Okay, and were y'all able to obtain a cell phone

12 number for Mr. Jones?

13 A I believe Investigator Caldwell obtained from

14 through the girlfriend Ms. Williams.

15 Q Was any information obtained during the course of

16 your investigation regarding a possible direction in

17 which the shooter had pled essentially towards

18 Minervaville?

19 A I believe this was approximately when I talked to

20 Monica Howard.

21 Q And so you spoke with her?

22 A No, excuse me. Before that the K-9 officers who

23 had been on the scene and were running the tracks,

24 when I had got there, when they finished their track

25 they told me that a witness said they had seen the

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1 subject run towards Minervaville Road.

2 Q And what was the significance — and I'm backing
3 up just a little bit — of the significance of the
4 shell casings located at the scene, specifically I
5 believe the seven .38 caliber stamps?

6 A I don't have the exact number, but I do recall
7 that there were shell casings located in two
8 separate areas of this — I believe some shell
9 casings located in the vehicle. There were also
10 shell casings located near the, actually Prioleau
11 Road out by the street in that field that I was
12 describing right before the road.

13 Q And would that have been consistent with the
14 shooter reloading?

15 A Yes, it can be.

16 Q Did you also followup with Investigator Goff?

17 A I did.

18 Q And without telling me what Mr. Frazier said to
19 Investigator Goff about the shooting, did you learn
20 some useful information from him?

21 A We did.

22 Q And I believe you said you did make contact with
23 a Monica Howard?

24 A I did.

25 Q And who is she?

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1 A She actually lived on Masonry Circle and is the
2 location in which Jonathan Frazier who was the
3 victim who had been shot actually transported from
4 the original call when it came from the Howard's
5 residence.

6 Q And was she able to provide you with some
7 relevant information as to the possible subject as
8 well?

9 A She was.

10 Q Now, and we've heard a little bit about this
11 earlier, the actual residence located on the
12 property at 157 Prioleau Road, did you assist in
13 kind of trying to figure out the status of that
14 property?

15 A As to who was living there?

16 Q Yes.

17 A We did, and I believe that I had Investigator
18 Carter working on this, or he worked on it at some
19 point trying to locate who owned the property and to
20 find out who was living there or anybody at the
21 time. And we were able to determine that a Joe
22 singleton lived at this location he was a truck
23 driver. I believe he was on his way in. And at
24 some point late that afternoon or early he did
25 arrive home. We made contact with him, and he

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1 allowed, consented for us to look through his
2 residence and nothing was found that we could tell
3 related to this incident. And we asked him did he
4 know any of the individuals involved and he stated
5 no.

6 Q So he was pretty cooperative?

7 A Very cooperative.

8 Q And we note that, I guess, Singleton and
9 Singleton, did he have any type of relationship with
10 the defendant that you were made aware of?

11 A No, I never was.

12 Q And I believe said he was a truck driver as well?

13 A Yes, ma'am, I believe he was.

14 Q Once you determined that, I guess there was
15 nothing relevant or that a crime had occurred within
16 the home, was he ultimately, I guess, was that
17 released back to him, his residence?

18 A Yes, let me back up a little bit too. When
19 Mr. Singleton arrived and we went actually up to his
20 house and into his house, the crime scene itself
21 which had consumed his property had been released by
22 our crime scene unit. It was no longer a crime
23 scene. They had released it to us and we were
24 standing by waiting on him. And then, you know, so
25 he wasn't going in while the car was being processed

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1 and all. This was afterwards when Mr. Singleton got
2 there when we approached his property.

3 Q And I believe on the same day — and I believe
4 we're still on the 24th — did y'all confirm the
5 identity of the victim Dashawn Jones?

6 A Yes.

7 Q And did you have the opportunity to review any
8 records in this case, phone records?

9 A Lieutenant McDonald looked into the phone records
10 and provided us some information.

11 Q Okay, so he actually researched the records and
12 relayed that information to you?

13 A Correct.

14 Q And who were those records for, whose cell phone?

15 A Jonathan Frazier and I believe at one point
16 Dashawn Jones, and then later the defendant's.

17 Q Okay. And with respect to Jonathan Frazier's
18 records, did you obtain some information that led
19 you to make contact with a Marcus Taylor?

20 A I was advised by Lieutenant McDonald that from
21 the time frame when Richland County received the
22 call shortly before there were some calls made to
23 Mr. Frazier's cell phone from a Marcus Taylor.

24 Q And were you able to ultimately exclude him from
25 being involved in this shooting?

SW - M. ELLIS - DIRECT

1 A Yes.

2 Q During the evening did Investigator Goff followup
3 with you again in regards to Mr. Frazier?

4 A Yes, some details that he received at the
5 hospital.

6 Q On January 25th were you still involved in the
7 investigation?

8 A Yes, ma'am.

9 Q What did you do first on that day?

10 A Typically the next morning we'll have a meeting
11 to include the officer assigned the case, myself,
12 and higher chain of command to go over what we have,
13 directions of the investigation and what needs to be
14 done. And we had that meeting that morning.

15 Q Okay. And were you able to establish something
16 with respect to some phone calls that had been made
17 I guess between the victim and our defendant in this
18 case?

19 A Yes, sir, we received — excuse me, yes, ma'am.
20 We received information of a phone number of Jabriel
21 Singleton.

22 Q Okay, and what was that number that you received
23 for Jabriel Singleton?

24 A The number I have listed on my report is
25 514-3525.

SW - M. ELLIS - DIRECT

1 Q Okay. And that number came back registered to
2 Jabriel Singleton?

3 A That was the number that was provided to us, and
4 once again, Lieutenant McDonald ---

5 Q Addressed those records?

6 A ---addressed those records and they were
7 confirming that information that it was registered
8 to him.

9 Q Okay. Was a photo lineup of the defendant
10 ultimately developed?

11 A It was. Based on calls that were made and
12 information that we received the day before from the
13 victim in the hospital, a photo lineup was
14 developed.

15 Q And was that photo lineup shown to Mr. Frazier?

16 A I believe it was Investigator Unger pressing it.

17 MR. SUTHERLAND: Sir, if I may, this would
18 be hearsay. It's just, there's a whole lot that's
19 accumulating.

20 THE COURT: All right. I sustain the
21 objection.

22 MS. SIMPSON: I'll move on.

23 BY MS. SIMPSON:

24 Q After you obtained the information with respect
25 to the lineup, what did you do?

SW - M. ELLIS - DIRECT

1 A Excuse me, say that again.

2 Q After you got the information with respect to the
3 lineup from Jonathan Frazier, what did you do with
4 respect to any warrants that were sought?

5 A I believe Investigator Unger called me with the
6 information he received from the hospital, and I
7 prepared and we obtained a warrant for murder.

8 Q All right. And who was that warrant for?

9 A Jabriel Singleton. I believe at the same time
10 there was also a search warrant drafted for the
11 residence that we believed he had, that believe was
12 a family member's address.

13 Q All right. And what was the location of that
14 residence?

15 A It was 19 -- excuse me, that's not -- I believe
16 it was [REDACTED] Drive.

17 Q Okay, and was a search actually conducted of that
18 location?

19 A Later in the day it was.

20 Q And who was identified as being associated with
21 that location? What was relationship to the
22 defendant?

23 A I believe that was his mother's address. I could
24 be wrong. I don't have that with me. I believe
25 that was his mother's address.

SW - M. ELLIS - DIRECT

1 Q And were y'all able to locate anything of
2 relevance?

3 A No, ma'am, we didn't.

4 Q So we are now on the 25th and the defendant's
5 still not been located, correct?

6 A No, ma'am. Once we had — once I — we had the
7 warrant, the arrest warrant obtained, on these type
8 cases like getting the fugitive team involved, the
9 fugitive aspect of this investigation we now have a
10 warrant and that's what they specialize in is
11 locating individuals with warrants.

12 Q And I guess go back up you did say the search
13 warrant at [REDACTED] I believe was conducted
14 later. Prior to executing that search warrant did
15 you receive some information about possible
16 whereabouts of the defendant?

17 A Right. I was in communications with Sergeant
18 Caldwell of the fugitive team and to assist in any
19 way we could, not trying to get into their way and
20 they developed information of the address of [REDACTED]
21 [REDACTED] which would be an address for his
22 father.

23 Q And did you respond to that location?

24 A Yes, I was in that area, and we obtained a search
25 warrant for that location also.

SW - M. ELLIS - DIRECT

1 Q Okay, and what happened when you arrived —

2 A When I —

3 Q —to [REDACTED]?

4 A When I arrived at [REDACTED] the fugitive team had
5 alerted her that they had tried to approach this
6 location and a individual was seen fleeing from the
7 wood line.

8 Q Okay. And I believe with respect to O that were
9 some items of evidence recovered?

10 A From the wood line I believe —

11 Q From the wood line?

12 A From where they saw an individual take off
13 running from there was a cell phone, a black jacket
14 or possible hoodie. I don't recall exactly what it
15 was, but some kind of black outer clothing.

16 Q And I refer to State's 191 that's already in
17 evidence. Would that have been the phone that was
18 turned over to you from Investigator Caldwell from
19 the wood line?

20 A Yes, it appears to be the same phone.

21 Q And in addition to that, State's 192, the black
22 hoodie jacket?

23 A The black hoodie, yes.

24 Q And so y'all were not successful in apprehending
25 anyone at his fathers' home; is that correct?

SW - M. ELLIS - DIRECT

1 A We were not.

2 Q So the subjects had fled?

3 A There was nobody home.

4 Q Can you describe some of the additional efforts
5 made to locate the defendant with respect to the
6 perimeter and the K-9 units that were called out?

7 A Once we had this location and there was an
8 individual seen running, we — there was already
9 multiple fugitive teams. They had individuals from
10 the Sheriff Department, from SLED. I'm not sure if
11 any of the marshals were attached to them at that
12 point in time. There was multiple people around.
13 We had K-9 that immediately started tracking from
14 this location. And the K-9 and — I requested for
15 our helicopter to respond to this location as a,
16 provide air support because we all in the rural area
17 with lots of roads and roads and area cover fields
18 so I requested air support. And I believe that the
19 SLED's helicopter might also had come out and when
20 our helicopter had to go down to fuel the SLED up to
21 provide us continued coverage. There was a large
22 perimeter set up by the units. I was in contact
23 with our command staff at the Sheriff Department. A
24 public information officer was at the Sheriff
25 Department, we had an individual that we were

SW - M. ELLIS - DIRECT

1 looking for murder. We believe he was running
2 through the area. I had the public information
3 officer release something to the media to allow the
4 citizens of that area to be aware of what is going
5 on. I believe there were calls coming in because of
6 the large presence of large enforcement,
7 helicopters, that normally draw attention so we were
8 out there for a while searching.

9 Q Okay. And so y'all were searching, as you said,
10 it's a fairly extensive or large manhunt at this
11 point?

12 A (The witness nodded head.)

13 Q Are you receiving tips throughout the course of
14 this period of time as well?

15 A At some point in time we did start, I believe,
16 after it ran on the news as to what the sheriff
17 department was conducting in that area. There were
18 some tips that started coming in to the sheriff
19 department.

20 Q All right. And did you, I believe on the 25th,
21 did a witness or did you become aware of a possible
22 witness by the name of Joey Singleton, or Joe
23 Wilson?

24 A I did, yes.

25 Q I apologize. Did you make contact with him?

SW - M. ELLIS - DIRECT

1 A Yes, this was one individual that were called in.

2 Q So he actually called in to you?

3 A Yes, he actually called in and the reason units
4 started responding to his house; and of course, they
5 contacted me and provided me information that they
6 were being told over the phone or by dispatch and I
7 also responded to the location.

8 Q And once you made contact — I guess you did make
9 contact with Mr. Wilson, correct?

10 A I did.

11 Q And did he speak with you about the case?

12 A He did.

13 Q And as a result of your conversation —

14 MR. SUTHERLAND: Your Honor —

15 THE COURT: Yes, sir.

16 MS. SIMPSON: I was about to object to the
17 question, asking for hearsay from Mr. Wilson, object
18 to the form of the question.

19 THE COURT: I think she — overruled.

20 MR. SUTHERLAND: Yes, sir.

21 BY MS. SIMPSON:

22 Q And as a result of your conversation what did do
23 you?

24 A Drove to an area off Patricia Road.

25 Q And was that area a trailer park?

SW - M. ELLIS - DIRECT

- 1 A I was.
- 2 Q And was a decision made with respect to that
- 3 location like what to do when you got there?
- 4 A Once I had information to this location Kris
- 5 Ellis decided at the time not to attempt to locate
- 6 him anymore.
- 7 Q And did you speak with Mr. Wilson about this
- 8 case?
- 9 A Yes, ma'am.
- 10 Q And did you memorializes that conversation in
- 11 your report?
- 12 A Yes, it's in my file.
- 13 Q Going back to the tips in this case, as a result
- 14 of those tips who were you able to identify?
- 15 A Kenyatha (ph) Hickman.
- 16 Q And what was her relationship to the defendant?
- 17 A I was told she was the girlfriend of the
- 18 defendant.
- 19 Q And did you also learn of the location of her
- 20 residence or where she was possibly living?
- 21 A We did.
- 22 Q And what was that?
- 23 A 2121 Galley Street.
- 24 Q And is that here in Columbia or is it Columbia
- 25 south of Garners Ferry or more towards the Hopkins

SW - M. ELLIS - DIRECT

1 side?

2 A I —

3 Q Or are you aware?

4 A Yes, it's off Leesburg road. It's not far from
5 Patricia Drive.

6 Q Okay, so it's near the trailer park as well?

7 A Correct, not too far from the trailer park.

8 Q Moving to January 26 of 2012, did something
9 significant happen on that date?

10 A Approximately 1:00 in the afternoon Sergeant
11 Caldwell called me and advised they had arrested
12 Mr. Singleton at the American Best Hotel and that
13 Ms. Hickman was with him.

14 Q Okay. And was a search warrant obtained for that
15 location?

16 A Yes, I had, I believe Investigator Goff.
17 Investigator Goff obtained a search warrant for the
18 room.

19 Q And did you respond to the hotel room at some
20 point?

21 A I did. I directed a fugitive team to transport
22 Mr. Singleton to our headquarters where Investigator
23 Unger would await his arrival to question him, and I
24 responded to the help — hotel room to speak with
25 Ms. Hickman.

SW - M. ELLIS - DIRECT

1 Q And without telling me what she told you were you
2 able to actually speak with her?

3 A I did.

4 Q And did she provide you with a statement?

5 A She did.

6 Q On January 31 what did do you with respect to
7 this case?

8 A On January 31 myself and Investigator Unger and
9 Preston responded back out to the Prioleau Drive
10 location and walked the location, the field area
11 next to the Prioleau Drive residence, the woods
12 behind it, all the way to the Masonry Road, Masonry
13 Circle address, just to see in daylight if we missed
14 anything on the ground or about.

15 Q Okay. And did you locate any weapons?

16 A We didn't locate any weapons.

17 Q And did you find any additional evidence?

18 A We did not.

19 Q And was that the extent of your involvement in
20 this case?

21 A It was.

22 Q Thank you.

23 THE COURT: Thank you, Madam Solicitor.

24 Mr. Sutherland.

25 **CROSS - EXAMINATION**

SW - M. ELLIS - CROSS

1 **BY MR. SUTHERLAND:**

2 Q Mat Ellis?

3 A Yes, sir. How are you doing?

4 Q At the AG's office?

5 A Yes, sir.

6 Q All right over there?

7 A Doing well, how about yourself?

8 Q I am well, thank you. I don't want to rehash or
9 go back over the same stuff we've been hearing for
10 days. What I would like to do is just ask you,
11 really the new information is other than you were
12 the boss of this thing, that you prepared the arrest
13 warrant for Mr. Singleton, correct?

14 A I did, yes. I prepared and I typed it.

15 Q And do you remember what time?

16 A There was a morning meeting and then Unger and
17 Preston went to the hospital and spoke with Frazier.
18 I don't have an exact time when I prepared it. It
19 would have been after the photo lineup was presented
20 in the hospital and I was notified that he had ---

21 Q Picked him?

22 A ---picked him out of the lineup.

23 Q Okay. So you think it was midday afternoon or
24 just no since of it really?

25 A I don't recall. I would have to refer to the

SW - M. ELLIS - CROSS

1 photo lineup as to actually the date, I'm not sure.

2 Q All right. But just to go through this slightly,
3 you had the big meeting with McDonald, May Smith,
4 Cavanagh, Wilson Preston, Unger, Collins, all these
5 people. It looks like y'all had gone through the
6 phone records -- well, I guess for our purposes
7 here, this is the 25th, it's sometime after the
8 morning and after the part of the day where the
9 lineup was picked. That's when you typed up the
10 arrest warrant?

11 A I have that our meeting started at 8:45.

12 Q Okay, and after they left the meeting and went to
13 the hospital they got picked, then you typed up the
14 arrest warrant?

15 A Yes, it would not have happened before the pick.

16 Q Certainly not.

17 A Correct.

18 Q Okay. So the next day I had -- I seen an entry
19 in your report at 1300 on the 26th, the next day he
20 was arrested?

21 A Correct.

22 Q So the warrant was out. The warrant was in place
23 for about one day before he was arrested?

24 A Yes, give or take hours. I'm not sure exactly 24
25 hours or not.

SW - M. ELLIS - CROSS

1 Q Something, but a day ---

2 A Yeah.

3 Q ---like today, tomorrow ---

4 A Right.

5 Q ---sort of thing?

6 A He was arrested the next day.

7 Q Is that unusual?

8 A Every case is different.

9 Q All right. That's all I have for you. Thank
10 you.

11 MR. SUTHERLAND: Thank you, Your Honor.

12 **REDIRECT EXAMINATION**

13 **BY MS. SIMPSON:**

14 Q Investigator Ellis, I believe Investigator Unger
15 was the designated leader in this case, correct?

16 A Yes, this was his case.

17 Q And did he provide you with some information
18 regarding the investigation so that you could
19 prepare the arrest warrant in the case?

20 A Sure. I was also intimately aware at this point
21 of the case in itself. I had been out all night
22 working.

23 Q Long shifts?

24 A Correct.

25 Q All right, thank you.

SW - M. ELLIS - REDIRECT

1 THE COURT: Recross?

2 MR. SUTHERLAND: Just briefly.

3 **RECROSS - EXAMINATION**

4 **BY MR. SUTHERLAND:**

5 Q I wasn't saying you didn't do any work on the
6 case. It's just cutting to the new stuff so no
7 offense and none was taken.

8 MR. SUTHERLAND: Thank you, Your Honor.

9 THE COURT: Thank you. You may call your
10 next witness.

11 MR. STEADMAN: The State calls Sue
12 Johnson.

13 THE COURT: All right.

14 WHEREUPON,

15 **SUSAN JOHNSON,**

16 after having been duly sworn, testified as follows:

17 THE CLERK: Thank you. Have a seat in the
18 witness stand please. State your name for the
19 record.

20 THE WITNESS: Susan Johnson.

21 **DIRECT EXAMINATION**

22 **BY MR. STEADMAN:**

23 Q Good morning, Ms. Johnson. Good afternoon, Ms.
24 Johnson, where are you employed?

25 A By T-Mobile.

SW - M. ELLIS - RECROSS

1 Q How long have you been employed there?

2 A Almost 16 years.

3 Q And who do you do for T-mobile?

4 A I am custodian of records.

5 Q And you being the custodian of records, where
6 exactly do you work?

7 A My office is located in New Jersey.

8 Q Okay. And do your duties of custodian or record
9 include being responsible for the records of the
10 business?

11 A Yes.

12 Q And are these — can you describe how these
13 records are created?

14 A Sure. Everything is kept electronically which I
15 have access to the data base to retrieve the
16 information once we receive the subpoena.

17 Q So nobody actually has to go in and type
18 anything, they're just automatically created through
19 the computer?

20 A Correct.

21 Q All right. Not are these records created and
22 used in the normal and ordinary course of T-Mobile's
23 business?

24 A Yes, they are.

25 Q Do you have a copy of the record in front of you?

SW - S. JOHNSON - DIRECT

1 A I do not.

2 Q I'm gonna show you what's been marked for
3 identification purposes as State's Exhibit 203.
4 Please take a look at the records. Do you recognize
5 those records?

6 A Yes, I do.

7 Q Were you asked to respond to a subpoena in
8 providing those records?

9 A Yes.

10 Q And did you provide those exact records?

11 A Yes, we did.

12 Q Can you flip through the records and just briefly
13 tell me what those records reflect?

14 A Sure. Subscriber information, call detail
15 records, and then call detail records with cell side
16 information.

17 Q And what is the phone number associated with
18 those records?

19 A (803) 514-3525.

20 Q And do those records also have a customer name
21 listed?

22 A Yes.

23 Q What's that customer name?

24 THE COURT: Let me stop you a minute,
25 Solicitor. Are these in evidence?

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1 MR. SUTHERLAND: They're — we've just had
2 them marked for identification.

3 THE COURT: All right. Well, before we
4 publish them they must be introduced into evidence.

5 MR. STEADMAN: Sorry about that, Your
6 Honor.

7 THE COURT: That's all right.

8 MR. STEADMAN: At this point we'd ask that
9 the State introduce Exhibit 203 in evidence.

10 MR. SUTHERLAND: If may, Your Honor, just
11 review.

12 THE COURT: Certainly.

13 MR. SUTHERLAND: Without objection, Your
14 Honor.

15 THE COURT: All right, State's 203 is in
16 evidence without objection. Thank you, Solicitor.
17 You may proceed.

18 MR. STEADMAN: Thank you, Your Honor.

19 (State's Exhibit No. 203 was admitted into
20 evidence.)

21 BY MR. STEADMAN:

22 Q Does it have a customer name listed on those
23 records?

24 A Yes.

25 Q What is that customer name?

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1 A I'll spell the first name, J-A-B-R-I-E-M. Last
2 name is S-I-N-G-A-T-O-N.

3 Q Would you try to pronounce that?

4 A Singaton.

5 Q Thank you. No further questions.

6 THE COURT: Mr. Sutherland.

7 MR. SUTHERLAND: No questions Your Honor.

8 THE COURT: All right. Thank you. Thank
9 you very much, ma'am. You may step down.

10 THE WITNESS: Thank you.

11 THE COURT: All right, Solicitor, you may
12 call your next witness.

13 MS. CAVANAUGH: The State calls
14 Investigator Trevor Holt.

15 THE COURT: Come around and be sworn
16 please.

17 WHEREUPON,

18 **TREVOR HOLT,**
19 after having been duly sworn, testified as follows:

20 THE CLERK: Have a seat in the witness
21 stand please. State your name for the record.

22 THE WITNESS: Trevor Holt.

23 **DIRECT EXAMINATION**

24 **BY MS. CAVANAUGH:**

25 Q Investigator Holt, where are you employed?

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1 A I'm employed with the Richland County department
2 of forensics science unit.

3 Q And how long have you been employed with Richland
4 County Sheriff's Department?

5 A I've been employed with Richland County for a
6 total of 18 years now.

7 Q And what — 18 years you said?

8 A Yes, ma'am.

9 Q What division are you currently in?

10 A I'm assigned to the crime scene investigation
11 unit. My primary duties are latent print and crime
12 scene investigation.

13 Q And how long have you been in the crime scene
14 unit?

15 A Going on five years now.

16 Q I'm gonna take you back to January 24th of 2012?

17 A Yes, ma'am.

18 Q Were you called to respond to 157 Prioleau Road?

19 A Yes, ma'am, I was.

20 Q And what time, what time did you respond to that
21 location?

22 A I arrived on scene approximately 1750 or 5:50
23 p.m. in the afternoon.

24 Q And who actually called you to the scene?

25 A Investigator Polis.

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1 Q And what did you observe once you arrived to the
2 scene?

3 A Upon arriving I observed the scene had already
4 been secured with crime scene, a crime scene log had
5 been started. I observed that Investigator Polis
6 had already marker placed yellow identification
7 markers depicting the location of several items of
8 evidence within the crime scene.

9 Q Okay. And did observe a vehicle parked in the
10 yard?

11 A I did. I observed a small blue Suzuki SUV type
12 vehicle parked next to the house.

13 Q Okay. And can you describe the general area of
14 157 Prioleau road as far as what's around it?

15 A It's very far out. It was a very long drive to
16 get there. It's a dirt road. There's — the area
17 where the house is is a very open yard, a large
18 yard, a large grass area surround by woody area.

19 Q And what type of vehicle did you say was at the
20 scene?

21 A A small blue Suzuki SUV type vehicle.

22 Q Okay, and where was it parked?

23 A I parked next to the house at the incident
24 location.

25 Q Okay, and did you obtain the vehicle tag and

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1 color as you were documenting that?

2 A Yes, ma'am. It is a color blue, South Carolina
3 tag of BPV650.

4 Q I'm gonna show you what's marked State's 175,
5 176, 177 and 179. You recognize these pictures?

6 A Yes, I do.

7 Q And what do those depict?

8 A These are photographs of the small blue Suzuki
9 SUV type vehicle parked in front of the incident
10 location.

11 Q And does it also show the area around the home?

12 A Yes, ma'am.

13 MS. CAVANAUGH: Your Honor, at this time I
14 move to introduce State's Exhibit 175, 176, 177, and
15 179 into evidence.

16 MR. SUTHERLAND: Without objection, Your
17 Honor.

18 THE COURT: All right, 175 through 177 and
19 179 are in evidence without objection.

20 (State's Exhibits 175, 176, 177, and 179
21 were admitted into evidence.)

22 BY MS. CAVANAUGH:

23 Q And so as been stated, it's a very heavily wooded
24 area, is that correct, around it?

25 A Yes, ma'am. Around the — the yard is a very

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1 large yard, it is surrounded by a wooded area.

2 Q And did you observe anyone in the front seat of
3 the blue vehicle?

4 A Yes, ma'am, later identified as Dashawn Jones I
5 observed him unresponsive in the driver's seat of
6 the vehicle.

7 Q And what did you actually observe about him?

8 A I observed that he had several what is referred
9 to as impact wounds is the related term to gunshot
10 wounds, about his head, his body, chest, his arm,
11 his leg, that he was kind of slumped over between
12 the seat slightly to his right side and that the
13 window, the driver window, was broken, shattered,
14 broken glass inside and outside the vehicle.

15 Q And you said impact points. What do those seem
16 to be consistent with?

17 A They were later determined they were gunshot
18 wounds.

19 Q Okay. And how was he actually lying in the
20 vehicle?

21 A He was slightly slumped to his right side with
22 his head more between the two front seats than on
23 the head rest.

24 Q And what did you notice about the driver side
25 window?

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1 A That the glass was broken, the window was
2 actually shattered.

3 Q Okay. And did you observe any markings that had
4 already been made next to the vehicle?

5 A Yes, ma'am. Investigator Polis had placed
6 several identification markers next to the vehicle
7 to depict the location of several fired shell
8 casings.

9 Q Okay. And were there other markers already on
10 the ground?

11 A Yes, ma'am, those markers were already there
12 prior to the my arrival.

13 Q Okay. And did you actually collect anything from
14 the incident location?

15 A Yes, ma'am, I collected several items I collected
16 a cigarette butt that was marked as number 4 from
17 the front yard. This was placed into evidence for
18 DNA analysis. I collected two condoms from the
19 victim's right, rear pants pocket; a watch from the
20 victim's left arm; 40-dollars in cash from the
21 victim's right, rear pants pocket. These items were
22 placed into evidence to be held. I also collected
23 some blue fibers from the chest area of the victim's
24 shirt. I collected a black glove marked as number 3
25 from the front yard. This item was held for further

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1 processing. I collected additional fibers from the
2 victim's abdominal area. I collected two paper, two
3 paper bags from the victim's right and left hand. I
4 collected two fired shell casings marked as G and H,
5 and these items were turned over to Investigator
6 Polis through the chain of custody.

7 MS. CAVANAUGH: Beg the Court's
8 indulgence.

9 BY MS. CAVANAUGH:

10 Q So you said you collected items G and H -- or
11 excuse me, F and G?

12 A G and H.

13 Q G and H. Okay, and what were these items?

14 A They were fired cartridge casings in the front
15 yard, and they were turned over to Investigator
16 Polis through the chain of custody.

17 Q Okay. I'm gonna show you what's been introduced,
18 that's marked as State's exhibit number 156. And
19 does that bag contain G and H?

20 A Yes, it does.

21 Q And what is that marked as?

22 A Fired shell casing, Winchester 38 SPL. And that
23 was marker G. Marker H is fired casing Winchester
24 38 SPL.

25 Q Okay. And you collected these?

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1 A Yes.

2 Q And when you collected them how did you package
3 them?

4 A They were placed in individual envelopes.

5 Q Okay.?

6 MS. CAVANAUGH: Your Honor, at this time
7 we move to introduce items — well, what's marked as
8 G and H located in 156.

9 MR. SUTHERLAND: Withdraw my objection.
10 No objection.

11 THE COURT: 156 is in evidence without
12 objection.

13 BY MS. CAVANAUGH:

14 Q And did you say you collected marker F, which was
15 an unfired cartridge?

16 A No, ma'am.

17 THE COURT: What was your response?

18 THE WITNESS: No, no, sir.

19 BY MS. CAVANAUGH:

20 Q You also said — sorry, you went to — you went
21 quite quickly through the list. You said that you
22 mostly collected a cigarette butt that was located
23 in the front yard?

24 A Yes, ma'am.

25 MR. SUTHERLAND: No objection, Your Honor.

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1 COURT: In evidence without objection,
2 207.

3 (State's Exhibit No. 207 was admitted into
4 evidence.)

5 BY MS. CAVANAUGH:

6 Q I show you what's marked as State's Exhibit 207.

7 And you also stated that you collected items from
8 the victim Dashawn Jones' rear pants pocket. What
9 was that?

10 A I collected two condoms from the right rear pants
11 pockets, 40-dollars cash U.S. currency from the left
12 rear pants pocket. And I also collected his wrist
13 watch from his left arm.

14 Q Okay. And before you collected the items from
15 the rear pants pocket, were his pockets actually cut
16 by someone?

17 A Yes, Deputy Korn or Jane Powell cut the pockets
18 out so we can see what was inside, then they
19 photographed.

20 MR. SUTHERLAND: Without objection, Your
21 Honor.

22 MS. CAVANAUGH: Show you what's marked as
23 State Exhibit 206. Are these what you collected
24 from the victim's pants pocket and arm?

25 A Yes, ma'am.

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1 Q And that was his watch from his left hand?

2 A Yes.

3 MS. CAVANAUGH: Your Honor, at this time
4 we move to introduce 206 into evidence.

5 THE COURT: 206 in evidence without
6 objection.

7 (State Exhibit No. 206 was admitted into
8 BY MS. CAVANAUGH:

9 Q And what is the purpose of actually making the
10 cuttings from the pocket, Investigator Holt?

11 A One is a safety issue. If you don't know what's
12 in the pocket you don't know what you're sticking
13 your hand into, could be razor blades, needles,
14 anything like that so it's a safety issue to start
15 with. Secondly, we cut the pockets open, open them
16 enough where we can observe what's inside, try to
17 document it through photography before we remove
18 anything from the pockets.

19 Q Okay. And you also mentioned a black glove?

20 A Yes, ma'am.

21 Q Where was that actually located?

22 A This was located, I would say this is still in
23 the front yard area but closer to the road.

24 Q Okay. I'm gonna show you what's already been
25 introduced into evidence as State's Exhibit 158.

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1 This is a document of a blown-up version of the
2 scene diagram?

3 A Yes, ma'am.

4 Q And can you —

5 THE COURT: What number is that,
6 Solicitor?

7 MS. CAVANAUGH: 158.

8 THE COURT: 158?

9 MS. CAVANAUGH: Yes, sir.

10 THE COURT: Thank you.

11 BY MS. CAVANAUGH:

12 Q And is where the glove is collected depicted on
13 this diagram?

14 A Yes, ma'am.

15 Q And where was that?

16 A It would be number 3 up towards the top left
17 corner of the, of the drawing.

18 Q Close to the cartridge cases?

19 A Yes.

20 Q And the unfired cartridge?

21 A Yes.

22 MS. CAVANAUGH: Beg the Court's
23 indulgence.

24 BY MS. CAVANAUGH:

25 Q I'm gonna show you what's been marked for I.D.

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1 purposes only as 199. Do you recognize that
2 package?

3 A Yes.

4 Q And what's, what is this package of?

5 A It's a black glove marked as number 3 in the
6 front yard.

7 Q Okay.?

8 MS. CAVANAUGH: Your Honor, at this time I
9 move to introduce item number 199 into evidence.

10 MR. SUTHERLAND: No objection, Your Honor.

11 THE COURT: All right. 199 in evidence
12 without objection.

13 (State Exhibit No. 199 was admitted into
14 evidence.)

15 BY MS. CAVANAUGH:

16 Q And how do you package it once you collect it?

17 A They're placed into an envelope and sealed.

18 Q Is it sealed?

19 A Yes.

20 Q And when you pick it up do you have gloves on
21 yourself?

22 A Yes, ma'am.

23 Q And does this look like the glove that you
24 collected at the scene?

25 A Yes, ma'am.

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1 Q And once again, that was found close to the road?

2 A Yes, ma'am.

3 Q Now while you are were out on the scene did you
4 take any photographs?

5 A I did. I took 35 millimeter photographs.

6 Q And you mentioned two paper bags you collected
7 from the victim's hand?

8 A Yes, ma'am.

9 Q And can you explain what those were?

10 A Yes. We have the victim, we bag their hands to
11 protect any type of evidence that may be on their
12 hands or under their fingers. The victim's hands
13 were bagged while he was still in the vehicle prior
14 to being removed from the vehicle to prevent any
15 type of contamination or evidence loss. Once he was
16 removed from the vehicle search of his pockets were
17 conducted to try to find identification. Once we
18 could not find identification, the bags were removed
19 and his fingerprints were collected at the scene.

20 Q Okay. And I show you what's marked State's
21 Exhibit -- one moment, sir. State's Exhibit 204,
22 and ask if you recognize those, this box?

23 A Yes, ma'am.

24 Q And what are those?

25 A There's two paper bags from the victim's right

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1 and left hands.

2 Q Okay.

3 MS. CAVANAUGH: Your Honor, I just move to
4 introduce 204 into evidence.

5 MR. SUTHERLAND: No objection.

6 THE COURT: Any objection? Is that
7 correct?

8 MR. SUTHERLAND: No objection.

9 THE COURT: 204 is in evidence without
10 objection.

11 (State's Exhibit No. 204 was admitted into
12 evidence.)

13 BY MS. CAVANAUGH:

14 Q And you also mentioned some fibers that you
15 lifted from the abdominal area of the victim's shirt
16 as well as the chest area; is that correct?

17 A Yes, sir.

18 MR. SUTHERLAND: If I may, Your Honor, I
19 would like to take a look at these.

20 THE COURT: Sure.

21 (Pause.)

22 MR. SUTHERLAND: Without objection.

23 THE COURT: Thank you.

24 BY MS. CAVANAUGH:

25 Q I'm gonna show you what's been marked as — beg

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1 the Court's indulgence. I'm gonna show you what's
2 been marked as State's Exhibit 208. What is that a
3 package of?

4 A That's an envelope containing fibers from the
5 chest area and fibers from the abdominal area of the
6 victim's shirt.

7 Q And you took these at the scene?

8 A Yes, ma'am.

9 Q I'm gonna briefly pull these out.

10 THE COURT: These are in evidence? Is
11 that what you just looked at?

12 MS. CAVANAUGH: Your Honor, at this time I
13 move to introduce 208 into evidence.

14 MR. SUTHERLAND: Without objection.

15 THE COURT: All right. 208 is in evidence
16 without objection.

17 (State's Exhibit No. 208 was admitted into
18 evidence.)

19 BY MS. CAVANAUGH:

20 Q What color do the majority of these fibers do
21 they appear to be?

22 A Blue in color, bright blue in color.

23 Q Okay. As well as the ones from the abdominal
24 area, blue and black?

25 A Blue and black.

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1 Q While you're at the scene did you also take
2 measurements?

3 A I did, yes, ma'am.

4 Q And you — who did you assist with that?

5 A Investigator Polis.

6 Q And how do you go about taking pictures?

7 A We use a — in this case we used a large
8 measuring wheel. It's a wheel that you place down.
9 It has a handle on it. You walk off the distance.
10 And it has a counter on top that clicks off the
11 inches into feet.

12 Q And why is that important to take measurements of
13 the scene?

14 A We do it for a couple of reasons. One reason
15 would be if for some reason we needed to go back and
16 place that item back into the scene to reconstruct
17 the scene, we could do that. We could get that item
18 just about where it was found the day it was there.
19 The second reason would be for a scene diagram after
20 the fact.

21 Q As far as your involvement at the scene did you
22 have anything else to do with the car that
23 afternoon?

24 A No, ma'am.

25 Q Did you assist with the chain of custody from

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1 taking the car from the scene to the actual forensic
2 garage?

3 A Yes, ma'am, I did.

4 Q And you can explain that process?

5 A Yes. Once, once the victim had been removed from
6 the scene, all evidence had been collected, it was
7 time to get the vehicle towed for further
8 processing. Vendor Mender Towing service was called
9 to the scene. The vehicle was loaded on a tow
10 truck. I then followed the tow truck from the
11 incident location to the Richland County Sheriff's
12 Department forensic garage where it was secured for
13 further processing.

14 Q Okay. And why do you — why is someone assigned
15 to do that?

16 A To maintain the chain of custody of the vehicle.

17 Q So that the inside of the vehicle is not tampered
18 with?

19 A Right, so we can testify to the fact that nothing
20 was moved or altered, nothing was placed in or taken
21 out of the vehicle.

22 Q I take your attention back to the black glove
23 that you collected. Once you were back at
24 headquarters did you do anything else with the
25 glove?

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1 A I did. I collected three what's called GSR tabs
2 or gunshot residence due tabs from the glove.

3 MR. SUTHERLAND: No objection, Your Honor.

4 BY MS. CAVANAUGH:

5 Q I'm gonna show you what's marked State's Exhibit
6 198. Do you recognize that package?

7 A Yes, ma'am.

8 Q And what is that?

9 A It's gunshot residue from the black glove.

10 Q Is that the actual kit?

11 A That's the kit, yes, ma'am.

12 Q And can you describe how you collect for gunshot
13 residue from — Your Honor, at this time I'd like to
14 introduce 198 into evidence.

15 THE COURT: Counsel? All.

16 MR. SUTHERLAND: May I see that,
17 Solicitor?

18 (Pause.)

19 THE COURT: No objection, Mr. Sutherland?

20 MR. SUTHERLAND: No, sir.

21 THE COURT: All right, 198 is in evidence.

22 (State's Exhibit No. 198 was admitted into
23 evidence.)

24 BY MS. CAVANAUGH:

25 Q And can you describe the process of attempting to

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- 1 collect gunshot residue from this glove?
- 2 A Yes, ma'am. Gunshot residue due kits come from
3 Tri-tech merchants. That's what it looked like. It
4 comes sealed. Contained in this kit are swabs,
5 gloves, and sticky tabs. And these are the sticky
6 tabs. They come pre-labeled, right back, left back,
7 palm, right palm, left palm. In this case the
8 sticky tabs would have been re-labeled and able to
9 be marked as, or identified as, the palm of the
10 glove, the back of the glove, and the inside of the
11 glove. Sticky tab open, just a little round disk
12 that have some sticky material on it and you just
13 tact it on whatever surface it is you're collecting
14 from, place it back in the container, place it back
15 in the envelope and then seal it, and in addition
16 it's placed in our evidence room for State Law
17 enforcement Division to conduct analysis on it.
- 18 Q And are you wearing gloves when you did this?
- 19 A Yes, ma'am.
- 20 Q And what did you actually do with the glove at
21 this point, not the tab, but what did you do with
22 the glove?
- 23 A The glove, after the collection of the sticky
24 tabs the glove was submitted into evidence for DNA
25 analysis.

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1 Q And did you re-seal the package with the glove in
2 it?

3 A Yes, ma'am.

4 Q Now you mentioned, and I'm going back a little
5 bit, you mentioned the fact that you removed certain
6 items from the victim at the scene; is that right?

7 A Yes, ma'am.

8 Q And were you the first person to actually remove
9 any items from the victim —

10 A I don't recall if —

11 Q —after the pockets were cut? To your
12 understanding?

13 A I don't recall if I was the first person or not.

14 Q Okay. But it was your responsibility to collect
15 the items from the victim's pockets?

16 A I collected the items from his back pockets.
17 Investigator Polis collected from his front pockets.

18 Q Okay. As far as the back pockets are concerned
19 though, that was your responsibility?

20 A Right, yes, ma'am.

21 Q And did you locate any weapons in his back
22 pockets?

23 A No, ma'am.

24 Q And as far your report is concerned, on that
25 first day did you — did you document everything

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- 1 that you do in this case?
- 2 A Not everything would be documented.
- 3 Q But you'd document as you go along ---
- 4 A Right, yes, ma'am.
- 5 Q Did you have on your -- on the date that you --
- 6 on your report when you responded to actual incident
- 7 location did you make a typo on the date?
- 8 A Oh, yes, ma'am.
- 9 Q Okay..
- 10 A Yes, ma'am.
- 11 Q You actually responded the 24th, not the 26th?
- 12 A Right, correct, yes. It was the 24th of January,
- 13 and I put the 26th January.
- 14 Q Okay. Now on January 25th of 2012 what was your
- 15 involvement with this case?
- 16 A I attended the autopsy of Dashawn Jones performed
- 17 by Doctor Durso.
- 18 Q And where was that autopsy conducted?
- 19 A It was conducted at the Palmetto Health Richland
- 20 Hospital in the morning.
- 21 Q Okay. And what time did you actually arrive at
- 22 the hospital?
- 23 A I arrived at the hospital at approximately 8:30
- 24 in the morning.
- 25 Q And what time did you finish that day?

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1 A 1300 or 1:00 o'clock in the afternoon.

2 Q So it was about a four-and-a-half hour autopsy?

3 A Yes, ma'am.

4 Q And why is it important that an investigator
5 actually be present at the autopsy?

6 A For additional collection and documentation of
7 evidence.

8 Q Now do investigators go to all autopsies?

9 A Crime scene investigators attend any autopsy of
10 suspicious nature or homicide nature.

11 Q And when you first -- when Doctor Dorsey first
12 started did the victim already, still have his
13 clothes on at that point?

14 A Yes, ma'am.

15 Q And what did you actually observe about the
16 clothing?

17 A There were additional fibers that were found on
18 the clothing that were collected at the time of
19 autopsy.

20 Q What was he wearing?

21 A He was wearing a black shirt over a black
22 sleeveless shirt, two necklaces, blue pants with
23 black belt, blue pattern boxers, brown shoes, black
24 shocks.

25 Q And did the victim have tattoos on various areas

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1 of his body?

2 A Yes, ma'am, he had several tattoos.

3 Q And what did you — what did you notice about his
4 clothing as far the impact point?

5 A That there were multiple defects in the clothing
6 that may have been consistent with the trajectory
7 path of a gunshot wound.

8 Q And did you mark each of those — did you mark
9 each of those impact points that you noted?

10 A On the clothing?

11 Q Yes.

12 A Not at that time. After the clothing was
13 collected, taken back to our laboratory they were
14 then marked as 1 through 10. The defects were
15 marked as 1 through 10 and photographed.

16 Q Now going back to the autopsy, did you document,
17 as Doctor Dorsey was indicating their findings, did
18 you document that in any way?

19 A Yes, ma'am.

20 Q And can you go through those actual impact points
21 that you noted?

22 A Sure. Impact points were marked as A through I,
23 upper left leg with a right to left trajectory.

24 Projectile was recovered from the outside of the
25 thigh area. Upper left leg — I'm sorry, forehead

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1 was marked as C, right to left trajectory.

2 Projectile recovered from the left neck area.

3 Q And I'll stop you right there. Come to attention
4 to made a mistake to that particular notation?

5 A It was — yes, the pathologist report lists that
6 as a left to right trajectory instead of a right to
7 left to trajectory.

8 Q And the pathology report would be the correct
9 report?

10 A Yes, the pathology report is the official report
11 for all findings.

12 Q Okay. And you can continue.

13 A Chest marker D, projectile was recovered from the
14 chest area and was lodged in the bone. Right
15 shoulder, marker E, had a right to left trajectory,
16 projectile recovered from lower abdomen. Right arm,
17 marker F, this was a perforating or a through and
18 through wound, it entered and exited. Rear right
19 side of head, marker I, projectile recovered from
20 right jaw area. Right side, marker G and H, right
21 to left trajectory, one projectile was recovered
22 from the lower spine, and the second projectile
23 perforated the victim exiting at marker B, which is
24 the abdomen area.

25 Q And these are actually, are these her markers or

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1 yours?

2 A These are my markers.

3 Q And at that point did learn the victim's cause of
4 death?

5 A Yes, ma'am. Doctor Dorsey lists the cause of
6 death as multiple gunshot wounds to head, chest, and
7 abdomen.

8 Q Now I'm gonna show you -- were there projectiles
9 actually removed from the victim's body at this
10 point?

11 A Yes, ma'am.

12 Q How many projectiles were removed, Investigator
13 Holt?

14 A Six projectiles.

15 Q And were these transferred -- I show you State's
16 Exhibit 209. Were these transferred to you at the
17 autopsy?

18 A Yes.

19 Q And --

20 A Actually still would have been myself. Once
21 they're removed they're placed in sterile towels.
22 They're photographed with scales. I then fill out
23 an envelope depicting what it is I'm placing in the
24 envelope and where that item was collected from,
25 then placed into a Manila envelope which are then

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1 placed in a larger envelope.

2 MS. CAVANAUGH: Your Honor, at this time
3 we move State's Exhibit 209 into evidence.

4 MR. SUTHERLAND: No objection, sir.

5 THE COURT: State's 209 is in evidence
6 without objection.

7 (WHEREUPON, State Exhibit No. 209
8 was admitted into evidence.)

9 BY MS. CAVANAUGH:

10 Q There's also a fragment. Did you mention the
11 fragment you collected?

12 A I did not. There was a fragment collected from
13 the right lung and this was —

14 Q And that would be a fragment of what?

15 A A projectile fragment where the actual projectile
16 broke apart and part of the projectile was lodged in
17 the lung area.

18 Q Did you also take possession of his clothing at
19 that point?

20 A Yes, ma'am, I did.

21 Q And what — can you describe what the clothing
22 was again?

23 A It was a black shirt over a black sleeveless
24 shirt, two necklaces, blue pants with a black belt,
25 blue pattern boxers, brown shoes, and black socks.

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1 MR. SUTHERLAND: Without objection, Your
2 Honor.

3 BY MS. CAVANAUGH:

4 Q I'm gonna show you what's marked as State's 210.
5 Do you recognize that package?

6 A Yes, ma'am.

7 Q So this includes everything but the necklaces
8 that you mentioned; is that correct?

9 A Correct.

10 MS. CAVANAUGH: Your Honor, we move to
11 introduce State's Exhibit 210 into evidence.

12 THE COURT: 210 is in evidence without
13 objection.

14 BY MS. CAVANAUGH:

15 Q Did you also collect any standards from the
16 victim at the time?

17 A I did. I collected a DNA standard, a pubic hair
18 sample, head hair sample, and also collected nail
19 scrapings.

20 MS. CAVANAUGH: Beg the Court's
21 indulgence.

22 BY MS. CAVANAUGH:

23 Q Investigator Holt, I'm gonna show you what's
24 marked as State's 211, and what's already been
25 identified for identification purp— well, it's

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1 already been marked for identification purpose only
2 as 195. Do you recognize these packages?

3 A Yes, ma'am.

4 Q And what are those?

5 A This is the DNA standard that was collected from
6 Dashawn Jones. These are the pubic hair, head hair,
7 and nail scrapings collected from Dashawn Jones.

8 Q And why is it important to collect these —

9 MS. CAVANAUGH: Oh, excuse me. Your
10 Honor, at this time I'd like to introduce State's
11 Exhibit 211 and 195 into evidence.

12 MR. SUTHERLAND: Briefly, Your Honor, may
13 we approach?

14 THE COURT: Yes, sir.

15 (Whereupon, there was an off-the-record
16 Bench conference was held.)

17 MS. CAVANAUGH: All right.

18 THE COURT: Without objection 211 and 195
19 for I.D. only.

20 BY MS. CAVANAUGH:

21 Q And as far the autopsy is concerned, you also
22 collected additional fibers that were located on the
23 victim's chest area and his actual wound; is that
24 correct?

25 A Yes, ma'am.

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1 MR. SUTHERLAND: Beg the Court's
2 indulgence.

3 (Pause.)

4 MR. SUTHERLAND: This would be without
5 objection, Your Honor.

6 THE COURT: All right, thank you.

7 MR. SUTHERLAND: 205 and 212 without
8 objection.

9 THE COURT: Okay, thank you.

10 BY MS. CAVANAUGH:

11 Q Investigator Holt, do you recognize these two
12 packages, State's Exhibits 205 and 212?

13 A This 212 is the two necklaces that were collected
14 from Dashawn Jones.

15 THE COURT: Is what? I'm sorry.

16 THE WITNESS: Two necklaces.

17 MS. CAVANAUGH: Your Honor, at this time
18 we move to introduce State's 205 and 212 into
19 evidence.

20 THE COURT: 205 and 212 is in evidence
21 without objection.

22 (WHEREUPON, State Exhibits Nos. 205 and
23 212 were admitted into evidence.)

24 BY MS. CAVANAUGH:

25 Q And how do you collect the fiber that actual

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1 autopsy, Investigator Holt?

2 A They were collected with what's called trace
3 tape, which is a very mild, adhesive type tape, then
4 placed in a clear cover as the previous ones were,
5 or they would have been collected with tweezers.

6 Q Okay. And what did you do with the buccal swab
7 that you collected from Dashawn Jones, or that you
8 obtained from ---

9 A The DNA standard?

10 Q Yes.

11 A It was placed in --- it was placed into evidence
12 for DNA analysis.

13 Q And was it sealed and packaged properly?

14 A Yes, ma'am. Yes, ma'am.

15 Q What did you do with the actual clothing that you
16 collected from the autopsy?

17 A The clothing was, again, taken back to the
18 laboratory. It was placed on a craft paper, was
19 opened up. The defects were documented as marked as
20 one through ten. They were then packaged, sealed,
21 and placed into evidence to be held.

22 Q And did they first have to be placed into the
23 drying chamber?

24 A (There was no response.)

25 MS. CAVANAUGH: May I approach? May I

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1 approach the witness?

2 THE COURT: Yes, ma'am.

3 BY MS. CAVANAUGH:

4 Q I'm just pointing to your notes of the autopsy.
5 Does that help you? Page 202 of your analysis
6 report, crime scene analysis report?

7 A Yes, ma'am. The clothing were placed in drying
8 cabinet number 1 to allow them to dry pending
9 further processing.

10 Q And why was it -- why did it have to be placed in
11 the drying chamber?

12 A It was damp. And in order to keep it from mold
13 or contaminants from growing on in the dampness,
14 they're dried.

15 Q Okay. What did you do with the clothing after
16 that, once they were dried?

17 A They were -- the defects were marker
18 photographed. The clothing was then packaged and
19 placed into evidence to be held.

20 MS. CAVANAUGH: Beg the Court's
21 indulgence.

22 MR. SUTHERLAND: I have no objection.

23 BY MS. CAVANAUGH:

24 Q Investigator Holt, I'm gonna show you what's
25 marked as State's Exhibits 69, 71, 73, 82, 80, 81,

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1 84, 85, 86, 88, 89, 92 and 95 and ask if you
2 recognize those.

3 A Yes, ma'am.

4 Q And what are those pictures of?

5 A These are the photographs depicting the markers
6 and defects on the clothing that was collected from
7 the victim at autopsy.

8 Q And where did you take those photos?

9 A In our laboratory.

10 MS. CAVANAUGH: Your Honor, at this time
11 I'd like those pictures to be submitted into
12 evidence.

13 THE COURT: You have no objection?

14 MR. SUTHERLAND: No, sir.

15 THE COURT: All right. As I understand it
16 that's the following photographs: 69, 71, 73, 80,
17 81, 82, 84, 85, 86, 88, 89, 92, and 95 are in
18 evidence without objection.

19 (WHEREUPON, State Exhibit Nos. 69, 71, 73,
20 80, 81, 82, 84, 85, 86, 88, 89, 92, and 95
21 were admitted into evidence.)

22 BY MS. CAVANAUGH:

23 Q Let me get those real good of the overview of the
24 clothing and then the individual impact point; is
25 that correct?

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1 A Yes —

2 Q What were those — those impact wounds, what were
3 they consistent with?

4 A They possibly could have been consistent with the
5 injury sustained during the incident.

6 Q The shooting incident?

7 A The shooting incident, yes, ma'am.

8 Q On January 26, 2012 did you have another
9 involvement with this investigation? Did you assist
10 Sergeant Richards with a secondary search of the
11 vehicle?

12 A I did.

13 Q And what were the results of that secondary
14 search?

15 A I located a 1-dollar bill containing GPM on one
16 green plant like material, and it was found on the
17 front center console. And it was placed into
18 evidence. The trackers were placed into evidence to
19 be held.

20 MR. SUTHERLAND: No objection.

21 BY MS. CAVANAUGH:

22 Q I'm gonna show you what's marked as 213. Do you
23 recognize that package?

24 A Yes, ma'am, package containing 1-dollar bill
25 containing GPM. It was on the center console.

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1 MS. CAVANAUGH: Your Honor, at this time I
2 move to introduce State's Exhibit 213 into evidence.

3 THE COURT: 213 is in evidence without
4 objection.

5 (WHEREUPON, State Exhibit No. 213
6 was admitted into evidence.)

7 BY MS. CAVANAUGH:

8 Q Did you find anything else during that secondary
9 search —

10 A No, ma'am.

11 Q —that you notated?

12 A No, ma'am.

13 Q Once the crime scene investigators were finished
14 with the actual processing of the vehicle, what
15 happened with that vehicle next?

16 A The vehicle was turned over to Lonnie Roberts
17 Towing and it was towed to the Richland County
18 Sheriff's Department compound where it was held.

19 Q And where is that compound, do you know?

20 A It's on Powell Road, 400 block of Powell Road.

21 Q And have you ever been there?

22 A Yes, ma'am.

23 Q What is, what is, what is it like? Is it —

24 A It is a large fenced in field surrounded with
25 razor wire. It's a place where we secure our

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1 vehicles that may have been involved in crimes.

2 Q And are there a lot of other vehicles —

3 A Yes, ma'am.

4 Q —around that area —

5 A Yes, ma'am.

6 Q —within the fence?

7 A Yes, ma'am.

8 Q And is the car transported to that location as
9 the condition to use the garage, the forensic garage
10 in?

11 A Yes, ma'am.

12 Q And on February 1st, 2012 did you have any other
13 involvement with this case?

14 A I did. I received a written request from
15 Investigator Unger to process two plastic bags
16 containing GPM or green plant like material for
17 latent prints and DNA collection.

18 Q And did you find any prints on that bag?

19 A I did not. The, the bags were cyafumed (ph) or
20 superglue fumed. They were processed with black
21 powder with negative results at which point a swab
22 was collected, DNA swab was collected from the two
23 bags and swab was placed in evidence for DNA
24 analysis.

25 MR. SUTHERLAND: No objections, Your

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1 Honor.

2 THE COURT: All right.

3 BY MS. CAVANAUGH:

4 Q I show you what's marked State's Exhibit 196.

5 You recognize that package?

6 A Yes, this is the swab that was collected from the
7 two plastic bags containing GPM of green plant
8 material.

9 Q And if you look further in your notes, what item
10 numbers are assigned to the actual green plant
11 material that you took swabs from?

12 A On the written request I received from
13 Investigator Unger the bags were listed or the bag
14 was listed as item number 115.

15 Q And I'm gonna ask you to look at State 199 that's
16 already been introduced into evidence. Does that
17 include the item number that you swabbed?

18 A Yes.

19 Q And where does it say that this was located,
20 collected from?

21 A Where the item contained in the box collected
22 from?

23 Q Yes.

24 A 131 Veterans Road.

25 Q Does that have a room number associated with it?

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1 A (There was no response.)

2 Q And who was that collected by?

3 A Investigator Goff.

4 Q But from 131 Veterans Road?

5 A Yes.

6 THE COURT: What's that number?

7 MS. CAVANAUGH: It's 199, Your Honor.

8 THE COURT: 199?

9 MS. CAVANAUGH: Yes.

10 THE COURT: All right.

11 BY MS. CAVANAUGH:

12 Q And when you collected that swab did you package
13 it appropriately?

14 A Yes, ma'am.

15 Q And did you then return it back into the evidence
16 room?

17 A The box of the green plant material was
18 re-sealed, returned to evidence, and the swab was
19 also packaged and then submitted into evidence for
20 DNA.

21 Q Okay.?

22 MS. CAVANAUGH: Beg the Court's
23 indulgence.

24 Thank you, Investigator Holt. Please
25 answer any question from Mr. Sutherland.

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1 THE COURT: Cross-examination, Mr.
2 Sutherland.

3 CROSS - EXAMINATION

4 BY MR. SUTHERLAND:

5 Q Sir, how are you?

6 A Good, sir.

7 THE COURT: What was that question? I'm
8 sorry, I couldn't hear you.

9 MR. SUTHERLAND: I said, sir, how are you.

10 THE COURT: Oh, all right, just couldn't
11 hear. Thank you.

12 MR. SUTHERLAND: I'm sorry, Your Honor.

13 BY MR. SUTHERLAND:

14 Q Looking at the crime scene log it looks like you
15 arrived at 1540, left at 1750, about two hours and
16 ten minutes?

17 A I was there at custodial parent my criminal.

18 Q Does that sound right? You --

19 A Without looking at it I won't be able to tell
20 you. I had my arrival time about 1538 and I
21 completed about 1750 or 5:50 that p.m.

22 Q Okay, all right. And effectively the additional
23 information that you have to offer is just
24 everything that you collected, basically everything
25 you talked to the solicitor about, what you

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1 collected at the scene?

2 A Correct.

3 Q Did you or did anyone do any processing other
4 than outside the vehicle, or other than the inside
5 and outside of the vehicle? In other words,
6 anything around the house or around the back of the
7 house, or was there any sort of work done or was it
8 sort of restricted to the vehicle area and the other
9 location?

10 A The house was secured. The house was checked but
11 it was locked. An attempt was made to get someone
12 to come to the door. No one ever did. Probably ---

13 THE COURT: All right, let me stop you a
14 minute, Officer.

15 Mr. Foreman, ladies and gentlemen, if
16 y'all will step out. We will take about a 15 minute
17 recess. Thank you.

18 (The jury was removed from the courtroom
19 at 4:37 p.m.)

20 THE COURT: One of the jurors was
21 requesting a break.

22 MR. SUTHERLAND: Certainly, Your Honor.

23 THE COURT: Before I take my break or we
24 take ours, Solicitor, would you hand me, or
25 Mr. Sutherland, State's Exhibit 198 and State's

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1 Exhibit 199 please.

2 MS. CAVANAUGH: Your Honor, you said 198
3 199?

4 THE COURT: Yes, ma'am. Tell me
5 something, Mr. — is that 199?

6 MS. CAVANAUGH: It looks like it. 198 is
7 right here. Here's 199.

8 THE COURT: The box is 189, correct? All
9 right, I just want to get it straight.

10 MS. CAVANAUGH: I misread it.

11 THE COURT: So 199 is the glove. Let's
12 get it straight, Madam Court Reporter. The box that
13 she was showing this officer is 189. 199 is the
14 what's been testified to black glove number 3 in the
15 front yard. Okay, I got it. Thank you.

16 MS. CAVANAUGH: I apologize, Your Honor.

17 THE COURT: We'll take about a 15 minute
18 recess. You may step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Refresh yourself.

21 (WHEREUPON, a recess was taken from the
22 proceedings.)

23 THE COURT: Anything from the State before
24 we bring in our jury, Solicitor?

25 MS. CAVANAUGH: Nothing from the State,

1 Your Honor.

2 THE COURT: All right. Mr. —

3 MR. SUTHERLAND: Nothing from Defense.

4 THE COURT: Ready for the jury. I had the
5 clerk ask the jury if they were willing to work a
6 little longer tonight. They indicated that they
7 will be happy to — I'm not sure about that word
8 there. I think it says to serve one hour. That's
9 my kind of jury. I wish they would have said two
10 hours, but one hour will be sufficient. Bring us
11 our jury please.

12 (The jury was returned to the courtroom at
13 4:50 p.m.)

14 BAILIFF: The jury is seated, Your Honor.

15 THE COURT: All right. Thank you,
16 Mr. Bailiff.

17 Mr. Foreman, ladies and gentlemen of the
18 jury, thank you very much for your continued
19 diligence and your work to fulfill your oath as
20 jurors. I also appreciate that you're willing to
21 work for an additional hour so I appreciate that
22 very much. We're continuing the trial of the case
23 by the continuing cross-examination of Detective
24 Holt by Mr. Singleton's attorney Mr. Sutherland.
25 Mr. Sutherland, you may...

1 MR. SUTHERLAND: May it please the Court.

2 BY MR. SUTHERLAND:

3 Q Investigator Holt, basically you collected a
4 cigarette butt, condoms, watch, 40-dollars cash,
5 blue fibers from the chest area of — and I'll stop
6 after a few. Just going to what you had.

7 A Right.

8 Q There was a cigarette butt, watch, and 40-dollars
9 cash?

10 A Yes.

11 Q And blue fibers from the chest area of the shirt?

12 A Yes.

13 Q Okay. And we have black gloves and fibers from
14 the abdominal area of the shirt?

15 A Yes.

16 Q The bags from the right and left hand?

17 A Yes.

18 Q And that's from when they had to do the prints?

19 A Fingerprint.

20 Q And that was at the scene, and autopsy you
21 recovered six projectiles?

22 A Yes.

23 Q Clothes, fibers from chest?

24 A Yes.

25 Q The clothes, fibers from chest?

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1 A Yes.

2 Q Fibers from the chest wound?

3 A Yes.

4 Q Let's see, fibers from the shirt, chest area.

5 And there was a DNA standard and hair and nail
6 scrapings?

7 A Yes.

8 Q And that's it?

9 A Yes, other than the fragment, yes.

10 Q And the fragment from the lung?

11 A Yes.

12 Q Okay.

13 MR. SUTHERLAND: No further questions,
14 Your Honor.

15 THE COURT: Thank you, Mr. Sutherland.
16 Redirect, Solicitor?

17 MS. CAVANAUGH: No. No, Your Honor.

18 THE COURT: Thank you. Thank you very
19 much, Detective Holt. You may step down. You may
20 be excused.

21 You may call your next witness.

22 MR. STEADMAN: The State calls John
23 Carwell.

24 WHEREUPON,

25 JOHN CARWELL,

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1 after having been duly sworn, testified as follows:

2 THE CLERK: Thank you. Please have a seat
3 in the witness stand and state your full name for
4 the record.

5 THE WITNESS: John Carwell, J-O-H-N
6 C-A-R-W-E-L-L.

7 DIRECT EXAMINATION

8 BY MR. STEADMAN:

9 Q Investigator Carwell, where are you employed?

10 A Richland County Sheriff's Department.

11 Q And what is your position with the Richland
12 County Sheriff's Department?

13 A Currently a senior investigator. I'm assigned to
14 the major crime division robbery unit. I'm also a
15 primary homicide investigator.

16 Q And how long have been with the Richland County
17 Sheriff's Department?

18 A October will be ten years.

19 Q And have you always been an investigator?

20 A No, I have not.

21 Q Where did you start out?

22 A I started off in the region one lower Richland
23 area of Richland County, parole officer, a deputy.
24 Later on became master deputy which is a first line
25 supervisor. I was then promoted to field training

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1 officer training new deputies as they were hired.
2 Then I was promoted to investigations and been there
3 a little over three-and-half years.

4 Q At what point did you get involved in this case?

5 A The day of the shooting. I was sitting at my
6 desk. Investigator Unger's key was right next to
7 mine. I heard that he was responding to a shooting
8 incident. I saw that he was leaving. I told him as
9 he was leaving if he needed anything looked up, I'm
10 here at my computer. You like to have somebody
11 sitting at his computer to look up information as
12 you gather it out in the field. I just told him I
13 was available to him. As he responded down to what
14 we call is the lower side of lower Richland, he
15 called me, asked me with two different things. To
16 see if could research anything with a Jabriel, name
17 Jabriel and also provided me a tag that was on the
18 vehicle that the victim was found in.

19 Q And what was that tag number?

20 A It was BPB 650.

21 Q Now going back to Jabriel, at some point
22 throughout your investigation did you obtain Jabriel
23 Singleton's address?

24 A Yes. I was able to find that it was [REDACTED]

25 [REDACTED] in Hopkins.

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1 Q Were you also able to find out any other
2 information about Jabriel Singleton?

3 A I was able to find a phone number.

4 Q And what was that phone number?

5 A It was area code (803) 514-3525.

6 Q Now going back to the tag number, you also
7 received the tag number from the vehicle the
8 deceased was found in?

9 A That's correct.

10 Q And were you instructed to go and try to find the
11 owner of that vehicle?

12 A Yes, I was asked to find the registered owner. I
13 have DMV access. We have a password that this
14 assigns us. So if they were to plug in that tag
15 number at the DMV website, I came up with the owner,
16 a Rosemary Williams, and she lived at [REDACTED]
17 [REDACTED], which is Columbia area close to
18 Hopkins area as well.

19 Q And after you found out through the DMV files who
20 the owner was, did you go out and meet this person?

21 A I did. I drove to her house and interviewed her.

22 Q And how soon after the incident did you have the
23 occasion to go speak with Ms. Williams?

24 A My statement says about 4:05 in the afternoon.

25 It says about 4:05 in the afternoon I spoke with

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1 Ms. Williams.

2 Q What did you find out about the use of her
3 vehicle on the did of the shooting?

4 A Well, it was early on in the investigation so I
5 didn't want to provide too much detail. We weren't
6 sure of an identity. I asked her who may have had
7 her vehicle that day. She provided me that her
8 boyfriend that she knew Tyler Edwards had her car,
9 that he had it since the night before around 8 p.m.

10 Q And so she didn't know him by the name of Dashawn
11 Jones?

12 A That's correct.

13 Q And were you able to find any information on
14 Tyler Edward?

15 A As I was there I was on the phone with my
16 lieutenant, Lieutenant McDonald. I was passing
17 along this information as I gathered his date of
18 birth, the name of Tyler Edwards. He was unable to
19 come up with a confirmed person, I guess you would
20 say. Nothing was coming back with that name or date
21 of birth so I was also speaking with Investigator
22 Unger letting him know that I was passing on.
23 Nothing would come back. So I was then asked Rose
24 for Mary Williams to drive me to his home. She
25 didn't know the exact address but she said she could

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1 point it out to me. So she got in a car that she
2 had and I followed her to the residence she
3 believed.

4 Q So she took you to her boyfriend's residence and
5 who did you speak with when you got there?

6 A Peggy Jones was actually on the front porch at
7 [REDACTED] Road.

8 Q And who is Peggy Jones?

9 A It's the grandmother of Dashawn Jones.

10 Q At this point did you know -- was there a hundred
11 percent confirmation that Dashawn Jones was the
12 deceased victim in that car?

13 A Still not confirmed to my knowledge.

14 Q After speaking with Peggy Jones what did you
15 learn from her?

16 A She was not familiar with the Tyler Edwards name.
17 She said that her grandson Dashawn Jones, however,
18 did live at that address.

19 Q And did you all find out the nickname for Dashawn
20 Jones?

21 A Yes, he was a rapper. He went by King Breeze. I
22 believe he also had King Breeze 6000.

23 Q Did you tell Peggy Jones at any point why you
24 were there and that you had a deceased victim?

25 A I did not.

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1 Q And what's the reason for that?

2 A Like I said before, it was early on in the
3 investigation. I didn't want to provide her with
4 wrong information. We still did not have confirmed
5 the name for the victim, the deceased in the
6 vehicle.

7 Q And one more question about Rose Mary Williams'
8 relationship with Dashawn Jones. Was she able to
9 provide you with any information such as phone
10 number for Dashawn Jones?

11 A Ms. Williams did provide me with a phone number,
12 803-413-5892.

13 Q And did you forward that on to Lieutenant
14 McDonald —

15 A I did.

16 Q —for further research on that issue?

17 A I did.

18 Q Okay. Now back to Peggy Jones, you didn't tell
19 her that Dashawn Jones was deceased. What was —
20 how did you finish that conversation with her?

21 A I basically just told her there was an
22 investigation and there would more than likely be
23 other investigators that were such Investigator
24 Unger who's a primary. He had a secondary. And
25 then Sergeant Ellis who you'll hear from. They

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1 would probably be the ones that would get in touch
2 with her again.

3 Q All right. Now I want to fast forward to
4 January 26, 2012. How did you become involved in
5 the case again on January 26, 2012?

6 A I was contacted by Sergeant Ellis who stated that
7 Jabriel Singleton had been arrested at a hotel, and
8 Investigator Goff was going to get a search warrant
9 for that hotel room. He asked if could assist with
10 the search warrant.

11 Q So after speaking with Peggy Jones you didn't
12 have any other involvement with this case until the
13 search warrant at America's Best Hotel?

14 A That's correct.

15 Q And so assuming at that point you were notified
16 that Jabriel had been arrested?

17 A Yes.

18 Q And but you weren't there for the arrest of
19 Jabriel Singleton?

20 A No, I wasn't.

21 Q You there specifically for the purpose of that
22 search warrant of that motel that he was found in?

23 A That's correct.

24 Q And you said you assisted Investigator Goff?

25 A That's correct, sir.

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1 Q Who requested the search warrant?

2 A What do you mean?

3 Q I believe what we heard earlier Investigator Goff
4 was the one who actually requested the search
5 warrant?

6 A Yes, yes. He went and got it originally signed
7 by the judge.

8 Q Okay, so that's what he meant by requesting
9 search warrant?

10 A Yes, yes. And then Sergeant Ellis actually
11 informed him.

12 Q And who actually instructed you to assist
13 Investigator Goff with this search warrant at the
14 hotel?

15 A Sergeant Ellis.

16 Q And what was the room number that he ordered
17 searched?

18 A Room 118.

19 Q And what exactly are you guys gonna look for at
20 the hotel?

21 A Any evidence, anything related to a murder
22 weapon, clothing, usually anything related to a
23 possible murder.

24 Q And who, who all was there while you performed
25 this search of that room?

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1 A It was Sergeant Ellis, David Goff, and myself.

2 Q And what did y'all find in that hotel room?

3 A What you call describe search warrant I jot down
4 everything that was taken from the hotel room and a
5 copy of the hotel room. What I describe in the
6 returns is what we take back to the judge to let
7 them know what was taken out of the room. The first
8 item was a black square D bag with a Ziploc baggie
9 inside with green leafy material which was believed
10 to be marijuana. Inside on the nightstand to the
11 right of the bed officer found a digital scale on
12 the nightstand to the right of the bed, an empty
13 Hennessy bottle on the nightstand as well to the
14 right of the bed. Found a rolled cigar with green
15 leafy material believed to be marijuana as well
16 between the headboard and the wall. A pair of black
17 tennis shoes, Air Jordans, eight-and-a-half with a
18 clear baggie with again green leafy material inside
19 the left shoe which was found on the floor on the
20 right side of the bed. I found an opened box of
21 Ziploc baggies, was found on the table. A gray
22 sweatshirt with a hoodie was found in the chair.
23 Then a room key for the room 118.

24 Q And did you or Investigator Goff actually take
25 that evidence and turn it in?

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1 A Investigator Goff took the evidence back to the
2 evidence room at Richland County Sheriff's
3 Department.

4 Q And after y'all conducted search warrant what was
5 your next step?

6 A I return the search warrant to Judge Davis, a
7 licensed magistrate.

8 Q All right, I want to fast forward ten days after
9 that date to February 6, 2012. I understand that
10 you went with Investigator Unger to speak with
11 Jonathan Frazier?

12 A I did.

13 Q Did Investigator Unger ask you to go with him to
14 the hospital?

15 A Yes.

16 Q And what was the purpose of visiting him on that
17 date?

18 A To be a witness who was going to take another
19 statement that his health had improved. He wanted
20 me to be there.

21 Q And do you remember where y'all met with him at
22 the hospital?

23 A He was in his hospital room.

24 Q And what were you able to observe about his
25 condition that day?

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1 A I believe when we walked in he was actually
2 walking back to the bathroom to the bed. I believe
3 his jaws were wired shut still, but the trach was
4 taken out at this point but he was able to walk
5 around the room.

6 Q So he was lucid and able to speak?

7 A Correct.

8 Q And did Investigator Unger ask him about the
9 accident and get him to provide a statement?

10 A Yes, he did.

11 Q And did, did he or you take the statement?

12 A He took it.

13 Q And again, what was your role there that day?

14 A I notarized the statement, a sworn statement by
15 Jonathan Frazier.

16 Q And you were also a witness —

17 A Correct.

18 Q —there for the whole statement?

19 A Yes.

20 Q Thank you. I ask that you answer any questions
21 Defense may have.

22 THE COURT: Thank you, Solicitor.
23 Mr. Sutherland.

24 MR. SUTHERLAND: Just briefly.

25 CROSS - EXAMINATION

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1 **BY MR. SUTHERLAND:**

2 Q Okay. Your testimony was that when you followed
3 this lady to this female's residence and you spoke
4 with her, your testimony was that she told you that
5 Dashawn Jones' name was Tyler Edwards?

6 A That's correct.

7 Q Is that correct? And she did not, in fact, know
8 his real name?

9 A No, sir.

10 Q Other than that I don't see anything. Thank you
11 for your time.

12 THE COURT: Thank you.

13 Redirect, Solicitor?

14 MR. STEADMAN: No, Your Honor.

15 THE COURT: Thank you. Thank you very
16 much. You may step down and you may be excused.

17 All right, Solicitor, you may call your
18 next witness.

19 MS. SIMPSON: The State calls John
20 Roberts.

21 THE COURT: Come around to be sworn.

22 WHEREUPON,

23 **JOHN GRAY DODD ROBERTS,**

24 After having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please have a seat

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1 in the witness stand and state your full name for
2 the record.

3 THE WITNESS: My name is John Gray Dodd
4 Roberts, R-O-B-E-R-T-S.

5 **DIRECT EXAMINATION**

6 **BY MS. SIMPSON:**

7 Q Mr. Roberts, where are you employed?

8 A South Carolina law Enforcement Division commonly
9 called SLED.

10 Q Okay. And what is the South Carolina Law
11 Enforcement Division?

12 A SLED is the assisting state agency for any of the
13 local or municipal governments that may need
14 assistance in investigations or police work or
15 forensics.

16 Q All right. What is your position within SLED?

17 A Currently I'm arson investigator with SLED.
18 Previous to that from 2005 until 2012 I was a trace
19 evidence examiner in our forensics lab.

20 Q And I guess as an arson-- you're an arson
21 investigator now, correct?

22 A Yes, ma'am.

23 Q What is an arson investigator?

24 A To investigate fire scenes for possible arson.

25 Q All right. And I believe you said prior to that

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1 you were working in trace evidence?

2 A Yes, ma'am, that's correct.

3 Q What exactly is trace evidence or included under
4 the umbrella of trace evidence?

5 A Trace evidence at SLED is the analysis of
6 evidence that you generally cannot see with your
7 naked eye. We use microscopes and chemical
8 instruments to analyze evidence that's submitted to
9 us by various agencies across the state. The things
10 that we do at trace, we do analysis on paint, fiber,
11 glass. We do analysis on explosives. We do gunshot
12 residue. We do bank dye packs. We analyze duct
13 tape, and we analyze arson evidence for arson
14 liquors.

15 Q All right. And can you tell the jury a little
16 bit about your educational background and training?

17 A Yes, ma'am. I have a bachelor of science in
18 chemistry from Texas A&M Corpus Christie. When I
19 moved up to South Carolina a long time ago I applied
20 at SLED and eventually got hired in 2005. As I went
21 through my first seven years at SLED I started out,
22 like I said, as a trace evidence examiner. I worked
23 under another tech who had been SLED by then 20
24 years and who had been doing gunshot residue for
25 about 15 of that 20. He taught me how to work the

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1 instrumentation, how to process the gunshot residue
2 kits, how to generate data off the instruments and
3 to make conclusions on that data.

4 After about six months they gave me a
5 test. All the people in the department put together
6 a case, and I had to work the case from processing
7 all the way to the end generating a report and then
8 they grilled me in a courtroom setting, much like
9 this except a lot less friendly. And after I passed
10 that test I was given the green light to go ahead
11 and do all my own analysis which I did from
12 somewhere around the end of 2005 until November of
13 2012.

14 Q Okay. And now you said you were within trace
15 evidence. Was your speciality gunshot residue
16 during those years or did you do everything?

17 A I did almost everything else; but from 2007
18 basically until 2012, the majority of what I did was
19 gunshot residue.

20 Q And what exactly is gunshot residue?

21 A Gunshot residue is the term that we give for the
22 collection of particles when it's fired. Gunshot
23 residue is a — what we look for in gunshot the
24 metals that are contained in the primer of the
25 cartridge case. The cartridge case is the bullet

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1 basically. What we're looking for the materials
2 that are contained in the little disk in the center
3 at the back of a cartridge case. It's the explosive
4 that sets off the gun powder that's in the tube that
5 shoots the bullet down the barrel and out towards
6 the target. Now metals that we look for are lead,
7 barium, and antimony. We look for them in a couple
8 of different ways. We look for them on swabs. And
9 what we look for are amounts of the metal. We look
10 for amounts of lead and amounts of barium and
11 amounts of antimony. We also look for the particle
12 list. And a particle list we use to analyze for the
13 presence of gunshot residue itself. Rather than
14 just telling you I've got a bunch of metal that we
15 associate with gunshot residue, if I find round
16 particles that contain all three elements — lead,
17 barium, and antimony — I can tell you that is
18 gunshot residue; it's not anything else. It doesn't
19 come from making fishing weights where you can get
20 lead. It doesn't come from anything other than
21 gunfire.

22 Q All right. And have you actually testified as an
23 expert before in gunshot residue and trace evidence?

24 A Yes, ma'am, I have.

25 Q How many times would you say you've been

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1 qualified as n expert?

2 A Sixty-one times.

3 Q Sixty-one?

4 A Yes, ma'am.

5 MS. SIMPSON: Your Honor, at this item I
6 would offer John Roberts as an expert in trace
7 evidence to include gunshot residue.

8 THE COURT: All right Mr. Sutherland?

9 MR. SUTHERLAND: No objections.

10 THE COURT: All right. And again, ladies
11 and gentlemen, you've heard my charge several times
12 concerning expert witnesses. This witness will be
13 allowed, Mr. Agent John Roberts, will be qualified
14 by the Court as an expert in the field of trace
15 evidence and gunshot residue to give opinion
16 testimony in those areas. That does not mean that
17 you must accept the opinion; but it is evidence for
18 you, the jury, to use in any way you see fit.

19 Thank you, Solicitor. You may continue.

20 MS. SIMPSON: Thank you, Your Honor.

21 BY MS. SIMPSON:

22 Q And just so we're clear I want to back up a
23 little bit. The gunshot residue will only exist
24 once the gun is fired, right?

25 A Usually, yeah. You can get it by picking up a

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1 gun that's recently been fired. You don't have to
2 be shooting to get it on you. There are basically
3 three ways you get gunshot residue on your hands.
4 You shoot a gun, you're near a gun when it goes off,
5 or you pick up one that's been recently fired. So
6 yes and no. It does have to be fired to be
7 produced; but if I shoot my gun and lay it down on
8 the table, somebody can come by who had not fired
9 that gun and pick it up and get it on their hands.

10 Q Okay. And with respect to gunshot residue, does
11 the proximity or location of an item matter in
12 determining as to whether GSR may be found on a
13 person?

14 A Yes, ma'am. The closer you are to the gun the
15 more you're going to get on you. If you're standing
16 40 feet backwards of me while I'm shooting, you're
17 probably not going to get gunshot residue on you
18 unless I'm shooting into a 45 mile an hour headwind;
19 and even then, it would be chancy at best for me to
20 detect that. If you're standing on the opposite end
21 of my gun and you've got your hands up and I shoot
22 at you, you're gonna get gunshot residue on you if
23 you're close to that gun if you're within, say,
24 8 feet, 9 feet, something like that. You're going
25 to get gunshot on you. If you're standing off to

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1 the side, gunshot residue comes out of a cloud
2 around the mid-section of a firearm and you can get
3 gunshot residue just by standing off to one side or
4 the other.

5 Q Okay. And so if — so within 8 to 10 feet if I'm
6 within that cloud then when a gun is fired you will
7 potentially have gunshot residence on you?

8 A That's correct.

9 Q And can the range or distance vary depending
10 upon, I guess, different circumstances or factors?

11 A It can. It's —it's dependent a lot on caliber.
12 You get a lot less gunshot residue from a 22, which
13 is a tiny, tiny little caliber versus a 44 magnum,
14 which is huge caliber. Not only are they different
15 sized bullets, but the primmers that are used are
16 different so the amount of explosive contained in
17 that primer would be greater or less depending on
18 the caliber. It also depends on the weapon. If I
19 shoot a really expensive match grade 22 target
20 pistol that's locked up tight, it's not going to
21 produce gunshot residue out of the mid-section of it
22 like a really cheap revolver and a cheap revolver
23 may have gaps and holes that where the gunshot
24 residue can leak out and get on your hand a little
25 bit better rather than a really expensive target

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1 pistol that's all it's doing is generating enough
2 power to get that bullet down range. So the
3 caliber, type of firearm, will make the gunshot
4 residue amount dependent.

5 Q All right. And along that same vein, can the
6 number of shots, could that make a difference in, I
7 guess, the amount of gunshot residue or the range
8 for?

9 A It will make a difference on the amount.

10 Q Okay.

11 A If I fire one item, I've only got one bullet's
12 worth of residue on there. If I fire 19 times, I've
13 got 19 bullets' worth of gunshot residue.

14 Q So essentially, and I believe you said this, but
15 a person who didn't fire a gun for instance, would
16 they necessarily have gunshot residue?

17 A Depends on where they were in relation to the
18 weapon when it's fired. Like I said, if you're
19 standing close to me you could possibly get it on
20 you. If you're in a different county then no,
21 you're not going to get it on you.

22 Q So I could have not fired the gun but still had
23 gunshot residue on my hands?

24 A That's correct.

25 Q Now within that cloud, I guess — and I know

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1 we've talked about a lot of variables that gunshot
2 residue seems to be dependent upon -- if a gun is
3 shot in the direction or most of the shooting occurs
4 in a car, for instance, would that affect the range
5 of GSR or the amount?

6 A It'll affect the -- if it's fired inside the
7 vehicle it'll affect the amount that gets out of the
8 vehicle. If the windows are shut you're gonna have
9 the majority of that gunshot residue trapped inside
10 the vehicle. If the windows are open, you're gonna
11 get some escape. If you're standing outside the
12 vehicle and fire in, that's dependent as well. I
13 mean, you could still get gunshot residue inside the
14 vehicle if you're standing on the outside firing in
15 depending on how close the weapon is to the car.

16 Q And with respect to gunshot residue, how is it --
17 how does it come to you, how is it collected?

18 A It's collected on two different sampling types.
19 We give out gunshot residence kits to anybody who
20 asks for them as long as they're police. And there
21 are swabs and there are particles. A couple of
22 witnesses before me explained about particle lifts.
23 They're just aluminum disks with double sided carbon
24 sticky tape on them and you dab your surface like a
25 pickup dagger to pick up the gunshot residue.

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1 Swabs are cotton swabs that are treated
2 with aluminium nitric acid, and they are white on
3 the areas to be sampled. And generally, they are
4 only wiped on hands, the front and right palm, right
5 and back of left palm and left back. We generally
6 do not sample inanimate objects with swabs.

7 Q Okay. So the swabs are used for people, I guess,
8 hands and the particle lifts are used for objects or
9 items?

10 A The particle lifts are used for both.

11 Q Okay, for both. So you can use particle lifts on
12 a person as well?

13 A Yes, ma'am, that's right.

14 Q And is there a difference in what is tested or
15 what the swabs test for versus what a particle lift
16 will show you?

17 A We test for the same thing. With the swabs we're
18 testing for an amount, a number, of parts per
19 whatever, of lead, barium, antimony. The particle
20 lifts we're actually looking for the actual pieces
21 of gunshot residue if it's...

22 Q And as far as factors that may affect the ability
23 to collect GSR from an item, what are some of those?

24 A The state of the item as its collected. I go out
25 and shoot and I haven't washed my shirt for a couple

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1 of days you will probably find gunshot residue on
2 that shirt. If I go out and shoot and then I wash
3 my shirt immediately, you're not gonna to find
4 gunshot residue on it. You can remove it by washing
5 it. On people's hands, what we found is after six
6 hours you may still have some of these metals on
7 your hands, but they're not gonna be in amounts that
8 we associate with gunfire.

9 Q Okay. And so can GSR be easily removed or rubbed
10 off?

11 A Yes, ma'am. Simply wiping your hands on
12 something, if you've ever baked, dusted your hands
13 with flour, you know it gets everywhere. If you
14 touch something all of a sudden it's got flour on
15 it. Gunshot residue is much the same. You go
16 shooting and then stick your hands in your pockets,
17 now your pockets have gunshot residue on them. Or,
18 if you don't stick your hands in your pockets and
19 you jump in your car, now anything that you touch in
20 your car has gunshot residue on it. So it's removed
21 by touch; it's removed by washing.

22 Q So it's transferred easily as well?

23 A Yes, ma'am.

24 Q All right. And can -- after I think you said six
25 hours you may still find it, but is there a period

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1 of time in which GSR may just wear off an item?

2 A Yes, ma'am, that's the six hour time window. If
3 you shoot a gun a couple of times and you just sit
4 there, don't touch anything and just sit there and
5 breathe, your body will observe the metals all by
6 itself in about six hours. That's where our six
7 hour window comes in. After six hours we don't find
8 it in the quantities that we associate with a
9 gunfire on a living person. Now if you're deceased,
10 your heart stopped beating and you've stopped
11 breathing and your body stopped absorbing materials
12 so it will stay where it is and tell us remove
13 either biological or sampling.

14 Q Okay. And with respect to the time period and I
15 guess your collection and testing at SLED, do you
16 all have certain standards for which you can
17 actually take an item into custody and test it as
18 far as timing goes?

19 A No. If the kit has been collected within the six
20 hours on a living person, it doesn't much matter
21 when you submit. You can take the collection in
22 January and submit the kit in October of the same
23 year and the material would still be where it is.

24 Q So the GSR, once it's actually collected is
25 maintained no matter how long it takes to test it?

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1 A Yes, ma'am.

2 Q But would you all actually -- I guess, would it
3 even be, I guess, productive to even attempt to
4 collect GSR from somebody after a period of six
5 hours?

6 A It could be collected; we would not analyze it.

7 Q Okay. So you all have standard -- like, over the
8 six hour time period you all will not analyze it?

9 A On a living person normally the six hour time
10 period we don't even -- I mean, when it comes in, we
11 see that it's over six hours; and we'll write a
12 report and say no analysis performed, samples were
13 collected beyond the six hour time period in which
14 probative evidence would be recovered.

15 Q But a deceased victim, that's indefinitely?

16 A Yes, ma'am.

17 Q Did you actually receive some items in this case?

18 A I did.

19 Q Okay. And I'm gonna -- what were those items?

20 A I received the set of eight particle lifts from
21 2002 Suzuki Atari with South Carolina tag BEB650. I
22 received the set of three particle lifts from a
23 black glove found at the incident location, and I
24 received a gunshot residue kit from Dashawn Jones.

25 Q Okay. I'm gonna show you what's in evidence as

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1 State's Exhibits 181, 198, and 157. Are these the
2 GSR kits that you received?

3 A State's Exhibit 181 is my item number five. It
4 is a set of eight particle lifts from the 2002
5 Suzuki Atari. When we get evidence in the lab we
6 assign it a lab number that's a unique identifier to
7 that particular case. Each piece of evidence is
8 getting its own item. In this case my lab number is
9 L121128 and this is item number five. That's
10 identified throughout its lifetime at the lab, and
11 then it's identified in my report. And in this case
12 item five was a set of a particle lifts from the
13 vehicle.

14 Q Okay.

15 A And that's 189, is that what that was?

16 Q Oh, 181.

17 A 181.

18 Q Yes, sir.

19 A State's Exhibit 181. State's Exhibit 198 is my
20 item number six which was set of three particle
21 lifts from a black glove found at the incident
22 location. It also has the same lab number and
23 number six on it.

24 Q Oh, 157, yeah.

25 A State's Exhibit number 157 is my item number 7

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1 which was a gunshot residue kit from Dashawn Jones,
2 also has the same lab number, item number on it.

3 Q And were these the only three items that you
4 received for testing?

5 A Yes, ma'am.

6 Q Please tell us about what you did when you
7 received the GSR kit from Dashawn Jones and what was
8 actually contained in it.

9 A The gunshot residue kit from Dashawn kit was what
10 we call a combo kit. It had both swabs and particle
11 lifts in it. What happens is, the evidence comes in
12 the log and placed in SLED. They give it the lab
13 number. They give it the — all of the unique
14 identifiers that we need when we put it in the box.
15 Then somebody from my lab comes downstairs, picks up
16 all the evidence, and brings it upstairs. And in
17 this case what happened is, item number 7 was
18 processed. And when I say processed, the swabs were
19 taken out and they were prepared for analysis for
20 gunshot residue. They were put on an instrument. I
21 ran the instrument; I generated the data.

22 Q Once you had generated the data from those — and
23 let me back up. The swabs that you received, what
24 portions of the victim's hands are indicated?

25 A The —

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1 Q Or ---

2 A The swabs are right palm, right back, left palm
3 and left back. It's the back of the hand when I say
4 right back, left back, it's the back of the hand.

5 Q So it's a total of four swabs within one kit?

6 A It's four samples. It was ---

7 Q Okay.

8 A If I'm reading this right, two swabs per sample
9 so eight and control so at least nine, if not ten.

10 Q And what is the control that you're referring to?

11 A The control is taking from an area on the body
12 that's not exposed to, or should not be exposed to
13 gunfire. Somebody wearing long pants and you take a
14 gunshot residue kit from their hands, you're gonna
15 take control from maybe the back of the leg or
16 something like that so that you can get a baseline
17 or levels of metals that may be present already and
18 the control is compared to the four samples from the
19 hands area.

20 Q Okay, and so once you generated the results with
21 respect to the GSR kit on Dashawn Jones, what were
22 you able to do then?

23 A It generates, the instrument generates a series
24 of numbers, and it tells me how much lead, how much
25 barium, and how much antimony are on each sample.

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1 Q Okay. And knowing these numbers, did you
2 actually come to any conclusions or any results with
3 respect to your analysis?

4 A I did. And they are the same for all areas so
5 the right palm/right back, left palm/left back,
6 point of metals found may be associated with gunshot
7 residue. I found levels of lead and barium, lead,
8 barium, and antimony, that we associate with being
9 near a gun when it goes off, handling a firearm, or
10 shooting a firearm.

11 Q So just hypothetically speaking, if a person
12 shoots a gun where would you most -- or if a person
13 is the shooter holding a gun, where would you most
14 likely expect to find the gunshot residue or where
15 would it be more heavily indicated?

16 A What we look for or what we -- the conclusion
17 that we draw when we're asked if, is this person a
18 shooter or not, is whether they had it on palms and
19 back of their hands. Generally if you just stick a
20 gun up and just don't have it on the palms of your
21 hands because nobody picks up a gun like
22 (indicating). You don't -- your fingers don't bend
23 the right way if you got it with the backs of your
24 hands. You pick it up with your fingers and the
25 palm which is one of the places that we test for

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1 gunshot residue. So if a person has kind of just
2 threshold amounts of gunshot residue on their palms,
3 that's more indicative to somebody that just picks
4 one up. If they have it on the palms and backs,
5 that's a little more indicative to somebody that's
6 shooting because the backs of your hands are exposed
7 so the gunpowder — or gunshot residue when you're
8 firing the firearm.

9 Q All right. And would you always — if the person
10 is in close range or in the presence of a gun when
11 it's fired can they also have gunshot residue on the
12 palms and the backs of their hands?

13 A Yes, ma'am. Depending on how the hands are
14 positioned when the gun goes off, you can get it on
15 the palms and backs. What we look for is just if
16 somebody's standing directly in front of the gun
17 with their hands up in front of their face, they're
18 gonna have huge, huge, huge amounts of lead, barium,
19 antimony on the palms of their hands and maybe not
20 so much on the back. So we can draw some
21 conclusions about large amounts on one area versus
22 the other and maybe how it relates to their posture
23 at the time that the gun was fired.

24 Q Okay. And so you can essentially be the shooter
25 or not the shooter and have gunshot residue on palms

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1 and backs?

2 A Yes, ma'am.

3 Q And can you please tell us about the process that
4 you used to test item five, the lifts from the car?

5 A Taking lifts from a car is much simpler than the
6 processing of swabs. In this case they were taken
7 out and it was noted where they came from. The
8 lifts were re-labeled as to the places on the car
9 where the particles were taken from. And then I
10 took them and put them on the microscope that I use
11 to look for gunshot residue and run them over how
12 long it takes to run those little particle lifts and
13 then I generated a report. In this case there were
14 eight lifts, if you give me a second I can tell you
15 exactly where they were from. I had a lift from the
16 driver's door, one labeled above driver's door, one
17 labeled rear driver's side door, one labeled above
18 rear driver's side door, one labeled front pass side
19 door, one labeled above front pass side door, one
20 labeled rear pass side door, and one labeled above
21 rear pass side door.

22 Q And were you able to make any determinations with
23 respect to each of those lifts, or are they, I
24 guess, reported as one lift or eight individual
25 lifts?

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1 A I work them one at a time. When I write the
2 report on vehicles and clothing I report either the
3 vehicle or clothing depending on what I've got. In
4 this case I reported the whole vehicle so all eight
5 lifts were reported on them once collected so the
6 eight particle lifts from the 2002 Suzuki car and
7 samples collected from that vehicle gunshot residue
8 was found.

9 Q Okay. Now can you explain that result, gunshot
10 residue was found versus other result are indicated?

11 A Sure. When I say gunshot residue was found,
12 that's exactly what I mean. I found round particles
13 that contained lead, barium, and antimony in that
14 vehicle. Round particles that contained lead,
15 barium, and antimony are indeed gunshot residue.
16 They don't come from making fishing weights, they
17 don't come with changing your brake pads, they come
18 from gunfire.

19 Q All right. And I guess with that result can you
20 also have GSR found on a person if it's not a
21 particle lift?

22 A No. With a person, the strongest positive result
23 I can give is metals associated with gunshot residue
24 were found. In certain cases we will take a
25 person's particle lifts and run them; and if I find

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1 gunshot residue on those particles lifts that's
2 belonging to that person, then I can say on Billy
3 Bob Evans gunshot residue was found on one palm.

4 Q And can you please tell us about, I guess, what
5 the item was, item 6, and the process that you used
6 on that?

7 A Item six was particle lifts, three particle lifts
8 taken from the glove found at the scene. Same
9 processing mode as the particle lifts from the
10 vehicle except there was only three instead of
11 eight. Ran them on the same microscope and in this
12 case got the same results. The three samples that
13 were collected from the glove, gunshot residue was
14 found.

15 Q All right. And those were actually — you said
16 three lifts were taken from inside the glove or —

17 A They were —

18 Q —or three lifts were taken — I'm sorry, it's
19 late. Three lifts were taken from the glove?

20 A Yes, ma'am. And if you'll give me a second I can
21 tell you exactly where they were taken from. I had
22 one lift from the palm, one lift from the back, and
23 one lift from the inside of the glove.

24 Q Okay. And was GSR found on all of those lifts?

25 A No, ma'am. I found gunshot residue particles on

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1 the palm and the back. And I found a round lead
2 particle of barium, a lead barium particle on --
3 particle lift from the inside so a particle I
4 associated with gunshot residue but it's not unique
5 to gunshot residue.

6 Q So the glove would have had gunshot residue on
7 both the palm and hands?

8 A Yes, ma'am.

9 Q Correct?

10 A Yes, ma'am.

11 Q Kind of similar to the victim's hand but the palm
12 and the front of the hands similar --

13 A Similar that --

14 Q Or back and palm, I'm sorry?

15 A Similar as to being positive, yes, ma'am.

16 MS. SIMPSON: Beg the Court's indulgence
17 one moment.

18 (Pause.)

19 BY MS. SIMPSON:

20 Q Okay. This is another, I guess, hypothetical.
21 If a person is seated in a car and is shot at close
22 range being close range around the gun when it's
23 fired, is there a chance that that person can have
24 gunshot residue on both the fronts, or palms and
25 backs of the hand?

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1 A Yes, ma'am.

2 Q All right, thank you.

3 A You're welcome.

4 THE COURT: Mr. Sutherland.

5 MR. SUTHERLAND: May it please the Court.

6 CROSS - EXAMINATION

7 BY MR. SUTHERLAND:

8 Q How are you?

9 A I'm doing well.

10 Q That's good, that's good. We will be relatively
11 brief here.

12 A Take your item.

13 Q My understanding of your testimony is that if
14 lead, barium, and antimony are together on you, that
15 that's gunshot residue?

16 A If they're together in one particle and it's
17 spherical as gunshot residue, yes, sir.

18 Q And you don't get it from fishing or, fishing
19 weights or any of that?

20 A No, sir, you do not.

21 Q Okay. And very quickly, just, I believe I heard
22 you distinguish between swabs and particle lifts and
23 that particle lifts and tests for presence and swabs
24 test for amounts. Did I hear that correctly or?

25 A That's basically what it is.

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1 Q Yes, sir.

2 A The swabs test for how much lead, barium, and
3 antimony is there. I can't tell you that, I can't
4 tell you conclusively that that lead, barium, and
5 antimony found in that area is gunshot residue.

6 With particle lifts, however, if I found a round
7 particle lift that has all three of those metals in
8 it I can tell you conclusively that that is gunshot
9 residue.

10 Q Okay, okay. So, effectively you did find gunshot
11 residue inside the vehicle where those tabs were
12 pulled from above the doors. Is that all the tabs
13 inside the vehicle?

14 A Not on every single one of them.

15 Q Okay.

16 A Put on several of them I found gunshot residue.

17 Q Okay. And I think your testimony was that if
18 somebody is sitting inside the vehicle and they're
19 discharging a firearm it has to escape through the
20 windows or something?

21 A It can escape through the windows, otherwise,
22 it's contained in them -- I mean, it's like shooting
23 a gun inside the box. Everything is going to be
24 inside the box.

25 Q And if someone is outside the vehicle shooting in

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1 the vehicle is not necessarily going to be in there,
2 the vehicle?

3 A It can be; but depending on how far away and the
4 position of the gun and all of that other stuff, it
5 can be.

6 Q All right. And again, let's see, you did find
7 gunshot residue on the gun —

8 A Yes.

9 Q —on some of it? And then the metals associated
10 with gunshot residue were on the right palm, right
11 back, left palm, and left back of Dashawn Jones.

12 A That's right.

13 Q No further questions, thank you.

14 A You're welcome.

15 THE COURT: Redirect?

16 MS. SIMPSON: Briefly, Your Honor.

17 **REDIRECT EXAMINATION**

18 **BY MS. SIMPSON:**

19 Q If a person is standing within a foot or 2 feet
20 from a vehicle, shooting inside that vehicle
21 (indicating), arm up, close range, gun is close to
22 an opened door, would you expect to find that cloud
23 of gunshot residue kind of within inside that box?

24 A I would expect to find gunshot residue in the
25 vehicle, yes, ma'am.

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1 Q Okay. Thank you.

2 MR. SUTHERLAND: Nothing further, sir.

3 THE COURT: Thank you. Thank you very
4 much. You may step down. You may be excused.

5 All right. Perhaps now would be a good
6 time for us to take our evening recess. Mr.
7 Foreman, ladies and gentlemen of the jury, I would
8 remind you once again, do not talk about this case
9 or discuss this case with anyone including your
10 fellow jurors, family, friends, or anyone else. If
11 anyone tries to talk with you about the case please
12 let me know. Also, remember my instructions
13 concerning your use of your computer, cellular
14 phone, or other electronic device, communication
15 capabilities to obtain or disclose any information
16 about the case when you're not in court.
17 Information about the case include but is not
18 limited to the following information about a party,
19 a witness, an attorney, or a court officer, news
20 accounts of the case, information collected through
21 your research on any topic, race, or testimony
22 offered by any witness or information collected
23 through juror research on any other topic the juror
24 might think with be helpful in deciding the case.
25 I'm sure y'all understand your instructions. Decide

1 the case based on the evidence and testimony you
2 hear in the courtroom and the law as I tell you the
3 law is.

4 With that being said, you're now excused
5 for the evening. I would ask you please be back at
6 9:30 in the morning. If you'd leave your notes the
7 clerk's office will secure them for the evening.
8 Hope y'all have a pleasant evening. Thank you very
9 much.

10 (The jury is removed from the courtroom at
11 5:43 p.m., and the following proceedings
12 commenced.

13 THE COURT: All right. How many more
14 witness you have, Solicitor?

15 MS. CAVANAUGH: Beg the Court's
16 indulgence, Your Honor. We have — Your Honor, we
17 have probably eight but only five are going to be,
18 you know, of substance as far as time frame.

19 THE COURT: You got DNA. You got the
20 pathologist.

21 MS. CAVANAUGH: We have two more
22 investigators, Your Honor, and then we have a
23 firearms expert.

24 THE COURT: Then you have one of those
25 investigators —

1 MS. CAVANAUGH: One of those is our lady
2 investigator, and then potentially another lay
3 witness.

4 THE COURT: You're going to rest tomorrow,
5 Solicitor?

6 MS. CAVANAUGH: We fully anticipate
7 resting tomorrow.

8 THE COURT: Resting when?

9 MS. CAVANAUGH: Tomorrow.

10 THE COURT: All right. Keep that in mind,
11 Mr. Sutherland.

12 MR. SUTHERLAND: Yes, sir.

13 THE COURT: All right, thank you. If
14 y'all have any requests to charge, although I
15 realize that we're at the directed verdict stage, I
16 understand that. What I would like is the
17 opportunity to begin thinking through any requests
18 to charge you may have provided to me in the morning,
19 something like that.

20 MS. CAVANAUGH: Thank you, Your Honor.

21 THE COURT: Anything further the State
22 before we take our recess?

23 MS. CAVANAUGH: No, Your Honor.

24 THE COURT: Defense?

25 MR. SUTHERLAND: Just briefly. Your

1 Honor, I understand I'm about to receive some more
2 discovery. I've told the State that I'll review it
3 tonight, and if I have any objection I'll make the
4 objection in the morning.

5 THE COURT: I tell you what, we'll be here
6 at 9:15, okay?

7 MR. SUTHERLAND: All right, that'd be
8 perfect.

9 THE COURT: Thank you so much. Thank you.
10 (Whereupon, court was adjourned to resume
11 on March 7, 2013 at 9:15 a.m.)

12 THE COURT: Solicitor, anything before we
13 bring in our jury from the State?

14 MS. CAVANAUGH: Your Honor, Mr. Sutherland
15 indicated to me last night that he has no issues
16 with the bench notes that we turned over yesterday
17 regarding the firearms analysis so has no problems
18 there. We did go through several, almost close to
19 probably over 50 autopsy photos that we plan on
20 introducing. We showed, we narrowed it down as best
21 that we could. We showed them to Mr. Sutherland.
22 He does have issues with the ones that show the
23 actual gunshot wounds. We'll be happy to —

24 THE COURT: All right. Do you have them
25 marked for identification, Solicitor?

1 MS. CAVANAUGH: I do not at this point.

2 THE COURT: Go ahead and mark them for
3 identification and hand them up to Mr. Sutherland.

4 MS. CAVANAUGH: Yes, sir.

5 MR. SUTHERLAND: If I may, Your Honor, I
6 have cleared early on a motion to exclude such
7 photographs and also included some crime scene
8 photographs which the State ended up not attempting
9 to admit so there is some discussion in my motion of
10 crime scene photos, but it generally revolves around
11 the particular issue of autopsy photos.

12 THE COURT: All right, thank you.

13 MR. SUTHERLAND: And a copy has been
14 provided to the State.

15 THE COURT: All right, thank you.

16 (WHEREUPON, State Exhibits Nos. 214
17 through 220 were marked for identification
18 only.)

19 MS. CAVANAUGH: Your Honor, I hand up
20 State's Exhibits 214 to 220.

21 MR. STEADMAN: When will the pathologist
22 be testifying?

23 MS. CAVANAUGH: Doctor Durso is coming
24 this morning at 10 a.m.

25 THE COURT: All right. Mr. Sutherland.

1 MR. SUTHERLAND: Sir, I -- I do believe
2 that the State's capacity to establish material
3 facts with respect to the injuries lies in competent
4 testimony. They also have a diagram of, of these
5 injuries, which was submitted by the pathologist and
6 the diagram shows the injuries. She can testify
7 about the nature of the injuries. I don't see the
8 probative value with respect to those photos of the
9 deceased where they have a black and white diagram
10 which shows the precise same injuries but do not
11 show them in the context of an autopsy. I just, I
12 believe it will be more prejudicial than probative
13 where they have an easier and frankly less
14 distracting means of-- and Your Honor, if I may hand
15 up the diagram that they turned over from the
16 pathologist.

17 THE COURT: Yes, sir. Is it going into
18 evidence?

19 MS. CAVANAUGH: Yes, Your Honor, I think
20 it will.

21 THE COURT: I'll be glad to look at if you
22 mark it for identification purposes.

23 MR. SUTHERLAND: Yes, sir.

24 THE COURT: Or is it being offered into
25 evidence?

1 MR. SUTHERLAND: The very injuries
2 depicted on the photograph are depicted on the
3 diagram which the State has informed the Court that
4 they intend to introduce the diagram so those
5 photographs would be cumulative and prejudicial.
6 That's my sincere belief, sir. I don't think
7 there's any need for them to introduce them. They
8 can do more harm than good.

9 THE COURT: All right, thank you.
10 Solicitor.

11 MS. CAVANAUGH: Thank you, Your Honor. We
12 believe that these photographs of the gunshot wounds
13 are extremely probative of our case and are not
14 substantially outweighed by the danger of unfair
15 prejudice under Rule 403. All of the cases that
16 Mr. Sutherland has cited in his motion discuss
17 gruesome photographs. As far as State v. Edwards
18 under State v. Waits which is a 1953 case, they're
19 specifically referring to crime scene photos of the
20 deceased taken in the boiler room of a parish house.
21 State v. Middleton which is also cited multiple
22 times in Mr. Sutherland's motion, that refers to
23 autopsy photos that depicted scalp, a scalp pulled
24 away from the victim's skull as well as a photo that
25 showed a surgically opened vagina cavity exposing

1 seminal fluid. Clearly, these are — and we've
2 redacted them to the best of our ability as well as
3 narrowed them down. Clearly these are not photos in
4 the gruesome nature as described in these cases that
5 Mr. Sutherland cited, as well as a central issue is
6 that photographs in the guilt phase of the trial,
7 which I assume this is what we're in, photographs
8 should only be excluded if calculated to arouse a
9 jury's sympathy or prejudice and we're not, we're
10 not trying to do that. Mr. Sutherland has made a
11 self-defense an issue in this case through his
12 opening and through the cross-examination of some of
13 the witnesses. While we don't know exactly what his
14 defense is, that is where he's headed. These photos
15 are important to show the number of gunshot wounds
16 that the victim suffered, the diagram that Mr.
17 Sutherland referred to is not drawn to-scale. They
18 do not — the diagram does not show exactly where on
19 the body these wounds are located as the photos do.

20 Specifically, also in Mr. Sutherland's
21 cross-examination of the gunshot residue expert, he
22 made an issue about the closeness of the range of
23 the shooter. Gunshot number or mark number eight
24 shows the stippling (indicating). That is the only
25 gunshot wound where range was able to be determined.

1 The difference between that wound and the other
2 wounds are relevant to our case, and we believe that
3 we need those photos to be admitted because one of
4 the elements in our — that we have to prove in
5 murder is malice. And so it is an issue in our
6 case; and it is material to our case, Your Honor.

7 THE COURT: All right. Well, the most
8 recent guidance that I have read on photographs is
9 State v. Collins offered by Justice, Judge Few,
10 concerning the fact of a child — by dangerous dog
11 that ended up not only taking the child's life but
12 eating the child or parts thereof and there's a full
13 and complete analysis in that particular case by the
14 appellate court of probative value and the
15 prejudicial effect, and the danger of unfair
16 prejudice and the balance that the Court must go
17 through between the probative value and the unfair
18 prejudice. I think that's contingent upon the
19 pathologist's testimony. Number one, I think I
20 would have to hear her testimony as to these wounds
21 and while I don't question the solicitor at all and
22 respect to the court but what the probative value to
23 the expert witness would have. These are number
24 one.

25 Number two, it appears the Solicitor has

1 handed me up 214 for identification which has A, or
2 215 for identification which has B. There's also a
3 hand in the photograph. Is that the — whose hand
4 is that, Solicitor?

5 MS. CAVANAUGH: That is the victim's hand.

6 THE COURT: And 216 for identification has
7 the C on it, and 217 appears to be the same wound in
8 a different angle. 217 for identification has the
9 scale; 216 does not. Where it has the scale only to
10 the extent, 216 has a scale to the extent that the C
11 placard has the scale on it, but there's a different
12 type of scale on 217.

13 D shows a wound to the right clavicle area
14 (indicating) and also shows a, some type of defect,
15 red mark, above and to the right of the left breast.

16 E, 219-E shows what appears to be a
17 gunshot wound. Where is this located on the body,
18 Solicitor, 219?

19 MS. CAVANAUGH: Which marker did you refer
20 to?

21 THE COURT: Placard E. You can look at it
22 here, Solicitor.

23 MS. CAVANAUGH: Is that — that's a
24 closeup, Your Honor. E, E is actually the right,
25 the right shoulder.

1 THE COURT: All right. I thought it would
2 be right upper arm. I couldn't tell. I believe the
3 right arm is F.

4 MS. CAVANAUGH: I believe the right arm is
5 F.

6 THE COURT: F appears to be the forearm.
7 All right. Well, we'll hear from the pathologist.
8 I'll take it under advisement.

9 MR. SUTHERLAND: Thank you.

10 THE COURT: Anything further before we
11 bring in the jury?

12 MR. SUTHERLAND: Your Honor, if I may,
13 this morning right before we began I was presented
14 with another stack of papers. These, the State
15 informed me they don't intend to introduce.

16 THE COURT: I don't understand why you
17 keep getting papers, Mr. Sutherland.

18 MR. SUTHERLAND: It's beginning to wear on
19 me, sir. These, the State says they don't intend to
20 introduce but they intend to publish them to the
21 jury. Now somewhere the witness is supposed to
22 explain basically triangulation as far as the cell
23 phone towers. I mean, I can understand it
24 demonstrative in that respect because it's kind of
25 complicated, and I'll probably draw something up on

1 the board myself. But with respect to actual
2 analysis and pinpointing locations and times on a
3 map which they intend to show to the jury, handing
4 it to me before we're starting and we're going to be
5 doing other things and then taking it back, I'd have
6 to object to them publishing. And frankly, I can't
7 remember because I only had a few seconds to look at
8 it but I would just object to them publishing these
9 maps, publishing the times and all that that are
10 supposed to be tracking locations and people's cell
11 phones. I mean, even if they have given it to me
12 last night I could have taken a look at it last
13 night and been more prepared to address the Court
14 about the items that they intend to publish. I'm
15 just in the dark right now and I'd ask that they not
16 be allowed to publish. I'd have to look through
17 them one more time to solidify my objection to them,
18 again, because I've only seen them for a few seconds
19 Your Honor.

20 THE COURT: Thank you. Solicitor.

21 MS. SIMPSON: Your Honor, and I gave
22 counsel the opportunity. He actually handed these
23 back to me. What he's referring to, the phone
24 records which one set of the records are in
25 evidence. Our custodian of records will be

1 testifying as to the other set of cell phone
2 records. All of those records were provided in
3 discovery to Defense. There's nothing in this
4 demonstrative as far as information goes with
5 respect to tower locations, calling numbers,
6 duration, all the information contained in this
7 power point is within the records itself. However,
8 with phone records, you know, they are voluminous.
9 This is the way our witness intends to explain
10 what's contained in the phone records to the jury,
11 you know, the sorting of them. We are going to
12 qualify him as an expert witness or attempt to
13 qualify him, but there is no additional information.
14 And as I said, we are only seeking to introduce this
15 as a demonstrative piece of and not into actual
16 evidence to go back with the jury. It's one way for
17 the witness to relay the information that will be
18 most, to help the jury understand what these records
19 mean and what this information is.

20 MR. SUTHERLAND: If I may, sir, if —

21 THE COURT: Why don't you e-mail him the
22 power point?

23 MS. SIMPSON: The actual power point is
24 being brought. I don't have a copy of the power
25 point.

1 THE COURT: Why don't you give him a copy
2 of the power point.

3 MS. SIMPSON: Oh, here's the...

4 MR. SUTHERLAND: Sorry, Your Honor, the
5 rational for not giving me the copy was that they
6 didn't intend to introduce it.

7 MS. SIMPSON: And Your Honor, it's the
8 State's position that while we don't think we're
9 required to actually turn this over to the Defense,
10 I'm happy to provide it at Your Honor's direction;
11 but we do intend to publish this to the jury.

12 THE COURT: Well, I'm not trying — your
13 witness has not yet been offered is going to offer
14 records?

15 MS. SIMPSON: Yes, Your Honor.

16 THE COURT: And I take it this is the
17 Verizon witness?

18 MS. SIMPSON: No, this is another witness
19 who analyzed the cell phone records. The records
20 will come through in through the Verizon custodian.

21 THE COURT: And then the records, — that
22 if they're introduced, they're allowed into
23 evidence, the records contain a great deal of
24 information part of which what has been extracted

25 —

1 MS. SIMPSON: Yes, Your Honor, that's —

2 THE COURT: —for this power point.

3 MS. SIMPSON: That's correct.

4 THE COURT: To the power point.

5 MS. SIMPSON: We — yes.

6 THE COURT: That's what you're saying?

7 MS. SIMPSON: Yes, Your Honor.

8 THE COURT: So there's nothing in the
9 power point that is not contained within the cell
10 phone records?

11 MS. SIMPSON: Correct. There is one slide
12 about just demonstrating how the cell phone works;
13 but everything else — the substantive portion of
14 this is the phone records, Your Honor.

15 MR. SUTHERLAND: And I wouldn't have any
16 objection to that. I mean, it's often helpful — I
17 draw pictures all the time. It's helpful;
18 demonstratives are helpful. But just as an example,
19 at 1355 they've got a triangulation on a particular
20 location on the map. I don't have the time -- we're
21 trying a case. I don't have the time to go back to
22 those records and see if that's accurate. It will
23 be — he will be on the stand and he will be
24 testifying about it and I've got these — cell phone
25 records which ultimately, again, if they had given

1 them to me yesterday or yesterday evening, I'd have
2 probably lost a couple more hours of sleep, but I
3 would have had time to look at it. I'm just
4 reaching a tipping point with respect to receiving
5 documents from the State during a murder trial, sir.
6 Sorry.

7 MS. SIMPSON: And Your Honor, if I may
8 just briefly address. With respect to the locations
9 and the times, and yes, a substantial amount of
10 phone records were provided in discovery a while ago
11 to Defense. As far as relevant particular times I
12 think it's clear that we're going to be focused on
13 this very limited frame from the time this incident
14 occurred and a short time after that incident
15 occurred and just a short time before it, which is
16 clear through all the discovery. And this
17 information is in the phone records. And based on
18 the 1355 and the tower locations, you know, counsel
19 can verify that fairly easily with the records that
20 were provided.

21 MR. SUTHERLAND: I — Your Honor, I'll
22 just stand on my arguments thus far.

23 THE COURT: Well, I've heard your
24 arguments and let me ask you think, what are you
25 asking me to do?

1 MR. SUTHERLAND: Your Honor, I'm actually
2 arguing that this is a discovery violation. They
3 say they intend to publish it, but they don't intend
4 to introduce it. It just seems to me to be just
5 skirting around the requirement to turn things over
6 to me of significance so that I can review and
7 analyze them and I've prepared cross-examining
8 witnesses. She -- sorry, the State has offered that
9 it's, quite easy, and it may or may not be. All I
10 have seen is this (indicating). I haven't had time
11 to really -- had time other than to see that there
12 are times and locations on there to, to analyze any
13 further for its accuracy, whether there could be
14 other interpretations. It's, again, I don't have a
15 problem with demonstratives and them talking about
16 the way radio signals work. I mean, that's part of
17 this thing, and I do have some experience in the
18 military as far as signals intelligence. I
19 understand they need to show people how they
20 triangulate to find the location. My problem is
21 that they're handing this to me right before they
22 want to show it to the jury, and I'd just like to --
23 to have had the opportunity to see if it's accurate.
24 We have to try this murder case today. If is it
25 going to be during lunch that I might have the

1 opportunity to run over and look through this where
2 often times I have other things — and I need to go
3 home and get my vitamin. I've got to take my
4 vitamin during lunch today, Your Honor. I just feel
5 like these are things that could have been turned
6 over long ago, even a short while ago, and I
7 wouldn't be as with the ballistics evidence that was
8 turned over to me yesterday afternoon I had the —
9 or last evening. I had the opportunity to review
10 that, and I don't have a problem with them turning
11 that over to me. I have a problem with it, but it's
12 not going to impact the defense in any way. That
13 was my analysis of it; therefore, I had no objection
14 to it. I'm just unable at this time still to state
15 exactly what it is that they've turned over to me
16 other than what they're telling me it is; and you
17 know, my capacity to look in the few seconds and
18 sort of figure out what it is that I'm looking at.
19 I mean, there just wouldn't have been time. If I
20 had had last night I'd have been able to go through
21 it and —

22 THE COURT: How much time you need?

23 MR. SUTHERLAND: I mean, if — if they
24 would call the witness tomorrow, Your Honor.

25 THE COURT: I intend on the State resting

1 today so it's going to be fairly difficult to call
2 the witness tomorrow.

3 MR. SUTHERLAND: Yes, sir.

4 COURT: And when I say intend, you know,
5 6:30 might be early.

6 MR. SUTHERLAND: Yes, sir, and --

7 THE COURT: I'll give you the opportu--
8 with that being said, many times what I intend to do
9 is not what ended up being happening.

10 MR. SUTHERLAND: Yes, sir.

11 THE COURT: You understand that? I -- my
12 intentions are very different from what the reality
13 world would offer me. How much time do you need to
14 look at it?

15 MR. SUTHERLAND: I think perhaps an hour.
16 And if -- I really don't have an answer for the
17 Court and because I just found out about this.

18 THE COURT: Well, based on what's been
19 presented to me at this time it's not a discovery
20 violation if all the material was included within
21 that which was turned over.

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: If it was included in the
24 T-mobile and Verizon and other, it's clearly not a,
25 not a discovery violation. And under Rule 1006 of

1 the South Carolina Rules of Evidence the contents of
2 voluminous writings, recordings, photographs which
3 cannot conveniently bound in form of a chart,
4 summary, or a calculation provided the underlying
5 data was admissible into evidence. Of course, the
6 rules of evidence were written prior to power point.

7 MR. SUTHERLAND: Yes, sir.

8 THE COURT: I've tried cases prior to the
9 rules of evidence so with that being said, they can
10 certainly extract and present it in a summary
11 fashion which is as, you know, and all good trial
12 lawyers know, that's how you want to present
13 evidence to the jury to focus on, focus on that
14 which is, which is relevant to the case.

15 Solicitor, let me ask you this, when do
16 you want to do explanation or the power point?

17 MS. SIMPSON: Your Honor, we have — he's
18 scheduled to be here at 10:30 but that's just
19 because that's when we have our last round of
20 witnesses. He's probably fourth in our lineup. And
21 just briefly, I did leave out one thing, Your Honor,
22 with respect to power locations that defense counsel
23 seems surprised by, in our investigative reports
24 that were turned over, Investigator Unger as well as
25 Lieutenant Scott McDonald who is the witness who

1 will be testifying on this point, you know, tower
2 locations are is made an issue. They are addressed
3 in the investigative reports in addition to the
4 actual records that are provided. But, yes, fourth
5 in the lineup, that is — we have —

6 THE COURT: Well, I'm going to give, as I
7 say, I do not find it's a discovery violation but
8 I'll give Mr. Sutherland an opportunity to review
9 that item and the power point prior to the
10 presentation of the witness.

11 MS. SIMPSON: Thank you, Your Honor.

12 THE COURT: All right. Thank you,
13 Solicitor.

14 MR. SUTHERLAND: And if I may out of
15 abundance of caution, I'd like to inquire of the
16 State if there are any other discovery or anything
17 else that they — since it's happening every day, is
18 there anything else that they have please give it to
19 me now.

20 THE COURT: All right, Solicitor.

21 MS. CAVANAUGH: No, Your Honor.

22 MR. SUTHERLAND: Thank you, sir.

23 THE COURT: So you won't be getting
24 anymore discovery. There is no more discovery,
25 correct?

1 MS. CAVANAUGH: Well, Judge, since we are,
2 Your Honor, since we are with demonstrative evidence
3 at this point we do have some charts, a chart, that
4 summarizes the DNA result; but again, that's
5 demonstrative. It's contained in the DNA report
6 that he already has. That would be the only piece
7 of paper I know that we plan on publishing to the
8 jury that we haven't turned over to him.

9 MR. SUTHERLAND: I would like, I would
10 like to see it —

11 THE COURT: All right.

12 MR. SUTHERLAND: —ultimately just — I
13 mean, I know what the DNA evidence is in the case; I
14 know what the testimony's going to be but...

15 MS. SIMPSON: And Your Honor, as I said,
16 these are use of demonstrative only, and they are
17 the exact results as they're indicated. The
18 language is exactly the same. Again, this is just
19 for purposes of relaying the information to the
20 jury. I will be happy to let Defense counsel review
21 them, but there's nothing in this that's absence the
22 report.

23 MR. SUTHERLAND: And I don't have a
24 problem with this one (indicating). This is
25 actually the substance of the report that I

1 received.

2 THE COURT: Are those are just
3 enlargements —

4 MR. SUTHERLAND: Yes, sir.

5 THE COURT: —and a redacted report?

6 MR. SUTHERLAND: They just divided it up
7 to, and I don't have a problem with that at all.

8 THE COURT: Any others, you have any other
9 demonstrative evidence? How about ballistics or —

10 MS. SIMPSON: No, we don't have, Your
11 Honor.

12 THE COURT: —fingerprints or anything
13 else?

14 MS. CAVANAUGH: No, Your Honor. No, that
15 would be it.

16 THE COURT: Thank you, sir.

17 All right. Y'all ready for the jury,
18 Solicitor?

19 MS. CAVANAUGH: Yes, Your Honor.

20 MR. SUTHERLAND: Yes, sir.

21 (The jury was returned to the courtroom at
22 9:58 a.m.)

23 THE BAILIFF: Your Honor, the jury's all
24 present.

25 THE COURT: Thank you. Thank you very

1 much, Mr. Bailiff.

2 Mr. Foreman, ladies and gentlemen of the
3 jury, good morning. Welcome back. I apologize for
4 the delay. I had some matters to take up with the
5 attorneys. As I tell you every morning and it's
6 correct every morning, the attorneys were not on
7 time; they were early. They were working very
8 diligently in an attempt to move the case along
9 efficiently throughout the trial of the case. I
10 hope you've all had a — I hope y'all had a pleasant
11 evening. We're continuing the trial of this case
12 burr the presentation of evidence and testimony by
13 the State in its case and chief.

14 Solicitor, you may call your next witness.

15 MS. CAVANAUGH: Thank you, Your Honor.
16 The State calls Corporal Randy Hayhurst.

17 THE COURT: All right, if you'd come
18 around and be sworn please.

19 WHEREUPON,

20 **RANDY HAYHURST,**
21 after having been duly sworn, testified as follows:

22 THE WITNESS: Corporal Raymond Hayhurst,
23 H-A-Y-H-U-R-S-T, Richland County Sheriff's
24 Department Fugitive Task Force.

25 **D I R E C T E X A M I N A T I O N**

SW - R. HAYHURST - DIRECT

1 **BY MS. CAVANAUGH:**

2 Q Corporal Hayhurst, how long have you been with
3 the.

4 Richland County Sheriff's Department?

5 A Been with the Sheriff's Department 15 years
6 coming up.

7 Q And how long have you been on the fugitive team?

8 A I worked the majority of my time with the
9 Sheriff's Department. I spent about a
10 year-and-a-half on the road.

11 Q Okay. I'm going to take your attention to
12 January 25th of 2012. Did you go to [REDACTED]
13 Road, or at least the surrounding area that day?

14 A Yes, ma'am.

15 Q And why did you go to this location?

16 A We were looking for the suspect Mr. Singleton.

17 Q Okay, Jabriel Singleton?

18 A Yes, ma'am.

19 Q And at this time when you went to this location
20 did you know what the defendant was charged with?

21 A Yes, ma'am.

22 Q And what was that?

23 A Murder, ma'am.

24 Q State's Exhibit 193, do you recognize this area?

25 A Yes, ma'am.

SW - R. HAYHURST - DIRECT

1 MS. CAVANAUGH: And permission for the
2 witness to step down, Your Honor.

3 THE COURT: Yes, sir, just keep your voice
4 up when you're away from the microphone.

5 (Witness steps down.)

6 BY MS. CAVANAUGH:

7 Q What does this area show?

8 A This area shows the area off Hor Hill Road and
9 Cross Hill Road in Hopkins.

10 Q You want to use that pointer so you don't have
11 to — Okay. And upon arriving at this location
12 where did y'all, where did y'all first park your
13 vehicles?

14 A We came in on Cross Hill. We came in this
15 driveway here at these residence and exited the
16 vehicle. The vehicle I was in was on this side of
17 this residence here.

18 Q What happened once y'all exited your vehicles?

19 A As we're exiting the vehicle to look for
20 Mr. Singleton I exited the vehicle. When I came out
21 I came out of the right side of the vehicle, right
22 rear of the vehicle looking in the direction of the
23 adjacent house and the wood line; and when I did,
24 there was a black male average height, average size
25 coming out of the wood line to the backyard looking

SW - R. HAYHURST - DIRECT

1 to appear to be a little startled when he seen us,
2 wearing a black hood type jacket. I did focus my
3 attention back on the residence and other officers
4 for obvious safety reasons until we determined what
5 was going on.

6 Q Okay, you can sit back down. After you saw that
7 gentleman man and you said he appeared to look —
8 how did you say his demeanor to you?

9 A A little startled that because of the presence of
10 law enforcement is coming out the wood lines,
11 shocked to see us.

12 Q Okay. And what happened — you said you had to
13 direct your attention somewhere else?

14 A Yes, ma'am.

15 Q And why was that?

16 A They were making the contact at the residence
17 there, and the residence behind that residence so I
18 was trying to focus on covering those officers so if
19 they come in contact with everybody we have the
20 scene secured safe.

21 Q And at that point you didn't know whether that
22 individual you saw was the defendant or not; is that
23 correct?

24 A No, ma'am.

25 Q Now as y'all were arriving to this location had

SW - R. HAYHURST - DIRECT

1 you seen anybody else around the area?

2 A On the Cross Hill, on the other side of Cross
3 Hill, there were some people out doing some yard
4 work, meddling around in their yards. They didn't
5 pay much attention to us, what we were doing.

6 Q So this is the only individual that appeared
7 startled to you?

8 A Yes, and he was in the rear of the residence.
9 Like I said, he was coming out of a wooded area.

10 Q Okay. And what happened next?

11 A We made initial contact there, went around to the
12 address that was on [REDACTED] I believe his father's
13 address, of Mr. Singleton. And after surrounding
14 that area we fanned back and I recalled seeing the
15 suspect. So there's like a cut, I guess, the wooded
16 area, we kind of milled that wooded area looking
17 over it, and that's when we found the black jacket
18 matching the description of the jacket that the
19 gentleman was wearing and there was a cell phone
20 with the jacket.

21 Q Okay. And did the use of his phone number, did
22 y'all determine that was, in fact, his phone?

23 A As far as I remember, yes, ma'am.

24 Q And did that phone and the jacket appear to have
25 been there very long?

SW - R. HAYHURST - DIRECT

1 A No, ma'am. It was not full of dirt. It was
2 clean, and it didn't appear like it had been laid
3 out on the road for any period of time.

4 Q Okay. And can you point to the area of the wood
5 line that that was located?

6 A Yes, ma'am, this — excuse me. This is the
7 (indicating) father's residence.

8 Q Yes.

9 A And this is the wood line. It was in this area
10 (indicating) of the wood line.

11 Q Was that close to where you saw that individual
12 standing previously?

13 A Yes, ma'am.

14 Q Did y'all try to locate the subject that day?

15 A Yes, ma'am. From the point of where we found
16 that material and jacket and cell phone actually
17 came out, we did a track from there to the back,
18 checked all of those residences, knocked on a couple
19 of doors and continued down across another roadway,
20 searched the big wooded area and all over. We ended
21 up on another adjacent street as we were tracking
22 him —

23 Q And were you successful in apprehending the
24 defendant on that day?

25 A Not that day, no, ma'am.

SW - R. HAYHURST - DIRECT

1 Q The next day did you assist in locating the
2 defendant?

3 A Yes, ma'am.

4 Q And what was your involvement the next day?

5 A The next day we got some information in a hotel
6 behind the Hardees on Garners Ferry Road and Veteran
7 Road. We ended up at that location, ended up
8 interviewing some of the cleaning people, other
9 people there, ended up basically knocking on every
10 door that was supposed to have individuals in it.
11 And we ended up at one final room which we could not
12 get any initial contact. And at that point there's
13 a breezeway and the corner of the room was adjacent
14 to that breezeway. Several officers were there,
15 eventually made contact in that room with the
16 suspect.

17 Q And you actually didn't — you weren't present at
18 the immediate arrest point, were you, in the room,
19 actual room?

20 A I was not in the room. I was — I did not enter
21 the room until after the suspect was in custody and
22 being removed from the room. There was also a
23 female in the room.

24 Q Okay. And did you have any information on who
25 this female was at the time?

SW - R. HAYHURST - DIRECT

1 A The female was the -- the black female was
2 believed to be the girlfriend of Mr. Singleton.

3 Q Okay, and did you -- how was she -- when the
4 officer went into the room how was she, I guess for
5 lack of a better term, how as she removed from the
6 room?

7 A When they made contact with the two individuals
8 in the hotel room she was -- there was a chain of
9 officers that went in, in chain formation. She was
10 passed between those officers back to safety. She
11 was then given to me. After they cleared the room I
12 ended up going in the room and sitting with her.

13 Q So you sat with her?

14 A Yes, ma'am.

15 Q Okay. And what's the purpose-- I mean, is this
16 -- when you say, when you speak of the chain
17 formation, is this policy when y'all are making
18 entry into a room such as this?

19 A Depending on that officer, you got going to
20 stack. It lessens your view to the suspect if shots
21 were fired. It gives each other coverage entering a
22 room. You can then cover the room at any adjacent
23 rooms. If you're clearing a house that's very
24 common practice for us to stack up and go in. If we
25 enter in a doorway which we call it a fatal funnel,

SW - R. HAYHURST - DIRECT

1 it's our job just to get as many people in that room
2 and fanned, out. Cover the room as much as
3 possible. That's the easiest method to do it.

4 Q So when she's passed along it's not in an
5 aggressive manner or anything like that?

6 A No, ma'am, she had no weapon. She had just past
7 back separate her from the individual and to secure
8 both of them.

9 Q What was her demeanor like as you were sitting
10 with her?

11 A She was very upset and very shaken. I tried to
12 reassure her and calm down and tell her everything
13 would be okay.

14 Q Okay. And you didn't actually talk to her that
15 day, you were just waiting for the investigators; is
16 that right?

17 A Yes, ma'am. I just basically sat with her until
18 the investigators came.

19 Q You said she was upset?

20 A Yes, she appeared to be shaking.

21 MS. CAVANAUGH: Beg the Court's
22 indulgence. All right, thank you. There's no
23 further questions.

24 **CROSS - EXAMINATION**

25 **BY MR. SUTHERLAND:**

SW - R. HAYHURST - CROSS

- 1 Q Just briefly I wanted to back over to [REDACTED]
2 [REDACTED] I believe you had said that you'd gotten out
3 of the rear door of the vehicle and you were
4 focusing on a particular residence.
- 5 A There's a group of three houses that we got out
6 at. I was just a cover officer. I was not the lead
7 investigator on the case or the lead fugitive
8 investigator in the case. I was actually covering,
9 I was there to cover the area and the officer.
- 10 Q And so you were keeping an eye out for the other
11 officers?
- 12 A Yes, sir.
- 13 Q And you had testified that you saw an individual
14 walking out of the edge of a wood line; is that
15 correct?
- 16 A Yes, sir.
- 17 Q And that he looked startled so I guess y'all
18 looked at one another?
- 19 A When I exited the right rear of the vehicle I was
20 facing in that direction. He caught my attention.
21 It seemed odd from my experience, and his demeanor
22 just seemed odd. Caught my attention briefly, then
23 I focused back on the task at hand with the officer.
- 24 Q All right. And then once you all had done what
25 you were there to try to do you just turned back and

SW - R. HAYHURST - CROSS

1 this individual was not there anymore; is that
2 correct?

3 A Correct.

4 Q Okay, thank you.

5 A Thank you.

6 MR. SUTHERLAND: No further questions.

7 THE COURT: Redirect, Solicitor?

8 **REDIRECT EXAMINATION**

9 **BY MS. CAVANAUGH:**

10 Q But again, the defendant's phone was found in the
11 area that you saw that person before he fled; is
12 that correct?

13 A Yes, ma'am.

14 Q Thank you.

15 THE COURT: Recross?

16 MR. SUTHERLAND: No, sir. Thank you.

17 THE COURT: Thank you. Thank you very
18 much, officer. You may step down.

19 MS. SIMPSON: Yes, Your Honor. May we
20 approach?

21 THE COURT: Yes, ma'am.

22 (Whereupon, there was on off-the-record
23 Bench conference held.)

24 THE COURT: Mr. Foreman, ladies and
25 gentlemen of the jury, please leave your notes and

SW - R. HAYHURST - REDIRECT

1 step out. Do not discuss the case with anyone.

2 (The jury was removed from the courtroom
3 at 10:14 a.m.)

4 THE COURT: All right, Solicitor.

5 MS. CAVANAUGH: Yes, Your Honor. Our
6 firearms analyst, David Collins, came into the
7 courtroom. He indicated to us as soon as he
8 recognized the juror number 219, Keith Ringer, he
9 recognized him as having gone to high school with
10 him. I'm guessing that was --

11 MR. COLLINS: Class of 1980.

12 MS. CAVANAUGH: The class of 1980, and
13 has, doesn't have any interaction with that juror;
14 however, he did want to bring that to our attention
15 and we felt it necessary to bring it to Your Honor's
16 attention.

17 THE COURT: All right, thank you.

18 Mr. Sutherland?

19 MR. SUTHERLAND: Yes, sir. I just wonder
20 what the nature of the relationship is today if
21 Investigator Collins can inform the Court. I
22 understand -- I'd just like to see how well they
23 know each other, if he'd walk in and recognized him.

24 THE COURT: What you're asking me to do?

25 MR. SUTHERLAND: Just to question

1 Investigator Collins.

2 THE COURT: Y'all can question him in my
3 presence. I'm not going to question him.

4 MR. SUTHERLAND: Yes, sir.

5 THE COURT: Call him to the stand.

6 MR. SUTHERLAND: Yes, sir. If I may call
7 Investigator Collins to the stand.

8 WHEREUPON,

9 **DAVID COLLINS,**

10 after having been duly sworn, testified as follows:

11 THE CLERK: Thank you. Please have seat
12 in the witness stand.

13 **D I R E C T E X A M I N A T I O N**

14 **BY MR. SUTHERLAND:**

15 Q Sir, good morning.

16 A Good morning.

17 Q First of all, I appreciate your bringing this to
18 the Court's attention and the Solicitor's attention.

19 You went to high school with this Keith Ringer?

20 A I did.

21 Q And I mean, you recognized him right off the back
22 when you came in?

23 A Oh, yes. I have seen him since high school at a
24 few social functions at a mutual friend's house, but
25 we don't have any direct social interaction.

1 Q So you've seen him since at a few social
2 functions at friend's house?

3 A Yeah, at a mutual friend's.

4 Q Okay. You recall the last time you saw him?

5 A I would say it would be approximately
6 one-and-a-half to two years ago at the same mutual
7 friend's house.

8 Q But you all through high school and I guess
9 through your mutual friend have known each other
10 since?

11 A Yes.

12 Q Well, '80, if you graduated in '80, since the
13 70s?

14 A Since the late 70s, yes, sir.

15 Q Okay, thank you sir. I don't have anymore
16 questions.

17 THE COURT: You have any questions,
18 Solicitor?

19 MS. CAVANAUGH: Yes, Your Honor, just
20 briefly.

21 **CROSS - EXAMINATION**

22 **BY MS. CAVANAUGH:**

23 Q Would you describe your relationship with Mr.
24 Ringer as a close personal relationship?

25 A No.

1 MS. CAVANAUGH: No, Your Honor. Nothing
2 further, Your Honor.

3 THE COURT: Thank you. You may step down,
4 Mr. Collins. Yes, sir.

5 MR. SUTHERLAND: May it please the Court,
6 sir. I just point out to the Court that, that juror
7 219 failed to bring it to the Court's attention that
8 he knew Investigator Collins socially. And also, I
9 was wondering — I'd ask that the juror be excused,
10 sir.

11 THE COURT: All right. Thank you.
12 Solicitor?

13 MS. CAVANAUGH: Your Honor, I — at this
14 point we haven't inquired as to the juror of his
15 knowledge of Mr. Collins. I doubt that it's
16 anything intentional on his part. Clearly we've had
17 some juror issues in this case, particularly with
18 the last one just not recognizing the names as they
19 were called.

20 Your Honor, at this point I guess the best
21 thing to do probably to inquire of the juror. But
22 based on Mr. Collins' testimony about his
23 relationship with Mr. Ringer, number 219, there's no
24 basis at this point to excuse that juror. That's
25 the State's position.

1 THE COURT: Thank you. Thank you,
2 Solicitor.

3 All right, if you'd bring me juror number
4 219 please, 219.

5 (Juror No. 219 was returned to the courtroom.)

6 THE COURT: Good morning, sir. I wanted
7 to ask you a couple of questions.

8 THE JUROR: Yes, sir.

9 THE COURT: You're juror 219?

10 THE JUROR: Yes, sir.

11 THE COURT: I read the list of names at
12 the beginning of the trial when we went through —

13 THE JUROR: Yes, sir.

14 THE COURT: —jury qualifications. I
15 think I read 63 names —

16 THE JUROR: Yes, sir.

17 THE COURT: —of potential witness in the
18 case. Did you recognize any of those names?

19 THE JUROR: I recognized one, but when you
20 said it was Richland County that didn't, didn't go
21 with me, yes, sir.

22 THE COURT: And what name did you
23 recognize?

24 THE JUROR: Was it David Collins?

25 THE COURT: All right.

1 THE JUROR: But I think he works for SLED.

2 THE COURT: All right. So you recognized
3 the name David Collins?

4 THE JUROR: Uh-huh.

5 THE COURT: But associated that name with
6 Richland County. That did not — you remembered a
7 David Collins that worked for SLED so—

8 THE JUROR: Yes, sir.

9 THE COURT: —that would not be the David
10 Collins that you knew?

11 THE JUROR: That's what I thought, yes,
12 sir.

13 THE COURT: All right, that's what you
14 thought. Do you know a David Collins that worked
15 for SLED?

16 THE JUROR: I do. I went to high school
17 with David Collins. I think he told me he worked
18 for SLED. That's a — I don't see him that much.

19 THE COURT: Where did y'all go to high
20 school?

21 THE JUROR: Carter Newman.

22 THE COURT: So there are more than just me
23 that's Carter Newman graduates. I'm so happy to
24 know that.

25 THE JUROR: Yes, sir.

1 THE COURT: It was such a small class in
2 my time. I didn't finish in '80.

3 THE JUROR: Yes, sir.

4 THE COURT: So you and Mr. Collins were
5 both in that class?

6 THE JUROR: Yes, sir.

7 THE COURT: All right. Well, let's ---

8 THE JUROR: And I think you --- sir, excuse
9 me. I think with what you told us with a close
10 friend ---

11 THE COURT: Yes, sir.

12 THE JUROR: Yes, sir, I don't --- I don't
13 see Mr. Collins but maybe once every couple of
14 years, one year or something. So I'm, you know,
15 we're not --- but when I heard that name I said, well
16 that seems familiar; and when you said Richland
17 County I said I think he told me he worked for SLED,
18 yes, sir.

19 THE COURT: All right. Well, let's say
20 given the fact that the witness, that David Collins
21 that is going to testify and that David Collins you
22 finished high school with ---

23 THE JUROR: Yes, sir.

24 THE COURT: ---formerly worked for SLED,
25 now works for Richland County Sheriff's Office.

1 THE JUROR: Okay, I'm sorry, yes, sir.

2 THE COURT: You didn't know that?

3 THE JUROR: No, sir.

4 THE COURT: Could you still be a fair and
5 impartial juror in the trial of this case for both
6 Mr. Singleton and the State?

7 THE JUROR: Absolutely, sir.

8 THE COURT: All right. Anything you'd
9 like to add to that?

10 THE JUROR: No, sir, I'm sorry. I would
11 have, I would have said something if I would have
12 thought that was it.

13 THE COURT: Thank you. Thank you very
14 much. Would you just step outside in the hallway
15 —

16 THE JUROR: I will.

17 THE COURT: —momentarily for me.

18 THE JUROR: Thank you.

19 THE COURT: Juror number 219 will just
20 remain with the bailiff.

21 (Juror is removed from the courtroom.)

22 THE COURT: All right, would like any
23 additional voir dire, Mr. Sutherland?

24 MR. SUTHERLAND: Your Honor, just into the
25 nature of the social events perhaps. I mean, he

1 testified that they'd seen each other every year or
2 two. That's consistent with what Investigator
3 Colins testified. I mean, I -- I don't know that it
4 would be any different that in something social
5 functions through mutual friends so I can't say --

6 THE COURT: If you want me to ask him
7 about where he would see him in the last
8 year-and-a-half, two years or?

9 MR. SUTHERLAND: I believe it's gonna be
10 -- I'll be sure it's gonna be consistent with what
11 Investigator Collins said, and I just -- in that, in
12 that light, Your Honor, I don't know that it's
13 necessary to put the question to the juror. I don't
14 see why their answers would be any different
15 frankly. I would ask that juror be excused and just
16 on the basis that they've known one another for 30
17 years. He testified that it's not a close, you
18 know, personal relationship. They see each other
19 every year or two. Investigator Collins testified
20 that when they see each other every year or two it's
21 at social engagements through mutual friends, and I
22 would have moved to strike the juror had I had the
23 information available to me during jury selection,
24 sir. And I'm just terribly uncomfortable with the
25 juror being, who's known an officer for some 30

1 years, deliberating on a case. I'd ask the Court to
2 excuse the juror.

3 THE COURT: Thank you. So let me make
4 sure I'm clear, you do not want me to voir dire the
5 juror any further?

6 MR. SUTHERLAND: It's in Your Honor's
7 discretion. I don't have any reason to believe the
8 answers would be any different.

9 THE COURT: All right, thank you.
10 Solicitor.

11 MS. CAVANAUGH: Thank you, Your Honor.
12 First of all, I think the issue here is the juror
13 said that he could be fair and impartial in light of
14 that fact. With respect to defendant strike count,
15 he used all ten of his strikes, Your Honor, and I'm
16 assuming he had valid reasons for all of those. But
17 I did, you know, do not feel that based on this
18 juror's or voir dire of this juror nothing was
19 intentional. He stated he could be fair and
20 impartial. And we also have the testimony from
21 Lieutenant David Collins as well on this issue so,
22 you know, and excusing the juror at this point too,
23 Your Honor, leaves us with no alternates as well.

24 THE COURT: Thank you, Solicitor.

25 MR. SUTHERLAND: Just briefly —

1 MS. CAVANAUGH: Or we have no alternates.

2 MR. SUTHERLAND: With respect to my having
3 used all my strikes juror 219 was the first juror
4 seated.

5 THE COURT: I understand. All right,
6 anything further?

7 MR. SUTHERLAND: That's all, sir.

8 THE COURT: All right. Well, looking for
9 guidance in case of State versus Burgess, I don't
10 have the actual site. It's opinion 4765,
11 37-58-15(12) (b) Court of Appeals. In that
12 particular case a member of the jury had notified
13 the deputy clerk of court that he recognized a lady
14 in the audience. The lady in the audience was the
15 estranged wife of David Slice who was the victim and
16 the sister of a man the juror supervised as well.
17 The judge asked the juror if he could still be a
18 fair and impartial juror to both the State and
19 Defense in which the juror responded, yes, sir,
20 so absolutely. Outside the juror's presence the
21 judge asked if either side wanted additional voir
22 dire. I have asked that question; both sides
23 declined that offer.

24 This case goes on to state, this case of
25 burglary, the fact that the juror has some

1 relationship with the victim does not automatically
2 require the trial judge to remove the juror. Citing
3 State v. Jones, the mere fact that the person is a
4 friend or acquaintance of the victim does not render
5 him incompetent as a juror. Citing the State v.
6 Wells, affirming qualification of a juror who is
7 directly employee of the victim a year or more prior
8 to trial. Citing State v. Hilton, there is no rule
9 of common law. In other words, there the statue
10 disqualifying the juror on the account of his
11 relationship to the witness either by affinity or
12 consanguinity -- I probably mispronounced that --
13 within any degree although it doesn't cite State v.
14 Elmore. I think in State versus Elmore is a friend
15 of the assistant solicitor who happened to be the
16 daughter of the solicitor who was on that jury.

17 Second, the juror did not conceal any
18 information requested during voir dire. You can see
19 I thought that this particular juror is -- says, you
20 know, that name struck a bell David Collins, but the
21 David Collins that I knew I believed he told me he
22 worked at SLED so that bell stopped ringing when I
23 said Richland County Sheriff's Department. As we
24 know Mr. Collins did work for SLED one time, now
25 works for Richland County Sheriff's department. But

1 that shows the effort in which the juror was putting
2 into the voir dire process himself.

3 He further does state that he can be fair
4 and impartial. It is very different from the case
5 that's cited in Burgess versus Stone verse State v.
6 fronting week doubt when the juror conceals
7 information during voir dire which is not the case
8 here. Further, he, he the juror, 219, states that I
9 believe your question was close, personal friends.
10 It appears that they graduated from high school 23
11 years ago probably this May. Is that right? 10,
12 20, 33 years ago. I guess I was trying to lose a
13 decade or add a decade for Mr. Collins. And have
14 not seen each other socially in the last
15 year-and-a-half or two years. That's corroborated
16 also by the witness's testimony. I find that this
17 juror would be a fair and is a fair and impartial
18 juror and takes his oath seriously and I decline to
19 remove him from the jury.

20 Anything further before we bring our jury
21 back in from the State?

22 MS. SIMPSON: Briefly, Your Honor, back to
23 the point with the power point, and this is — my
24 apologizes, Lieutenant Scott McDonald came in.
25 There are two additional slides which are not in the

1 packet that I have that I provided to defense
2 counsel so I just wanted to add those to them.
3 Again, the information is all within the records as
4 far as tower locations and things of that nature,
5 but I did want to make sure he had everything before
6 he went to review it.

7 THE COURT: Thank you.

8 MR. SUTHERLAND: And thank you for your
9 consideration on the motion with respect to the
10 juror, Your Honor. And I would say I swear I heard
11 them say they didn't have anymore documents or
12 anything for me so...

13 THE COURT: Mark those and let me look at
14 them and I'll take it under advisement as whether
15 or not I will allow them to use it.

16 MR. SUTHERLAND: Yes, sir. I'll just copy
17 them during the break.

18 THE COURT: Yes, sir. Thank you.
19 Anything further before we bring in our jury,
20 Solicitor?

21 MS. CAVANAUGH: No, Your Honor.

22 THE COURT: Mr. Sutherland?

23 MR. SUTHERLAND: No, sir, thank you.

24 THE COURT: I think I need a break. We'll
25 take about a ten minute recess. I apologize, about

1 ten minutes. Thank you.

2 (Whereupon, a recess was taken.)

3 THE COURT: All right. Anything before we
4 bring in our jury from the State?

5 MR. SUTHERLAND: Nothing from the Defense
6 or — sorry.

7 THE COURT: From the State?

8 MS. SIMPSON: Nothing from the State,
9 Your Honor.

10 THE COURT: From the —

11 MR. SUTHERLAND: Can I go ahead and mark
12 these, Your Honor?

13 THE COURT: Yes, sir. I believe you can
14 bring us our jury.

15 (The juror was returned to the courtroom
16 at 10:51 a.m.)

17 THE BAILIFF: Your Honor, the jury's
18 present.

19 THE COURT: Thank you. Thank you very
20 much.

21 Welcome back, ladies and gentlemen of the
22 jury. I apologize for the delay. I had a legal
23 issue I had to take up. I assure that this delay
24 was not caused by either of the parties in this
25 case. We're continuing the trial of the case by the

1 presentation of evidence and testimony by the State
2 in its case and chief. If you'd please continue to
3 give the parties your complete and undivided
4 attention.

5 Solicitor, you may call your next witness.

6 MR. STEADMAN: The State calls Patrice
7 McKnight.

8 WHEREUPON,

9 **PATRICE MCKNIGHT,**

10 after having been duly sworn, testified as follows:

11 THE CLERK: Please have a seat in the
12 witness stand and state your full name for the
13 record.

14 THE WITNESS: I'm sorry?

15 THE CLERK: State your full name for the
16 record.

17 THE WITNESS: Patrice McKnight.

18 **D I R E C T E X A M I N A T I O N**

19 **BY MR. CAVANAUGH:**

20 Q Good morning, ma'am, where are you employed?

21 A Verizon wireless.

22 Q And how long have you been employed there?

23 A Eleven years.

24 Q What do you do for Verizon wireless?

25 A I am the executive relations analyst.

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1 Q And as executive relations analyst, does that
2 include being responsible for records of the
3 business?

4 A Yes.

5 Q And are phone records created and used in the
6 ordinary course of Verizon wireless' business?

7 A Yes.

8 Q And is it part of your position to go to courts
9 and testify about those records?

10 A Yes.

11 Q How are those records created?

12 A They are created once a subpoena or a request by
13 law enforcement is made our law enforcement resource
14 team gathers those records and submits them either
15 via fax to the court mail or CD.

16 Q And are they created electronically?

17 A Yes.

18 Q I'm showing you what's been marked for
19 identification purposes as State's Exhibit 239.
20 Please take a look at that.

21 THE COURT: Tell me that number again.

22 MR. STEADMAN: 239, Your Honor.

23 BY MR. CAVANAUGH:

24 Q And what are those?

25 A These are our records for our subscriber

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1 (803)413-5892.

2 Q And have those records been changed or altered in
3 any way since their creation?

4 A No.

5 Q And once again, are they created and used in the
6 ordinary course of Verizon Wireless' business?

7 A Yes.

8 MR. STEADMAN: Your Honor, at this time
9 the State offers Exhibit 239 into evidence.

10 MR. SUTHERLAND: No objection.

11 THE COURT: State's 239 is in evidence
12 without objection.

13 (State's Exhibit No. 239 was admitted into
14 evidence.)

15 MR. STEADMAN: Thank you, ma'am. No
16 further questions.

17 THE COURT: All right, Mr. Sutherland.

18 MR. SUTHERLAND: No questions for this
19 witness, Your Honor.

20 THE COURT: Thank you. Thank you very
21 much. You may step down. You may excused.

22 All right, you may call your next witness,
23 Solicitor.

24 MS. CAVANAUGH: The States calls Doctor
25 Amy Durso.

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1 WHEREUPON,

2 **AMY DURSO,**

3 after having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please have a seat
5 on the witness stand and state your full name for
6 the record and please spell your last name.

7 THE WITNESS: Doctor Amy Durso, D-U-R-S-O.

8 **DIRECT EXAMINATION**

9 **BY MS. CAVANAUGH:**

10 Q Good morning, Doctor Durso.

11 A Good morning.

12 Q What is your occupation?

13 A I'm a forensic pathologist.

14 Q And where are you employed?

15 A I'm employed by Professional Pathology Services.

16 I generally do autopsies for the Richland County
17 crimes office.

18 Q And are you a duly licensed physician and surgeon
19 as well?

20 A I'm ---

21 Q Board licensing, I'm sorry.

22 A I'm Board certified in anatomic pathology,
23 criminal pathology, and forensic pathology.

24 Q And in what states, or is it ---

25 A I'm Board certified out of North Carolina and

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1 South Carolina medical license to practice medicine
2 in those states.

3 Q And how long have you been licensed to practice
4 your profession?

5 A I've been Board certified for three years.

6 Q Okay. And where did you receive your training in
7 pathology.

8 A I completed my residency in anatomic and clinical
9 pathology at Wake Forest University, and then I did
10 an additional year of training in forensic pathology
11 also at Wake Forest.

12 Q And when was that training received?

13 A 2005 through 2010.

14 Q And as a forensic pathologist what are your
15 duties, what are your responsibilities?

16 A A pathologist is specifically trained to perform
17 autopsies on deceased individuals to determine the
18 cause of death so by doing that we do an autopsy.
19 An autopsy is basically the examining of a deceased
20 individual starting with an external examination, so
21 looking at the outside of the body and documenting
22 any kind of injuries or identifying marks or
23 anything that we notice. And then we make a long
24 sheath incision that comes from the chest down to
25 the sternum and reflect the skin and look at all the

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1 internal organs and then we remove them one by one
2 weighing them and again closely examining them for
3 injury or illness.

4 Q One of your main responsibilities is to determine
5 the cause of death?

6 A Yes.

7 Q During our experience how many autopsies would
8 you estimate you've performed?

9 A Over a thousand.

10 Q And are you on any boards or any organizations
11 related to your field?

12 A Yeah, I serve on the South Carolina Child
13 Fatality Committee as well as the South Carolina
14 Vulnerable Adult Fatality Committee peer review
15 which we review cases in those areas.

16 MS. CAVANAUGH: Your Honor, at this time
17 the State would ask that Doctor Amy Durso be
18 qualified as an expert in the field of forensic
19 pathology.

20 MR. STEADMAN: Just briefly, Your Honor,
21 the number of times the witness has testified?

22 MS. CAVANAUGH: May I ask the question?

23 THE COURT: Or you can ask, whoever, I
24 don't care me.

25 VOIR DIRE EXAMINATION

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1 BY MR. SUTHERLAND:

2 Q Ma'am, how many times have you testified?

3 A As an expert witness, once before.

4 MR. SUTHERLAND: I still believe that
5 knowledge and experience has been met so.

6 THE COURT: All right, thank you. Thank
7 you very much, Mr. Sutherland.

8 Again, ladies and gentlemen of the jury
9 panel, you've heard this instruction before.
10 Normally a witness cannot give opinion testimony.
11 Normally a witness can only testify as to what they
12 saw, heard, or sensed by smell or something of that
13 nature. However, there is an exception. When the
14 witness is qualified as an expert in some particular
15 field, art, science, or profession. This witness
16 will be qualified in the field of forensic
17 pathology. Is that what you're offering Doctor
18 Durso in forensic pathology?

19 MS. CAVANAUGH: Yes, Your Honor.

20 THE COURT: In the field of forensic
21 pathology to give opinions in that area. That does
22 not mean that you must accept those opinions, but it
23 is evidence for you, the jury, to use in any way you
24 see fit.

25 Thank you, Solicitor, Mr. Sutherland. You

1 may continue, Solicitor.

2 MS. CAVANAUGH: Thank you, Your Honor.

3 BY MS. CAVANAUGH:

4 Q Doctor Durso, you briefly went through your
5 training and responsibilities. What exactly is
6 meant by the term autopsy, what is that?

7 A Again, autopsy is we examine a deceased person.
8 It's very methodical, and it starts with an external
9 examination and then goes into an internal
10 examination like I mentioned with the cuts on the
11 body. We look at all the organs in place and then
12 we remove them documenting any kind of injury or
13 illness and also removing the brains examining that
14 as well. At the end we make a report with all of
15 our findings.

16 Q And again, it's to determine the cause of death
17 —

18 A Yes.

19 Q —of the deceased person?

20 A Yes.

21 Q And where do you conduct your autopsies?

22 A At Palmetto Richland Memorial there.

23 Q Okay. And when the cause of death is a suspected
24 homicide, who is actually present with you during
25 the autopsy?

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1 A A representative from the Richland County
2 coroner's office, my autopsy assistant, and usually
3 some investigator from either the police or sheriffs
4 department that conduct the investigation.

5 Q And what's the purpose of the investigator to be
6 there?

7 A They usually take photographs of the decedent,
8 and they also break down the —

9 Q They collect any evidence that you might remove
10 from the decedent?

11 A Yes.

12 Q And you say they usually take photographs as
13 well?

14 A Yes, they do, as well as the coroner's office.

15 Q And ideally what do photographs taken usually
16 show?

17 A It shows any injuries or significant findings
18 that we find during the autopsy so they can be
19 reviewed later.

20 Q And what are your initial steps when performing
21 an autopsy? What are your first steps?

22 A Well, the first step is to identify the body to
23 make sure we have the correct body; and then from
24 there we just look at the outside of the body, both
25 the front and the back and we'll — and then I

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1 document any findings as well as identifying marks,
2 scars, eye color, hair color, all of those things,
3 height and weight.

4 Q And were you involved in the autopsy of Dashawn
5 Jones?

6 A Yes.

7 Q And when did you -- when did you perform that
8 autopsy?

9 A On January 25th, 2012.

10 Q Okay. And what type of information did you have
11 about Dashawn before you began your autopsy?

12 A I was just told that he was found on the driver
13 seat of a car with multiple put gunshot wounds and
14 that he was pronounced at the scene, had not
15 received any further medical care.

16 Q What was, what was the victim's date of birth at
17 the time you performed autopsy?

18 A The date of birth I was given as [REDACTED]

19 [REDACTED].

20 Q So how old was he?

21 A Twenty-four.

22 Q What item did you begin your autopsy on this
23 individual?

24 A 8:30 in the morning.

25 Q And what -- on the 25th?

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1 A Yes.

2 Q And when was he actually pronounced dead?

3 A On the day before on January 24th, 2012. It was
4 reported to me as 2:15 in the afternoon.

5 Q So a little over 12 hours before, 18 hours
6 before?

7 A Yes.

8 Q And is it typical to perform an autopsy within
9 that short period of time?

10 A Usually within 24 to 48 hours, yes.

11 Q And we'll go further in detail to each individual
12 gunshot wound, but what did you determine was his
13 cause of death?

14 A Multiple gunshot wounds involving the head and
15 chest and abdomen.

16 Q And what was his height and weight?

17 A He was 71-and-a-half inches tall and he weighed
18 257-pounds.

19 Q That's about 5'11?

20 A Yes -- well, actually, yeah.

21 Q Did you begin by examination of his external
22 body?

23 A Yes.

24 Q And what did you observe about -- what
25 observation did you make about that?

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1 A There were multiple gunshot wounds to the body
2 involving the head, chest, abdomen, arm, his right
3 arm and his leg.

4 Q Okay.

5 MS. SIMPSON: Beg the Court's indulgence.

6 BY MS. CAVANAUGH:

7 Q When you complete an autopsy do you also complete
8 a diagram?

9 A I do, yes.

10 Q I'm gonna show you what's marked as State's
11 Exhibit 240. Do you recognize this?

12 A I do.

13 Q And what is that?

14 A That's the diagram of the external findings I
15 found when I did the autopsy on Dashawn Jones.

16 MS. CAVANAUGH: And Your Honor, at this
17 time we ask that State's 240 be admitted into
18 evidence.

19 MR. SUTHERLAND: No objection, sir.

20 THE COURT: State's 240 is in evidence
21 without objection.

22 (State's Exhibit 240 was admitted into
23 evidence.)

24 BY MS. CAVANAUGH:

25 Q And Doctor Durso, I'm gonna ask you step down

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1 from the witness stand.

2 THE COURT: Doctor, if you'd please keep
3 your voice up for me.

4 BY MS. CAVANAUGH:

5 Q We'll begin by going through each of the gunshot
6 wounds ---

7 A Okay.

8 Q ---that you observed on the victim starting with
9 number one.

10 A Okay.

11 Q Can you please describe where is that depicted on
12 the actual diagram?

13 A So the entrance wound is here (indicating) and
14 labeled gunshot A. That's a essential part of the
15 forehead.

16 Q And what was --- what did you note about this
17 injury, what was the significance about this injury?

18 A Well, this entrance wound in particular had what
19 we call stippling which are these tiny little
20 abrasions around the entrance wound, and that gives
21 us an idea of how far the gun was from the skin at
22 the time that the gun was fired. And so in order to
23 have stippling, which is basically it's the
24 gunpowder from the gun that actually abrades and
25 scrapes the skin so you have to be usually within

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1 18-inches to have stippling around a wound. And
2 usually, if you don't see any soot that's usually
3 between 6 to 18 inches.

4 Q Okay, did you see soot?

5 A No, I did not.

6 Q And what does that mean, the fact you didn't see
7 soot?

8 A That it's 6 to 18 inches from —

9 Q From the firearm?

10 A From the firearm, from the gun to the — his head
11 where he was shot.

12 Q And that went through the forehead?

13 A Yes.

14 Q Where did you — was it an exit wound?

15 A No, it did not exit. It went through the brain,
16 the right side of the brain, and we actually
17 recovered the bullet from the soft tissue in the
18 right side of the neck.

19 Q Was there hemorrhaging of the brain?

20 A Yes, there was hemorrhage around the brain and
21 obliteration of part of her brain where the bullet
22 traveled.

23 Q And what does that mean exactly?

24 A That means the brain was partially destroyed
25 where the bullet traveled through it.

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1 Q And what was the trajectory of, of that wound, of
2 the bullet?

3 A Right, so it was going from his left to right
4 (indicating). It was going front to back and it was
5 also going downwards.

6 Q And so it was from left to right?

7 A Right.

8 Q And it ---

9 A Was left to his right (indicating).

10 Q And again, this is one the one you determined to
11 be within the 6 to 18 inches of the firearm?

12 A Yes, it is.

13 Q Moving on to gunshot wound number two?

14 A Yes.

15 Q Can you describe that for us?

16 A Yeah, the entrance wound I've labeled here is
17 gunshot wound K. It's on the right upper part of
18 the scalp (indicating) up here. And that wound did
19 not have any soot or stippling so I could not tell
20 exactly how far the firearm was from his head when
21 that one was discharged. That one also went through
22 the brain, and it actually ended up becoming ---
23 actually this projectile right here (indicating)
24 that I've outlined, that's gunshot D. I could
25 actually feel the bullet underneath the skin so it

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1 went from the back of his head over here
2 (indicating) into the soft tissue of the neck after
3 traveling through the brain.

4 Q And again, what were the associated injuries of
5 this travel of the bullet?

6 A The same thing. There was hemorrhaging around
7 the brain, and there was obliteration of the brain
8 material as the bullet went through.

9 Q And what was the trajectory of this bullet wound?

10 A To this wound actually going from right to left.
11 It was going front to back and downwards.

12 Q So downwards again?

13 A Downwards and also front to back like the last
14 one but going right to left instead of like the last
15 one.

16 Q And in fact, the one, the first one that you
17 mentioned was the only one that was from left to
18 right?

19 A I believe so, yes.

20 Q And that was a close range —

21 A Right.

22 Q —gunshot wound?

23 A Yes.

24 Q Moving to number three, what did you note about
25 — where was this wound?

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1 A This one I labeled as gunshot wound C, the
2 entrance wound that's going right around his right
3 clavicle which is his shoulder right here.

4 Q And what did you note about this particular
5 wound?

6 A It was somewhat atypical. Usually the entrance
7 wounds are kind of frontal because when the bullet
8 travel it's spinning but the nose is going forward;
9 but if the bullet or projectile hits something
10 first, it will start tumbling and so it doesn't make
11 a nice, round entrance wound, it's kind of atypical.
12 But the other thing it can also make, a wound look,
13 an entrance wound will look atypical if it's over
14 kind of a bloody surface so that can end up being
15 another entrance wound. I couldn't tell the
16 difference from my autopsy.

17 Q And again, was -- was there anything noted about
18 a brown fragments in that particular wound?

19 A There were some brown foreign fragments that we
20 thought possibly may have come from the necklace
21 that he had been wearing.

22 Q And again, did you -- did you state the
23 trajectory of this?

24 A Yes, the -- we found the bullet right within the
25 clavicle within the actual bone so it didn't travel

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1 very far and so the trajectory for was from front to
2 back.

3 Q Okay. But the entrance was from the front?

4 A Yes.

5 Q And number four, what did you note about that
6 particular gunshot wound?

7 A So this is gunshot wound D is the entrance wound
8 would have been here on the right shoulder up here;
9 and so this one, again, this one did not have any
10 soot or stippling so there's no way for me to tell
11 the distance from the gun to the decedent in this
12 case. It actually goes into the chest and it goes
13 through the left lobes of the lung and it goes
14 through the diaphragm which is kind of what
15 separates your chest from your abdominal cavity.
16 And then it hit a major vein called a vena cave
17 which kind of brings all the blood from the lower
18 half of your body so it's kind of a large vessel.
19 It perforated that. And then it actually went
20 through the liver which is up here in the right
21 upper part of your abdomen. Then it went through
22 the stomach and then it actually — we actually
23 found the projectile just around his pancreas over
24 on the left side of his abdomen.

25 Q And what was the trajectory of this bullet?

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1 A It was from right to left and downwards.

2 Q Again, the entrance wound was to the front of his
3 right shoulder?

4 A Yes.

5 Q Okay. Moving on to the gunshot wound you noted
6 number five, what observations did you note about
7 that?

8 A Number five is to the — the entrance here is
9 gunshot wound E to this right lower arm, and so it
10 goes in back here. And then it actually exited
11 through the front of his arm so that one exited the
12 soft tissues of his right arm.

13 Q So there's no actual projectile in the arm?

14 A No.

15 Q And you note that that's posterior to anterior?

16 A That's only in anatomical position so the way my
17 diagrams are is they're in anatomical position so it
18 doesn't mean that he was standing in anatomical
19 position when he was shot. It's possible his arm
20 could have been up in the air really in the air.

21 Q So entrance wound you said was located —

22 A On the back of his arm here (indicating) so.

23 Q So could have been consistent with his arm being
24 up like this (indicating)?

25 A Yes.

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1 Q Again, from right to left?

2 A Kind of depends where his arm was.

3 Q Okay.

4 A I can't really say right to left.

5 Q Right. You actually didn't know the trajectory
6 on that?

7 A No.

8 Q Number six?

9 A Yes.

10 Q What — can you describe that gunshot wound for
11 us?

12 A Yes, this I describe as on the entrance wound as
13 gunshot wound I over here on the right back
14 (indicating) on the torso here. Again, there's no
15 soot or stippling is identified on the entrance
16 wound so I can't tell you what the stuff is on out
17 either, but it perforated through the small bowels
18 of the intestines and then actually exits right here
19 (indicating) where I labeled gunshot wound G, the
20 left abdomen.

21 Q And where was the entry point?

22 A It was here (indicating) on the right back so it
23 goes in here (indicating) and comes out here.

24 Q And again, could that be consistent with someone
25 sitting facing this way but twisting kind of to

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1 shield themselves?

2 A Yes.

3 Q And what was the trajectory of this bullet?

4 A This was from right to left, from back to front
5 and very slowly downwards.

6 Q Moving on to number seven which, how did you
7 describe that gunshot wound?

8 A This is another gunshot wound to the abdomen.
9 This is the entrance wound, gunshot wound J here
10 (indicating) to the lower back just below where I
11 previously described is where the bullet went in.
12 Again, no soot or stippling identified so I can't
13 figure the distance on that one, and the projectile
14 actually became lodged in the L-4 of the vertebral
15 body which is the big bones in your spine.

16 Q Was number seven similar to gunshot wound number
17 six?

18 A Yeah, it was the same trajectory, yes.

19 Q Okay, so again, consistent with twisting far?

20 A Yeah.

21 Q Could it be consistent with twisting away?

22 A It can be, yes.

23 Q And you noted that that was right to left as
24 well?

25 A Yes, right to left.

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1 Q And slightly downwards?

2 A Yes, and back to front.

3 Q And finally, as far as the individual gunshot
4 wounds number eight, can you describe that for us
5 please?

6 A Yes, so this one was to the left upper leg so the
7 entrance wound I start is gunshot wound eight here
8 on the left upper thigh. Again, no soot or
9 stippling is identified on the skin so I can't give
10 you the distance on that one. It was somewhat
11 atypical like the one over the clavicle; but again,
12 this was not over a bony surface so I -- I concluded
13 this is likely a re-entrance wound and it kind of
14 lined up with the exit wound in the abdomen so I
15 thought perhaps that he had been sitting, it could
16 have exited here and re-entered gunshot wound H
17 here. And it just went to the soft tissue of the
18 left leg and actually recovered the projectile in
19 the soft tissue of .

20 Q So that was on -- the wound was in the front of
21 the leg?

22 A Yes.

23 Q And what was the trajectory path of that bullet?

24 A It was very slightly right to left. It was
25 downwards and it was slightly front to back.

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1 Q Okay. You can, you can have a seat.

2 A (Witness complies.)

3 Q I would like to bring your attention back to
4 gunshot wound number one.

5 A Okay.

6 Q And you on page 6 of your report you have a
7 section marked as microscopic descriptions?

8 A Yes.

9 Q Did you write anything under that heading related
10 to gunshot wound number one?

11 A Yes, I actually took a section of a skin around
12 the entrance wound on the forehead where I saw the
13 stippling to look at under the microscope and I did
14 notice some what we call black particular,
15 particular matter, which is soot of gunpowder which
16 is, again, consistent with true stippling so.

17 Q And again, this is the one where you're able to
18 determine the range?

19 A Yes.

20 Q And that range was 6 to 18 inches; is that right?

21 A Yes.

22 Q When you were — you mentioned projectiles being
23 recovered. How many projectiles did you actually
24 recover in this case?

25 A I recovered six.

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1 Q And did you also recover a fragment?

2 A Yes.

3 Q And those were for all of the non-exiting gunshot
4 wounds; or, is that correct?

5 A Say that one more item.

6 Q Those were — you mentioned eight gunshot wounds?

7 A Yes.

8 Q But only six projectiles were going?

9 A Yes.

10 Q And what does that indicative of?

11 A The other two exited and there were six that
12 stayed in the body so previous described I thought
13 two of them can have possibly been re-entrance
14 wounds so he was shot at least six times.

15 Q And as you labeled each gunshot wound one through
16 eight, does that order have any significance
17 necessarily?

18 A No, it's just an order I go through. I try to
19 start from top and work downward. It doesn't mean
20 which is worse or doesn't have anything to which the
21 order in which they occurred.

22 Q So it has nothing to do with the timing of the
23 bullet —

24 A No.

25 Q —of the gunshot wounds? And it has nothing to

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1 do with the level of severity?

2 A No, it does not.

3 Q Which one of the gunshot wounds were actually
4 fatal to this, to Mr. Jones?

5 A Gunshot wound one went through the head would
6 have been fatal. Gunshot wound number two which
7 also went through the head would have been fatal.
8 The one through the clavicle could not have been
9 fatal. The one that went through his lung, the vena
10 cava, that means your vein and his liver would have
11 been fatal. The ones to his arm was not necessarily
12 fatal. Let's see, the one that went through the
13 small intestine without medical treatment could have
14 been fatal, but it would have not been immediately
15 fatal. And the one that lodged in his throat was
16 not fatal, the one through his leg was not fatal so
17 the one to his head, the one to his chest and
18 possibly the one to his abdomen.

19 Q And before we move to your internal examination
20 did you make any notations about his external
21 examination, specifically where you can just go to
22 observations as relates to external examination, not
23 including the gunshot wounds?

24 A Oh. Is there anything in particular you wanted
25 me to?

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1 Q Yes, specifically, specifically about his right
2 eye.

3 A It was — I describe it as a (inaudible) which
4 means that it's just full of fluids so if he had
5 been kind of leaning towards his right side with all
6 of the gunshot wounds to his head there was the
7 initial fluid under that 'caused his eyes to swell.

8 Q Okay. So it was fluid, not —

9 A Yes.

10 Q Okay. Were x-rays actually taken of this, of
11 Mr. Jones?

12 A Yes, prior to starting our autopsy we had an
13 x-ray technician come down and x-ray the entire body
14 so we knew where to find the projectiles and they
15 noted six projectiles that we were able to recover.

16 Q I show you what's marked State Exhibit —

17 MS. CAVANAUGH: Beg the Court's
18 indulgence.

19 MR. SUTHERLAND: These would be without
20 objection, sir.

21 THE COURT: All right.

22 MS. CAVANAUGH: Durso, I'm gonna show you
23 what's marked as State's Exhibit 230 through 234. I
24 ask you to look at those and see if you recognize
25 them.

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1 A Yes. They're the x-rays that we took when we
2 begin our autopsy.

3 MS. CAVANAUGH: Your Honor, at this time I
4 move State's Exhibits 230 through 234 into evidence.

5 THE COURT: That's without objection,
6 correct?

7 MR. SUTHERLAND: Yes, sir.

8 THE COURT: All right. State's 230
9 through 234 is in evidence without objection.

10 (State's Exhibit Nos. 230 through 234 were
11 admitted into evidence.)

12 BY MS. CAVANAUGH:

13 Q And what does this particular x-ray reveal?

14 A So you can see some — there's a projectile her
15 and a projectile here (indicating) so those are two
16 of the bullets that we removed from the body.

17 Q That's of the head and the neck area?

18 A Yes.

19 Q As far as — it's a little bit hard to see.
20 State's Exhibit 231, what is that an x-ray of?

21 A This is the abdomen and the lower abdomen, and I
22 believe this is the projectile. You can kind of see
23 it there T.hat was lodged kind of in the back of the
24 spine.

25 Q Okay. And 232, what is this an x-ray of?

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1 A This is another one of including the ribs up here
2 so that the lower chest extend down through the
3 pelvis and there's the one that recovered in the
4 soft issue of the pancreas and there's the
5 projectile that we recovered, again, from the
6 vertebral body.

7 Q And 233, that is an x-ray of his femur; is that
8 correct?

9 A Yes, that's the left upper leg and there's the
10 projectile here. You can see that we recovered from
11 the soft tissue in his left leg (indicating).

12 Q And finally, State's Exhibit 234, what is that
13 an x-ray of?

14 A That's a x-ray of his right arm. This is the
15 upper arm or his lower arm.

16 Q And what was, again, significant about his arm in
17 this case?

18 A It was the -- it was actually the lower arm where
19 it had --

20 Q It was entry and exit?

21 A Entrance and exit, yes.

22 Q And these projectiles that you -- that are
23 depicted in some of those x-rays, were they -- you
24 said they were recovered?

25 A Yes, we recovered all of them during the autopsy.

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1 Q Once they're recovered from the — removed from
2 the body parts, what occurs after that, who do you
3 turn, what do you do with those?

4 A We take pictures of them and then we turn them
5 over to the investigating officer that's attending
6 the autopsy.

7 MS. CAVANAUGH: Beg the Court's
8 indulgence.

9 MR. SUTHERLAND: No objection to these,
10 sir.

11 BY MS. CAVANAUGH:

12 Q Doctor Durso, I want to ask you to take a look
13 welcome at that and see if you — well, State's 221,
14 223 through 229 then 235. I'd ask if you recognize
15 those?

16 A Yes. These are the projectiles that were
17 recovered from the autopsy.

18 MS. CAVANAUGH: Your Honor, at this time I
19 ask 221, 223 through 229 and 235 be submitted into
20 evidence.

21 THE COURT: Without objection?

22 MR. SUTHERLAND: Yes, sir.

23 THE COURT: All right. State's 221,
24 State's 223, 229 through 235 are in evidence
25 without objection.

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1 MS. CAVANAUGH: Thank you, You Honor.
2 (State's Exhibit Nos. 221, 223 through 229
3 and 235 were marked for identification and
4 admitted into evidence.)

5 BY MS. CAVANAUGH:

6 Q And do these actually, these photographs of the
7 projectiles, are they — do they show the
8 measurements that are taken?

9 A Yeah. If there's a ruler, there are pictures
10 that shows you the size.

11 Q And are they marked as far as where they were
12 recovered?

13 A Yes.

14 Q And there's also what appears to be a fragment.
15 Was a fragment recovered in this case in this —

16 A Yeah, in the right lung and then it went through
17 the arm and traveled through the chest. A little
18 fragment had broken off and we recovered it from the
19 right chest cavity.

20 Q Okay.?

21 MS. CAVANAUGH: Beg the Court's
22 indulgence.

23 BY MS. CAVANAUGH:

24 Q As far as your examination of the other different
25 systems of the body, the digestive system, the

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1 central nervous, other than injuries that were
2 caused by the gunshot wound, did you notice anything
3 else that was abnormal?

4 A No, there were no other natural diseases or
5 illnesses that I found at autopsy.

6 Q And did you also take samples of Mr. Jones's
7 blood?

8 A Yes.

9 Q As well as —

10 A We usually take brain, liver, kidney, as well as
11 blood to send for toxicology testing.

12 Q And did you also obtain a DNA card?

13 A Yes.

14 Q And what's the purpose of that?

15 A The DNA card?

16 Q Yes, ma'am.

17 A Just in case the investigator's office need to
18 compare the DNA with the decedent to compare with
19 any evidence they might have.

20 Q Okay. Do you remember approximately how long
21 this autopsy took you?

22 A Approximately like two or three hours.

23 Q Okay. And did you, did you a the report of your
24 findings?

25 A I did.

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1 Q And did you summarize your findings?

2 A I did.

3 Q And turn to page 8 of your report. Approximately
4 — oh, I apologize, it's not page 8. How many
5 gunshots — page 7. How many total gunshot wounds
6 were there?

7 A So there were a total of eight gunshot wounds.

8 Q You stated six projectiles were recovered?

9 A Yes.

10 Q Along with a fragment?

11 A Yes.

12 Q Not all of these were necessarily fatal wounds
13 but at least four of them were —

14 A Yes.

15 Q —correct? And again, just to summarize the
16 wound that you were able to determine the distance,
17 which one was that?

18 A That was the one that entered the central aspect
19 of the forehead.

20 Q And all of the others come from an indeterminate
21 range?

22 A Right.

23 Q And what is meant by indeterminate? Does that
24 mean more than 18-inches?

25 A It could mean more than 18 inches, but there was

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1 a lot of thick clothing or it could have gone to
2 something else first that might absorb the soot and
3 the gunpowder so it's possible it could have been
4 closer but I have no way of telling unless I see
5 soot or stippling exactly how close the gun was.

6 Q And except for the ones that you cannot determine
7 the trajectory because of the entry or exit the
8 re-entry, possible re-entry ---

9 A Yes.

10 Q ---all of the trajectories that you were able to
11 determine were from right to left except for one; is
12 that correct?

13 A Yes.

14 Q And that one was, was that the gunshot wound to
15 one of the ones to the forehead?

16 A Yes, that was one that was (indicating), one that
17 had the stippling on the forehead. That went, I
18 think it went from left to right.

19 Q And did all of these wounds have a downward
20 trajectory?

21 A Um ---

22 Q Or ---

23 A Yes.

24 Q And would those be consistent of the vehicle
25 sitting in the vehicle and the individual firing

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1 over him?

2 A Yes.

3 Q You mentioned —

4 MS. CAVANAUGH: Beg the Court's
5 indulgence.

6 BY MS. CAVANAUGH:

7 Q Doctor Durso, I'm gonna show you what's marked as
8 State's 214.

9 MR. SUTHERLAND: If may Your Honor, I —
10 may we approach, sir?

11 THE COURT: Yeah, yes, sir.

12 (Whereupon, there was an off-the-record
13 Bench conference.)

14 THE COURT: Mr. Foreman, ladies and
15 gentlemen, if you'd please leave your notes. Do not
16 discuss the case during this brief recess.

17 (The jury was removed from the courtroom
18 at 1:35 p.m.)

19 THE COURT: All right, Mr. Sutherland, you
20 have an objection?

21 MR. SUTHERLAND: Yes, sir, the photographs
22 that had been discussed earlier with respect to the
23 autopsy photos, there are x-rays that have been
24 entered into evidence. Also, we had the testimony
25 and the diagram. The diagram has been introduced

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1 into evidence. I just don't see the value versus
2 prejudicial effect of the actual photos where we've
3 had such a description and we've had this diagram,
4 everything has been laid out for the jury, the
5 position of the wounds, where they were coming from
6 and which angle. I mean, they won't be able to tell
7 which angle or — they wouldn't be able to tell
8 these things themselves as laypersons. The diagram
9 covers the direction from which the shots were fired
10 and it covers the injuries and the x-rays show the
11 position of the projectiles so I don't see any need
12 whatsoever for the State to introduce those photos,
13 sir.

14 THE COURT: All right, thank you.
15 Solicitor.

16 MS. CAVANAUGH: Your Honor, if I may
17 respond, these photos are probative to our case and
18 they — the probative value substantially outweighs
19 the prejudicial value as she has testified
20 extensively about the fact the she can only make a
21 determination of the range of the shot from the one
22 bullet wound, where the one bullet traveled left to
23 right (indicating). And she's able to make that
24 determination based on the stippling of the
25 particular wound which is admissible in this photo.

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1 The others which we have redacted and narrowed down
2 to make sure that they're the least prejudicial to
3 the defendant, show no stippling, and again, it
4 corroborates the pathologist's testimony as far as
5 the reasons that she can't determine the range of
6 the shots. So the forehead shot is significantly
7 different than the other shots. The Defense has
8 attacked the credibility of our witness, also
9 Jonathan Frazier, and this also corroborates the
10 State's version of events.

11 THE COURT: It's going to be up to the
12 witness to testify as to whether or not this is
13 corroborative with the autopsy reports. You need to
14 ask her those questions, Solicitor, in camera.

15 MS. CAVANAUGH: Yes, Your Honor.

16 BY MS. CAVANAUGH:

17 Q 214, 216, 219, 281, 220 you recognize these
18 photographs?

19 A Yes, I do.

20 Q And what are they photographs of?

21 A They're photographs of several of the gunshot
22 wounds to the decedent's body.

23 Q And specifically directing your attention to
24 Exhibits 216 and 217. What do those indicate?

25 A Those show the entrance from to the central

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1 forehead that have the stippling that I was
2 describing.

3 Q And is -- and is the stippling depicted in these
4 pictures?

5 A Yes.

6 Q As far as the other wounds are concerned, is
7 there any evidence of stippling in these wounds that
8 you note?

9 A No, there's not.

10 Q And those are the other areas of the body?

11 A Yes.

12 Q And you're not able to determine the range of
13 those wounds?

14 A That's correct, yes.

15 Q And that was the lack of stippling?

16 A Yes.

17 MS. CAVANAUGH: Beg the Court's
18 indulgence.

19 THE COURT: All right. May I see them
20 please, Solicitor?

21 (Pause.)

22 THE COURT: All right. I understand the
23 State's position as to the probative value of the
24 photographs is that photograph 216 for
25 identification and 217 for identification shows the

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1 stippling around the wound which would indicate the
2 distance?

3 MS. CAVANAUGH: Yes, Your Honor.

4 THE COURT: That the end of the weapon was
5 from the forehead of the victim?

6 MS. CAVANAUGH: That's correct.

7 THE COURT: Is that correct?

8 MS. CAVANAUGH: Your Honor.

9 THE COURT: Any other probative value as
10 to 216 and 217?

11 MS. CAVANAUGH: Yes, Your Honor. The
12 closeness of that -- and I'll get the testimony out
13 -- well, I should have asked her this question as
14 well. The fact that she was able to determine that
15 range, there was testimony from the, from Jonathan
16 Frazier, that at one point he woke up to the
17 defendant standing on that side, the driver's side
18 of the car, which would put him at a close range to,
19 to the deceased victim. Also, that trajectory was
20 the only one from the left to right, which would
21 again indicate that he was on the left side of the
22 car. That is -- obviously that came from Jonathan
23 Frazier, but that was -- that's part of the
24 probative value of that photo. Also, the deceased
25 was found lying with his head to the right

1 (indicating) in the vehicle which has been testified
2 to, which once again, could be because of the
3 closeness of that, the firearm to his forehead when
4 he was shot, which she is testifying to as well.

5 THE COURT: All right. And then what,
6 what about as to the probative value of 214, 218,
7 219 and 220?

8 MS. CAVANAUGH: Beg the Court's
9 indulgence. The probative value of those other
10 wounds is that they do not show, they do not show
11 the stippling and the stiffness -- the sooting that
12 she described that's in the photograph, that's in
13 injury marked A, which again would corroborate
14 testimony that's been discredited by defense counsel
15 from our victim who says that most of the shots that
16 he remembered were from his side of the car which
17 would therefore indicate that it was at more at a
18 longer range consistent with him being on the other
19 side of the car at that point. In addition, those
20 trajectories that she's already testified to are all
21 from the right to left.

22 THE COURT: All right. Thank you, Ms.
23 Solicitor.

24 Mr. Sutherland.

25 MR. SUTHERLAND: In my recollection of the

1 testimony is that all of the testimony about a
2 firearm being discharged was that the firearm was
3 discharged from the passenger's side of the vehicle.
4 With respect to the photograph showing that the
5 stippling with respect to the distance, that's been
6 testified to. That's been covered in the
7 pathologist's testimony. There's been no issue made
8 with respect to the credibility of that statement.
9 The testimony was I could make a determination
10 because the stippling was on this particular wound,
11 I couldn't make a determination with respect to the
12 rest of them because there was no stippling, there
13 was no soot. I don't see where photographic
14 bolstering of that testimony which hasn't been
15 challenged or veracity credibility of that testimony
16 hasn't been challenged, I believe that the testimony
17 of Doctor Bynoe should suffice in conjunction with
18 the x-rays and in conjunction with the sketch, sir.

19 THE COURT: All right, thank you. Well,
20 as initial matter of the photographs, generally
21 autopsy photographs have specifically always raised
22 issues that perhaps other types of photographic
23 evidence does not. I would note as a initial matter
24 214, 218, 217, 220, 216 and 219, none of them appear
25 are gruesome photographs. The more gruesome the

1 photographs, the more detailed can be the analysis
2 although the analysis is always the same. The
3 photographs are relevant. There's no question about
4 that, the relevancy of the photographs. The
5 objectiveness under Rule 403, although relevant
6 evidence may be excluded the probative value is
7 substantially outweighed by the danger of unfair
8 prejudice. Probative means tending to prove or
9 disprove. Probative value is the measure of the
10 importance of that tendency to the outcome of a
11 case. It is the weight that the piece of relevant
12 evidence will carry helping the trier of facts
13 decide the issues. The more essential the evidence,
14 the greater it's probative value; thus, a court
15 analyze probative value considers the importance of
16 the evidence and significance and the issues to
17 which the evidence relates. Photographs calculated
18 to arouse the sympathy or prejudice of the jury
19 should be excluded if they are not necessary to
20 substantiate any material facts or conditions. The
21 evaluation of probative value cannot be made in the
22 abstract, but should be made in the practical
23 context of the issues that state in the trial of
24 each case. In balancing the danger of unfair
25 prejudice against the probative value the

1 determination must be based on the entire record and
2 return on the facts of each case.

3 The probative value of the photos must be
4 valued against the danger of unfair prejudice.
5 Prejudice that is unfair is distinguished from the
6 legitimate impact all evidence has on the out come
7 of the case. Unfair prejudice does not mean damage
8 to a defendant's case that results from the
9 legitimate probative force of the evidence; rather,
10 it refers to evidence which tends to suggest a
11 decision on an improper basis. It is photographs
12 pose a danger of unfair prejudice when they have an
13 undue tendency to suggest a decision on an improper
14 basis commonly, though not necessarily, an emotional
15 one. It is when the prejudice is such that it lures
16 the fact finder from declaring guilt on the ground
17 different from proof specific to the offense charge.

18 And I have reviewed the cases both handed
19 up cases, State versus Collins and the State versus
20 Gerald which was homicide by child abuse, and State
21 versus Holder, also a homicide by child abuse.
22 Those photographs were much more graphic and
23 gruesome. These are not graphic, nor do I find them
24 gruesome. Photograph number -- numbers 216 and 217,
25 there is a defect which it appears that would be a

1 bullet hole in the forehead of the victim. There
2 are two different scales therein. It does show
3 stipulating. It does corroborate not only the
4 testimony of the pathologist, but also the testimony
5 of who had been presented by the State as the only
6 living, only living eyewitness known presented by
7 the State and that would be Mr. Frazier. Also, I've
8 seen defects such as these and worse on a football
9 field, on a little league baseball field; they're
10 not gruesome. They're not unduly suggestive. They
11 don't lure the jury to make a decision unlike the
12 photographs did in Collins when you have a child's
13 near eaten body by a hungry dog where his face is
14 sheared, his ears are sheared, you know, he had
15 become food for these animals; it's so different.
16 In this case the State has to prove malice. When
17 you look at it against that background malice
18 aforethought, not only the stippling but closeness
19 of the wounds and the number of wounds on the body.
20 None of them, with the exception of State's Number
21 219, appears to be actively bloody or bleeding.
22 State's 219, I will take that out of the — it's
23 disqualified for gravity or something of that
24 nature. So I'm gonna allow all of them in except
25 State's 219 and abundance of caution on the — I do

1 not think there's any unfair prejudice to the
2 photographs that came with corroboration in
3 testimony. I also take that in comparing it to the
4 enlargement, a diagram doesn't give a jury either
5 non-trained medical personal. It's not to scale the
6 exact location on the body to where various wounds
7 are at. I don't know exactly the number -- how many
8 wounds are they say is fatal?

9 MS. CAVANAUGH: Four.

10 THE COURT: Four of eight wounds are
11 fatal. So you come not only to malice, you come to
12 some max of malice or something like that with
13 number of wounds so they're admissible. Any other
14 objections?

15 MR. SUTHERLAND: No, sir. Thank you, Your
16 Honor.

17 THE COURT: Thank you. Thank you very
18 much. All right, bring us our jury please.

19 MR. SUTHERLAND: May it please the Court,
20 Your Honor, I believe since the matter was argued
21 that I would need to renew on the record.

22 THE COURT: I do not -- you know, I never
23 know what to tell an attorney to do in that regard.
24 You may want to say subject to my previous objection
25 anyway.

1 MR. SUTHERLAND: Yes, sir.

2 THE COURT: I never know what an
3 appellate court may do.

4 MR. SUTHERLAND: Yes, sir. Thank you,
5 Your Honor.

6 THE COURT: All right. And I will never
7 find out firsthand.

8 (The jury was returned to the courtroom at
9 1:53 p.m.)

10 THE COURT: We're continuing the
11 examination, direct examination of the doctor by the
12 State.

13 Solicitor, you may proceed, subject to my
14 rulings and Defense' previous objections.

15 MS. CAVANAUGH: Thank you, Your Honor.

16 BY MS. CAVANAUGH:

17 Q Doctor Durso, I'm gonna show you several
18 photographs marked as State's Exhibit 216, 217, 214,
19 218 and 220. I ask you to look at those and see if
20 you recognize them.

21 A Yes, these are all photos of several of the
22 gunshot wounds on the outside of the decedent.

23 MS. CAVANAUGH: Your Honor, at this time I
24 move that State's 216, 217, 214, 218 and two nine—
25 220, I'm sorry, be introduced into evidence.

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1 THE COURT: All right.

2 MR. SUTHERLAND: Just renew my previous
3 objection.

4 THE COURT: Subject to previous objections
5 they are admissible.

6 MS. CAVANAUGH: Hank you, Your Honor.

7 (State's Exhibit No. 214, 216, 217, 218
8 and 220 were admitted into evidence.)

9 BY MS. CAVANAUGH:

10 Q Doctor Durso, you mentioned that these were from
11 the autopsy of Dashawn Jones? And again, who was
12 actually taking these photographs?

13 A The coroner, the representative who was from the
14 coroner's office as well as the representative at
15 the Sheriff's Department. They were both there
16 taking photos.

17 Q And the Sheriff's Department, are those the
18 Sheriff's Department actual markings?

19 A Yes.

20 Q Okay. Markers?

21 A Yes.

22 Q As far the letters that are —

23 A Yes. They don't match the letters that I used.
24 They used their markings, yes.

25 Q So they do not match —

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1 A No. No, they do not.

2 Q —what's on your diagram? Okay. Now, I'm gonna
3 show you the photo, photograph that's marked 216 and
4 State's Exhibit 217, and ask you to tell this jury
5 what this is a photograph of?

6 A So this is the gunshot wound to the central
7 aspect of the forehead here. And as you can see,
8 you can see the central rounded defect. That's
9 where the bullet entered. And all around here you
10 can see these tiny little dots, these tiny little
11 abrasions, and that's what I refer to as stippling
12 which is the gunpowder kind of braising the skin
13 which tells me that — and there's no soot todabbing
14 soot. That's how it's deemed that the gun was
15 approximately 6 to 18 inches away from this
16 decedent's head at the time the gun was fired.

17 Q And this is the one that had, the only one that
18 had the left to right trajectory; is that correct?

19 A Yes, that's correct.

20 Q Okay. And the other — and those are not all the
21 wounds, is that correct?

22 A No, these don't show all of them, no.

23 Q Where is marker A?

24 A That's the upper left leg so this is the entry
25 wound to the, to the left thigh (indicating), the

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1 interior side there. And this is the one I
2 described as somewhat atypical so it's not a
3 perfectly round wound that nice little what we call
4 abrasion color surrounding it so I thought it was
5 likely that the bullet was already tumbling, had
6 already gone through something else and was possibly
7 a re-entrance wound when entered his leg her.

8 Q And does that have the stippling that you
9 mentioned?

10 A No, it does not.

11 Q And the marker D, that's backwards but what's --
12 that's on State Exhibit 218. What is that a
13 photograph of?

14 A That's the entrance wound here to the right
15 column. Pulling again, (indicating) it's not a nice
16 clear round wound with a nice, you know, abrasion
17 going around it up so this -- I also describe it as
18 an atypical entrance wound and as I previously
19 stated it's either because it's such a bony surface
20 on regular bony surface, or it could have been
21 possibly a re-entrance wound from the one in his arm
22 (indicating).

23 Q And finally State's Exhibit 220. What is that a
24 photograph of?

25 A That's the, what we recall the posterior aspect

SW - A. DURSO - DIRECT

1 of the back of his right arm, and this is an
2 entrance wound. You can see it's a nice round wound
3 with the little abrasions around the edges so it's
4 not atypical as what a normally entrance wound looks
5 like and there is no soot or stippling.

6 Q And this is, this is the top of the arm down
7 here; is that correct?

8 A Yes, this is — his elbow would be down here and
9 his arms come up off like this (indicating).

10 Q And this is the one that's consistent with the
11 shielding his head?

12 A Yeah, I thought perhaps that it had exited, it
13 was the reason for the atypical entrance wound over
14 the clavicle.

15 Q Okay. And again, other than the photo of the
16 bullet wound to the forehead there is no stippling
17 present in those photos?

18 A No, there's not.

19 Q And one more question, Doctor Durso, did you —
20 other than the gunshot wound did you determine, did
21 you see any other fresh abrasions or fresh wounds on
22 Mr. Jones's body?

23 A No, I did not.

24 Q You did mention that there was some scarring, but
25 that appeared to be old; is that correct?

SW - A. DURSO - DIRECT

1 A Yes, it was already scarred so they were not
2 fresh or any time recent.

3 Q Okay. Thank you, Doctor Durso. Please answer
4 any questions from the Defense.

5 THE COURT: Mr. Sutherland, cross.

6 CROSS - EXAMINATION

7 BY MR. SUTHERLAND:

8 Q Just briefly, the Solicitor was testifying that,
9 you know, X consists of a Y on a particular wound.
10 I believe that's in pointing out — if I can grab
11 this thing. I believe that is pointing out the
12 wounds that are sort of inconsistent with the rest
13 of them. Here, (indicating) I believe, that your
14 testimony was — let's see, gunshot wound I, right
15 to left, back to front, slightly downwards. And in
16 terms of slightly downward, there's downward, and
17 then there's, is it fair (indicating)?

18 A I mean, yeah, slightly downwards.

19 Q And slightly downward?

20 A Yes.

21 Q Whether or not someone was turned or someone was,
22 you know, sitting a certain way and someone was
23 directly them, I mean, you wouldn't have any way to
24 know that?

25 A No.

SW - A. DURSO - CROSS

1 Q Okay. And with respect to gunshot wound C
2 (indicating), that was the one, the atypical —

3 A The clavicle, yes.

4 Q —wound of atypical. That was — you listed
5 that as front to back?

6 A Yes.

7 Q Because it was —

8 A Because it just went in and stopped at the
9 clavicle.

10 Q And it was stopped by bone. And again, for
11 people with atypical wounds it could be bone or it
12 could be passing through something, —

13 A Right.

14 Q —another —

15 A (Inaudible.)

16 Q —something that would make a projectile move a
17 little bit?

18 A Yes.

19 Q Okay. And let's see, and that could be it.
20 Okay, the range of the trajectories is from one
21 front to back, one slightly downward to some that
22 are down — or a number I guess that are slightly
23 downward and a number that are downward?

24 A Yes.

25 Q Okay, thank you.

SW - A. DURSO - CROSS

1 MR. SUTHERLAND: No further questions,
2 Your Honor.

3 THE COURT: Redirect, Solicitor?

4 MS. CAVANAUGH: No.

5 THE COURT: Thank you. Thank you very
6 much, Doctor. You may step down. You may be
7 excused.

8 Solicitor, you may call your next witness.

9 MS. CAVANAUGH: The State calls David
10 Collins.

11 THE COURT: All right, if you'd come down
12 to be sworn please.

13 WHEREUPON,

14 **DAVID COLLINS,**
15 after having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please have a seat
17 in the witness stand and state your full name for
18 the record.

19 THE WITNESS: David Collins,
20 C-O-L-L-I-N-S.

21 **D I R E C T E X A M I N A T I O N**

22 **BY MS. CAVANAUGH:**

23 Q Good afternoon?

24 A Good afternoon.

25 Q Where do you work, Mr. Collins?

SW - D. COLLINS - DIRECT

1 A I work for the Richland County Sheriff
2 Department.

3 Q And what is your position there?

4 A I work in the forensic science laboratory as a
5 firearms and tool marks examiner.

6 Q And are you, actually you're titled investigator
7 or are you just David Collins?

8 A I go by investigator and David Collins.

9 Q But you are an investigator?

10 A Yes.

11 Q And how long have you been at the Sheriff's
12 Department?

13 A I've been there since September of 2002.

14 Q And how long have you been -- what did you say
15 your position was again, in the firearms?

16 A Firearms and tool mark examiner.

17 Q Okay, how long have you been with the firemarks
18 [sic] and tool marks division?

19 A I've been in that position since I came to the
20 Sheriff's Department to establish the lines of a
21 laboratory in 2002.

22 Q Okay, so you helped establish that laboratory?

23 A Yes.

24 Q And what are your duties as a firearm examiner?

25 A A firearms examiner is responsible for the

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1 forensic analysis of firearms and ammunition or any
2 type of firearms that encompass it. This can
3 involve the comparison of fired cartridge cases,
4 projectiles to specific firearms or to each other
5 microscopically in order to determine if they have
6 the same origin. It would also involve other
7 specialized examination such as serial number
8 restorations in cases where number are obliterated,
9 function testing of firearms, tool mark analysis
10 which goes beyond shield firearms analysis, or any
11 silver specialized —

12 Q And does that include that identification,
13 examination of projectiles, cartridge casings, and
14 unfired cartridges?

15 A Yes.

16 Q And what makes these examinations possible?

17 A When a firearm is manufactured, various machine
18 processes that are employed to perform most parts of
19 the firearm. Two particular areas that we are
20 interested in are the barrel and the chamber area of
21 the firearm. The barrel of the firearm will
22 typically have spiraling grooves that form in them
23 to — this spiraling groove is there to cause the
24 bullet to spin or leave the firearm stabilized. The
25 process that forms that will leave behind

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1 microscopic defects in the barrel of the firearm
2 that will transfer certain scratch marks on the
3 surface of any bullet that's fired through the
4 barrel. The patterns, the scratch marks are
5 striation (inaudible) is unique to that particular
6 firearm. No two firearms will leave the exact same
7 pattern of striation on the surface of a bullet. We
8 like to compare that similarly to a fingerprint.
9 We're saying that the bullet that's being marked in
10 a way fingerprint unique. The chamber area of a
11 firearm is just where the cartridge case is held
12 during the firing process. It's also formed by a
13 variety of issuing processes: The firing pin, the
14 breech face, the extractor, the ejector of the
15 chambers almost themselves, all in this area. They
16 have a potential to leave similar markings unique to
17 that firearm cartridge case is firing the firearm.
18 Q And have you received any specialized training
19 related to your field?
20 A Yes.
21 Q And can you through that?
22 A I began my employment in law enforcement at the
23 State Law Enforcement Division of SLED where I
24 worked in forensics laboratory beginning in 1990. I
25 went immediately to the firearms laboratory there

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1 and was trained at the SLED laboratory in a process
2 that's much like apprenticeship. It takes
3 approximately two to three years to complete. I was
4 certified by SLED as a fire examiner in 1993 and
5 began doing case work on my own. I have received
6 continuing education in the field much of which
7 comes from a professional association which is
8 called the Association of Firearm and Tool Marks
9 Examiner. I received education and training in the
10 area throughout my career.

11 Q And have you testified previously in the field of
12 firearms identification and examination? Have you
13 testified as an expert in court in that field?

14 A Yes. I testified in excess of 250 times in the
15 state court of South Carolina. I've also testified
16 in the state courts of North Carolina and Georgia
17 and the federal court system and the military court
18 system.

19 MS. CAVANAUGH: Your Honor, at this time
20 I'm gonna ask that investigator David Collins be
21 qualified as an expert in the field of firearms
22 examination and identification.

23 MR. SUTHERLAND: No objection.

24 THE COURT: All right. Again, ladies and
25 gentlemen, you recall a witness may give opinion

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1 testimony if the Court qualifies him as an expert.
2 This witness, Investigator David Collins will be
3 qualified as an expert in firearms identification
4 analysis, is that the area, Solicitor?

5 MS. CAVANAUGH: Firearms examination and
6 identification, yes, sir.

7 THE COURT: Examination and identification
8 to give opinion testimony in those areas. It does
9 not mean that you must accept the opinion, but it is
10 evidence for you the jury to use in any way you see
11 fit.

12 Thank you, Solicitor, you may continue.

13 BY MS. CAVANAUGH:

14 Q Investigator Collins, were you involved in the
15 case that we're here for today, State versus
16 Jabriel Singleton?

17 A Yes, ma'am.

18 Q And what were you asked to do in this case?

19 A I received two different submissions of evidence
20 to the laboratory. One of them consisted of a total
21 of seven fired 38 special caliber cartridge cases
22 and one unfired 357 magnum cartridge. The second
23 submission consisted of a total of six fired bullets
24 and one fired bullet fragment.

25 MS. CAVANAUGH: Beg the Court's

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1 indulgence. I'm looking for those.

2 (Pause.)

3 BY MS. CAVANAUGH:

4 Q Okay. So there are two separate, two separate
5 pieces of evidence as far as types of evidence you
6 were asked to examine?

7 A That's correct.

8 Q And we'll go through the fired cartridge and the
9 unfired cartridge cases that you mentioned first.
10 What is meant, what is that evidence bag marked
11 with, Investigator Collins? Is that State's Exhibit
12 —

13 A This is marked State's Exhibit 156.

14 Q Okay, and that's how it's listed in evidence.
15 What is actually in 156?

16 A Based on the packing information that would
17 contain the seven fired .38 special caliber
18 cartridge cases, and one unfired 357 magnum
19 cartridge. The package also bears a seal and
20 evidence indicating tamper — indicating seal. It
21 bears my initials and the date of seal.

22 Q So these are the items that you examined in this
23 case?

24 A Yes.

25 Q And what is actually meant by the term cartridge,

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1 fired cartridge casing?

2 A When a cartridge or a single unit of unfired
3 ammunition is fired in a gun, one of the waste
4 products, if you will, that results is a fired
5 cartridge case. The cartridge case is either a case
6 of semi-automatic firing objective from a gun at the
7 scene or a case of a revolver that would remain
8 behind in the cylinder of the barrel until it's
9 removed later. This cartridge case before firing
10 contained the powder and projectile that came from
11 the gun.

12 Q And how many fired cartridge cases did you
13 receive?

14 A I received a total of seven.

15 Q You said one unfired?

16 A And one unfired 357 magnum cartridge.

17 Q Okay. Now, when you are — before you test them
18 are they already usually swabbed for DNA and tested
19 for fingerprints?

20 A Usually they are, yes.

21 Q And why is important?

22 A It's important because when I receive this
23 evidence in the laboratory I'm going to handle it a
24 great deal doing microscopic analysis. And my
25 testing process is, unless I wear gloves, would

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1 potentially contaminate or would contaminate those
2 items for any future collection of fingerprint DNA
3 materials. We typically do not like to wear gloves
4 in our part of the laboratory as it reduces our
5 manual dexterity in handling the items of evidence
6 under the microscope.

7 Q And can you describe your actual examination of
8 these items?

9 A The first thing that we do when we receive items
10 of evidence in the laboratory is that we examine it
11 visually. We take notes as its condition. We take
12 notes as, in the case of cartridge cases, we'll make
13 notes as to the caliber, the brand, which is
14 information we can gather from visual analysis of
15 the items themselves. We may perform stereoscopic
16 analysis of them to search for any potential DNA --
17 excuse me, for any potential trace evidence that may
18 have been there on these items that we would collect
19 before we went any further. After we've done this
20 initial visual examination of the items we will then
21 perform microscopic comparisons on them with each
22 other. In a case where we do not have a firearm
23 submitted to compare items to, we will compare the
24 items with each other looking for those microscopic
25 markings that were left by the firearm in which they

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1 were fired. In order to determine if the cartridge
2 cases were fired in one gun or in multiple firearms
3 and by virtue of this we can sometimes determine how
4 many, how many firearms were used at the scene.

5 Q Okay. What were you able to determine about the
6 fired cartridge cases that were located at the
7 scene?

8 A Of the seven fired .38 special caliber cartridge
9 cases that were at the scene, I was able to
10 determine the — imagining individual
11 characteristics or unique characteristics that were
12 present and if they were of sufficient quality and
13 quantity for me to be able to determine if these,
14 all of these firearms of the .38 special cartridge
15 cases were fired by one gun.

16 Q Okay. So one gun; is that correct?

17 A That's correct.

18 Q And as far as item number 13 which is the one
19 unfired casing or cartridge that was located, what
20 were you able to determine about that?

21 A My initial analysis of it would be on the unfired
22 357 magnum caliber cartridge, this is a different
23 caliber cartridge than the others that were
24 submitted. However, it is not uncommon for .38
25 Special ammunition to be fired in a 357 magnum kind

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1 of a gun. It was of a different brand than the
2 fired .38 special caliber cartridges; and it, again,
3 was unfired, and therefore, no microscopic analysis
4 or comparison was performed on it versus the other
5 items.

6 Q But it could be loaded in the same firearm that
7 all of those were fired from?

8 A Potentially. In this case we do not have a
9 firearm submitted and as the .38 Special firearm --
10 .38 Special at issue can be fired in a 357 magnum
11 firearm. The reverse is not true. You cannot fire
12 a 357 magnum if the firearm is truly a .38 special.
13 It will not fit in the chamber and will not close on
14 that particular cylinder revolver. But if a 358
15 magnum firearm is used, or had been used in this
16 particular case again that particular cartridge
17 would fit in that firearm.

18 Q Okay, again, that was an unfired --

19 A Yes.

20 Q --cartridge? Is it unusual in your experience
21 that a person might have several different brands of
22 ammunition on them?

23 A Not unusual.

24 Q What condition -- did you make any notes in your
25 report about the conditions that those casings and

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1 the unfired cartridge were in when you made your
2 analysis?

3 A Yes. I make a general condition note as to
4 whether there's any particular damage or other
5 defects on the cartridge casings and no such damage
6 was indicated on these cartridges according to my
7 notes.

8 Q And when you conduct your analysis do you have
9 any information about the case beforehand as far as
10 where those were located, specifically at the scene
11 or anything like that?

12 A It varied which is often no.

13 Q So usually they're just marked as the crime scene
14 investigator had marked them?

15 A Yes, I would have — they will be referenced
16 often to a marker that the crime scene investigator
17 used at the scene. In this particular case I would
18 have them cross reference with the item number that
19 our computerized evidence system assigns them to the
20 evidence envelope in which I would receive them
21 whether it's forensics evidence marked A, B, C, etc.
22 That does not tell me where they were located at the
23 scene.

24 Q Now, did you have an occasion in this case to
25 actually examine projectiles?

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1 A I did.

2 Q And what are projectiles? What is meant by that
3 term?

4 A Projectiles is the actual item that is fired from
5 the gun and exits from the muzzle or with the
6 barrel. It is in this case a bullet and a
7 projectile may also be a fragment of a bullet. When
8 a bullet strikes something it has the potential to
9 be fragmented in multiple items which would also
10 consider projectiles. Anything that is fired from
11 the barrel of the firearm is technical projectile.

12 Q And when you were looking at that during your
13 examination did you have knowledge of where these
14 were recovered from?

15 A I did have knowledge in that the packaging in
16 which they were received did indicate wherefrom they
17 had been recovered as far as the part of the body.

18 Q So they were actually marked with reference to
19 on, of the body?

20 A Yes, they're marked on the envelope.

21 Q And how many did you receive to examine?

22 A I received a total of six fired bullets. There
23 were — by that I mean they were in tact enough for
24 me to determine that they were the majority of the
25 portion of the projectile and bullet so I considered

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1 it them to a bullet by themselves. But also, one
2 fragment of a bullet was received so it's a total of
3 seven individual items.

4 Q Okay. And because these are from the body of a
5 person, are they cleaned before you actually examine
6 them?

7 A Yes. The first thing that I do when I receive
8 these is I do wear gloves when I handle them
9 initially and do a visual general analysis for
10 appearance. I look for anything that may need to be
11 collected before they are cleaned and as far as
12 trace materials, fibers, or other items. Then they
13 are placed into a solution of water and bleach for a
14 few minutes to foz them or decontaminate from any
15 biohazards or items that may be present or any viral
16 or bacterial problems that are present. After that
17 cleansing we can then handle them without gloves for
18 purpose of future or particular marks.

19 Q And what were your findings as they relate to the
20 projectiles in this case?

21 A After doing my essential visual analysis of them
22 we took measurements and weight of them to determine
23 first of all what caliber firearm we're dealing
24 with. The different types of firearms can be in
25 different calibers and so what you will look for

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1 first is the diameter of the bullet and that can
2 tell you the general caliber of the firearm. Then
3 you can look at the physical characteristics of the
4 bullet which may tell you more as to a specific
5 caliber such as .38 special, 9 millimeter, or 45
6 revolver. In this particular case I examined the
7 fired bullets and was able to determine that of
8 them, five were consistent with full metal jacket
9 bullets commonly found in a .38 special caliber
10 ammunition. One of them was consistent with being a
11 — the sixth projectile rather was consistent with
12 being a jacketed soft point or jacketed hollow point
13 bullet which also could have come from a .38 Special
14 or a 357 magnum of caliber cartridge. The fragment
15 itself was too badly damaged to determine what
16 caliber it was.

17 Following doing that analysis and that
18 note taking process I forwarded a microscopic
19 comparison of these items other the comparison
20 microscope laboratory. Again, I'm looking for
21 microscopic markings left on these bullets by the
22 barrel when they were fired through the barrel in
23 order to try to determine if they were fired from
24 the same gun or not. And I was able to determine
25 that all of the items had been fired from a gun,

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1 including the fragment. There was enough
2 information present on the fragment for me to be
3 able to match it to the other bullets present.

4 Q So all of those projectiles you determined were
5 from the same -- were fired from the same firearm?

6 A I was able to determine they were all fired from
7 the same firearm. The fragment itself, I attempted
8 to do what we call a physical fracture match back to
9 the jacket, hollow point jacket, soft point bullet,
10 which had lost part of its jacket during the
11 process. I was trying to determine if it was part
12 of that bullet originally, and I was unable to make
13 a determination.

14 Q And could those projectiles, are those consistent
15 with ammunition that can be loaded into a 357
16 revolver?

17 A Yes.

18 Q And are you able to determine whether the
19 projectiles and the cartridge casings such as the
20 fire cartridge casings that you analyzed, are you
21 able to make a determination as to whether those
22 came from the same firearm?

23 A No, I was not, not without having the firearm
24 present for analysis. The firearm itself is leaving
25 marks on the cartridge casings from a different part

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1 of the gun that leaves the marks on the bullet; so
2 therefore, unless I have the gun present, I can't
3 tell you whether the same gun that fired the bullets
4 also fired the cartridge casings.

5 Q And in this case to your knowledge the firearm
6 was not recovered?

7 A To the best of my knowledge, no.

8 Q And is that necessarily unusual that you're not
9 able to compare projectiles to the actual cartridge
10 casings?

11 A It's a fairly frequent occurrence that we receive
12 fired evidence to the bullets and cartridge cases
13 and do not have a firearm and never have a firearm
14 that was using the cartridge.

15 Q And again, you stated that item number 69 which I
16 believe is one of the projectile recovered from the
17 upper chest. You say that there was something
18 slightly different about that than the other
19 projectiles?

20 A Yes. It was a, again, fired jacketed hollow
21 point or jacketed soft point bullet which means the
22 jacketed material, the copper material, did not
23 fully enclose the bullet and had expanded somewhat
24 as this type of ammunition is designed to do. And
25 it was a different type of ammunition product that

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1 was represented by the other fired bullets and which
2 were full metal jacketed bullets which are totally
3 encapsulated, or at least the front portion of them,
4 are totally encapsulated jacket too.

5 Q But again, your determination was still that they
6 were fired from the same firearm?

7 A Yes, they -- I was able to make the determination
8 that they were -- that that particular bullet was
9 fired from the same that fired the other
10 projectiles.

11 Q And as far item number 70 which was removed from
12 the right shoulder, what did you note about item
13 number 70?

14 A Item 70 was item that was missing a portion of
15 the jacket material. It had -- it was somewhat
16 damaged.

17 Q But you were still able to make your analysis
18 despite that?

19 A Yes, there's been -- there was enough microscopic
20 information there for me to be able to make a
21 determination.

22 Q Can you describe to us about a revolver in
23 general. How do you load and reload that?

24 A A revolver is loaded by pressing a lever or
25 pressing a button on the side of the firearm which

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1 then allows you to swing the cylinder open. You
2 would then load the individual chambers in the
3 cylinder with as many rounds as it's capable to
4 hold. You don't have to fully load it. It's up to
5 you, but it can hold the maximum number of
6 cartridges that is determined by the number of
7 chambers holding the cylinder. Once we've loaded it
8 we close the cylinder with the latch in place, and
9 at that point you would fire the gun. You'll fire
10 the gun once each time you pull the trigger until
11 you have expended all of your ammunition. At that
12 point on time you have to manually remove the fired
13 cartridge cases from the revolver which is done in a
14 similar process pressing the cylinder latch or
15 button from the side of the firearm swinging the
16 cylinder open. And then you would press down on a
17 rod which forces the fired cartridge cases out of
18 the chambers on the cylinder. Once that occurs they
19 would fall to the ground or fall -- if you hold your
20 hand under them, capture them in your hand, then
21 reload the firearm and begin that process.

22 Q And how many chambers do revolvers typically
23 have?

24 A The most common number that we encounter is five
25 or six in the case of .38 Specials and 357 magnum

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1 caliber firearms. The -- there are some 357 magnum
2 caliber firearms that are available with more than
3 six.

4 Q And does that include a 357 revolver?

5 A Yes.

6 Q You're speaking of a 357 revolver?

7 A Yes.

8 Q Okay. So does it actually take effort to reload
9 this firearm?

10 A It is a process that you have to go through.
11 Just like any firearm, even a semiautomatic pistol,
12 there's a process you have to go through as far as
13 removing the magazine, reinserting the magazine and
14 all of that. It does take a certain amount of
15 operator involvement to load a revolver. You have
16 to -- there are certain steps you have to go
17 through.

18 Q Now what other -- is there another type of gun
19 that could have, other than like you said a 357
20 revolver, that could have fired those, those
21 projectiles?

22 A It's in my report. I indicate that they are most
23 consistent with having a .38 Special 357 magnum type
24 of firearm. Due to the fact that these bullets are
25 of the diameter that is similar to, for instance,

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1 nine millimeters and other types of firearms there's
2 always the remote possibility that this type of
3 ammunition, these bullets came from a different
4 caliber of ammunition that had been perhaps loaded
5 with this type of bullet. However, based on the
6 weight and their design, they are most consistent
7 with being either from a 357 magnum or .38 Special
8 calibration.

9 Q And is the .38 special, is that also a revolver?

10 A In most cases, yes. There are actually a rare
11 number of semiautomatic pistols that will fire a .38
12 Special and 357 magnum calibrated ammunition. At
13 this point in time I would like to clarify, before I
14 mentioned I was trying to do a physical match with a
15 fragment at the scene in one of the bullets that was
16 recovered from the body. It was actually my item 70
17 I was trying to compare it back to. That is not --
18 that is one of the full metal jacket bullets that
19 had been damaged during the process.

20 Q Okay, you're just clarifying something earlier
21 about ---

22 A Yes.

23 Q Okay.

24 A What item number it was.

25 Q And you actually made an amended, a corrected

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1 report in this case?

2 A Yes, I did.

3 Q And that was, what was the reason for that?

4 A It was a matter of wording in the report. It was
5 just an incorrect word that was more or less a typo
6 in the original report that we discovered during our
7 quality audit of our laboratory and I just issued
8 that corrected report.

9 Q So it simply was just a typo?

10 A Yes.

11 Q Did someone actually review your finding?

12 A Yes, in the laboratory it is our policy that any
13 type of report and all the documentation of notes is
14 reviewed by another qualified examiner before a
15 result is issued. Additionally, any of our
16 microscopic comparison results, all of those are
17 also reviewed by another competent examiner before
18 that result is issued.

19 Q And just to summarize, all the casings that you
20 analyzed in this case were fired from the same
21 firearm; is that correct?

22 A All the cartridge cases that I examined, the
23 fired cartridge cases, were fired in one gun.

24 Q And the unfired cartridge could have been loaded
25 in a 357 revolver; is that correct?

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1 A Yes.

2 Q And once again, the projectiles that you
3 analyzed, were those all fired from the same
4 firearm?

5 A Yes, from one gun.

6 MS. CAVANAUGH: Beg the Court's
7 indulgence.

8 BY MS. CAVANAUGH:

9 Q You briefly touched on a .38 special
10 semiautomatic?

11 A Yes.

12 Q Now as far as what -- can you describe that gun a
13 little bit further as far as when it's fired, where
14 do the casings --

15 A The casings on the particular firearm will be
16 ejected from the gun when it is fired. The
17 particular firearm that referring to is a Smith and
18 Wesson revolver semiautomatic pistol which is used
19 for some competition purposes. It is designed by
20 what we call lock cover ammunition, and to the best
21 of my knowledge it would not be capable of firing
22 these types of bullets found in the body because of
23 the length. It's specifically designed for lock
24 covering.

25 MS. CAVANAUGH: Beg the Court's

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1 indulgence.

2 BY MS.. CAVANAUGH:

3 Q And when a semi-automatic gun is actually fired
4 are the casings are then scattered everywhere?

5 A It will be ejected typically to the right of the
6 firearm depending on the design of the firearm, to
7 the right, maybe slightly to the rear. All this is
8 dependent on the firearm's design. If the gun is
9 moving as it's being fired the angle of the gun in
10 relationship with the direct with it being fired is
11 changing, that would -- that will have impact as far
12 the approximately the same location it will tend to
13 deposit it most cases in an area that may be
14 somewhat particular.

15 Q And again, when you have to unload a revolver
16 would finding five concentrated in a row, in an
17 area, would that be consistent with unloading a
18 revolver?

19 A That could be consistent with dropping the fired
20 cartridge, cartridge cases out of the cylinder
21 during the loading process.

22 Q And again, in order to -- once all the chambers
23 are used in that revolver you have to reload?

24 A You have to reload the gun in order to fire it.

25 Q You have to unload first?

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1 A Yes.

2 Q Thank you, Investigator Collins. Please answer
3 any questions from the defense.

4 THE COURT: Thank you, Solicitor.
5 Mr. Sutherland.

6 **CROSS - EXAMINATION**

7 **BY MR. SUTHERLAND:**

8 Q Sir, I think that the semi-automatic, is it a
9 target pistol or —

10 A Yes.

11 Q —something? When those are — we're talking
12 about a revolver here basically?

13 A It's my opinion that we're talking about a
14 revolver. During my 22 years in doing this type of
15 analysis I've never examined that particular make of
16 model .38 caliber.

17 Q There's just something about that particular kind
18 of ammunition with the way its slide works or
19 something, automatic?

20 A Yes, it's a specialized rare item.

21 Q Thank you. Expensive too?

22 A Yes.

23 Q Okay. Just briefly go over a couple of things.
24 You've testified that reloading a revolver is a
25 process?

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1 A Yes.

2 Q And reloading a semi-automatic handgun is a
3 process?

4 A That is correct.

5 Q You testified that you can link the cartridge
6 cases to one another?

7 A Correct.

8 Q And the projectiles to one another?

9 A Yes.

10 Q But without the firearm you can't link them
11 together?

12 A I cannot determine that the bullets in this case
13 and the cartridge cases all come from the same
14 firearm.

15 Q Okay. Thank you, sir. I have no further
16 questions.

17 THE COURT: Redirect?

18 MS. CAVANAUGH: No, Your Honor.

19 THE COURT: Thank you. Thank you,
20 Investigator Collins. You may step down.

21 All right, Solicitor, about how long is
22 your next witness?

23 MS. CAVANAUGH: Your Honor, our next
24 witness will be somewhat lengthy. It includes the
25 records custodian.

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1 THE COURT: All right. Thank you. Well
2 perhaps now will be a good time to take our lunch
3 recess. Mr. Foreman, ladies and gentlemen of the
4 jury, we're going to take our lunch recess at this
5 time. Again, I remind you do not discuss the case
6 with anyone, your fellow jurors. In fact, y'all can
7 repeat that; can't you. Lunch mates, family,
8 friends, or anyone else. Do not any investigation
9 or any investigation. Remember to keep an open
10 mind. Do not begin your deliberations until you're
11 instructed to do by the Court. With that being
12 said, let's say 2:00. If you'd be back promptly at
13 2 p.m.

14 (The jury is removed from the courtroom at
15 12:35 p.m.)

16 THE COURT: Anything else from the State?

17 MS. CAVANAUGH: No, Your Honor.

18 THE COURT: Defense?

19 MR. SUTHERLAND: No, sir.

20 THE COURT: Will this give you adequate
21 time to review the documentation?

22 MR. SUTHERLAND: I believe I can get up to
23 speed.

24 THE COURT: Court will be in recess until
25 1400 hours.

1 (Whereupon, a lunch break was taken.)

2 THE COURT: All right. Anything from the
3 State before we bring in our jury, Solicitor?

4 THE BAILIFF: Briefly, Your Honor, if we
5 may approach.

6 THE COURT: Yes, ma'am.

7 (Whereupon, an off-the-record Bench
8 conference was held.)

9 THE COURT: All right. Anything further
10 from the State before we bring in our jury,
11 Solicitor?

12 MS. SIMPSON: Your Honor, it's just that
13 our next witness is coming from the holding cell so
14 there will be a little bit of process getting him
15 out.

16 THE COURT: All right. Is he here now?

17 MS. CAVANAUGH: Yes, Your Honor. Yes,
18 sir.

19 THE COURT: Bring him on out.

20 THE BAILIFF: Okay.

21 THE COURT: Anything from the Defense?

22 MR. SUTHERLAND: Nothing at all, sir.

23 THE COURT: Can you just leave him over
24 there, Sheriff, until he's called to the stand?
25 Thank you.

1 (The jury is returned to the courtroom at
2 2:08 p.m.)

3 THE BAILIFF: Your Honor, the jury is
4 present.

5 THE COURT: Thank you, Mr. Bailiff. Thank
6 you.

7 Welcome back, ladies and gentlemen of the
8 jury panel. I hope y'all had a pleasant lunch.
9 We'll continue with the trial of the case by
10 presentation of evidence and testimony by the State
11 in its case in chief. If you would please continue
12 to give the parties your undivided attention.

13 Solicitor, you may call your next witness.

14 MS. CAVANAUGH: Thank you. The State
15 calls Robert Jeter.

16 THE COURT: Come around, Mr. Jeter. If
17 you'd come around and be sworn for us please.

18 THE BAILIFF: Come on up here.

19 THE WITNESS: I don't need the Bible; I'm
20 Muslim.

21 THE COURT: Excuse me?

22 THE BAILIFF: He said he didn't need the
23 Bible, Judge.

24 THE COURT: All right. Well, he does not
25 have to. If you look under the history of oaths he

1 does not have to swear on the Bible or affirm. He
2 can affirm if he understands that he has a duty and
3 responsibility when you're called to the witness
4 stand to tell the truth —

5 THE WITNESS: Okay. I'm trying to figure
6 out what I'm in here for. I don't know what's going
7 on right now.

8 THE COURT: All right. Well, here's my
9 question, if a question is put to you are you going
10 to tell the truth?

11 THE WITNESS: Sure I'm gonna tell the
12 truth, but if I don't remember nothing ain't nothing
13 I can do about that.

14 THE COURT: Let me finish. And you
15 understand, if you don't tell the truth you could be
16 charged with perjury. Do you understand that?

17 THE WITNESS: All right. How many days
18 that is in jail?

19 THE COURT: Sir?

20 THE WITNESS: How many days that is in
21 jail?

22 THE COURT: How many days?

23 THE WITNESS: Yeah.

24 THE COURT: That would be up to me.

25 THE WITNESS: Oh, okay.

1 THE COURT: All right. But you're gonna
2 tell the truth?

3 THE WITNESS: Yeah, I'm gonna tell the
4 truth. I'm gonna tell them what I remember. I
5 don't...

6 THE COURT: All right. Well, you don't
7 have to swear on the bible.

8 THE WITNESS: All right.

9 THE COURT: All right. But you affirm
10 that you're going to tell the truth?

11 THE WITNESS: Tell the truth. But I don't
12 know nothing; that's what I'm saying. Yeah, I'm
13 gonna tell the truth though.

14 WHEREUPON,

15 **ROBERT JETER,**
16 affirmed to testify as follows:

17 THE COURT: All right. Come around here,
18 Mr. Jeter. Go ahead and have a seat. Lean up where
19 you can talk into the microphone please.

20 THE WITNESS: Coat got my pants.

21 THE COURT: Oh, sorry, I'm sorry. That's
22 my bad. I'll take that one.

23 THE WITNESS: Yea.

24 THE COURT: I didn't realize that you had
25 those ankle bracelets on.

1 THE WITNESS: Yes, sir.

2 THE COURT: This lady is going to ask you
3 some questions. You answer the questions as
4 truthfully as you can. You understand?

5 THE WITNESS: Yes, sir.

6 THE COURT: All right. Speak up where
7 they can hear you.

8 All right, Solicitor.

9 **DIRECT EXAMINATION**

10 **BY MS. CAVANAUGH:**

11 Q Mr. Jeter, were you served with a subpoena to
12 appear in court for this case?

13 A Yes, ma'am.

14 Q And did you appear as instructed?

15 A No, I had forgot. I forgot the court date 'cause
16 I had other dates with other things I had to do so.

17 Q Okay.

18 A I forgot the date.

19 Q So because you failed to appear a bench warrant
20 was issued —

21 A Uh-huh.

22 Q —for your arrest; is that correct?

23 A Uh-huh.

24 Q And you don't want to be here, that's clear, is
25 that correct?

SW - R. JETER - DIRECT

1 A Man, I don't want to be on this either, period,
2 so I don't know why in here, shit.

3 Q In April of 2012 did you write Investigator David
4 Unger a letter?

5 A I don't remember.

6 Q So you did not write him a ---

7 A I don't remember. I was on medicine and
8 everything else then. I don't remember none of
9 that. I was on medicine. They had me on medicine.
10 That's why I say I don't remember none of that.

11 Q Okay. On November 19th of 2012, so about four
12 months ago, did you give a statement to Investigator
13 Unger?

14 A I don't remember. I was on medication in the
15 county and I can prove it to you I was on some
16 medication that had me high like, like right now,
17 you know what I'm saying. So I don't remember none
18 of that.

19 Q I'm gonna show you what's marked for I.D.
20 purposes as State's Exhibit 241.

21 A I ain't trying to be smart but ---

22 Q Do you recognize this?

23 A ---that ain't, that ain't, that right there. I
24 don't remember none of that.

25 Q Do you -- is that your signature right there?

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1 A I got about 30 signatures.

2 Q So on November 19th, 2012, did you give a
3 statement to Investigator Unger?

4 A I don't remember.

5 Q Do you remember meeting him at your probation
6 office?

7 A Yeah, I remember, I remember meeting him down
8 there then.

9 Q But just don't remember giving him the statement?

10 A No, I don't remember giving him no kind of
11 statement, none of that.

12 Q Do you remember telling him that you had
13 information —

14 MR. SUTHERLAND: His testimony is he
15 doesn't remember. He's not denying the statement.

16 THE WITNESS: Yeah, I'm not denying —

17 THE COURT: I understand, but she can
18 under rule 607 anyone can impeach and she can ask
19 questions.

20 MR. SUTHERLAND: Yes, sir.

21 THE COURT: All right. Thank you.

22 BY MS. CAVANAUGH:

23 Q Mr. Jeter, do you remember telling Investigator
24 Unger that you spoke with Jabriel Singleton?

25 A No, ma'am.

SW - R. JETER - DIRECT

1 Q So you're denying that you told him?

2 THE COURT: No.

3 THE WITNESS: Like I said, I'm not denying
4 nutin'. I don't remember. That's the point. I
5 don't remember so you can't make me. I don't
6 remember nothing.

7 BY MS. CAVANAUGH:

8 Q Okay. Did you tell him that — did he tell you
9 — did you tell Investigator Unger that Jabriel
10 Singleton told you he killed one guy and shot the
11 other guy in the neck?

12 A No, he didn't tell me nothing like that.

13 Q So you're denying that —

14 A Yeah, we barely talk in the county jail. He
15 ain't — at least I don't remember. He didn't tell
16 me nothing like that, but I don't remember nothing.
17 That just about no statement. I don't remember
18 writing no statement or none of that. That's what
19 I'm saying, I don't remember. I'm thinking somebody
20 else done wrote the statement and put my name on
21 something. That what I'm thinking now.

22 Q So you're denying saying that?

23 A Yeah, I'm — I'm denying all that. I don't know
24 nothing about that. I don't know nothing about this
25 here, you know what I'm saying. All I want is to go

SW - R. JETER - DIRECT

1 somewhere, anywhere besides here.

2 Q So you're denying making this statement to
3 Investigator Unger on November 19th, 2012?

4 A I don't remember. I don't remember that. I
5 don't remember that. It's a difference from denying
6 and remembering, see what I'm saying.

7 Q Do you want me to refresh -- would you like to
8 look at this to refresh your memory?

9 A Naw, I already seen it. They showed it to me a
10 thousand times.

11 Q Did you look at it?

12 A Yeah, I looked at it.

13 Q Did you read it?

14 A Yes, ma'am. Looked all the way through it.

15 Q Okay.

16 A Back and forth.

17 Q Do you remember him telling you that he robbed
18 these two guys?

19 A Nope.

20 Q Do you remember him saying that he robbed them,
21 that it was a rip off?

22 A Nope.

23 Q Do you remember telling him that they were riding
24 with his girlfriend and they dropped him off at
25 Zaxby's?

SW - R. JETER - DIRECT

1 A Nope.

2 Q Do you remember telling him that the weed that
3 they got out of the motel was the weed that he
4 ripped them off of?

5 A Nope.

6 Q Do you -- are you -- did you tell him that he
7 told me he shot the driver and the passenger did not
8 die?

9 A I don't remember none of that.

10 Q You don't remember it or you didn't say it?

11 A No, I didn't say none of that. I don't remember
12 none of that. I don't remember none of that.

13 Q Do you remember telling Investigator Unger --

14 A I --

15 Q Did you tell Investigator Unger that Jabriel
16 Singleton said he would bond you out of jail if you
17 would kill the guy that got shot in the neck?

18 A Nope.

19 Q You didn't say that?

20 A Nope, I don't remember none of that.

21 Q Did you tell Investigator Unger that Jabriel
22 Singleton told you that he knew where the guy lived
23 and would give you the address?

24 A Nope.

25 Q You didn't say that?

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1 A Nope.

2 Q Do you remember telling Investigator Unger that
3 you told Jabriel Singleton you would do it if he
4 would get you out of jail?

5 A I don't remember that.

6 Q You didn't say it or you don't remember it?

7 A Don't remember.

8 Q Do you remember telling Investigator Unger that
9 Jabriel Singleton told you that he would pay you a
10 thousand dollars to get out if you would kill him?

11 A Huh-uh.

12 Q You didn't say that?

13 A Huh-uh.

14 Q You didn't say that to Investigator Unger?

15 A I don't remember.

16 Q Did you tell Investigator Unger that Jabriel told
17 you he shot the guy in the neck?

18 A Huh-uh.

19 Q You didn't, you didn't say that?

20 A I don't remember. I do not remember none of
21 that.

22 MR. SUTHERLAND: Your Honor, if I may, the
23 Solicitor's leading, the Solicitor's testifying.
24 He's already said he doesn't remember any of this,
25 know anything about what's in the statement so.

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1 THE COURT: Well, I don't know if he said
2 that or not because that question in that form has
3 not been put to the witness. But again, under 607
4 she may proceed. Under 611 she may proceed, and
5 then there could ultimately be an issue under rule
6 613(b). And I think she has to continue in this
7 manner. I mean, if you want to be heard outside the
8 presence of the jury I'll be glad to hear you.

9 MR. SUTHERLAND: I respect the Court's
10 ruling on that.

11 THE COURT: Sir?

12 MR. SUTHERLAND: I respect the Court's
13 ruling on the matter.

14 THE COURT: All right, thank you. Thank
15 you very much.

16 BY MS. CAVANAUGH:

17 Q Did you tell Investigator Unger that Jabriel told
18 you he had to get rid of the guy that called his
19 name?

20 A I don't remember none of that.

21 Q Did you tell Investigator Unger that this is what
22 the plan was?

23 A I don't remember none of that.

24 Q Did you tell Investigator Unger that Jabriel
25 Singleton told you the State would have no case if

SW - R. JETER - DIRECT

1 he was dead?

2 A I don't remember none of that.

3 Q Do you remember telling Investigator Unger that
4 Jabriel told you the guy was from New York?

5 A I don't even remember. The investigator,
6 officer, I have not seen him until now. A thousand
7 dollar I don't know the man.

8 Q You're denying some of it but say you don't
9 remember the other?

10 A I ain't denying nothing. I don't remember none
11 of that. I been intoxicated, I been on medication,
12 they had me drugged up. I don't remember none of
13 that. Now you check the records and all. You check
14 my records and all. I was all pillled up steady on
15 drugs so I don't remember none of that so I don't
16 know what's going on right now, man. I'm confused
17 for real.

18 Q And again, in April of 2012 do you remember
19 writing Investigator Unger a letter telling him you
20 have information about this case?

21 A Huh-uh, I don't remember.

22 Q So you're denying that as a result of your letter
23 they came and spoke to you in November ---

24 A I said I don't remember.

25 Q ---in 2012?

SW - R. JETER - DIRECT

1 A I said I don't remember that. I say I don't
2 remember that so you going to make me remember?

3 Q I'm attempting to refresh your memory through
4 this written statement --

5 A But I don't remember.

6 Q --that you signed?

7 A Because I don't remember. I tell you I was
8 drugged up on pills. Every time they put me on
9 pills I forgot everything. Make me feel like I have
10 to get I don't want to know about nothing, nothing,
11 nothing.

12 Q So you don't remember writing Investigator Unger
13 a letter --

14 A No, I don't even want to live right now. You
15 talking about a piece of paper. Man, I'm trying to
16 get my life back. I don't remember none of that. I
17 don't remember none of that. Please, I do not
18 remember that. Please, please, I don't remember
19 none of that. Please, I don't remember none of
20 that.

21 Q So you don't remember Jabriel Singleton having a
22 conversation with you --

23 A No, ma'am, 'cause you're driving me crazy and I
24 swear to God 'cause I don't remember none of that.

25 Q I'm asking you a question.

SW - R. JETER - DIRECT

1 A Okay, go ahead, ask it.

2 Q You're denying -- you're saying you do not
3 remember Jabriel offering to pay you a thousand
4 dollars --

5 A No, ma'am. I do not remember that. I do not, I
6 do not remember that. I do not remember -- listen,
7 I do not remember that. I do not remember nothing.
8 I just told you I do not remember none of that.
9 You're asking the same question over and over again
10 and you're going to get the same answer.

11 Q As a result of your letter you wrote on
12 April 2012, did an investigator not come and talk to
13 you in November of 2012?

14 A I don't remember.

15 MS. CAVANAUGH: Beg the Court's
16 indulgence.

17 BY MS. CAVANAUGH:

18 Q And you stated earlier that you do remember
19 talking to --

20 A Yeah, I remember talking to him at the probation
21 office.

22 Q In November?

23 A I don't know when, I don't know what month it was
24 but.

25 Q Was it a couple of months ago?

SW - R. JETER - DIRECT

1 A See, I don't know. I thought it was yesterday or
2 something.

3 Q So when you met Investigator Unger you were out
4 of jail. Is that at least a correct statement?

5 A He came to the probation office, ain't it?

6 Q That's what I'm asking you. You were out of
7 jail; is that correct?

8 A Didn't he tell you that. He tell he came to see
9 me, right?

10 Q No, I'm asking you the question. Did you meet
11 him outside of jail at the probation office?

12 A Oh, yeah, yeah — no, we met inside the probation
13 office.

14 Q But that's not at the jail, is it?

15 A Shit, might as well say it is.

16 Q It's not at the Alvin S. Glenn Detention Center?

17 A Smell like it.

18 Q Is it on Greg Street?

19 A Yeah.

20 Q And you've been arrested before; is that correct?

21 A Who?

22 Q You have been arrested before; is that correct?

23 A Uh-huh.

24 Q And you have spent time in prison?

25 A That ain't got nothing to do — that ain't got

SW - R. JETER - DIRECT

1 nothing to do with my life story. You want to know
2 about my life right now this ain't dealing with me,
3 right?

4 Q I'm just asking you a question. Have you spent
5 time in jail?

6 A I said I don't want to put my information out
7 there now.

8 Q Okay.?

9 MS. CAVANAUGH: Beg the Court's
10 indulgence. A few more questions.

11 BY MS. CAVANAUGH:

12 Q A couple of more questions. In 1998 were you
13 convicted for larceny of a bicycle?

14 A Yep.

15 Q And in 1999 were you convicted of second-degree
16 burglary?

17 A Yep.

18 Q As well as grand larceny?

19 A You win, ain't it?

20 Q Excuse me?

21 A You win; ain't it? You win all the packet. You
22 win, beat me down there.

23 Q As well as another burglary in 1999?

24 A Nope, I don't remember. Well, yeah, yeah,
25 everything, whatever you say, yeah, yeah, yeah. I

SW - R. JETER - DIRECT

1 remember, yeah, yeah, yeah, I know, yeah, yeah,
2 What else you got, yeah.

3 Q As well as a storing of an unlawful shotgun —

4 A Yeah, yeah.

5 Q —in 1999?

6 A Yeah, yeah, yeah. I almost shot my head off with
7 it, yeah, all that had it.

8 Q Back in 1999?

9 A Yeah, 1999, I was locked up with the shotgun in
10 the jail house. Shotgun in 1999, ain't it.

11 Q And then it appears that in August of 2012 you
12 were also convicted of assault and battery in the
13 second-degree; is that right?

14 A I don't remember.

15 Q Please answer any questions from Mr. Sutherland.

16 **CROSS - EXAMINATION**

17 **BY MR. SUTHERLAND:**

18 Q As far as you know you're the State's witness
19 here today; is that correct?

20 A I don't even know what, man, I don't know what
21 the State witness mean, man.

22 Q Okay. They brought you here?

23 A For nothing, I don't know why.

24 Q I have to ask you a few questions, okay. They
25 talked to you about a period of time and you're

SW - R. JETER - CROSS

1 saying you don't remember around the period of time.

2 A I don't remember. I ain't going to remember.

3 Q Okay.

4 A I don't want to remember.

5 Q I understand. I'm just going to go through these

6 things and then we should done here. At the time

7 that they're saying that you were in communication

8 with them, were you —

9 A I ain't never had — they — what I remember was

10 they try to get me to tell a lie about some shit

11 though, about some shit trying to use me to tell a

12 lie about some shit though about the case if, you

13 feel what I'm saying.

14 Q Okay, I understand. Just very briefly I just —

15 A Yeah.

16 Q I have to do this. It's my duty to do this. At

17 the time of these communications that you don't

18 remember, but when you were in jail you were charged

19 with burglary first degree; is that correct?

20 A Yes.

21 Q And that carries 15 to life?

22 A Yeah.

23 Q Is that right?

24 A Yeah, yeah.

25 Q You were charged with kidnapping; is that

SW - R. JETER - CROSS

1 correct?

2 A Yeah.

3 Q And that carries up to 30 years; is that correct?

4 A Yeah, yeah.

5 Q You were charged with assault and battery first,
6 two counts; is that correct?

7 A Uh-huh.

8 Q Those were ten years a piece so that adds up to
9 20 years. So during the period of time that these
10 communications that you don't remember — and that's
11 fine; that's your testimony — when you were alleged
12 to be communicating with them, by them, you were
13 looking at life plus 50 years; is that correct?

14 A No, no, nope, nope.

15 Q Adding your sentences up —

16 A No, I wasn't.

17 Q Okay?

18 A No, I wasn't.

19 Q Go ahead and tell me why not.

20 A I was looking at nothing. I don't remember the
21 time and all that. You just told me. I forgot
22 about the kidnapping and all stuff on the record I
23 and I forgot about that, man.

24 Q Okay.

25 A Yeah, see there.

SW - R. JETER - CROSS

1 Q There were some very serious charges pending ---

2 A Yes.

3 Q ---against you at that time?

4 A But my charge -- no, my charge was already
5 through. It was already through.

6 Q Okay. Then just briefly ---

7 A You trying to say they use me.

8 Q We can just ---

9 A No.

10 Q We can be done here very shortly and you can get
11 on about your business if they will leave you alone.

12 A Right, right.

13 Q You were facing very serious charges at that
14 time?

15 A Uh-huh.

16 Q And now you are home, is that correct? Or you're
17 on probation as I understand?

18 A Yeah.

19 Q Okay. No further questions, Your Honor.

20 A I like that.

21 **REDIRECT EXAMINATION**

22 **BY MS. CAVANAUGH:**

23 Q That letter that you wrote Investigator Unger,
24 can you read that envelope for me?

25 A (The witness shakes head.)

SW - R. JETER - REDIRECT

1 Q Does it say David Unger?
2 A You can throw that in the trash.
3 Q Does it say 5623 Two Notch Road?
4 A You know it time to get my medication, right?
5 Q Is it —
6 A No, for real, I got to have my medicine. For
7 real, I got to have my medicine.
8 Q Can you read the return —
9 THE COURT: We'll be through in a few
10 minutes.
11 BY MS. CAVANAUGH:
12 Q Can you read the return?
13 A No, I can't read nothing. I don't want to read
14 that.
15 Q Does it say Robert Jeter?
16 A That what it say? Let me see, yeah, it say that.
17 Q Okay, that's your name, right?
18 A I don't remember. I don't remember. Somebody
19 else can write that. I ain't write Robert Jeter.
20 Q And again, you did not make this statement to
21 Investigator Unger?
22 A No, man, no. I don't remember that. I don't
23 remember that. Y'all trying to make me remember
24 that. Stop trying to aggravate me, man. Stop that.
25 You done asked me that.

SW - R. JETER - REDIRECT

1 THE COURT: Mr. Jeter.

2 THE WITNESS: Come on, man. You see, she
3 asking me the same questions over and over. I just
4 tell her that.

5 THE COURT: Come on, man, you don't to
6 have be disrespectful —

7 THE WITNESS: I ain't being disrespectful.

8 THE COURT: If you can't answer the
9 question —

10 THE WITNESS: All right.

11 THE COURT: Then just move on, all right.
12 Then we'll be through here shortly.

13 Go right ahead, Solicitor.

14 BY MS. CAVANAUGH:

15 Q You just stated that your charges in August of
16 2012 were done, is that correct? You applied to
17 your charges?

18 A I just remember.

19 Q You just said that?

20 A Yeah, that what he just said. That what he just
21 told me.

22 Q And you met with Investigator Unger three months
23 later in November?

24 A I don't remember that, man. I don't remember
25 that.

SW - R. JETER - REDIRECT

1 Q What does this date say?

2 A I don't remember. I don't remember.

3 Q Does that not say November ---

4 A I don't remember. I don't remember. I don't
5 remember.

6 Q ---2012?

7 A I don't remember. I don't remember. I don't
8 remember.

9 MS. CAVANAUGH: No further questions.

10 THE COURT: You have any further
11 questions, Mr. Sutherland?

12 MR. SUTHERLAND: Nothing at all, sir.

13 THE COURT: Thank you so much for being
14 with us.

15 THE WITNESS: You're welcome, man.

16 THE COURT: I appreciate it and ---

17 THE WITNESS: All right.

18 THE COURT: Good luck to you.

19 THE WITNESS: All right.

20 THE COURT: Yes, sir.

21 All right, Solicitor, you may call your
22 next witness.

23 MS. SIMPSON: Your Honor, the State calls
24 Lieutenant Scott McDonald.

25 THE COURT: Thank you, Solicitor. Thank

SW - R. JETER - REDIRECT

1 you Mr. Sutherland.

2 Excuse me just a moment.

3 (Whereupon, an off-the-record Bench
4 conference was held.)

5 WHEREUPON,

6 **SCOTT McDONALD,**

7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please have a seat
9 in the witness stand. State your full name for the
10 record.

11 THE WITNESS: Scott McDonald.

12 **DIRECT EXAMINATION**

13 **BY MS. SIMPSON:**

14 Q Lieutenant McDonald, where are you employed?

15 A I'm employed at the Richland County Sheriff's
16 Department.

17 Q And what is your position there?

18 A I'm a lieutenant in the major crimes unit in the
19 criminal investigative division.

20 Q And as a lieutenant what do your duties include?

21 A To supervise and help investigate all assaults,
22 robberies, homicides in Richland County. I'll come
23 up on 25 years in another week.

24 Q Twenty-five years?

25 A Yes, 24 years and a few days, almost 25.

SW - S. McDONALD - DIRECT

1 Q Can you tell the jury a little bit about your
2 work experience, education and training?

3 A I graduated from USC with a BS in criminal
4 justice May of 1986. I attended the South Carolina
5 Criminal Justice Academy beginning in January of
6 1989. Since then I've completed numerous seminars
7 and classes on all aspects of law enforcement,
8 investigations, interrogations, and specifically
9 into cell phones and cell phone investigations.

10 Q And with respect to cell phone investigations do
11 you specialize in that, for lack of a better term,
12 with the Sheriff's Department?

13 A I do. I've been involved with those
14 investigations since November 2001. Since that time
15 I've attended numerous seminars, classes, court
16 certified to testify in these type investigations.

17 Q Okay. So you actually continue — do you
18 participate in continuing educational courses to
19 kind of stay up to date?

20 A Yes, I do.

21 Q And how, how has the use of cell phones kind of
22 impacted law enforcement and investigations with
23 respect to today's modern society?

24 A It's huge, especially in today's society. Just
25 about everyone has a cell phone. And if you have

SW -- S. MCDONALD -- DIRECT

1 cell phone in my experience you generally have it
2 with you, must like a wallet for the man or the
3 purse for the woman. And through these cell phones
4 we're able to show correspondence with others,
5 specifically defendants and victims in crimes
6 oftentimes, and also be able to place geographical
7 locations of that phone during specific incidents of
8 time around specifically of the crime scene, things
9 like that.

10 Q Okay. And what kind of information do you
11 utilize when I guess, conducting cell phone analysis
12 and things of that nature?

13 A Call detail records from the cell phone companies
14 themselves, and there's a host of different records
15 we can get depending on the type of phone it is.
16 Today's smart phones are -- there's data
17 information, there's text messaging information, and
18 there's voice communication as well. All those
19 leave a trail that can be tracked and plotted on
20 maps to show where people generally were at a
21 certain date and time.

22 Q And I believe you stated you've been doing this
23 type of investigation since 2001?

24 A That's correct.

25 Q How many, how many cases would say you've been

SW - S. McDONALD - DIRECT

1 involved with respect to the cell phone?

2 A Probably close to a hundred.

3 Q And you've testified as an expert before in cell
4 phone analysis?

5 A I have five other times, yes.

6 MS. SIMPSON: Your Honor, at this time,
7 the State would offer Lieutenant Scott McDonald as
8 an expert in cell phone analysis.

9 MR. SUTHERLAND: Just briefly, with
10 respect to general cell phone analysis of the
11 direction finding aspect, I mean?

12 MS. SIMPSON: To include the investigation
13 and examination of phone records as well as tower
14 locations and anything related to cell phones.

15 MR. SUTHERLAND: Okay, no objection.

16 THE COURT: All right. Mr. Foreman,
17 again, ladies and gentlemen, again, this witness,
18 Lieutenant Scott McDonald, will be qualified as an
19 expert in cell phone analysis including
20 investigation of phone records and tower locations
21 and other matters. In that regard, it does not mean
22 he can give opinion testimony. That does not you
23 must accept those opinions; but it is evidence for
24 you, the jury, to use in way you see fit.

25 Thank you, Solicitor.

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1 MS. SIMPSON: Thank you, Your Honor.

2 BY MS. SIMPSON:

3 Q Lieutenant McDonald, did you have -- did you
4 become involved many case?

5 A Yes, I did. Last year January 24th, 2012, in
6 early afternoon hours I became aware of a shooting
7 incident on the lower side of the county, was later
8 updated that this type was homicide and attempted
9 murder of a second subject as well.

10 Q And were you advised just about the nature of the
11 investigation as it kind of went along at this
12 point?

13 A I did. Part of my duties were to make sure we
14 had investigators arrive to the scene. The evening
15 shift investigators were coming on duty around this
16 same time. I conversed with their sergeant as well
17 as several of the investigators that were responding
18 to the scene, to the hospital, trying to gather as
19 much information as possible as to what had
20 happened.

21 Q Okay. And during the course of this did you
22 learn that they developed a possible suspect by the
23 name of Jabriel Singleton from the Hopkins area?

24 A Yes, I did.

25 Q And what did do you once you had the suspect's

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1 name?

2 A Let me back up just a little bit. We -- once we
3 identified the victims in this incident we ordered
4 phone records from the two different cell phone
5 companies that their phones were with to try to
6 establish a link between possible suspects that may
7 have talked to them, one or both. In a case that we
8 would develop as a suspect, as we did in this case,
9 Jabriel Singleton, that if we could locate his cell
10 phone number we might be able to insert that and see
11 the relationship and then clock locations. Once
12 Mr. Jabriel Singleton's name was brought to our
13 attention and we got his cell phone, we ordered cell
14 phone records specific for the day in question -- I
15 believe a day or two, probably either way from that
16 particular date as well. And we were able to
17 connect him through a series of conversations with
18 the deceased on the incident date and also place him
19 geographically in the same area as the incident
20 occurred.

21 Q All right. And so let me back up just a little
22 bit. In your investigation, initially did you have
23 a number for Jabriel Singleton?

24 A No, I did not.

25 Q At some point did you have -- you said you

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1 requested the records for Dashawn Jones?

2 A That's correct.

3 Q And what was the phone number associated with
4 those records?

5 A With Mr. Jones?

6 Q Yes.

7 A The cell phone number was (803)413-5892, which
8 was a Verizon phone number.

9 Q And what about the number for Mr. Frazier?

10 A (803)403-5760 which was an ATT cell phone number.

11 Q And both of those records were requested, I
12 guess, with the expediency of ---

13 A We do an exigent request form which in the case
14 of murder or other life threatening emergencies, the
15 cell phone companies are able to provide us these
16 records within the hour of our request so we can
17 immediately begin working on a case like this.

18 Q And so when you had Dashawn Jones and Jonathan
19 Frazier's numbers, were you just kind of looking for
20 things at that point because -- let me fix my
21 question a little bit. Did you develop some names
22 based on those records not Jabriel Singleton, that
23 were not Jabriel Singleton?

24 A I did. I usually -- traditionally when you have
25 an incident like this and you have an approximate

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1 time that the incident occurred I'm focusing on that
2 time of the incident and the time just prior to that
3 or maybe just after that to see who's, who's talking
4 on that phone and who that person is talking to and
5 conversing with. And I begin cross reference those
6 numbers through a different, series of different
7 data bases that are available to us to try to
8 identify the subscribers on this phones because all
9 these could be potential suspects in this case. So
10 once I got these two phone records in these two
11 different companies, I then set out getting on the
12 internet, getting all internal data bases we have to
13 try to identify who those phones may belong to.

14 Q Okay. And once you identified certain
15 individuals did you turn those names and information
16 over to other investigators to investigate?

17 A I did.

18 Q But you became aware that Jabriel Singleton was
19 the primary suspect in this case?

20 A I did. In fact, I learned of his cell phone
21 number the following morning at morning briefing on
22 the homicide, and it was one of the numbers I had
23 not been able to cross-reference up to that point
24 and I had noticed the frequency of that number being
25 called or receiving calls from our victim, deceased

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1 victim in this case, throughout the day on the day
2 of the incident.

3 Q And what was that number for Jabriel Singleton?

4 A It was (803) 514-3525. It was a T-mobile cell
5 phone number.

6 Q T-mobile. And you requested an expedient —

7 A I did.

8 Q —search warrant for that as well?

9 A Yes, I did.

10 Q Did you actually receive those records?

11 A Yes, I did.

12 Q And what — what did do you once you received
13 them?

14 A I once again looked at them. We have several
15 bits of software or data bases that we can import
16 these into that make looking at them easier than —
17 when we receive them from T-mobile or Verizon we
18 have a number of columns usually on Excel
19 spreadsheet. There may be hundreds of calls.
20 Through some of the software we can import those
21 into the software, and it will auto-populate. If I
22 have known subscribers, a place in the software will
23 auto-populate the subscribers so at a glance I'm
24 able to look and see who some of these calls are
25 being placed to. And also lets me know if it's-

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1 incoming or outgoing phone call, things like that.

2 Q Okay. And on these records — I'm gonna show you
3 what's in evidence as State's 203 already in
4 evidence. Do you recognize those?

5 A Yes, I do. These are the cell phone records I
6 requested from T-mobile with reference to Jabriel
7 Singleton's phone.

8 Q And I don't see them handy — oh, here we go.
9 I'm also gonna show you what's marked as State's
10 Exhibit 239. Are these a portion of the records
11 that you received for Dashawn Jones?

12 A Yes.

13 Q And were there actually more records as well?

14 A The problem you have when you try to print these
15 records out, they may have 10 or 15 columns wide.
16 When you print it out you get, you know, seven or
17 eight columns on one sheet, seven or eight on
18 another one. It's very cumbersome to try to
19 compare. Usually that's done on a computer where
20 it's easier to view.

21 Q Okay. And so once you had all the phone numbers
22 you began your analysis, correct?

23 A That's correct.

24 Q And you mentioned, or you may have mentioned
25 tower location. Did you have those available to you

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1 as well?

2 A Those are provided by the cell phone companies
3 themselves, usually included some of it for the
4 State of South Carolina or for the switch that's
5 being used in this particular incident. Sometimes
6 it's a nationwide tower data base. Usually we
7 request that and all cell phone records.

8 Q And did you create -- were you able to kind of
9 analyze and create a document as a result of your
10 examination?

11 A Yes, I was. I generally do this for
12 demonstrative purposes to illustrate. It's much
13 easier to show you these locations and sit here and
14 talk about them so I usually do a presentation to
15 show.

16 Q I'm gonna show you what's marked as State's
17 Exhibit 251 for identification purposes only. Do
18 you recognize this?

19 A Yes, that's a CD that I put this power point
20 presentation on.

21 Q And all the information contained in this power
22 point, was that actual information in the records
23 that you received with respect to this case?

24 A The information that's provided in the record,
25 some of the, what you'll see displayed could be from

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1 a data base where I've imported these records or
2 they may be the actual records themselves. And then
3 some of the mapping is gonna be from software,
4 mapping software.

5 Q But the tower location and information, that
6 comes from the cell phone companies —

7 A That comes from the company; that's correct.

8 Q —and the records?

9 MS. SIMPSON: Your Honor, at this time
10 permission to publish? Or State's 251.

11 THE COURT: 251?

12 MR. SUTHERLAND: No objection, sir.

13 THE COURT: All right.

14 MS. SIMPSON: And it may — may we
15 approach.

16 THE COURT: Yes, ma'am.

17 (Whereupon, there was an off-the-record
18 Bench conference held.)

19 (State's Exhibit No. 251 was admitted into
20 evidence.)

21 THE COURT: All right. Well, Mr. Foreman,
22 ladies and gentlemen, the — well, let me ask you
23 this, Solicitor, can you go into other matters or
24 since you're warming up or you just want —

25 MS. SIMPSON: They will be extremely

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1 brief, Your Honor, but I can go ahead and move along

2 —

3 THE COURT: All right.

4 MS. SIMPSON: —and see where we're.

5 THE COURT: All right, just let me know.

6 BY MS. SIMPSON:

7 Q Did you have the opportunity to prepare a photo
8 lineup in this case?

9 A Yes, I did.

10 Q And who was that photo lineup for?

11 A For Investigator Unger. It was — Jabriel
12 Singleton was placed in photo lineup along with five
13 other candidates.

14 Q And do you often help create and develop photo
15 lineups?

16 A Yes, I do.

17 Q And what was the date that photo lineup was
18 developed?

19 A That would be on January 25th, 2012.

20 Q So the date after this incident?

21 A That's correct.

22 Q At some point did you receive information with
23 respect to an arrest warrant that had been obtained
24 for Jabriel Singleton?

25 A Yes, I did. I was made aware also this a witness

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1 had positively identified Mr. Singleton in this
2 photo lineup resulting in creation of the arrest
3 warrant.

4 Q And once you learned of the arrest warrant, was
5 he immediately arrested or what occurred?

6 A No. A fugitive investigation began with
7 investigators involved in the case as well as our
8 Richland County fugitive squad assisting and try to
9 help locate.

10 Q And did you go out there to assist —

11 A Yes, I did.

12 Q —in this search? And outside of the
13 presentation and the information that we've
14 discussed, was that the extent of your involvement
15 with this case?

16 A It was. I had a prescheduled out of town
17 engagement the following day I believe on the 26th.
18 That would be the end of my involvement in the case.

19 Q Okay.?

20 MS. SIMPSON: Your Honor, I believe we
21 have about two, three minutes.

22 THE COURT: All right.

23 (Pause.)

24 MS. SIMPSON: And Your Honor, permission
25 for Lieutenant McDonald to step down.

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1 THE COURT: Yes, you may step down. Just
2 keep your voice up when you're away from the
3 microphone.

4 BY MS. SIMPSON:

5 Q Stand on that side so the court reporter can hear
6 you.

7 THE COURT: Can I slip by you?

8 MS. SIMPSON: Okay. We may be having some
9 issues, Your Honor.

10 THE COURT: How i the.

11 MS. SIMPSON: We do.

12 THE COURT: At the break I'll fix it if
13 you don't.

14 MS. SIMPSON: All right, thank you.

15 THE COURT: I'll have y'all step out.
16 Please do not discuss the case during the brief
17 recess. Thank you very much.

18 (The jury is removed from the courtroom at
19 2:52 p.m.)

20 MS. SIMPSON: Yes, Your Honor, it actually
21 looks like it just came up.

22 THE COURT: I told you I would fix it.

23 MS. SIMPSON: We're finally operational
24 now.

25 (The jury was returned to the courtroom at

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1 2:55 p.m.)

2 THE BAILIFF: Your Honor, the jury is
3 present.

4 THE COURT: Thank you. Thank you,
5 Mr. Bailiff, I appreciate it.

6 All right, Solicitor, may proceed.

7 MS. SIMPSON: Thank you, Your Honor.

8 BY MS. SIMPSON:

9 Q All right, Lieutenant McDonald, is this your
10 power point presentation that you developed?

11 A Yes, it is.

12 Q And can you tell us a little bit about how a cell
13 phone works.

14 A Basically when your phone is in the on position
15 it's always scanning for the strongest signal in
16 anticipation of a call being made or a call being
17 received, so your phone is constantly seeking out
18 this information. When cell phone A as you see in
19 the picture here, decides she's gonna make a phone
20 call, it's already knows what tower it's going to go
21 to by the strongest signal at that particular time.
22 It goes through that tower into a switch. And part
23 of the switch's job is to verify, number one, that's
24 a valid active number, subscriber. And once that
25 has been established, it then sends out the signal

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1 after verifying that caller B's phone is a
2 subscriber as well, an actual legitimate phone. It
3 then sends out a signal trying to locate that
4 particular phone, wherever it may be. And once
5 again, that phone is constantly seeking the
6 strongest cell phone tower that's serving it so the
7 call can be completed. And all this happens, you
8 know, in microseconds, the call is completed.

9 Q Quick question on the tower issue and the
10 strength of the signal, what kind of things will
11 affect maybe the strength of signal?

12 A There's a number of things. There's vegetation
13 from the fall to the summer, just leaves on a tree
14 cuts down on some of the reception. Tall buildings,
15 mountains, structures like that, they can block
16 these signals, sometimes hamper them. Low flat
17 land, the signals can go for miles and, miles. More
18 populated areas or like a downtown area like this
19 with the tall towers, the signal is sufficiently
20 weakened by this type of interference.

21 Q What are you demonstrating here?

22 A Specifically we're dealing with the T-mobile cell
23 phone records of Mr. Singleton here, but all the
24 companies in general are very similar. Each tower
25 has three sides and they're generally broken down in

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1 120-degree sectors, sector A, sector B, sector C.
2 Sometimes you'll see it sector 1, 2, or 3. And in
3 general, that's how all of these towers are set up.
4 Some areas due to high call volumes, you may have a
5 little wider than 120 degree or a little narrower.
6 If it's an area like facing like out into a lake
7 where maybe it's not as important for the cell phone
8 company to get the maximum number of users on that
9 tower, they may widen one of the other sectors. But
10 in general, you have 120-degree sector completing
11 the 360 degrees of the tower.

12 Q And so that's tower range is what you're, or what

13 —

14 A That's —

15 Q Wrong terminology?

16 A Well, when you place a call, let's say I'm over
17 here (indicating), it will hit on this side of the
18 tower or in that sector there so we can say
19 somewhere in this general area that phone was when
20 that call was placed.

21 Q Okay. And I think it may be a little bit off the
22 screen. What is it, is this an actual phone record?

23 A Part of this is an actual phone record. The last
24 two columns I've inserted part of a working file.
25 But when the records came into me short of this.

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1 (indicating), this is how they came in. Like I
2 said, this is an Excel spreadsheet. You can have a
3 range of number here that may not mean anything to
4 you, but each column has a title at the top and some
5 of that may not make sense to you. What I've done
6 at the bottom is kind of put it in layman's terms,
7 that MSISDN number is a target number or the phone
8 number we're searching, which in this case
9 (803) 514-3525 number is Mr. Singleton's number. The
10 next column is the call direction, and you see MIC
11 and MOC. Well, what does that mean? Well, they
12 send us a cheat sheet or a instruction sheet on what
13 these abbreviations stand for. The MICs are inbound
14 calls. The MOCs are outbound calls meaning the call
15 was originating from this phone or receiving on this
16 phone.

17 The next column is the date and time of
18 the phone call pretty self-explanatory. The first
19 cell tower and the last cell tower, the next two
20 columns, and that's just a number. When we get
21 these we have tower numbers, and we have switch
22 numbers, which I'll talk about in a minute. A
23 switch number you can think of kind of as a regional
24 or general area, and within that general area or
25 region you're gonna have sometimes hundreds of cell

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1 phones and that's how the company set these up. So
2 when we get the records we're looking at the switch
3 and then the tower number, and from there it gives
4 us a longitude and latitude area from where cell
5 phone tower is located. The last digit in this
6 number here, 2, 1, 3, that's a signal. 1, 2, or 3,
7 that's how T-mobile has theirs set up. So when I'm
8 referring to sector 2, sector 3 over here at this
9 particular tower (indicating), that's where that
10 information is obtained from.

11 Q And the sectors are the information we just saw
12 on the previous side?

13 A Right, which side of the tower the phone call is
14 bouncing off. Of course, the number of calling,
15 that can either be a target number calling out to
16 someone or the number calling in to the target
17 number. Number called, first switch and last
18 switch.

19 In general this is gonna always be the
20 same. But sometimes when you're traveling,
21 especially if you're in a remote area, you may go
22 from one switch into another switch.
23 Hypothetically, if I'm going on the road from 77 to
24 Charlotte, I may go from the Columbia switch and
25 start hitting off the Charlotte switch as I

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1 approach Charlotte so that's a regional type thing.
2 This is a call duration, how long the phone call was
3 placed for, and then it's just broken down in
4 minutes. You can see the decimal point there.

5 Q And going to call duration, what may be the
6 reason for this zero in those places?

7 A Those could be call wasn't completed. Some of
8 these were you don't see a tower. Those are gonna
9 be text messages. They don't register a tower; they
10 just show the time.

11 Q All right.

12 A And of course, the last, these two columns I
13 created, they're kind of for my working file so I
14 can look at a glance and see at this particular time
15 which tower and which sector was that phone hitting
16 off, which becomes more important as we'll see.

17 Q All right.

18 A These are the cell phone records of our victim in
19 this particular case, Dashawn Jones. That's his
20 cell phone number. Once I receive these records
21 from his cell phone company, I've talked about the
22 software we import this into. That helps us look at
23 a glance subscriber info, whether it's an inbound or
24 outbound call, the date and the time. These little
25 last, you may be saying, well what are these funny

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1 little things. All that is showing is that ASIS,
2 which is the software we're using, recognizes that
3 as a phone number that's been imported from the
4 phone records. So what I do when I'm
5 cross-referencing these records, I'm importing them
6 into this software so when these records are dumped
7 in there, it gets dumped in and it says, oh, that
8 number has been entered as Janice Williams, that
9 number's been entered as Jabriel Singleton. So at a
10 glance we quickly look and see this is on the day of
11 the incident beginning at 3:23 in the morning when
12 you first see Mr. Jabriel Singleton calling
13 Mr. Jones. Actually the other way around, Mr. Jones
14 called him as an outbound call.

15 Q And how are you able to tell it's an outbound
16 call?

17 A Right here, the I and the O.

18 Q Okay.

19 A Then as the day progresses you see of course
20 right up leading to the time of this incident you
21 see a flurry of these type calls back and forth,
22 which is very common in these type cases. We see
23 drug related crimes, things like that, where they're
24 trying to get together with one another and meet.

25 Q In going back, those calls right before the high

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1 frequency, what is the time on that?

2 A 12:16 p.m. which is just after noon, 12:17,
3 12:18, 19, 12:28, 12:29 all leading right up, I
4 believe the last call is at 1300 which will be
5 1:00 p.m.

6 Q So 1:00. So after 1:00 Jabriel Singleton was no
7 longer calling his phone?

8 A No.

9 Q And also I noticed you have Jonathan Frazier on
10 here as well.

11 A He's the other victim in this case, the surviving
12 victim. And these are calls at 9:50 and 11:04 in
13 the morning where Mr. Frazier initially had an
14 inbound coming call in to Dashawn Jones at 9:49 and
15 then Mr. Jones called him back at one 11:04 with an
16 outbound call.

17 Q So this had -- prior to having Jabriel
18 Singleton's phone number associated with a number
19 you noticed the significance based on the
20 frequencies of those calls?

21 A Right. I can do a call frequency report and put
22 in, you know, a minimum of two calls of frequency
23 for this time frame; and you know, overwhelmingly
24 this number looked to be at the top of the list as
25 frequency. But that number was received or received

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1 from a call during this time.

2 Q Okay. What do we have here?

3 A This is a rough outline without getting into the
4 sectors just yet; but again, this is Mr. Jabriel
5 Singleton's cell phone and the location his cell
6 phone was hitting off beginning at 1324 hours on the
7 day of this incident. It was at 1:24 p.m. It's
8 hitting off a tower right here at 3869 Eastburg
9 Road. From there, the next time he hits off a tower
10 is at 1342 hours and 1355 hours all the way up until
11 1423, which will be 2:23 in the afternoon. He's
12 hitting off this tower right here at 5676 Lower
13 Richland Boulevard. This particular tower is 2.67
14 miles from the crime scene which is important. Then
15 the third tower hits off at 1784 Rich Road. He's
16 sitting off at 1352 hours, 1424, and 1433 hours.
17 These two towers are the last two towers he hits off
18 around the time of this incident, and that
19 particular tower is 4.09 miles away from the crime
20 scene on Prioleau Road.

21 Q And what is this road directly here?

22 A This is 378 or Garners Ferry Road right there.

23 Q And do you also have Hor Hill Road indicated on
24 the map?

25 A Right here (indicating).

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1 Q So it's very close to this other tower at the ---

2 A Right.

3 Q ---1784 bridge?

4 A Right. And sometimes you'll see a little overlap
5 and you'll see that in later slides. Sometimes the
6 towers will overlap slightly as well.

7 Q Okay. And so just so we're clear, on the 24th at
8 1:24 the defendant's cell phone is hitting off a
9 tower that's closer to the Columbia area and later
10 on in the afternoon, correct?

11 A That's correct.

12 Q So then a short time later at 1:42 and between
13 1:55 and 2:23 he's down in the Hopkins area?

14 A That's correct.

15 Q Hitting off the tower that's 2.67 miles ---

16 A That's correct.

17 Q ---from the crime scene?

18 A That's correct. This is a little different look
19 at it, but this is where we get into the sectors and
20 how the sectors become so important in these type
21 incidents. When we import these records into some,
22 this software I was talking about, this particular
23 software is called Penguin and it helps illustrate
24 the towers involved in the sectors so we just talked
25 about these two tower right here at 5676 Lower

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1 Richland and 1784 Ridge Road in Hopkins. At 1423
2 and 1424 which is 2:23 and 2:24 p.m., he's hitting
3 off this tower and then he's hitting off this tower.
4 And you see these kind of pie shaped wedges here.
5 These are done for demonstrative purposes only. 2.9
6 or 3.09 in miles in range, actual range may be
7 slightly more or slightly less. But what we can say
8 is in general that cell phone was somewhere in this
9 area around that time. That's the crime scene right
10 there (indicating).

11 Q Okay, and what do we have here?

12 A This is just a transparency view using
13 (inaudible) showing the same thing without the
14 overlap. This is the tower at 5676 Lower Richland
15 Boulevard at 1423 hours. There's the crime scene
16 there. We can say from these records that that
17 phone is somewhere in this general area here. This
18 is where the second tower circles over it. 1423,
19 1424 again, somewhere in this general area that
20 phone was at that time.

21 Q So he's around both the Prioleau Road area and
22 the Coral Hill —

23 A That's correct.

24 Q —location? What do we on this slide?

25 A I was asked to represent the location of Mr.

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1 Singleton's girlfriend's residence which is on Daly
2 Street which is right here (indicating) just off of
3 Leesburg Road. And then the two closest towers to
4 that residence is the tower at 3869 Leesburg Road
5 and another tower down here (indicating) at 3208
6 Leesburg Road showing the rough location where those
7 two particular towers are in reference to her house.

8 Q Okay, and her house is, is it located in what
9 would be considered the Columbia area of the Hopkins
10 area?

11 A I believe this to be considered Columbia 'cause
12 they were around Leesburg Road right here.

13 Q And neither of these two towers were indicated
14 earlier?

15 A No, they're on the records from earlier. You'll
16 see Leesburg Road, 3869 Leesburg Road, 124 I believe
17 it was. And there it moves down to the Hopkins
18 area.

19 Q And what do we have on this slide?

20 A I was also asked to illustrate on the night this
21 incident occurred later that evening between 8:14
22 p.m. and 11:14 p.m. I was told the defendant gave a
23 statement indicating he was at Club Crush in
24 Columbia. What you see is illustrated up here 3722
25 River Drive. From his cell phone records he was no

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- 1 where near. He was still down in the Hopkins area
2 (indicating) between those times.
- 3 Q And River Drive, that's over here near Broad
4 River —
- 5 A That's right (indicating).
- 6 Q ---area? Close to downtown?
- 7 A Yeah. So he's half a county away from where he
8 says he was.
- 9 Q Okay. And these are between the hours of ten —
10 I guess 10:14 and —
- 11 A 8:14 and 11:14.
- 12 Q Oh, sorry, yeah.
- 13 A And this is just a representative view of — this
14 is just a T-mobile cell phone towers in this area.
15 This isn't the Verizon and Sprint and everyone else
16 combined. These are just T-mobile. Out of all
17 these towers in this area around the time of this
18 incident, these two towers right here (indicating)
19 are the towers he's hitting off. Just kind of
20 alarming when you see that. Out of all the other
21 towers it could be he was found around those two.
- 22 Q And those are all T-mobile towers?
- 23 A That's just T-mobile towers.
- 24 Q Thank you. You can have a seat.
- 25 A (Complies.)

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1 Q Now Lieutenant McDonald, now with respect to a
2 person's phone hitting off a tower, is it the most
3 likely tower that they'll be hitting off of? Is
4 that tower going to generally be the one they're
5 closest to?

6 A Well, it's the strongest signal. And in general
7 that will be the closest tower but not always, due
8 to things we talked about earlier, if there was a
9 large building or any large hill. In an area of one
10 tower, even though it may be closer may not be the
11 one serving that particular call due to some other
12 reason. But in general, in low lying areas where
13 there's not a lot of interference from other things
14 like that it should be in general the closest tower.

15 Q So your rural areas, you're not gonna have as
16 many obstructions potentially as you would, say, in
17 downtown Columbia with buildings and multiple
18 towers?

19 A Right.

20 Q And when you do your initial analysis or of the
21 cell phones, does the importance and relevance to an
22 investigation, can it become more significant as
23 that investigation continues, —

24 A Certainly.

25 Q —those phone records?

SW - S. McDONALD - DIRECT

1 A Certainly it can. I can think of numerous
2 occasions during an interview with a suspect where
3 he'll deny being in a general area or something like
4 that and we'll present these records to him and
5 illustrate on the map where these records indicate
6 he was, and many times that will generate a
7 confession at that point once they see that we can
8 place them in that general area.

9 Q Thank you.

10 THE COURT: Thank you, Ms. Simpson.
11 Mr. Sutherland.

12 **CROSS - EXAMINATION**

13 **BY MR. SUTHERLAND:**

14 Q Sir, ultimately — I'm gonna ask you some
15 questions about the presentation that you had up
16 there. Just very quickly I, you know, I've seen a
17 lot of this for the first time today; but I noticed
18 something about the different towers and everything,
19 maybe try to draw an illustration about
20 triangulation. Now I have a little bit of
21 experience in this area so when there's a signal
22 signals they travel in a straight line?

23 A Uh-huh.

24 Q There's a wave from would be the communication
25 basically that's contained within the signal but

SW - S. McDONALD - CROSS

1 they travel in a straight line?

2 A In general, I mean...

3 Q Well, bouncing off stuff, but...

4 A Yeah.

5 Q So when you have an antenna that's similar to a
6 switch, when you're getting a signal sort of like
7 the switch is from this direction that means it's
8 coming from that way?

9 A Right.

10 Q Is that correct? So say if here in Purlin you
11 are getting a signal from this direction?

12 A Well, when you say getting a signal I might be
13 getting confused here.

14 Q Okay.

15 A You have a cell phone —

16 Q Right.

17 A —that's searching for the strongest signal for
18 service and that could be anywhere in the 306 figure
19 range. The strongest signal will serve that. And
20 if there's a call made or placed or received, it
21 will lock in on that particular side of whatever
22 tower it is.

23 Q Sure. And let's say that this is — what I'm
24 trying to do is just take radio signals, radio
25 communications with those principles and apply it

SW - S. McDONALD - CROSS

1 to cell phones.

2 A Okay.

3 Q So, if let's say this is similar to a side of a
4 cell tower.

5 A (The witness nodded head.)

6 Q And then we have up here, say, Denmark. We'll
7 get a line going this way (indicating) and, say,
8 over here Alsborg we get a line going this way. And
9 basically what that is is just getting three
10 readings to triangulate and get a location.

11 A All right. Let me — the cell phone records we
12 get from a cell phone company is not based on
13 triangulation. I can't say that phone was at this
14 particular spot right here when that call was made.
15 I can say it's in this general area.

16 Q All right, because that's what I did notice and
17 that's what I did notice from your testimony but it
18 seemed like there were straight lines, and you know,
19 we'll put it up and take a look at it.

20 A All right.

21 Q But it seemed like you can get an idea, you know,
22 the more tower hits you get with pulling you in. I
23 mean, you have a general vicinity but you also have
24 direction.

25 A No, we just have the one direction provided by

SW - S. McDONALD - CROSS

1 the cell phone company.

2 Q Right.

3 A We don't have multiple like triangulation type
4 things, multiple points like you would on a GPS
5 receiver.

6 Q Okay.

7 A That isn't what receive.

8 Q Okay. So when you were doing the overlap, the
9 overlap wasn't hitting this tower (indicating) and
10 that tower (indicating). You weren't getting
11 readings off of two towers simultaneously. You were
12 stabbing the readings from two towers at different
13 times?

14 A You have the towers back and forth around that
15 one or two minute time span, 1423, 1424, where it's
16 hitting Lower Richland and then it switches to Ridge
17 Road and Hopkins. So you're getting some of that,
18 you know, a couple of things could answer that. The
19 signal was stronger here so it switched over here or
20 the phone was in motion, you know. It changed
21 locations, that's why that tower picked it up versus
22 this tower.

23 Q Okay. So where you had the area that seemed like
24 it was shaded sort of a darker shade of blue ---

25 A Right.

SW - S. McDONALD - CROSS

1 Q —that wasn't of any significance then when you
2 had the two, when you had basically the two wedges
3 were overlapped and there was a darker shade of blue
4 with the overlap of the two wedges. You weren't
5 saying it was in that particular area here?

6 A It's somewhere between those, in those two wedges
7 that you might want to call it. It wasn't
8 specifically in that darker area. That's just
9 showing the overlap.

10 Q Okay, that's — what I was trying to figure out
11 is the way that y'all are putting it together and
12 just what I noticed on some of the diagrams to see
13 if this was the way that you were doing it.

14 A Right.

15 Q But it's just generally the unit and direction
16 —

17 A Yeah, it's a point in time which side of that
18 tower it was hitting off. And sometimes you'll have
19 it bounce between a couple of towers in a certain
20 time frame like we had here within a minute it's
21 hitting on two different towers. So there, like I
22 said, there could be a number of reasons. The
23 phone's in motion, it's leaving one area into
24 another, one signal is getting weaker as it may be
25 getting towards the power reaches of that boundary,

SW - S. McDONALD - CROSS

1 then the next tower picks it up to keep the call
2 current and keep it going on. So there's a number
3 of items that can cause this. But in general, that
4 phone was somewhere in that shaded area.

5 Q And that's the word because it is in general that
6 120-degree or whatever?

7 A Right.

8 Q All right. Now I hate to do this to Dana, but
9 I'd like to ask you about the phone records that you
10 were going through. This should not take long. All
11 right. During your direct testimony the Solicitor
12 had asked you questions you had answered that there
13 were multiple telephone calls and that the telephone
14 calls sort of started picking up speed at a certain
15 point. I was wondering if you'd just go through
16 each individual phone call. For example, it looks
17 like here (indicating) is an outgoing call to
18 Jabriel Singleton; but here (indicating), is an
19 incoming call from Jabriel Singleton.

20 A That's correct.

21 Q I was wondering if you could just go through
22 those and just tell who was calling whom at which
23 time.

24 A You just want the victim and Jabriel or?

25 Q Jabriel and the victim, yes. Yes.

SW - S. McDONALD - CROSS

1 A All right. First call at 3:23 a.m. on 24th, 1387
2 seconds long, it was outbound call from Dashawn to
3 Mr. Singleton's phone.

4 Q All right, just head on down.

5 A The next one will be at 11:04 a.m. on the 24th.
6 23 second call outbound Mr. Jones calling
7 Mr. Singleton.

8 Q Okay.

9 A Then a call at 11:05 for 44 seconds. That's an
10 inbound call on Mr. Singleton calling in to
11 Mr. Jones.

12 Q Okay.

13 A And it skips ahead down here till 12:16, a 20
14 second phone call, outbound phone call from
15 Mr. Jones to Mr. Singleton.

16 Q All right.

17 A Another outbound call at 12:17 26 seconds from
18 Mr. Jones to Mr. Singleton.

19 Q Okay.

20 A At 12:18 another 20 second — 26 second outbound
21 call to Mr. Singleton.

22 Q All right.

23 A 12:19, a 21 second call outbound from Mr. Jones
24 to Mr. Singleton. 12:28, 20 second phone call
25 outbound from Mr. Jones to Mr. Singleton. 12:29, a

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1 25 second outbound call from Mr. Jones to Mr.

2 Singleton. 12:29, a 27 second outbound from Mr.

3 Jones to Mr. Singleton.

4 Q All right.

5 A At 12:49, a 30 second phone call outbound from

6 Mr. Jones to Mr. Singleton. 12:58, a 36 second call

7 outbound from Mr. Jones to Mr. Singleton. And at

8 1:20 on at 1300 hours which is 1:00 p.m., a 19

9 second call outbound from Mr. Jones to

10 Mr. Singleton.

11 Q Okay. And so basically the point that's clear

12 from this is that it looks like Mr. Singleton called

13 him one time and that he called Mr. Singleton 12

14 times? Or I think it's 12.

15 A That's correct.

16 Q Okay, thanks. Just a second, let me see if I got

17 more. Actually, I think that's it. Thank you.

18 MR. SUTHERLAND: No further question, Your

19 Honor.

20 THE COURT: Thank you, Mr. Sutherland.

21 Redirect, Solicitor?

22 MS. SIMPSON: Brief redirect.

23 **REDIRECT EXAMINATION**

24 **BY MS. SIMPSON:**

25 Q The high volume of outbound calls, who was trying

SW - S. MCDONALD - REDIRECT

1 to reach — or what would that imply with respect to
2 who was trying to reach who?

3 A You talking about specifically —

4 Q Is Dashawn calling —

5 A He's calling Mr. Singleton.

6 Q Okay. And these calls are back to back within a
7 short period of time?

8 A They are. Yes.

9 Q Right. And the last call between any of them,
10 outbound or ingoing, between Dashawn Jones and
11 Jabriel Singleton is at?

12 A 1300 hours, which is 1:00 p.m.

13 Q 1 p.m.

14 A On the 24th.

15 Q And the high frequency of calls inbound and
16 outbound begins around 12:17 p.m., correct?

17 A Yes, that's correct.

18 Q So we have a fairly short time frame?

19 A About a 45 minute window there where you have
20 numerous calls, yes.

21 Q Okay, thank you.

22 THE COURT: Mr. Sutherland, recross?

23 **RECROSS - EXAMINATION**

24 **BY MR. SUTHERLAND:**

25 Q And all those calls during that time period were

SW - S. McDONALD - REDIRECT

1 from Mr. Jones' cell phone calling Mr. Singleton;
2 is that correct?

3 A That's correct.

4 THE COURT: Thank you very much. You may
5 step down.

6 How long will your next witness be?

7 MS. SIMPSON: Very short.

8 THE COURT: All right. You can go on and
9 call them.

10 MS. SIMPSON: All right. The State calls
11 Christine Barrickman.

12 THE COURT: All right, if you'd come
13 around and be sworn please.

14 WHEREUPON,

15 **CHRISTINE BARRICKMAN,**
16 after having been duly sworn, testified as follows:

17 THE CLERK: Thank you. Please have a seat
18 in the witness stand. State your full name for the
19 record and please spell your last name.

20 THE WITNESS: Christine Barrickman,
21 B-A-R-R-I-C-K-M-A-N.

22 **DIRECT EXAMINATION**

23 **BY MS. SIMPSON:**

24 Q Ms. Barrickman, where are you employed?

25 A Richland County Sheriff's Department.

SW - C. BARRICKMAN - DIRECT

1 Q And what do you do there?

2 A I work in the DNA laboratory.

3 Q And what do you in the laboratory?

4 A I assist the analyst with the preparation of case
5 work.

6 Q Okay. And what's included in the preparation of
7 case work?

8 A I evaluate the DNA requests that come in for case
9 work. I pick up those cases, inventory the
10 evidence, process it. If it's swabs it's — I
11 either swab the evidence or half swabs and I cut
12 that and it goes into a tube. Those tubes go into a
13 rack and turned it's over to the analyst to run the
14 instrumentation.

15 Q All right. And did you have the opportunity to
16 handle some items of evidence in this case?

17 A I did.

18 Q And did you take possession of a buccal swab from
19 Jabriel Singleton at one point?

20 A I did.

21 Q And was it properly sealed and packaged when you
22 received it?

23 A It was.

24 Q And did you tamper with it in any way absent
25 processing?

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1 A No.

2 Q And what did you do with that item once it was
3 processed?

4 A I turned the sample over to the analyst to run
5 instrumentation. I repackaged the evidence and
6 sealed it back up and returned it down to the
7 evidence room.

8 Q Okay. And moving — did you also process, I
9 believe, what's in State's Exhibit 171?

10 A I did.

11 Q And what are those items of evidence?

12 A It's a group — swab from a group of fired
13 cartridges, swab from unfired cartridge, swab from
14 a cigarette lighter, swab from Newport cigarette
15 pack, swab from a Food Lion plastic bag, swab from
16 a Winchester .38 special, swab from another
17 Winchester .38 Special?

18 Q And were they properly sealed and packaged when
19 you received them?

20 A Yes.

21 Q And what did do you with those specific items
22 when you got them?

23 A I inventoried them and I opened them and cut
24 them. Each one of them they're already swabbed so I
25 cut the tips off and put them in the tube and turned

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1 it over to the analyst to run instrumentation.

2 Q And was that the extent of your handling of those
3 items on 1 through 7?

4 A Yes.

5 Q And did you also have the opportunity to handle
6 items, I believe, 116, a pair of tennis shoes in
7 this case?

8 A I did.

9 Q As well as 118 and 119?

10 A I did.

11 Q What were those items?

12 A Item 116 is black and white tennis shoes. Item
13 118 is a plastic room key, and item 119 is a
14 Hennessy empty bottle.

15 Q Okay. With those items what type of processing
16 or testing did you do?

17 A 118 and 119 was in the package but I did not
18 actually process those.

19 Q Okay. Did you do any type of serology testing
20 with respect to the shoes?

21 A On the shoes I did.

22 Q Can you tell the jury what a serology test, or
23 what is serology I guess?

24 A It's -- well, I mean, in this case I'm looking at
25 tennis shoes to see if I see any stains that could

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1 possibly be blood on them so I visually examine
2 them. If I see something that I feel needs to be
3 tested I take a swab and add phenolphthalein which
4 is a presumptive test for blood. I add that and if
5 it turns pink, then it's blood. Then I collected
6 that and did the same process.

7 Q Okay. And on the serology testing, I guess, that
8 you did, were the results negative or positive?

9 A I tested a few spots. Everything was negative.

10 Q Okay. And did you also have the opportunity --
11 I'm gonna show you State's Exhibit 196. Did you
12 take control of this item at some point?

13 A I did.

14 Q And what is that?

15 A This is a swab from a plastic bag with a GEM in
16 it which is presumptive marijuana.

17 Q Okay. And when you received it was it properly
18 sealed and packaged?

19 A Yes.

20 Q So it hadn't been tampered with or altered in any
21 way?

22 A No.

23 Q What did you do with it once you received it?

24 A Again, this is a swab so I cut the tip off of it,
25 put it into a tube and put it into a rack that was

SW - C. BARRICKMAN - DIRECT

1 turned over to the analyst to run instrumentation.

2 Q Okay. Who was the analyst in this case?

3 A Rachel Grant.

4 Q All right. Okay, thank you.

5 THE COURT: Mr. Sutherland.

6 MR. SUTHERLAND: No questions for this
7 witness, Your Honor.

8 THE COURT: Thank you. Thank you very
9 much. You may step down.

10 All right. Solicitor, how long is your
11 next witness?

12 MS. SIMPSON: Our next -- did you ask me
13 how long, I'm sorry? It's going to be fairly
14 extensive. It's the DNA analyst.

15 THE COURT: All right. We'll take our
16 afternoon recess.

17 Ladies and gentlemen, we'll take about a
18 15 minute recess. Do not discuss the case during
19 the brief recess and Mr. Foreman, will you let me
20 know how late the jury is willing to work tonight?

21 THE FOREMAN: Yes, sir.

22 (The jury is removed from the courtroom at
23 3:33 p.m.)

24 THE COURT: All right. Court will be in
25 recess 15 minutes. Thank you.

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1 (Whereupon, court was in recess.)

2 MS. SIMPSON: Briefly, Your Honor, with
3 respect to Rachel Grant, we had a pretrial motion
4 regarding our motion to suppress any mention with
5 respect to Jonathan Frazier being a suspect in other
6 crimes. It is noted in her bench notes. We would
7 renew that objection now.

8 MR. SUTHERLAND: I believe, Your Honor,
9 that we had discussed having her take the stand and
10 just tell us what she found out, what this was all
11 about, sir.

12 THE COURT: All right. Well, you want to
13 call her Mr. Sutherland?

14 MR. SUTHERLAND: Sure. I'd like to call
15 Rachel Grant to the stand.

16 WHEREUPON,

17 RACHEL GRANT,
18 after having been duly sworn, testified as follows:

19 THE CLERK: Please have a seat.

20 THE WITNESS: Rachel Grant.

21 P R O F F E R E X A M I N A T I O N

22 BY MR. SUTHERLAND:

23 Q And how are you?

24 A Good, how are you?

25 Q I'm doing well. I want to ask you, I've got a

1 thing that says cover technical review sheet.

2 A Yes.

3 Q Have they made you aware sort of what I'm going
4 to be asking you about?

5 A Yes.

6 Q Okay. There's a notation that says 7/25/, 12 per
7 Investigator Unger Jonathan Frazier is a suspect in
8 other cases. And I can't —

9 A Well, that's the notation that says into local.

10 Q Into local?

11 A And basically what that means is that —

12 THE COURT: I can't hear, I'm sorry.

13 MR. SUTHERLAND: Sorry.

14 THE WITNESS: Basically that means at our
15 system we have a local system data base. And once
16 we learn of an individual -- I always inquire of the
17 investigator that person is possibly a suspect; and
18 if they are, anything else we'll enter them in our
19 system data base. So basically that is a notation
20 that I inquire whether or not he was a suspect in
21 another case and he was so he want to the local data
22 base.

23 BY MR. SUTHERLAND:

24 Q Okay. But you didn't do any sort of analysis
25 comparing him to other cases or anything?

1 A No. I mean, his profile is in that data base so
2 if anything were to come through it would make the
3 hit to him. But as far as I'm aware of, I don't
4 know of any other hit at this point.

5 Q Okay, thank you.

6 MR. SUTHERLAND: I have no further
7 questions, Your Honor.

8 THE COURT: Solicitor.

9 MS. SIMPSON: None from the State, Your
10 Honor.

11 THE COURT: Thank you. Thank you very
12 much. You can step down.

13 MR. SUTHERLAND: If it please the Court I
14 won't be asking about that obviously.

15 THE COURT: All right. Thank you.

16 MS. SIMPSON: Thank you.

17 THE COURT: Anything further, Solicitor?

18 MS. SIMPSON: No, just briefly s Your
19 Honor is aware. We do have one more chain
20 witness -- it slipped my mind prior to the break --
21 but he will be short that we're calling first.

22 THE COURT: All right, that's fine. Thank
23 you. Anything else?

24 MR. SUTHERLAND: No, sir.

25 (The jury was returned to the courtroom at

1 3:49 p.m.)

2 THE BAILIFF: Your Honor, the jury's
3 present.

4 THE COURT: Thank you.

5 All right, Solicitor, you may call your
6 next witness.

7 MS. SIMPSON: The State calls John Barron.

8 THE COURT: Come around to be sworn.

9 WHEREUPON,

10 JOHN BARRON,
11 after having been duly sworn, testified as follows:

12 THE CLERK: Please have a seat. State
13 your full name for the record.

14 THE WITNESS: My name is John Barron,
15 B-A-R-R-O-N.

16 **DIRECT EXAMINATION**

17 **BY MS. SIMPSON:**

18 Q Mr. Barron, where are you employed?

19 A Richland County Sheriff Department.

20 Q And what do you do there?

21 A I'm a DNA analyst at the Richland County
22 Sheriff's Department.

23 Q How long have you been with the Sheriff's
24 Department?

25 A Since 2004.

SW - J. BARRON - DIRECT

1 Q Okay. And as a DNA analyst what do you do?

2 A Our job is to pick up evidence and process it if
3 necessary or we have a technician to do it. Take
4 that evidence, extract it for DNA, purify it for
5 DNA, quantify the DNA, and then copy the portion of
6 the DNA molecule involved in the identification,
7 compare it to known victims, suspects, other
8 possible triggers to DNA crime scene. We will be
9 analyzing both evidence and samples from
10 individuals.

11 Q Can you tell the jury just a little bit about
12 your educational background?

13 A Yes, I have a Bachelor of Science degree in
14 microbiology from Clemson University. I became
15 involved in DNA analysis at SLED, South Carolina Law
16 Enforcement Division in 1999. During my training
17 period I also attended and completed two additional
18 graduate level courses in statistics and molecular
19 biology at the University of South Carolina. At the
20 completion of my training period in the year 2000 I
21 completed a competency test and became qualified to
22 do DNA analysis on evidence in criminal cases. In
23 2004 myself and another DNA analyst from SLED came
24 to Richland County to set up the DNA laboratory at
25 the Sheriff's Department.

SW - J. BARRON - DIRECT

1 Q Okay. So as an analyst you don't just process
2 evidence, you actually analyze the DNA, correct?

3 A I do both.

4 Q You do both. And in t his case did you obtain a
5 buccal swab from the defendant Jabriel Singleton?

6 A Correct. I received the cutting from the buccal
7 swab that Ms. Barrickman testified earlier that she
8 cut out.

9 Q And was it maintained properly when it came to
10 you?

11 A It was.

12 Q And did you alter or tamper with it in any way
13 except to do your testing?

14 A No, I pulled the DNA out of the swab.

15 Q Okay. And once you had the buccal swab what did
16 do you?

17 A As I said earlier, just like any other piece of
18 evidence or sample from an individual, I extracted
19 the DNA, I purified it and quantitated it, and then
20 I amplified certain portions of DNA molecule that
21 involved human identification that would create a
22 profile that would be unique to the individual whose
23 buccal swab came from.

24 Q And did you actually develop a profile in this
25 case?

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1 A Yes, I did.

2 Q Who was that profile for?

3 A This was for Jabriel Singleton.

4 Q Okay. And that profile you indicated that's Mr.
5 Singleton's actual profile, correct?

6 A That's correct. That would be unique to
7 Mr. Singleton. If you test his DNA today it'd be
8 the same result. You can test any tissue in his
9 body it would give you the same result. So we would
10 do blood or the cheek swabs, you know, from the
11 individual's mouth which is less invasive. Either
12 one would give us the same result; but I mean, if a
13 person was missing we could take their hair from
14 their hair brush or tooth brush and get the same
15 result that would be that DNA from the individual.
16 And of course, could be compared to evidence in a
17 case to link evidence to that person. In this
18 particular case all I did was test the buccal swab
19 from Mr. Singleton. I did it separate and distinct
20 from any evidence in the case so there's no
21 possibility any cross contamination.

22 Q And his profile is unique to him, correct?

23 A Correct, unless he has an identical twin.

24 Q Okay. And the profile you developed, is that
25 essentially what would be turned as a known standard

SW - J. BARRON - DIRECT

1 at this point?

2 A That's correct. That would be used to compare to
3 evidence in a case, a criminal case.

4 Q All right, thank you.

5 THE COURT: Mr. Sutherland?

6 MR. SUTHERLAND: No questions of this
7 witness.

8 THE COURT: Thank you. Thank you very
9 much, sir. You may step down.

10 All right, Solicitor, you may call your
11 next witness.

12 MS. SIMPSON: The State calls Rachel
13 Grant.

14 WHEREUPON,

15 **RACHEL GRANT,**

16 after having been duly sworn, testified as follows:

17 THE CLERK: Please have a seat. State
18 your full name for the record.

19 THE WITNESS: Rachel Grant.

20 **DIRECT EXAMINATION**

21 **BY MS. SIMPSON:**

22 Q Ms. Grant, what is your profession?

23 A I am a DNA analyst with the Richland County
24 Sheriff's Department.

25 Q And how long you have you been employed by the

SW - R. GRANT - DIRECT

1 Richland County Sheriff's Department?

2 A Five years.

3 Q And as a DNA analyst what do your duties and
4 responsibilities include?

5 A Like Investigator Barron said, basically our job
6 is to obtain evidence either we process ourselves or
7 the deputy technicians will process for us. We will
8 extract the DNA from those items. We will
9 quantitate it. We will get copies of it from all
10 its profiles, and then from them we make comparisons
11 verses known standards and make sure -- and report
12 on those findings as well.

13 Q And can you tell the jury a little bit about your
14 educational background and training?

15 A Yes. I have a Bachelor's of Science degree in
16 biology with a minor from Winthrop University. I
17 have a Masters degree in forensic serology and DNA
18 from the University of Florida. I have undergone
19 extensive serology and DNA training, and I attend
20 yearly training and continuing education courses
21 yearly. I also assist with the allegation of kids
22 and profile laboratory and I have successfully
23 completed competencies set forth by FBI and DNA
24 advisory board.

25 Q And is the use of DNA typing to establish the

SW - R. GRANT - DIRECT

1 identity of an individual actually backed up by
2 science and publications?

3 A That is correct, yes.

4 Q And in your education and training have you had
5 the opportunity to work hands-on with these
6 different types of DNA testing?

7 A Yes.

8 Q Can you please tell us about the lab that you
9 work in?

10 A Our laboratory at the Richland County Sheriff's
11 Department is accredited by ASCLAD which means
12 American Society of Crime Lab Directors.
13 International accreditation is what we have. It's
14 probably the highest accreditation so that allows us
15 or actually makes us have thorough tech reviews, 100
16 tech reviews. We have several checks and balances
17 put in place to allow us our work to be efficient
18 and correct every time.

19 Q All right. And are all labs accredited or is it
20 somewhat difficult to obtain?

21 A It is difficult to obtain; but every lab wants to
22 be accredited, yes.

23 Q And how long has Richland County been accredited?

24 A I believe we received our ASCLAD certification
25 back in 2006.

SW - R. GRANT - DIRECT

1 Q And do you have -- I believe you mentioned you
2 have checks and balances in place. Are those
3 considered kind of quality, assurance or control,---

4 A Yeah.

5 Q ---quality control programs that you have?

6 A Yes, we do. We have several in place within our
7 laboratory. We have several set in place also
8 within the analysis. We have positive, negative
9 controls that run alongside our evidence samples to
10 make sure there's no contamination of any sort
11 throughout the analysis.

12 Q And you indicated that your work was tech
13 reviewed, I guess peer reviewed as well. Do you
14 undergo proficiency testing as well?

15 A Yes, we do.

16 Q How often do you undergo that testing?

17 A DNA analysts are required to be competency review
18 tested twice a year.

19 Q And have you performed DNA typing on DNA
20 extracted evidence from crime scene?

21 A Yes, I have.

22 Q And have you had the opportunity to compare that
23 to known standards and individuals?

24 A Yes, I have.

25 Q Have you every been qualified as an expert in DNA

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1 analysis before?

2 A Yes.

3 Q About how many times?

4 A Eight.

5 Q Eight times?

6 MS. SIMPSON: Your Honor, at this time the
7 State would offer Rachel Grant as an expert in DNA
8 analysis.

9 MR. SUTHERLAND: No objection.

10 THE COURT: All right. Again, ladies and
11 gentlemen, the Court will qualify this witness
12 Rachel Grant as an expert in DNA analysis. She
13 will be permitted to give opinion testimony in that
14 regard. It does not mean you must accept those
15 opinions; but it is evidence for you, the jury, to
16 use in any way you see fit. Thank you.

17 Solicitor.

18 MS. SIMPSON: Thank you, Your Honor.

19 BY MS. SIMPSON:

20 Q What exactly is DNA?

21 A DNA stands for deoxyribonucleic acid. It is a
22 organic material that comes from the development.
23 Present in every nuclear cell meaning every cell has
24 a nucleus. You knew that from biology class.
25 Everybody gets half of their DNA from their mother;

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1 the other half from their father. And like
2 Investigator Barron said, everyone's DNA item of
3 with the exception of identical twins.

4 Q And where is DNA found on the human body? I
5 think you said cells, is that every cell?

6 A No, every nuclear cell. That has to have a
7 nucleus. So for example, in blood there's red blood
8 cells, and platelets. The DNA is actually found in
9 the white blood cells because cells in blood.

10 Q And why is DNA important? Like what does it help
11 you to identify or establish?

12 A In forensics the locations of DNA that we're
13 looking at are very discriminating so by looking at
14 several locations anatomical we're able to -- these
15 individual, every individual has unique gene type
16 characteristics on their DNA so it helps us to
17 identify the individual.

18 Q And what are some of the sources of DNA evidence?
19 How might you be able to find DNA or collect it?

20 A Well, body fluids are an excellent source of DNA
21 so blood, saliva, semen, those -- all of those body
22 fluids have DNA cells in them. And also, technology
23 is so sensitive now that touch DNA so basically if
24 someone were to touch a surface, any epithelial
25 cells or skin cells that slough off at that point we

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1 can combine, then swab, and get the DNA off of those
2 items.

3 Q And are some sources such as blood or semen, such
4 as touch DNA, are they considered to be better
5 sources of DNA or just with respect to their ability
6 to develop a profile?

7 A Body fluids are better for developing DNA just
8 because there's profiles — there seems to be a lot
9 more there. Also sweat is also good source of DNA
10 but it really just depends on how much is left there
11 and also what type of environment it's been left in.
12 If it's been out in the sun, if it's been there for
13 a long period of time, heat, moisture, all those
14 things affect whether or not DNA will survive.

15 Q And are there different methods used to test for
16 DNA, or within your DNA testing do you utilize
17 different methods?

18 A Every — in forensics DNA analysis is basically
19 the same, but there are different kits available to
20 allow us to look at different sections of DNA. We
21 have one kit specifically that's specific to just
22 males of the DNA strand of Y chromosome only. So
23 basically, overall protocol is the same, but there
24 are different kits to allow us to look at different
25 things.

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1 Q Okay, and is there a kit that you use more
2 frequently of quite often?

3 A There is. We — we have several but basically we
4 have our main kit — I will use the word standard.
5 Our standard kit looks at 16 loci locations of DNA
6 strand.

7 Q Okay. What are loci?

8 A Loci are just the locations that we're looking
9 at. DNA is an euchromosome which is just a long
10 genetic molecule so loci is basically just those
11 locations of those segments that we're looking at.

12 Q And when you engage in your testing do you have a
13 control in place to ensure, I guess, the accuracy of
14 your testing?

15 A Yes, we have several, yes.

16 Q Okay. Can you tell the jury a little bit about
17 those.

18 A When we start any type of analysis we will start
19 the extraction process; and with that, we will
20 always have sample the and basically we use this
21 the extraction on all of the different sample there
22 all individual tubes just that okay that bopper
23 Allen. That control follow along the evidence the
24 entire process, and it has to be blank at the end or
25 in order we can't say that those are items that

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1 potential that something is contaminated that the
2 one control that we have in place.

3 Another control we have during the
4 instrument process is it's positive called the 947A,
5 and basically that is a known standard that rise
6 along the evidence in its own separate tube and then
7 at the end it should give us a known answer. We
8 know the answer to this, should be what we get at
9 the end. And if we don't, we know something has
10 gone wrong with the process so. Then on top of that
11 we also have the peer review. Every case, every
12 information requiring extraction integrity reviewed
13 by another qualified analyst.

14 Q Okay. And in your lab as a whole, I guess along
15 the lines of the accreditation process, do you have
16 standards in place in which you may actually report
17 results on an item and circumstances in which you
18 want to report it?

19 A We do. We have some standards that are set in
20 place. Every discipline is specific to their --
21 it's a very specific discipline; but yes, we do have
22 a set of standards that we have to adhere to.

23 Q Okay. And does the DNA if it's properly
24 collected and stored, that sample, will it degrade
25 over time or change at all?

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1 A It won't change. If it's properly packaged it
2 necessarily degrade, but you know -- no, it does not
3 change to answer your question if properly packaged.

4 Q And under what circumstances are you generally
5 asked to analyze DNA?

6 A Any, any type of criminal case that comes along
7 that there is some type of volatile material
8 possibly found at the scene or some clothing swabs
9 that were taken. Anything that potentially would
10 end up being a profile on it the DNA, we'll get a
11 request for those items.

12 Q We talked a lot about identifying an individual.
13 Does your testing, are you sometimes able to exclude
14 individuals as a source for DNA?

15 A Absolutely, yes.

16 Q Tell the jury a little bit about what is meant by
17 a frequency. What is frequency?

18 A Basically when we are looking at these unique
19 gene types for these individuals. These gene types,
20 the characteristic which are called remedial (ph),
21 they are, they are in the population at a certain
22 frequency or a certain amount. The FBI has
23 generated a population data base that they oversee
24 that they have these frequencies in data basis that
25 allow us to do these calculations to see how unique

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1 a person's gene type or remedials are in the
2 population.

3 Q Okay, and are you always able to determine a
4 frequency or are there certain circumstances in
5 which you can and which you cannot?

6 A Well, we interpret profiles as a whole, but we do
7 have certain criteria that will either allow us or
8 not allow us to use those numbers or those
9 statistics. If we have a profile that's very, very
10 weak or locus where we can't see a whole lot, we're
11 not going to put numbers to that particular
12 location, if that makes sense.

13 Q It does sort of. I want to turn your attention
14 to the case at hand. Did you receive some items or
15 were some items submitted to you for testing in this
16 case?

17 A Yes.

18 Q When did you receive most of those items?

19 A I started my analysis on January 25 and on the
20 26th.

21 Q So January 25th?

22 A Yes. January 25th, I was -- Chris Barrickman,
23 came with -- she had picked up some evidence, got
24 some things for me, then I started some cuttings on
25 the 26th.

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1 Q Okay. And I'm gonna show you what's been marked
2 for identification purposes as State's Exhibit 194.
3 Is this the buccal swab that you received from the
4 defendant Jabriel Singleton?

5 A No, I actually did not run this particular buccal
6 swab. this was run by analyst John Barron.

7 Q Oh, okay. And moving to State Exhibit 200, did
8 you receive this?

9 A Yes, I did.

10 Q And who is that a buccal swab for?

11 A This is for Jonathan Frazier.

12 Q Okay. And that second item, State's 197, did you
13 also receive that buccal swab as well?

14 A I did.

15 Q And who is that buccal swab for?

16 A This is for Jonathan Frazier.

17 Q And in this case are you aware of why you have
18 two buccal swabs for Mr. Frazier?

19 A I am.

20 Q Can you tell the jury about that?

21 A Sure. When I received Jonathan Frazier's buccal
22 the first time I ran it through the whole entire
23 process. When I realized, when I looking at his
24 profile that in order to tell male or female you
25 have an X chromosome and a Y chromosome. Well, I

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1 realized his profile, his Y chromosome was gone so
2 immediately I knew that there was something amiss.
3 I knew I had gotten information from the
4 investigator this individual was a male so I
5 requested another buccal swab to have him run again.
6 And when I ran it again, once again I got a female.
7 So basically, at this point I ran a male specific
8 kit. I did get a profile so in Mr. Frazier's
9 particular case he has what we deem as hyperbionzite
10 (ph) mutation on his antigen gene which is gonna
11 cause that Y to drop out so that's why I actually
12 got -- I wanted to confirm that's what was really
13 going on.

14 Q Okay. And briefly --

15 MS. SIMPSON: May we approach, Your Honor,
16 just for a moment.

17 THE COURT: Yes, ma'am.

18 (Whereupon, an off-the-record Bench
19 conference was held.)

20 MS. SIMPSON: Your Honor, at this time the
21 State would offer State's 197 and State's 200 into
22 evidence.

23 MR. SUTHERLAND: Subject to limitation.

24 THE COURT: All right, State's 197 and
25 State's 200 is in evidence is subject to limitation.

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1 Thank you.

2 (State's Exhibit Nos. 197 and 200 were
3 admitted into evidence.)

4 BY MS. SIMPSON:

5 Q Did you also receive DNA standard from the victim
6 in this case, Dashawn Jones, the deceased victim?

7 A Yes, I did.

8 Q And did you also receive a known standard for the
9 defendant as well?

10 A No.

11 Q Okay. Or obtain it for purposes of testing?

12 A No, I — because in this period I had already run
13 his profile I was able to look at his data.

14 Q Okay.

15 A So I did not run Mr. Jabriel Singleton.

16 Q Okay. So are all of these items, profile,
17 considered to be known standards —

18 A Yes.

19 Q —used for comparison?

20 A Yes.

21 Q What other items did you have available to you?

22 A You want me to just read the list?

23 Q That'd be great.

24 A Okay. Item 1 is swab from fired cartridges A and

25 B. Item 2 is swab from unfired cartridges of the

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1 357. Item 3 was swab from cigarette lighter. Item
2 4 was swab from Newport cigarette. Item 5 was swab
3 from the Food Lion plastic bag. Item 6 was a swab
4 from the Winchester .38 Special evidence G. Item 7
5 was swab from Winchester .37 Special, evidence H.
6 Item 29 is a swab from the exterior driver's door
7 handle. Item 30 was swab from exterior driver's
8 door handle above handle below window. Item 31 was
9 swab from exterior rear driver's side door handle.
10 Item number 32 was swab from exterior driver's side
11 door handle above handle below window. Item 33 was
12 swab from passenger side rear door handle opener.
13 Item 34 was swab from passenger side rear door
14 handle. Item 35 was swab from passenger side front
15 door handle opener. Item 36 was swab from passenger
16 side front pull handle. Item 37 was swab from
17 driver's side rear door handle opener. Item 38,
18 swab from driver's side rear pull handle. Item 39,
19 swab from driver's door handle opener. Item 40,
20 swab from driver's pull handle. Item 41, swab from
21 steering wheel (ph). Item 42, swab from gear shift.
22 Item 43, swab from steering wheel. Item 63 was swab
23 from Dashawn Jones. Item 84 was cigarette butt from
24 front yard. Item 85 was a black glove in the front
25 yard. Item 86 was a buccal swab from Jonathan

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1 Frazier. Item 116 were black and white tennis
2 shoes. Item 117 was a gray hoodie sweat shirt.
3 Item 118, a plastic room key. Item 119, a Hennessy
4 bottle that was empty. Item 145 was swab in plastic
5 bag with GPM. And then item 147 was a buccal swab
6 from Jonathan Frazier.

7 Q And one you received these items did you actually
8 conduct any type of testing?

9 A Yes.

10 Q And did you make any results or conclusions with
11 respect to your testing?

12 A Yes.

13 Q And did you formulate those findings in a report?

14 A I did.

15 Q And I'm gonna show you what's been marked for
16 identification purposes as State's Exhibits 252,
17 253, and 254. Are these summarizing your results
18 only in a bigger chart form?

19 A Yes.

20 Q Would it assist you in your testimony if you
21 could utilize this chart and stand down in front of
22 the jury?

23 A Sure.

24 MS. SIMPSON: Your Honor, permission to
25 publish these items to the jury.

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1 THE COURT: What are those numbers?

2 MS. SIMPSON: 252, 253 and 254.

3 THE COURT: All right.

4 MR. SUTHERLAND: No objection, sir.

5 THE COURT: All right.

6 (State Exhibit Nos. 252, 253, and 254 were
7 admitted into evidence.)

8 BY MS. SIMPSON:

9 Q I believe these go in order. I'm showing you
10 what's been marked as State's 252. With respect to
11 items 1 through 5, can you explain to the jury what
12 you did and what conclusion you made?

13 A Yes, item 1 through 5, every sample that comes
14 through our laboratory has to go through the
15 extraction process and quantitation process so
16 basically at the end of the quantitation process
17 we're gonna know if there's any DNA that's been
18 extracted. So any time that you see no DNA
19 extracted that means in that process I didn't have
20 any DNA present so items 1 through 5 no DNA was
21 extracted.

22 Q Okay, and does your testing end at that point?

23 A It does on those items that were finished.

24 Q All right. And moving to item 6 and 7, I believe
25 the swab from Winchester .38 Special evidence G, and

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1 the swab from Winchester .38 Special Evidence H.

2 Can you tell us what you did with respect to those
3 and explain your conclusions?

4 A Yes. In those cases after the quantitation
5 process I did get some DNA so it goes to the next
6 step which is often to go through the annotation
7 process and adult profile. But even though
8 sometimes if we get DNA we may not get a profile so
9 in this case these items went through the extraction
10 and quantitation and edification and I still didn't
11 get anything so those went through the three steps
12 instead of two.

13 Q Okay. And again, we have, I believe, item 29,
14 swab exterior driver's side door handle. What was
15 your conclusion with respect to that?

16 A No DNA was extracted so those went through the
17 extraction quantitation process and I didn't get
18 anything.

19 Q Okay. And then moving to item 30, this is the
20 swab from the exterior driver's door handle above
21 the handle and below the window. What did you do
22 and what was your result?

23 A I went through the entire process with the
24 sample. As a result of this particular item I got a
25 mixture which is basically having more than one

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1 contributor to a DNA profile. And in this case I
2 had what's called a sum of a mixture meaning that I
3 can look at a major contributor and a minor
4 contributor. They were similar enough that the
5 major contributor was an unknown male individual.
6 That means that somebody that I didn't have a
7 standard for to compare to, hey, this matches this
8 person, so he's unknown, this major contributor.
9 And the minor contributor, the other person I saw
10 was too weak to live interpret and that's common.

11 Q Okay. So it was there, you just couldn't
12 interpret it or report it?

13 A Right, I -- it's too weak to live interpret it so
14 at that point I can't tell you much about it.

15 Q And when you refer to an unknown male, that's
16 some unknown male other than Jabriel Singleton,
17 Dashawn Jones, and Jonathan Frazier?

18 A Correct.

19 Q Those are the known males that you had?

20 A Yes.

21 Q Moving to both 31 and 32, swab from exterior rear
22 driver's door handle and a swab from exterior
23 driver's rear door. Explain your, why it indicates
24 that no analysis was performed.

25 A Those items were not performed by the laboratory.

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1 We get results — we get the list from the
2 investigators on the items they would like analyzed.
3 In that case they didn't request those items.

4 Q Okay. And backing up just a little bit, with
5 respect to your testing I believe you said you
6 received the items on the 25th—

7 A Yes.

8 Q —or 26th? And this incident occurred on the
9 24th, correct, is that your understanding?

10 A That is my understanding.

11 Q Did investigator, did one of the investigators
12 put essentially a rush on this testing as well?

13 A Yes.

14 Q Or expedite it?

15 A Yes.

16 Q Moving to item 33, the swab from the passenger
17 side rear door handle, the opener portion?

18 A So this, this particular result I got a result as
19 well, meaning there was more than one person
20 present. Dashawn Jones, Jonathan Frazier, and
21 Jabriel Singleton are all eliminated so they can't
22 be included in that mixture.

23 Q And moving to the swab from the passenger side
24 rear door handle item 34.

25 A That's essentially the same thing. I had a

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1 mixture of more than one person, and Jones, Frazier
2 and Singleton were all eliminated.

3 Q I show you State's Exhibit 253. Here we have
4 items 35 and 36, the swab from the passenger's side
5 front door, handle as well as the passenger's side
6 front pull handle, again, no analysis was
7 performed. Are those the same circumstances as
8 the —

9 A Yes.

10 Q —previous item?

11 A Yes.

12 Q On 37, what is that and what did you conclude?

13 A That is the swab from the driver's side rear door
14 handle opener, and from there I had a mixture as
15 well which means more than one person there. My
16 statement reads no DNA unlike that of the victim
17 Dashawn Jones who was the major contributor of this
18 mixture, and the minor contributor is too weak to
19 rely and interpret. So basically what that means is
20 that I have a two person mixture, my major
21 contributor is my victim, and my minor contributor
22 is too weak to rely and interpret.

23 Q Okay. And then on .38 the swab from the driver's
24 side rear pull handle?

25 A I have a mixture of one but Jones, Frazier, and

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1 Singleton are all eliminated from that mixture.

2 Q Okay. And how you are able to actually eliminate
3 someone from a mixture?

4 A Basically we look at the evidence item that
5 profiles the mixture and particular — the
6 particular gene types are unique to those
7 individuals, we'll look at those versus their
8 standard. And if there are — if those particular
9 characteristics are not in that mixture, then they
10 are automatically eliminated. They are not present
11 in those or those are not there in that mixture so
12 they're eliminated.

13 Q And again we have items 39, 40, 41, 42, 43 no
14 analysis performed and that was at the request of
15 Investigator Unger?

16 A Correct.

17 Q Right. Then 84, can you tell us about that item
18 and what the result was?

19 A It is a cigarette but documented to be from the
20 front yard and it was a partial DNA from an unknown
21 female so that's an unknown female that I don't have
22 a standard for.

23 Q Okay. And why is it reported as a partial DNA
24 profile?

25 A When we get the data we look at several

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1 locations; and if there's dropouts or the lack of
2 these characteristics showing up at any part
3 throughout this profile then we call it a partial
4 because it's not 100 percent so we just — that's
5 how we reported it.

6 Q And moving to State's 254, item 85, the black
7 glove indicated from the front yard. Can you tell
8 us about your testing on this item as well as the
9 result?

10 A Yes. Any time that you have clothing that we
11 want to try to establish who the wearer of that
12 clothing is, we will do what's called a kind of a
13 scrapping method. We will turn that item basically
14 inside out, take a sterile blade and scrape the
15 inside. Depending on what it is, if it's a shirt,
16 we'll scrape the inside of the collar, underneath
17 the armpits if that person has a little sweat. And
18 basically our goal is to retrieve epithelial cells
19 that have sloughed off or possibly dried sweat on
20 those items. In this particular instance the black
21 glove, because it was a knit glove, I turned it
22 inside/out, took a blade, scraped it down, took
23 those kind of scrapings and swabbed it, and put it
24 in a tube.

25 Q And what was — once you had the scrapings and

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1 the swab, what was the result of your testing?

2 A From this item I did have a mixture so I had more
3 than one person. The major contributor matched
4 Mr. Singleton, and every time we have a match we put
5 a statistic to it to show the weight of that match.
6 Because this was a discernable mixture meaning that
7 I had a major contributor that I could fully see, I
8 have a statistic that's called the match
9 probability and it reads based on genetic results
10 obtained the frequency of seeing this population in
11 the Caucasian population is approximately 170
12 million and then African-American population 185
13 million.

14 Q Okay. And then?

15 A Yeah, and then, because it also is a mixture as
16 well we can do what's called a probability of
17 exclusions statistic. And this is the percentage of
18 population that can be excluded from the mixture as
19 a whole. So based on genetic results obtained
20 greater than 99.999 percent of the Caucasian
21 population would be excluded from the mixture and
22 greater than 99.999 percent of African-American
23 would be excluded.

24 Q And that's from the DNA swabs from inside the
25 buc— or scrape as well?

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1 A Yes.

2 Q And just -- we have several, several different
3 things with respect to terminology so when you
4 determine that the mixture matches what exactly are
5 you indicating by a match?

6 A Well, it's the major contributor of that match
7 meaning that the wheels that are related to -- that
8 Mr. Singleton has in common they were also seen in
9 this mixture so the major contributor matches
10 Mr. Singleton.

11 Q Okay. And 99.9 percent of the Caucasian
12 population would be excluded as a contributor to the
13 major?

14 A No, that --

15 Q I'm sorry.

16 A This is just to the mixture.

17 Q To the mixture?

18 A To the mixture.

19 Q Okay.

20 A So I have a single source statistic and then you
21 have a mixture statistic because it is a mixture and
22 we are able to pull out the single source as well.

23 Q And then you have the other -- that's your single
24 source, the one in 70 million?

25 A Uh-huh, yes.

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1 Q All right. And then I believe items 116 and 117,
2 the serology testing, was that done by Ms.
3 Barrickman it was?

4 A It was.

5 Q But you still reported —

6 A Yes.

7 Q —that no blood was indicated. Moving to 145,
8 the swab from the plastic bag with GPM. Can you
9 tell us what that item is, what testing you did, and
10 your result?

11 A Same results, the same type of testing, the same
12 result that was a mixture so I had more than one
13 person. Because this wasn't a term mixture I could
14 not tell the major from minor. That I can look at
15 it and either include or exclude an individual by
16 looking at their particular standard. And in this
17 case Mr. Singleton could not be eliminated and also
18 because he cannot be eliminated I can do a
19 probability exclusion statistic. In this case 74.91
20 percent of the Caucasian can be excluded and 86.77
21 percent of the African-American would be excluded
22 and then Jones and Frazier are eliminated from this
23 mixture.

24 Q All right. And I believe that is all of the
25 items that you tested?

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1 A Correct.

2 Q You can have a seat. And after you do your
3 testing and make your findings are they reviewed by
4 another analyst?

5 A Yes, they are.

6 Q And in this case we have the DNA matched from
7 Jabriel on item 85, the glove, correct?

8 A Correct.

9 Q And then he also cannot be eliminated from item
10 145, these swabs from the GPM?

11 A Correct.

12 Q Okay.?

13 MS. SIMPSON: Beg the Court's indulgence.

14 BY MS. SIMPSON:

15 Q Moving back a little bit with respect to DNA, are
16 you able to time how a source or when that DNA
17 source occurred?

18 A No, huh-uh.

19 Q Okay. So DNA is not a timed event?

20 A No.

21 Q All right, thank you.

22 THE COURT: Thank you, Solicitor.

23 Mr. Sutherland.

24 MR. SUTHERLAND: May it please the Court.

25 **CROSS - EXAMINATION**

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1 BY MR. SUTHERLAND:

2 Q Hello again.

3 A Hey.

4 Q I'd like to — I'm gonna try — these numbers can
5 be so staggering when people, I mean, if people hear
6 75 percent three out of four, then they think, wow,
7 that's a lot. And then they hear something in 185
8 million, they think, wow, that's a lot?

9 A Uh-huh.

10 Q Often times, most oftentimes and these numbers
11 can —

12 MS. SIMPSON: Objection, Your Honor, can I
13 just — if counsel has a question.

14 MR. SUTHERLAND: This — that was the
15 question.

16 THE COURT: Well, go right ahead. Put it
17 the form of a question.

18 BY MR. SUTHERLAND:

19 Q Okay. Oftentimes you will have results where
20 it's like 5 quintillion to 1 that this is the
21 individual?

22 A Correct, yes.

23 Q And the problem here you mentioned that there's a
24 different statistic, or statistical process I guess,
25 where mixtures are involved?

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1 A Yes, we have several different types of
2 statistics that we use. Some single source and then
3 a few others for mixtures, yes.

4 Q And would you regard mixtures as being
5 problematic just with respect to your job?

6 A Yes. Any time our — one thing that we — yes,
7 they are. A lot of times if we get a profile that
8 has several contributors to it you've got a lot of
9 overlapping wheels that we call peek and balance,
10 and it can get confusing. Yes, they are. It can be
11 problematic for us.

12 Q Because some people will have in different
13 locations, they'll have the same, the same wheels
14 there?

15 A We—

16 Q Well, there's a — I've been looking at the
17 electropherograms —

18 A Okay.

19 Q And looking at the profile for Mr. Singleton
20 there's I'll just call it victor whiskey alt is the
21 location or the locus. And there's 15 and there's a
22 17 listed under that there.

23 A Uh-huh.

24 Q And again, this is the number of times of the
25 repeat, is that correct —

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- 1 A Yes.
- 2 Q —as far the repeating?
- 3 A (The witness nodded head.)
- 4 Q The strength tandem repeat?
- 5 A It's short tandem repeat.
- 6 Q Okay, there we go.
- 7 A Yes.
- 8 Q So this is 15 times repeat and that's 17 times
- 9 repeat?
- 10 A Correct.
- 11 Q And then for delta three, that's an S, Sierra,
- 12 1358, we just have the number 15?
- 13 A Correct.
- 14 Q And that's homozygous —
- 15 A It is.
- 16 Q That's the signal there for both parents?
- 17 A Yes, uh-huh.
- 18 Q So, and the way that these calculations are
- 19 figured, is this where you take, you multiply these
- 20 probabilities together and then square it? Is that
- 21 —
- 22 A It depends on your statistic.
- 23 Q Okay, well —
- 24 A And also, we don't write statistics from known
- 25 standards. You always contribute to the evidence.

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1 Q Okay, but if -- let's say the probability of this
2 allele appearing at this location is .111?

3 A Okay.

4 Q And the probability of this allele appearing at
5 this location is .281?

6 A Once again, it depends on your system. Are you
7 in a single source or are you in probable exclusion
8 or mixture?

9 Q Just a single source this person versus that
10 particular person?

11 A Then no, that's not right. It's the -- do you
12 mind?

13 Q Sure, sure, please.

14 A For heterozygote (ph) the question is $2P$ squared
15 --

16 Q That's it.

17 A --Q and for homozygote it's P square plus P , plus
18 P beta.

19 Q So this is $2PQ$. This is P , and this is Q ?

20 A Uh-huh.

21 Q And you multiply these together and then multiply
22 by 2?

23 A Yes.

24 Q Okay. And then you're end up with -- well, I
25 think I round it to .06. Now, for here this is

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1 considerably more complicated. I had this P
2 squared.

3 A Well, that's the right formula that we use.

4 Q Oh, okay, all right. So if this appears in the
5 population, say, .262 times?

6 A Okay.

7 Q How would that figure in this calculation? In
8 other words, what would be the end number as far as
9 probability, you know, we get .06 up here?

10 A Uh-huh.

11 Q And if this is 26.2 percent of the population,
12 what would be the end number here?

13 A I, I mean, I don't know. Basically that P value
14 is going to follow P.

15 Q Yes.

16 A You do that. But you have to do every allele,
17 every locus in that band then you have to do — so
18 it's a lot of math. I've done it several times by
19 hand. It takes time so I can't answer your
20 question.

21 Q Well, that's where you end up, how you end up
22 with these trillions and trillion, you know, if it
23 were 4 quadrillion, 15 quadrillion with respect to
24 one person something that's not a mixture?

25 A Right.

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1 Q And bear with me please, I'm not a scientist.

2 A Uh-huh.

3 Q Now if you would look at Jonathan Frazier's
4 profile under victor whiskey alpha, he has a 15 and
5 17 also; is that correct?

6 A That is correct.

7 Q And under the delta 3 sierra 1358, he also has a
8 15; is that correct?

9 A He does.

10 Q So is that highly unusual or?

11 A No, because we are looking at 16 locations?

12 Q Yes.

13 A We have to interpret the entire profile as a
14 whole so it is common that people will have common
15 alleles at the same places especially people that
16 are related who have alleles passed down from mom
17 and dad so it's not uncommon.

18 Q Okay. Yes, okay. Now if I'm starting to get
19 into the weeds here, if you'll bear with me. The
20 problem with respect to mixtures is let's say that
21 you have both of these individuals in the mixture,
22 they would occupy sort of the same portion of the
23 mixture with respect to these two leads; is that
24 correct?

25 A I'm not sure I follow your question.

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1 Q Okay. Well, let's try to look at, is it item 85
2 I think. All right. So here in say, Victor
3 Whiskey, Alpha, we have 14, 15, 17 and 16?

4 A Uh-huh.

5 Q Now if you knew that these two were individuals
6 that you were looking at, then you would, you know,
7 take the 15 and 17 for those two individuals. But
8 the different combinations for different people I
9 guess is what I'm opening and looking at and what's
10 problematic about this, there could be somebody
11 whose, you know, homozygous here who takes — what
12 would you say the number of contributors would be to
13 that?

14 A There's at least, at least three people within
15 this mixture.

16 Q At least three?

17 A Yes.

18 Q And when you have at least three people in the
19 mixture the numbers go down, if I'm saying this
20 correctly, go down, you know, from the quadrillions
21 and trillions down to around 185 million; is that
22 the basis?

23 A No. Basically, we're looking at this entire
24 profile as a whole. And what we do is we'll take a
25 stand full, and we'll go through and look at, see if

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1 that produces with it. In this particular situation
2 I have a major contributor.

3 Q Yes.

4 A Now when I put a specific weight to a conclusion
5 or a match in this case, I am only using both side
6 that are going to show me that major contributor is
7 very clear, and also I can't use low side that have
8 allele to be below 150 RFU (inaudible).

9 Q So that's — and that's the number that's out on
10 the side of these?

11 A Yes.

12 Q So these here —

13 A Yeah, that's the number below the repeats number.

14 Q So, but 150 — 15 is the standard?

15 A Yes.

16 Q Now is — are you comfortable with anything above
17 150? Let's say, 300 is here, there's 280 there?

18 A But —

19 Q 260?

20 A But you have to pull out the major contributor.
21 It has to — the person including the matches you
22 have to pull it has to line up because use that
23 number on a particular locus that's that if there is
24 peak and balance. It has to be that major
25 contributor. We just have if that makes sense.

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1 Q Yes. And so that, but that individual's DNA
2 should have -- would the strength be consistent
3 throughout as far as the relative fluorescent units?

4 A It should be; but there are, there are things
5 such -- I mean, some profiles examination mean that
6 DNA exactly is actually breaking into low side see
7 so you've got profiles and each is starting to slant
8 and then also majorly that's our biggest issue that
9 we have with that. But basically too, because those
10 larger low sides doing the copying process sometimes
11 they don't copy as much so there are things that can
12 effect it. But we look at profile in entirety we
13 look at 16 locations and we compare that to
14 standard. So if that person is included and if
15 there major contributor in that mixture then from
16 there we can put statistic to it.

17 Q Okay. And there was another, I think it was item
18 145?

19 A Okay.

20 Q And if you could look -- I'll just go ahead and
21 show it to you. It's down here in the corner. It's
22 delta 19 SC0 433.

23 A Okay.

24 Q And there are one, two, three, four, five, six
25 different alleles and so would this be similar to

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1 the last one we talked about? It looks like there
2 are a number of alleles in a lot of places here?

3 A Yes.

4 Q So at least three people have contributed to this
5 also or?

6 A I would probably say there's at least four or
7 five in this one.

8 Q So four to five?

9 A Yeah, and this one — but once again, we're
10 looking at all the alleles; but with this I couldn't
11 do a single source so I had to do combination of
12 okays lugs so that's where I got the 74 percent and
13 that 89 percent and I couldn't do a single source on
14 the particular one.

15 Q So that was really my next question.

16 A Uh-huh.

17 Q So as a result of this and the number of
18 contributors in the constraint of everything, that's
19 where it gets down to 64 percent or 94 percent for?

20 A Correct. And to — and with this particular
21 profile, because I had so many and because I had big
22 levels I only gave high of percentage so that will
23 tell you where the number kind of falls as well.

24 Q Okay. And which locus did you use?

25 A I believe it was D-2.

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1 Q Okay.

2 A I will double check. Yes.

3 Q So you were able to base your calculation on this
4 one locus here?

5 A Uh-huh.

6 Q And what was the process, the -- was this, you
7 know, the P where the 2PQ?

8 A No, this is a different one.

9 Q Yes.

10 A This takes the -- you take the frequencies and
11 you sum them together for each allele and then once
12 you have all the sums all together you multiply them
13 together. We have FBI has a data base. This is
14 what they over see and this is where we have these
15 frequencies and this is where it's come up okays
16 collision.

17 Q All right. Well, I hope that wasn't too
18 convoluted or confusing.

19 A No, huh-uh.

20 Q But in your opinion, as far as your just, your
21 regular work and with respect to these numbers in
22 particularly the 74 percent and the 99 percent; but
23 maybe even the, you know, 185 million whatever it
24 is, these aren't -- the strength of the statistics
25 or the numbers that your, that are usual, ordinary,

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1 that I might see in evidence in a case —

2 MS. SIMPSON: Objection, Your Honor.

3 MR. SUTHERLAND: That —

4 THE COURT: Overruled, she's an expert.

5 MS. SIMPSON: Okay.

6 BY MR. SUTHERLAND:

7 Q Usually much, much higher though?

8 A Honestly, I can't tell you that because we get
9 them all over the spectrum. I've had cases where I
10 had one point and it just depends on the strength of
11 the profile it depends on what loci I can get so
12 actually all across the board so I can't say that,
13 you know, It just depends on the evidence but when
14 anyone.

15 Q And so when something is a match and you research
16 those probabilities so you all, I guess, you all say
17 that there's a one in 40 chance of the — I'm
18 talking about, you know, just evidence in a general
19 criminal case.

20 A Uh-huh.

21 Q Ordinarily the numbers are pretty high of those
22 that are admitted in court of those that are
23 admitted in a courtroom setting?

24 A Not necessarily. It just depends, I mean, to be
25 truthful we have a lot of cases there may not be any

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1 DNA on.

2 Q Sure, sure.

3 A So yes, the stat can come from every special it
4 just depends on the evidence, how strong it is, what
5 loci we can use so.

6 Q All right. Well, thank you very much.

7 A No problem.

8 MR. SUTHERLAND: No further questions at
9 this time, Your Honor.

10 MS. SIMPSON: Redirect, Solicitor.

11 **REDIRECT EXAMINATION**

12 **BY MS. SIMPSON:**

13 Q How is that you determine a major contributor
14 again, to a mixture?

15 A Okay. The mixture has to be discernable meaning
16 that I have some alleles or the alleles are stronger
17 than other alleles at this particular location. So
18 if I look at a profile as a whole and I see that
19 there's one -- each individual is going to be either
20 contributed to alleles or one allele, their
21 homozygous to a particular location. So if I see
22 that there's a major contributor theme throughout
23 this entire profile, then that's discernable enough
24 for me to compare to something.

25 Q Okay. And on item 85, the black glove found in

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1 the front yard, you were able to discern the
2 mixture, correct?

3 A Yes.

4 Q And you indicated a major contributor?

5 A Yes.

6 Q Who was the major contributor to this mixture?

7 A Mr. Singleton.

8 Q And you indicated that it matched Jabriel
9 Singleton?

10 A Yes, the major contributor.

11 Q And this means that he's present and included?

12 A Yes.

13 Q And that's from the black glove which you scraped
14 from the inside of the glove?

15 A Correct.

16 Q And the same -- and on -- just briefly. Item
17 145, swab from the bag with the GPM, here is also a
18 mixture, correct?

19 A It is.

20 Q But in this one it indicates that he cannot be
21 eliminated as a contributor to the mixture?

22 A Correct.

23 Q How is that different than a match?

24 A Well, basically because that mixture is
25 distinguishable where I can identify that mixture

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1 and put a statistic with that different stat. So
2 with this one it's not distinguishable so I can't --
3 I can't pull out that major but looking at the that
4 are present I can say that cannot be excluded from
5 the mixture.

6 Q But on item 85 he is included, he is a match?

7 A Yes.

8 Q All right, thank you.

9 THE COURT: Recross?

10 MR. SUTHERLAND: No further questions,
11 thank you.

12 THE COURT: Thank you. Thank you very
13 much. You may step down.

14 All right, Mr. Foreman, ladies and
15 gentlemen, I believe we'll take our evening recess.
16 I must remind you during the recess do not discuss
17 this case with others. As you previous heard me
18 say, do not read, listen, or watch any news reports
19 about the case. Do not use your computer or
20 cellular phones or any other electronic device or
21 communication capability to obtain, disclose any
22 information. Do not do any investigation on your
23 own or on the internet. With that being said,
24 you're now released. I ask you please be back at
25 9:30 in the morning. Please be back at 9:30 in the

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1 morning. If you'd leave your notes the clerk's
2 office will secure them when you leave.

3 (The jury is removed from the courtroom at
4 4:48.)

5 THE COURT: Anything further from the
6 State, Solicitor?

7 MS. SIMPSON: Beg the Court's indulgence.
8 Nothing at this time, Your Honor.

9 THE COURT: Defense?

10 MR. SUTHERLAND: Nothing from Defense.

11 THE COURT: Thank you very much. Court
12 will be in recess till 9:30 in the morning.

13 (Court was adjourned to resume on March 8th, 2013
14 at 9:30 a.m.)

15 THE COURT: Ready to bring out the jury?

16 MS. SIMPSON: No, Your Honor. We do have
17 some requested charge. We're actually making some
18 copies of a couple more do you want us just to
19 submit them all together once, after the next
20 witness?

21 THE COURT: That will be fine.

22 MS. SIMPSON: All right, thank you, Your
23 Honor.

24 MR. SUTHERLAND: Your Honor, I had
25 submitted mine by e-mail again, and I'm sure it was

1 around midnight.

2 THE COURT: All right.

3 MR. SUTHERLAND: And the were
4 substantially the same as the first one.

5 THE COURT: Will the next witness,
6 Solicitor, be your last witness?

7 MS. CAVANAUGH: Yes, Your Honor.

8 THE COURT: Is our jury here, all jurors
9 present?

10 THE BAILIFF: Yes, sir.

11 THE COURT: All right, bring them in.

12 (The jury was returned to the courtroom at
13 9:35 a.m.)

14 THE BAILIFF: The jury is seated, Your
15 Honor.

16 THE COURT: Thank you very much, Mr.
17 Bailiff.

18 Mr. Foreman, ladies and gentlemen of the
19 jury, good morning. I hope you all had a pleasant
20 evening. We are continuing the trial of the case by
21 the presentation of evidence and testimony by the
22 State in its case in chief. And with that being
23 said, if you would please continue to give the
24 parties your complete and undivided attention.

25 Solicitor, you may call your next witness.

1 MS. CAVANAUGH: Thank you, Your Honor.

2 The State calls Investigator David Unger.

3 THE COURT: All right, if would have come
4 around and be sworn for us please.

5 WHEREUPON,

6 DAVID UNGER,

7 after having been duly sworn, testified as follows:

8 THE CLERK: Thank you. Please have a seat
9 in the witness stand. State your full name for the
10 record and please spell your last name.

11 THE WITNESS: It's David Unger, U-N-G-E-R.

12 DIRECT EXAMINATION

13 BY MS. CAVANAUGH:

14 Q Good morning.

15 A Good morning.

16 Q Where are you employed?

17 A The Richland County Sheriff's Department.

18 Q And how long have you been employed by the
19 Sheriff's Department?

20 A Just under ten years.

21 Q And what is your current position?

22 A Currently a senior agent with the Richland County
23 narcotics unit.

24 Q And how long you been in that unit?

25 A Just under a year.

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1 Q And where were you before that? What unit were
2 you in there before that?

3 A I was in major crimes division and I was a
4 primary on site investigator.

5 Q And was that your position in January of 2012?

6 A Yes, ma'am, I was.

7 Q I'm gonna bring your attention to this case.
8 What was your role in the shooting and death of
9 Dashawn Jones that ended in the murder of Jonathan
10 Frazier?

11 A I was assigned by Sergeant Ellis as the primary
12 on-site investigator. I got the call from Sergeant
13 Ellis. It was about 2:45 in the afternoon, told me
14 that there was a shooting that took place on Masonry
15 Circle, which is in Hopkins, and told me to start
16 heading that way. Our office is on Two Notch Road,
17 if y'all are familiar with Two Notch Road, and the
18 scene was out in Hopkins so it was gonna take me
19 even a little extra time, a few minutes to go ahead
20 there so I started heading that way.

21 Q And you said 2:45. What time was 9-1-1 called
22 and notified about this incident?

23 A 9-1-1 was called at 2:31 by Ms. Howell.

24 Q And which victim were you first notified about?

25 A I was notified that a individual who had been

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1 individual as Jonathan Frazier had been shot and was
2 found on the steps of 212 Masonry Circle.

3 Q And when, when did you find out about the
4 deceased victim Mr. Jones?

5 A As I was driving down, as I stated a few minutes
6 ago, it's a long drive so there's a lot of radio
7 chatter. I had my radio on, and during that drive
8 down I was notified via radio that they found the
9 deceased victim at 157 Prioleau Road.

10 MS. CAVANAUGH: Beg the Court's
11 indulgence.

12 (WHEREUPON, State Exhibit No. 255 was
13 marked for identification only.)

14 BY MS. CAVANAUGH:

15 Q Investigator Unger, I'm gonna show you what's
16 marked as State's Exhibit 255. Do you recognize
17 this area?

18 A Masonry Circle and Prioleau Road.

19 MS. CAVANAUGH: And Your Honor, at this
20 time I'd like to introduce State's Exhibit 255 into
21 evidence.

22 MR. SUTHERLAND: No objection, sir.

23 THE COURT: State's 255 is in evidence.

24 (State's Exhibit No. 255 was admitted into
25 evidence.)

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1 BY MS. CAVANAUGH:

2 Q So this, which road is this, Prioleau Road?

3 THE WITNESS: May I stand?

4 THE COURT: Yes, sir, certainly.

5 THE WITNESS: This right here is Prioleau

6 road And road right here is Masonry Circle

7 (indicating) and this is Minervaville Road right

8 here. And this is Masonry Circle. This would be

9 Monica Howell's house. You guys heard earlier

10 Monica Howell, that's her junk. Frazier was found

11 on the steps. This right here is Prioleau Road, and

12 this right here will be 157 Prioleau Road.

13 BY MS. CAVANAUGH:

14 Q And are both of these locations in Richland

15 County?

16 A Yes, ma'am, they are.

17 Q So you first responded to Masonry Circle?

18 A No, I went to 157 Prioleau Road.

19 Q I apologize, you were first notified about

20 Masonry Circle?

21 A Yes, ma'am.

22 Q And then you found out about Prioleau Road?

23 A Yes, ma'am.

24 Q Now did the responding officers have a name of a

25 suspect before you arrived?

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1 A They did. Again, that was put over radio traffic
2 that Jonathan Frazier had told Deputy Ellis that
3 Jabriel had shot him so at which time I notified --
4 I called Investigator Caldwell and said, hey, will
5 you do me a favor and start researching anybody from
6 the Hopkins area with the name Jabriel.

7 Q What did you first observe once you arrived at
8 Prioleau Road?

9 A First think I did after I got my briefing,
10 Corporal Windsor told me that the living victim,
11 Jonathan Frazier, was found on the steps of 212
12 Masonry. He said there were multiple gunshots and
13 he had already been transported to the hospital. He
14 then gave me what they observed there, which was the
15 blue vehicle backed into 157 Prioleau at which time
16 after I received my briefing, I went in to the crime
17 scene which I signed in, and I walked the entire
18 crime scene. I started obviously with the vehicle.

19 Q And what did you observe about Dashawn Jones in
20 the vehicle?

21 A I observed, like I said, it was a dark blue 2002
22 Suzuki which was backed in probably -- and I didn't
23 do the picture in this crime scene -- probably 10 or
24 15 feet off of the house adjacent to the house. I
25 saw that the victim who was later identified as

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1 Dashawn Jones. He was laying in the driver's seat
2 slumped down a little bit and on the driver's seat
3 with his head leaning over (indicating).

4 Q And what — you said it was a blue Suzuki; is
5 that right?

6 A Yes, ma'am, a blue Suzuki with a South Carolina
7 tag, BP650.

8 Q And by using that tag number were y'all able to
9 locate the owner?

10 A Yes, ma'am, we located Ms. Rosemary Williams with
11 an address of [REDACTED]

12 Q What did you observe about the actual, the
13 exterior of the car as far the windows?

14 A I observed that the driver's side front window
15 where the driver was sitting in was shattered. That
16 door was also opened. I observed again, right off
17 of the vehicle a couple of feet — again, I didn't
18 do the measurements at the crime scene, didn't do
19 measurements — a group up of shell casings laying
20 on the ground. You want me to keep going with the
21 crime scene?

22 Q Yes.

23 A All right. I continued to walk around. I
24 observed a lighter, a Newport pack of cigarettes,
25 and another spot off where those shell casings were.

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- 1 I didn't touch anything because that's what our
2 crime scene does, but I did bend down and look at
3 the shell casings. I observed they appeared to be
4 either 38 or 357. That's just from my knowledge of
5 what — again, I didn't pick anything up at the
6 crime scene. I continued to walk it, just
7 methodically walking the crime scene looking for
8 anything else, and that's where we saw the other
9 unspent 357, which at the time I didn't identify it
10 as a 357, it was just an unspent bullet. And at
11 that time Investigator Polis from crime scene
12 arrived.
- 13 Q Okay. Did you, did you or the other — and there
14 are many other officers within that crime scene at
15 that point?
- 16 A Yes, ma'am.
- 17 Q And it's secure?
- 18 A Yes, ma'am.
- 19 Q And everyone signed in the log before they
20 entered; is that correct?
- 21 A Yes, ma'am.
- 22 Q Now as far as Mr. Jones, did you know his
23 identity when you went to 157 Prioleau Road?
- 24 A No, ma'am, we had not identified him yet.
- 25 Q And when did you actually determine that it was,

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1 in fact, Dashawn Jones?

2 A We, — through the investigation with
3 Investigator Caldwell, going over and talking to the
4 different parties that he testified to earlier, we
5 got a possible preliminary name of Dashawn Jones but
6 we couldn't verify that until his prints were rolled
7 by the crime scene and then transported up to our
8 headquarters by Investigator Baker. And later that
9 evening probably, let me give you a time, just a
10 minute. It was later in the evening probably right
11 before it started getting dark that we got word from
12 the crime scene up at headquarters that it was
13 Dashawn Jones through the fingerprint rolls.

14 Q Okay. Did you and -- before I move away from the
15 crime scene, what did you notice about the area
16 surrounding 157 Prioleau Road?

17 A Everything around 157 is heavily wooded. You
18 can -- may I stand?

19 THE COURT: Yes, sir.

20 THE WITNESS: If you look, you have
21 Masonry, you have a heavy wooded area here and then
22 everything everywhere else is heavily wooded. You
23 do have a kind of open area that can get back and to
24 where Masonry is all around here, but you still have
25 heavy woods everywhere around the crime scene at 157

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- 1 Prioleau.
- 2 BY MS. CAVANAUGH:
- 3 Q Did you go with a member of the coroner's office
- 4 the next day to notify Mr. Jones' next of kin?
- 5 A It was the same day.
- 6 Q Same day?
- 7 A Yes, ma'am.
- 8 Q And who did you speak to?
- 9 A We went — I went with Deputy Porter Jane Powell.
- 10 It's their job to notify next of kins on deaths.
- 11 But I wanted to be with her during that
- 12 notification, so I went with her to [REDACTED] [REDACTED] [REDACTED]
- 13 which is Peggy Jones. That's Dashawn Jones'
- 14 grandmother, for that notification.
- 15 Q And is that where he lived?
- 16 A Yes, ma'am.
- 17 Q With his grandmother?
- 18 A Yes, ma'am.
- 19 Q At that point did you learn anything about the
- 20 relationship between the two victims Mr. Frazier and
- 21 Mr. Jones?
- 22 A I did. I learned that they were inseparable. I
- 23 learned that they were best friends, had been for a
- 24 few years.
- 25 Q And did Mr. Frazier's mom actually come to

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- 1 Ms. Jones's house at that point?
- 2 A She did.
- 3 Q Now at this point Mr. Frazier is in the hospital;
- 4 is that correct?
- 5 A That's correct.
- 6 Q One more -- a couple of more things about the
- 7 car. When you came to the crime scene how was the
- 8 -- you mentioned the glass shattering on the
- 9 driver's side door?
- 10 A Yes, ma'am.
- 11 Q How was the passenger front door? Was it opened
- 12 or closed?
- 13 A It was closed.
- 14 Q It was closed?
- 15 A Yes, ma'am.
- 16 Q Can you look at your notes?
- 17 A I apologize, the passenger's front door was open.
- 18 Q I believe at some point actually Investigator
- 19 Polis testified that the wind shut the door?
- 20 A That's correct. Both doors ended up shutting and
- 21 it was just the wind.
- 22 Q For the passenger side?
- 23 A Yes, ma'am.
- 24 Q Now you mentioned that you saw the glove at the
- 25 scene next to some shell case, cartridge casings?

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1 A Yes, ma'am. When Investigator Polis arrived, we
2 continued to walk the crime scene. She was taking
3 photographs. And as we expanded out we located a
4 black glove with two spent shell casings close to
5 the road, but still on the property.

6 Q And did you later learn that that glove had
7 significance to this case?

8 A It did, had Jabriel Singleton's DNA on the inside
9 and had gunshot residue.

10 Q The defendant, does he -- throughout this
11 investigation did you ever learn that he had a twin?

12 A No, no, ma'am. There's no knowledge of anything.
13 All the research we did didn't have a twin.

14 Q Okay. And as far as the number of shell casings
15 that were located at this scene, what significance
16 did that have to you?

17 A Yes, ma'am. Again, I'm just a investigator, I'm
18 not a firearms expert. But through my course of
19 being in law enforcement for the last 18 years,
20 pretty good knowledge that a 38 revolver or 38
21 caliber shell casings are for revolvers only. I
22 know we've heard testimony that there's some
23 competition semi-automatic stuff, but most of the
24 time it's just, it comes from a revolver. Revolvers
25 we know normally only fit six and seven, six or

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1 seven bullets at a time, which indicates that the
2 suspect of this crime had to take time to reload.
3 And that's important because you're showing somebody
4 that is taking the time to reload and then continue
5 firing.

6 Q And while you're at the crime scene did you —
7 did K-9 units also come to the scene?

8 A Yes, ma'am. I requested two separate types of
9 K-9 units. I requested one for track of human,
10 looking for the suspect. I wanted those that team
11 which was our deputy Pierce and Deputy Cilcoin to
12 actually try to track and find the track where the
13 suspect ran. We had preliminary knowledge that he
14 ran down Masonry Circle towards Minervaville, and we
15 set them on that track. I don't get involved in the
16 K-9; they do their thing, which they ended up not
17 finding anyone.

18 The second K-9 unit I had come was what we
19 call an article search. We got Deputy McLamb. And
20 what I was looking for in article search, I'm
21 looking for guns or any other evidence that may have
22 been left during the course of the crime. And I had
23 Deputy McLamb start at 212 Masonry Circle. I want
24 him to walk from there backwards towards the crime
25 scene because that would have covered both the

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1 suspect and the victims if the victims may have had
2 any kind of weapon or anything, I wanted to know.
3 It's, you know, finding the have facts; it doesn't
4 matter which way. So we had him track backwards
5 through that area and he didn't find any weapons at
6 all.

7 Q Because at this point of your knowledge is with
8 multiple gunshot wounds, Jonathan Frazier, traveling
9 from the crime scene to Masonry Circle (indicating)?

10 A Yes, ma'am.

11 Q And this actually, this distance appears fairly
12 lengthy on this map, but it's really ---

13 A It's not that long. I know that looks large, but
14 I walked it numerous times. It's not that far.

15 It -- I believe Mr. Sutherland said earlier it's
16 less than, less than a half mile in distance.

17 Q And again, there is no evidence located on the
18 24th; is that correct?

19 A That's correct.

20 Q As far as the actual location of the crime scene
21 157 Prioleau Road, who owned that property?

22 A Mr. Prioleau who we later identified through
23 finding out that Mr. Prioleau owned it, and at that
24 time I dispatched Investigator Carver to try get in
25 contact with Mr. Prioleau and find out who was

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1 renting the property 'cause he stated he didn't live
2 there.

3 Q And did you find out who rented the property?

4 A We did, Joe Singleton.

5 Q And is Mr. Singleton in any way related to the
6 defendant?

7 A No. I spoke with Mr. Singleton in detail.

8 Mr. Singleton told me that he's only been in the
9 Columbia area for a year and drives trucks. He told
10 me he's got a sister who lives in Columbia and his
11 three kids and that's it. And his oldest child is
12 14 years old so.

13 Q And did he also give you permission to search
14 home?

15 A He did. Myself, Sergeant Ellis, and Investigator
16 Preston, we stayed there until he arrived home. He
17 was in actually -- I can't remember. He was far
18 away driving trucks, it took him a while to get
19 back. And we waited for him, and we explained
20 everything that had happened in his, in his
21 property, and asked him if he won't mind if we went
22 inside to look for any evidence of a shooting and he
23 had no problem with that.

24 Q And what was his -- did you say what his job was,
25 what his occupation was?

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1 A He was A long distance truck driver.

2 Q He was there that day?

3 A No, ma'am.

4 Q Were there any other cars located at this
5 property that day?

6 A No, ma'am.

7 Q Is this pretty much the extent of what you did on
8 the 24th as far as it relates to the crime scene?

9 A As far as the crime scene, yes, ma'am.

10 Q Who was responsible for actually going to the
11 hospital to first speak with Jonathan Frazier?

12 A We had dispatched Investigator Goff.

13 Q And why was it important for someone or talk to
14 him before he went in to surgery?

15 A To get as much as information as we can. You
16 never know what's going to happen. He was in
17 critical condition with a gunshot in a very vital
18 area of the body which is the neck, and we wanted to
19 get any information we could just in case.

20 Q Okay. At that point he had life threatening
21 injuries; is that correct?

22 A That's correct.

23 Q At this point were you able to get a possible
24 phone number for the suspect Jabriel Singleton?

25 A Yes, ma'am, just through research Investigator

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1 Karl actually came up with the phone number for
2 Mr. Singleton.

3 Q Okay, and why is this important?

4 A Any time we can get a possible suspect's phone
5 number we can, one, get subscriber information on
6 that. What that means is it's, it just tells us who
7 that phone belongs to. Two, we can get tower
8 information. You heard earlier, Lieutenant McDonald
9 testified that tower information, that's very
10 important for us. That helps us with the course of
11 the investigation so that number that we got was
12 803-514-3525 and that was immediately forwarded to
13 Lieutenant McDonald who did an extending
14 circumstance— or extensive search warrant on the
15 phone number.

16 Q Okay. And that came back as Jabriel Singleton's
17 phone number?

18 A That's correct.

19 Q Including the T-mobile records subscriber
20 information?

21 A Yes, ma'am.

22 Q And did those cell phone records including the
23 cell tower information turn out importantly in this
24 investigation?

25 A Very important. Through both Dashawn Jones' cell

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1 phone records and Jabriel Singleton's cell phone
2 records, as we testified earlier you saw that there
3 was numerous calls, I believe 13, leading up to the
4 time of meeting that those two were going to have.

5 Q And then also the locations?

6 A Absolutely. Put them — and again, in a wedge,
7 but put him in the area where the crime scene was
8 and where that whole area is. I can't, but I can't,
9 like I said, you can't pinpoint it but he was there
10 or not, other places.

11 Q Okay. Did you also learn anything about who
12 called 9-1-1 that afternoon?

13 A Yes, ma'am, I learned that Monica Howell was the
14 person who called 9-1-1.

15 Q And who actually spoke to her?

16 A Who interviewed her?

17 Q Yes, sir.

18 A Sergeant Ellis.

19 Q And were Mr. Frazier's clothes still on her porch
20 later that evening?

21 A Yes, ma'am, they were.

22 Q And how were they removed?

23 A They were removed through our crime scene.

24 Lieutenant Pritchard stayed there until our crime
25 scenes come process Prioleau, which takes a lot of

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1 time, and then when they were done there they went
2 over to Masonry Circle and collected those items.

3 Q And to your knowledge was there a phone located
4 with his clothing?

5 A No, ma'am.

6 Q Was there ever an additional phone located where
7 you traveled?

8 A No, we never located his phone.

9 Q And speaking of phones, there were photographs
10 taken of two phones that were in the victim's car?

11 A Yes, ma'am.

12 Q Did those turn out to be significant in any way?

13 A Well, we don't, we couldn't -- we did search
14 warrants and for download on them; and there was a
15 Motorola Droid phone, an Apple I-pod and HTC Touch.
16 We only have so much capability when it comes to
17 these phones. If we can't get into them we can't
18 get into them. And they were -- the Motorola Droid
19 was locked with a pure corp key needed; that's
20 password. The Apple I-pod, there was no information
21 located, and the HTC Touch was locked, pure corp key
22 needed which means password. And we just don't have
23 the technology to break those passwords so we were
24 unable to get into those phones.

25 Q To your knowledge did any of those phones belong

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1 to Jonathan Frazier?

2 A No, ma'am.

3 Q Did other investigators speak to witnesses around
4 the area that could have possibly heard anything or
5 seen anything?

6 A Yes, ma'am, numerous investigators.

7 Q Was anyone else able to provide any other
8 information as to relates to what they observed?

9 A No, ma'am.

10 Q Did these witness relay that some of them, that
11 they heard gunshots?

12 A Yes.

13 Q But they didn't see anything?

14 A No, ma'am.

15 Q And the responding — who was the responding
16 officer again in this case?

17 A That is what deputy?

18 Q Yes.

19 A Deputy Ellis.

20 Q And there was some mention when she was on the
21 stand about a Mark Patterson. Can you explain that
22 please?

23 A Yes. Our records, when you — if you've ever had
24 to file an incident report with Richland County,
25 everything goes to our records department. At the

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1 time in January of 2012, we used a program called
2 Visions, and it was a older, dated Visions program.
3 Now an incident report is generated and sent down
4 there. Any time that we're working a case like this
5 there may be what's called a supplemental report
6 done; and all that is, is another brief incident
7 that's related to the crime, it's done by another
8 officer. In this incident Mark Patterson, a couple
9 of days later, had recovered a, two driver's
10 licenses in somebody's yard out in the Hopkins area
11 and ---

12 MR. SUTHERLAND: That is, that is hearsay,
13 that maybe Mark Patterson ---

14 THE COURT: I sustain that objection.

15 THE WITNESS: Deputy Patterson had filed a
16 report related to this homicide. When he did that
17 it got turned in in 2012. It automatically updates
18 the indicate report, puts his name at the bottom
19 even though he didn't write the original report.
20 And at that time listed a suspect which at the
21 beginning was not so automatically generated that
22 suspect's name. That has been fixed; it doesn't
23 happen anymore. But at that time with that
24 record's program so --- the original incident is
25 still the original incident report. It was just

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1 updated with the additional report added to it which
2 put that other deputy's name on it. It was just a
3 error that the computer programming did in 2012.

4 BY MS. CAVANAUGH:

5 Q And the information — the supplemental report
6 that he filed didn't really have much significance
7 in this case, did it?

8 A No, ma'am.

9 Q Did someone actually speak to Rosemary Williams
10 about the owner of that car?

11 A Yes, I did.

12 Q Okay. And who did she — who did she tell you
13 was driving her car that day?

14 A She told me that her boyfriend, a Breeze or Tyler
15 Edward was driving that car.

16 Q So she knew him as Tyler Edwards?

17 A That's correct?

18 Q She also knew him by his nickname.

19 A Breeze.

20 Q And was she the only person that you were aware
21 of that knew him by Tyler Edwards?

22 A Through the entire investigation she's the only
23 person that knew him by the name of Tyler Edwards.

24 Q And this was just — this was his girlfriend?

25 A That's correct.

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1 Q Now did she give you consent to search her
2 vehicle?

3 A She did, in a written from.

4 Q And did she also take you to where he lived, or
5 lived previous?

6 A She did take Investigator Caldwell.

7 Q Okay. Now why is it important that she gave
8 consent to search the vehicle?

9 A Time. If she gives consent to her vehicle, she's
10 the owner, she has a right to say, no, I don't want
11 you to search the vehicle. With her giving consent,
12 they can immediately start processing the vehicle.
13 If we had to get a search warrant which we they had
14 to issue doing, it just delays time. It would have
15 been a few hours or maybe the next day before we'd
16 start processing the vehicle.

17 Q And to your knowledge did Dashawn drive this car
18 often?

19 A According to Rosemary he did.

20 Q And speaking of the processing of the car, there
21 was a name that came up, a Grover Belton?

22 A Yes, ma'am.

23 Q Who, who is that in relation to this
24 investigation?

25 A He's not related. We got a fingerprint on the

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1 outside of the vehicle of a Grover Belton. Grover
2 Belton is a 56 year old man that through our course
3 of investigation we learned had just — he had
4 nothing to do with the case, nothing that ruled or
5 put us toward him that had anything to do with this
6 case. He was ruled out as a player, ruled out and
7 that was that. You know, any time you park your car
8 anywhere there's a chance somebody touches your car
9 or. You know, right now we're leaving fingerprints
10 here, we're leaving fingerprints anywhere. I
11 believe they testified to that; it just happens. So
12 we ruled that Grover Belton was — I'm sorry,
13 Garfield Belton was not part of this case at all.
14 Q Before you left Hopkins — I believe this is on
15 the 25th, is that right, when you spoke to Rosemary?
16 A No, I spoke to her on the 24th.
17 Q Okay. Before you left Hopkins that day did you
18 go anywhere? Did you go to a recording studio?
19 A I did. That's exactly Columbia.
20 Q Okay.
21 A Sandwood, which is where Rosemary lived, she's —
22 Rosemary had told me that Tyler or Breeze, her
23 boyfriend was a rapper, that he did a lot of
24 recording and she told me that the recording studio
25 was at the corner of Sandwood at the end. Sandwood

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1 is a L so you come in and you know, you have
2 Sandwood here (indicating) and you have Sandwood
3 here (indicating). The recording studio is right on
4 the corner of Sandwood and Elmwood. I stopped
5 there. There was no address on it, but identified
6 it at the corner of Sandwood and Elmwood. I spoke
7 to numerous people there, asked them if they knew
8 Breeze, asked them if they knew Crash. Dashawn
9 Jones, his name is Crash. And they said they knew
10 him but they were very uncooperative and —
11 Q Did you meet Jonathan Frazier's name was Crash?
12 A Yeah, Jonathan Frazier's nickname was Crash and
13 Dashawn Jones Breeze or King Breeze 6000.
14 Q So no one spoke to you about anything from the
15 recording studio; is that right?
16 A No, ma'am.
17 Q Did you find out later on this day whether
18 Jabriel actually knew Dashawn Jones?
19 A I did. I got on Facebook and just typed in both
20 their names, and I did realize — I did learn that
21 Dashawn Jones on Facebook was friends with Jabriel
22 Singleton.
23 Q And were other investigators also working with
24 the victims' cell phone records in this case?
25 A Yes, ma'am. This may — Investigator McDonald,

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1 he did almost all of our cell phone research on this
2 case.

3 Q And again, you already -- what was noticed about
4 the number of phone calls between Jonathan and
5 Jabriel?

6 A Jonathan and Jabriel?

7 Q Yes.

8 A There was no phone calls between those two.

9 Q And what about Dashawn and Jabriel?

10 A That morning there was 13.

11 Q On the morning of January 25th what did you do?

12 A The first thing we do, we come in and we have a
13 command staff just like, you know, our senior
14 leaders. We did a briefing of command staff just
15 kind of going over the course of investigation,
16 where we're going on that investigation. That's the
17 first thing we did.

18 Q Okay. And were you notified about Mr. Frazier's
19 status?

20 A I was. I sent one of our victim advocates down
21 to the hospital just to wait; and if Jonathan
22 Frazier was to wake up he could call me so we could
23 go out and see if we can interview him. And I did
24 receive a call from Deputy Ryan who was our victim
25 advocate that Mr. Frazier had woken up.

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1 Q Okay, and did you also speak to his nurse before
2 you spoke to him?

3 A I did. I responded, myself and Investigator
4 Preston went to Richland Memorial. He was in the
5 ICU trauma room 527. We got there about 10:30 in
6 the morning, and we spoke to his nurse Amanda
7 McVickers.

8 Q Okay. And were you able to speak to Jonathan at
9 this point?

10 A I was. Jonathan was awake. He was in critical
11 condition. He couldn't talk. He had a tube in his
12 mouth and in his neck (indicating); and he — there
13 was no way, his mouth was also wired shut so there
14 was no way he could talk. But I asked — I
15 introduced myself. I told him who I was; and he
16 recognized, he could see that. I went on and asked
17 him, I was gonna ask him some yes and no questions.
18 I asked him if he could shake his head, and he said
19 he could. He shook his head up or down, or left or
20 right. Obviously the up and down being no and right
21 or left being yes. Excuse me, the other way round.
22 So at that time I started, I talked to him.

23 Q Again, did he tell you who shot him?

24 A He did.

25 Q And did you also show him a photo lineup this

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1 day?

2 A I did.

3 Q And did you necessarily show — did you tell him
4 that shooter was in that lineup?

5 A No. When we show a photographic lineup we show a
6 six picture photographic lineup. And what we do is
7 when we present it to the person that we're showing
8 it to you we tell them that, I'm showing you six
9 pictures. I say, the person who shot you may or may
10 not be in here so I want you to look at each picture
11 individually, go through it, and if you see the
12 person that shot you please point him out.

13 Q Was he able to do that?

14 A After he was — his hands were tied down, and
15 they do that because they don't want them pulling
16 out the trach. So the nurse untied his hands at
17 which time he was able to show me.

18 Q Okay. And who did he identify?

19 A Jabriel Singleton.

20 Q And was he able to answer a few of your questions
21 through nodding his head or shaking his head about
22 limited details related to the case?

23 A Yes, ma'am.

24 Q That was because he just couldn't speak at that
25 point; is that right?

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1 A Correct.

2 Q At this time did you also take a, what's called a
3 buccal swab, from him?

4 A I did. All that is is a long Q-tip and all you
5 do is you take it and you do it on the inside of
6 their cheeks. What we did, just one on the inside
7 of his cheeks, placed into a cardboard box, it was
8 labeled and marked and then sealed.

9 Q Okay. And why is it important to do that —

10 A We —

11 Q —to the victim?

12 A Anyone that we consider a player in the crime
13 whether victim, suspect, or witness, we try to get
14 swabs so we can eliminate their standard when it
15 comes to running DNA. Y'all heard that long spill
16 on DNA. Basically we want — it's their stuff in
17 the car or their stuff, we want to know that its
18 theirs.

19 Q And after you left the hospital what, what did
20 you do next?

21 A I called Sergeant Ellis who was, again, my
22 supervisor at the time, draft a search warrant for
23 Jabriel Singleton's known address which was [REDACTED]
24 [REDACTED] and also ask him to draft arrest warrants
25 for murder and attempted murder of Dashawn Jones;

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1 attempted murder of Jonathan Frazier, which he did
2 inform me. Even emailed to Judge Michael Davis,
3 myself and Preston, and went down to the judge's
4 office, we reviewed those and signed them.

5 Q And when you say — did it turn out that he lived
6 at his mother's house?

7 A No. We did serve that search warrant and we
8 found — spoke with his mother, told her why we were
9 there, what's going on, conducted a search and we
10 didn't find anything so and she said he didn't live
11 there.

12 Q And what area of town is [REDACTED] Drive?

13 A I believe Saskatoon is still considered Hopkins.

14 Q Okay.

15 A It's on the Leesburg side kind of in, but I
16 believe the — I have check but I believe the
17 address is technically Hopkins.

18 Q Okay. And what else did Sergeant Ellis do for
19 you at that point?

20 A At that point he just typed out those warrants
21 and e-mailed them to the judge for me.

22 Q Okay. What happened next with the investigation
23 on the 25th?

24 A We learned through information that — first
25 thing I did I notified the fugitive team that we had

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1 signed warrants for Jabriel. They had already -- we
2 had already called previously, let them know that
3 there was a possibility so they could start their
4 workup. But once we had the signed warrants I
5 called to notify them so they could start their --
6 their job at which time I called them, they called
7 me and they said they believe that Jabriel was out
8 in the Hopkins area near Hor Hill, which we knew
9 that his dad lived at [REDACTED]. At that time I
10 went with the fugitive team. We converged on that
11 area and set up a large perimeter between Crosshill
12 and Hor Hill.

13 Q And so you said at that point there was already
14 an arrest warrant issued for Jabriel Singleton?

15 A Yes, ma'am.

16 Q So at that point what all did you have about
17 Jabriel Singleton?

18 A We had -- at that point we had a photographic
19 pick from the victim; and through a yes or no
20 question that the victim told us that Jabriel
21 Singleton was the person that shot him.

22 Q And also phone records?

23 A And phone records placing Jabriel.

24 Q And you mentioned the fugitive team. Why is it
25 important that the fugitive team assist you with the

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1 arrest of the defendant?

2 A Well, there's two reasons. One, the fugitive
3 team, that's their job. We have a crime of murder
4 at which and as far as I know is the worst possible
5 crime you can have, the suspects a lot of items are
6 dangerous they're armed. And they're on the run and
7 when you're on the run a lot of times you become
8 even more dangerous. Those guys are trained to
9 track those people and find them and arrest them
10 without, without major injuries. So that's why we
11 use them. I want them to go out and find this
12 person for me.

13 The second reason is, it allows me to
14 continue the investigation because I know those guys
15 out there looking for the person that I have a
16 warrant for. It allows me to continue doing what I
17 need to do to come to a conclusion of this case.

18 Q Because your investigation does not end just
19 because there's an arrest warrant?

20 A Oh, no, it just starts normally then.

21 Q Did you actually go to [REDACTED] that
22 day with the fugitive team?

23 A Yes, ma'am, I did.

24 Q Okay. And what happened once y'all arrived
25 there?

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1 A We arrived and set up the perimeter. As was
2 testified earlier, one of the fugitive team members
3 Heyers actually saw a male in the wood line. When
4 we converged that person took off. We all gave
5 chase towards that area. And at that point where we
6 located the hoodie, black hoodie, and the cell phone
7 which we identified as Jabriel Singleton's cell
8 phone.

9 Q And that was through this phone number; is that
10 correct?

11 A That's correct.

12 Q I'm gonna show what's marked as State Exhibit 193
13 that's already been introduce into evidence. Is
14 that the area that you went to locate the defendant
15 on the 25th?

16 A It is.

17 Q And where — you say K-9 units actually
18 responded.

19 A That's correct. K-9 — we had numerous K-9
20 units. We had road deputies, line deputies
21 responding. We had a members of the fugitive team,
22 members of homicide out there.

23 Q And again, where did K-9 actually attempt to
24 track the defendant?

25 A May I stand, Your Honor?

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1 THE COURT: Yes, sir, currently.

2 THE WITNESS: This is, this right here
3 (indicating) is the area that we converged and then
4 set up a perimeter right here. This is the wood
5 line right here where the jacket, the male was seen,
6 jacket and the phone were recovered. K-9 units
7 tracked here all the way up through this area
8 (indicating). This was a long manhunt. It was --
9 we were in the woods for hours looking for this, put
10 a helicopter up. And K-9 eventually ended their
11 track at a trailer at the end of [REDACTED]. The
12 address was [REDACTED].

13 BY MS. CAVANAUGH:

14 Q So that's where the track ended?

15 A Yes, ma'am.

16 Q Did an investigator initially talked to the
17 person who lived at [REDACTED]?

18 A I did.

19 Q Was she able to provide any information?

20 A No, she said she was the only person that lived
21 there. She said that she was at work all day up
22 until 8:00 at night, and she was able to provide me
23 a note from her work. So she, again, we don't
24 believe anything further than the K-9's tracking at
25 [REDACTED]. We don't believe there's any other

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1 connection to that.

2 Q And did the helicopter actually go out this day
3 to assist with the search?

4 A It did. As a matter of fact, the helicopter and
5 SLED's helicopter came out as well so they could
6 switch off with fuel because helicopters only have a
7 couple of hours of fuel so one would come down and
8 the other would come up.

9 Q Again, the defendant was not located on this
10 afternoon?

11 A No, ma'am.

12 Q Was the search warrant completed for [REDACTED]
13 [REDACTED], his father's address?

14 A Yes.

15 Q And what was located in the, in the home?

16 A We located paperwork that indicated that Jabriel
17 was living there. There was no evidentiary for the
18 murder, but we did locate paperwork indicated that
19 Jabriel was living at 1917.

20 Q And did it appear that he had a bedroom from that
21 location?

22 A Yes, ma'am.

23 Q What was your next step in this investigation?

24 A The next step was, later that evening we received
25 a message from the road supervisor that a person had

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1 called and said they had given Jabriel a ride into
2 the city, City of Columbia area, at which time we
3 went out to his address, Joe Wilson's address as he
4 testified earlier. He gave Jabriel a ride off, on
5 to Patricia Drive.

6 Q And did he actually contact the sheriff's
7 department voluntarily?

8 A Yes, ma'am, he saw on the news — he knew nothing
9 about the crime —

10 MR. SUTHERLAND: Sorry, it if please the
11 Court, this is hearsay, Your Honor.

12 THE COURT: All right. I will sustain the
13 objection.

14 BY MS. CAVANAUGH:

15 Q But he reached out to, to law enforcement?

16 A Yes, ma'am.

17 Q And but he didn't know anything about the crime
18 itself?

19 A That's correct.

20 Q The next morning were you notified about possible
21 whereabouts of the defendant?

22 A I was. I notified by Investigator Britt who was
23 a part of the fugitive team that they had received
24 information investigator that night attempt to come
25 in Jabriel —

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1 MR. SUTHERLAND: Sorry, Your Honor, it's
2 hearsay.

3 THE COURT: It's already in the record.

4 MR. SUTHERLAND: Investigator Britt?

5 THE COURT: All right. Any testimony of
6 Investigator Britt hearsay, thank you. Sustained.

7 BY MS. CAVANAUGH:

8 Q Did you receive information related to possible
9 whereabouts?

10 A I did. I received information from the fugitive
11 team that he was at the American Best Value Hotel
12 on, possibly at America Best Value Hotel on 131
13 Veteran's Road. And units from the fugitive team
14 were attempting to locate him at that place.

15 Q Okay. Did you -- while they were doing -- you
16 did not respond to America's Best Inn, did you?

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

18 Q While they were actually attempting to locate him
19 at the inn, what were you doing?

20 A I was -- I did, I did a search warrant on
21 Singleton's cell phone for a talk, which we never
22 could 'cause we couldn't get into it. Again, pass
23 code. I also met with Rachel Grant, our DNA
24 technician, to figure out the run of DNA that we
25 were going to do on this case, at least initially.

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1 Q Okay. And were you notified later that morning
2 after noon, mid-morning, that Jabriel Singleton had
3 been arrested?

4 A I was notified at 12:57. It was 12:57 right
5 after noon, that he had been arrested at room 119 at
6 the hotel.

7 Q And was he, was he -- was he the listed person on
8 that room receipt?

9 A He was not.

10 Q And what dates were the room -- was the room
11 actually rented?

12 A The room was rented by Randall Dandy, and the
13 dates were for the 25th and the 26th.

14 Q So this would be the day after the murder?

15 A Yes, ma'am. Paid cash on both days, number of
16 guests are listed as 50-dollars each day.

17 Q And did you actually speak to Randall Dandy?

18 A I did.

19 Q Was he in any way cooperative?

20 A He was not.

21 Q Did you ever show him the photo of the defendant?

22 A I did.

23 Q Did he say that he'd never seen him before?

24 A He did.

25 Q But he rented the room that Jabriel Singleton was

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1 found in?

2 A He did.

3 Q Was he located in the room?

4 A He was not.

5 Q Was the defendant transported to headquarters
6 that day?

7 A He was.

8 Q And upon arriving at headquarters where did,
9 where did he go?

10 A He was brought to me, and I placed him in one of
11 our supervisor's offices as our offices are huge.
12 They're not very private, and they're not -- and
13 it's very loud so. All the supervisors have closed
14 offices, better place for an interview. So I used
15 Sergeant Robinson's office which was a office, and
16 we -- I took him in there. I took his handcuffs off
17 and sat him down.

18 Q And what time was this?

19 A He arrived at headquarters at 13:10 which is
20 1:10.

21 Q You say you took the handcuffs off?

22 A I did.

23 Q What did you do when he first sat down?

24 A First thing we did is we -- first thing we did
25 before we talked to any person that's under arrest

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1 because he was under arrest, is we advise him of
2 Miranda warnings, or their Fifth Amendment rights.

3 Q And how is that actually done?

4 A We do it for the most part in a setting like that
5 we do it on written form.

6 MS. CAVANAUGH: Beg the Court's,
7 indulgence.

8 BY MS. CAVANAUGH:

9 Q I'm gonna show you what's been marked as State's
10 Exhibit 3 for identification purposes only. Do you
11 recognize this document.

12 A Yes, ma'am, that's the form I used for his advice
13 of rights.

14 Q And did he — what is the date on this?

15 A The date is the 26th.

16 Q And what time does it say on there?

17 A We began the advisement of rights at 13:14 which
18 is 1:14.

19 Q And is your signature on this document?

20 A It is.

21 Q And is Jabriel Singleton's signature on this
22 document?

23 A It is.

24 MS. CAVANAUGH: Your Honor, at this time
25 I'd move to introduce State's Exhibit 3 into

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1 evidence.

2 MR. SUTHERLAND: No objection as to
3 waivers.

4 THE COURT: State's 3 is in evidence.

5 (State's Exhibit No. 3 was admitted into
6 evidence.)

7 BY MS. CAVANAUGH:

8 Q Investigator Unger, can you explain in detail how
9 you actually read him his rights?

10 A Yes, ma'am. The way I do it, the first thing to
11 do is I put demographic information on top, name,
12 which would be Jabriel Singleton, the place which is
13 5623 Two Notch Road -- that's our office. The
14 officers that are involved, at this time it was
15 myself and Investigator Preston, the date which is
16 the date that I started this, January 26, 2012. And
17 the time, the time I started, not the time I finish.
18 The time I started was 1314 or 1:14.

19 The first thing we do is we have what is
20 your rights. And what I do is, there's numerous
21 sentences. I read each sentence individually. I
22 then ask that person if they understand. If they
23 indicate that they understand that sentence to me, I
24 put a check mark by it.

25 Q Okay. Can you go through individually each one

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1 of the rights that you read?
2 A Yes, ma'am. Word for word, "your rights, before
3 we ask you any questions you must understand your
4 rights." I then ask if he understands. He
5 indicated that he did. I put a check mark next to
6 it. The next line is: "You have the right to
7 remain silent." Again, I asked him if he
8 understood. He indicated he did, put a check mark
9 next to it. "Anything you say can be used against
10 you in court." Same thing, I asked him if he
11 understood; he indicated he did. I put a check mark.
12 "You have a right to talk to a lawyer for advice
13 before we ask you any questions and have a lawyer
14 with you during any questioning." I asked him if he
15 understood that; he said he did. Put the check mark
16 next to. "If you cannot afford a lawyer one will be
17 appointed for you before any questioning, if you
18 wish." Again, I indicated — he indicated he
19 understood. I put a check mark next to it. "If you
20 decide to answer any questions now without a lawyer
21 present, you still have the right to stop answering
22 at any time. You also have the right to stop
23 answering any time until you talk to a lawyer." I
24 asked if he understood that; he indicated he did.
25 Q And did he indicate at the time that he wanted to

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- 1 talk to you?
- 2 A He did.
- 3 Q And how did -- how did that memorialize?
- 4 A It was memorialized with his signature.
- 5 Q And that's under the waiver of rights?
- 6 A Yes, ma'am, it's actually under your rights
- 7 there's a signature. Then there's another one on
- 8 the waiver of rights.
- 9 Q So you -- did he begin speaking to you at that
- 10 point?
- 11 A First thing we had to do was have him read his
- 12 waiver of rights.
- 13 Q Oh, okay, and can you read that for us?
- 14 A Yes. Once we read the rights, then I'll read him
- 15 his waiver of rights. His waiver of rights is: "I
- 16 have read this statement of my rights. I understand
- 17 what my rights are. I am willing to talk and answer
- 18 questions. I understand and know what I'm doing.
- 19 No promises have been made to me, no pressure or
- 20 coercion of any kind as been used against me." I
- 21 asked him if he understood that. He indicated he
- 22 did, and he signed it.
- 23 Q Okay. And did he appear aware of what he was
- 24 doing?
- 25 A Yes, ma'am.

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1 Q Did he appear under the influence of any type of
2 drugs or alcohol?

3 A He did not.

4 Q Did he indicate that he wanted to speak with you?

5 A He did.

6 Q And he waived his rights voluntarily?

7 A Yes, ma'am.

8 Q And willingly?

9 A Yes, ma'am.

10 Q Now have --- is he aware of what he's charged with
11 ---

12 A He is. We ---

13 Q ---at this point?

14 A We advised him he was under arrest for the murder
15 of Dashawn Jones and the attempted murder of
16 Jonathan Frazier.

17 MS. CAVANAUGH: Beg the Court's
18 indulgence.

19 BY MS. CAVANAUGH:

20 Q Investigator Unger, how did you proceed with the
21 interview after he indicated he wanted to speak to
22 you?

23 A The first thing we do is I asked him what
24 happened that day. I want to hear it verbally. I
25 want him to tell me what happened. I'm not writing

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1 anything down; I'm just listening at this point.
2 Once he goes through that and I determine we're done
3 with this, with that portion, then I'll put it down
4 on paper. I'll tape it for the person. I tell him
5 that I'm gonna type it for him. I'll tell him that
6 I'm a pretty slow typer so I'm gonna stop you a lot.
7 That's what I tell them. So I'm gonna stop you.
8 I'm not trying to be rude, I just need to write what
9 you say word for word and then we'll put it down on
10 paper.
11 Q And during that verbal conversation what did,
12 what did he tell you?
13 A I asked him to tell me about what happened that
14 day of the murder, January 24th, 2012. I told him,
15 tell me what his relationship and what he, what he
16 knows about Dashawn Jones and Jonathan Frazier. He
17 told me that he met them at the recording studio,
18 the one we talked about earlier on Sandwood. He
19 said they were there. He went on to say they were
20 smoking weed together. He said there was quite a
21 few people there as well. He said they were
22 chilling and smoking weed inside and outside the
23 studio, and he stated that he left there around 12
24 to 1, 1200 to 1300 hours. He said he went to his
25 girlfriend's house, Kenyatha Hickman. Then he said

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1 that house was off Leesburg Road which we later
2 identified as 2121 Daly Street. Singleton say that
3 while he was at her house he was there all day. He
4 said that he did not leave until later that evening.
5 He stated that he went later that evening he went to
6 Club Crush. Club Crush was a -- it's closed now --
7 was a adult club off of River Drive which is right
8 there on Broad River. I asked if he left his
9 girlfriend's house at all before going to Club Crush
10 that evening, and stated no. He stated that he left
11 between 21 and 2200 hours which is 9 or 10:00 at
12 night to go to Club Crush. I asked if he spoke with
13 Breeze or Crash or whoever Breeze is, Dashawn Jones,
14 Crash, Jonathan Frazier. And after he left the
15 studio he stated that Breeze called him wanting to
16 buy some weed. He told Breeze that he did not have
17 any weed yet. Singleton stated it would be a few
18 minutes; he might have some. Singleton stated that
19 he called back again, that Dashawn Jones called back
20 again, asking him if he had meet yet and told him
21 that he was not was not giving him enough time to
22 get it.

23 I asked if he was at Hopkins at all during
24 the day, during the afternoon; he said he was not.
25 I asked if he killed Breeze and shot Crash. He

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- 1 stated he did not. I printed -- at that item we
2 went ahead, I memorialized it into a written
3 statement. I printed the statement out.
- 4 Q So that was the verbal conversation and then you
5 went through a question and answer typed --
- 6 A Yes, ma'am.
- 7 Q --typed statement?
- 8 A Yes, ma'am.
- 9 Q I'm gonna show you what's marked as State's
10 Exhibit 4. Do you recognize that document?
- 11 A Yes, ma'am.
- 12 Q What is that a document of?
- 13 A That's the written statement that I took.
- 14 Q Okay. And this is the actual typed statement
15 that you did off your situation with the defendant?
- 16 A Yes, ma'am.
- 17 Q And what's the date on there?
- 18 A January 26, 2012.
- 19 Q And the time?
- 20 A 1322, which is 1:22 in the afternoon.
- 21 Q And did you actually -- so can you describe the
22 process of a written statement one more item?
- 23 A Yes, ma'am. After I get the verbal statement
24 from him I then put it -- I then put it in writing.
25 What I'll do, I'll explain it to him, I want you to

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1 tell me the exact story again, I'm gonna type it
2 word for word. I'm gonna stop you because I'm a
3 slow typer. I'm a slow typer. So I'll stop him
4 numerous times. But what I'll do is, I start at the
5 beginning of the statement. At the top of
6 statement, all it is is statement of Jabriel
7 Singleton, [REDACTED] Drive, Hopkins, South
8 Carolina, 29061. I put his date of birth which is
9 [REDACTED] under that. Made at Columbia,
10 South Carolina this January 26, 2012 13:22 in the
11 presence of Investigator Unger/Preston of the
12 Richland County Sheriff's Department. The next line
13 is: "I, Jabriel Singleton, understand that I have a
14 right to remain slight. Anything I say can be used
15 against me in court. I have the right to talk to a
16 lawyer for advice before you ask me any questions
17 and that lawyer with me during any questioning. If
18 I cannot afford a lawyer, one will be appointed
19 before any questioning if I wish. If I decide to
20 answer questions now without a lawyer present, I
21 still have the right to stop answering them at any
22 time. I also have —

23 MR. SUTHERLAND: If I may interrupt you,
24 sir. I believe it's in the form of a report.

25 THE COURT: Sorry?

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1 MR. SUTHERLAND: I believe it's in the
2 form of a report. He's presenting it as a
3 statement.

4 THE COURT: Step up here. I can't
5 understand what you're saying.

6 MR. SUTHERLAND: Yes, sir.

7 (Whereupon, an off-the-record Bench
8 conference was held.)

9 THE COURT: Thank you, Mr. Sutherland,
10 Solicitor.

11 You may continue, Detective.

12 THE WITNESS: "I also have the right to
13 stop answering questions any time until I talk to a
14 lawyer."The next line is, do make the following
15 statement. The first question is my name and
16 Preston's name with a question mark. The next one
17 is answer, Singleton. It's just identifying whose
18 asking the questions and who's doing the answering.

19 First question I ask is: "Tell me about
20 your day. "On January 24, 2012 you were with
21 Dashawn Breeze Jones and Jonathan Crash Frazier."
22 Answer: "I had to meet — I had a meeting. After
23 that I went to a studio on Sandwood Drive. Breeze
24 and Crash were at the studio, Nick and some others,
25 there were so many people. We were hanging out and

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1 smoking weed and chilling. I was outside and
2 inside. I left the studio at 1201. I went to my
3 girlfriend Kenyatta Hickman's house off Leesburg
4 Road. I was over there all day. I did not leave
5 there until later that night. I went to Club Crush
6 later that evening."

7 Next question: Did you leave your
8 girlfriend's house at all before going to Club Crush
9 in the evening?" The answer is no. The question:
10 "What time in the evening did you go to Club Crush?"
11 Answer: "9 or 10 p.m." Question: "Did you speak
12 with Breeze or Crash after you left the studio?"
13 Answer: "Yes, he called me and asked me to buy some
14 weed. I told him that I did not have any yet. I
15 told him it would be a few minutes and I might have
16 some. He called back again. It did not take him
17 long to call me back. It seemed like he was in a
18 hurry to do something. I told him that he was not
19 giving me enough time to get it. It seemed like he
20 was in a hurry to make a play." Question: "Did you
21 go to Hopkins at all that afternoon?" Answer, "No."
22 Question: "Did you kill Breeze and shoot Crash?"
23 Answer: "No, sir." Question: "Is there anything
24 else you want to add to your statement?" Answer:
25 "No, sir."

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1 BY MS. CAVANAUGH:

2 Q Did you ask -- did you present that statement to
3 the defendant?

4 A I did. After we take the statement I print it
5 and then I present it to Jabriel for him to read
6 over it.

7 Q And did he read over it?

8 A He did.

9 Q And what did he say to you?

10 A I said I'm not signing anything.

11 Q What did you do next?

12 A After he told me he wasn't signing anything I
13 continued to interview him. I told him that I
14 believed he was lieing. I told him that I had a
15 photographic lineup for that indicated he was the
16 shooter, and I told him that his cell phones hit
17 towers in Hopkins during the time of the homicide.

18 Q And what was his response when you confronted him
19 with the cell phone?

20 A He told me that his cell phone was at his
21 father's house.

22 Q All day that day?

23 A Yeah. And my response to that, I asked him if
24 his father's house was moving.

25 Q Because his phone was hitting off multiple

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1 towers?

2 A Correct.

3 Q And he told you that after he had already told
4 you that he had been on the phone with Dashawn
5 earlier that day; is right?

6 A Yes, ma'am.

7 Q So he didn't have a response to you about his
8 cell phone moving?

9 A No.

10 Q What did he say — did he say anything after
11 that?

12 A He did. Next thing he said is that there is not
13 a self-defense law in South Carolina and then after
14 that he didn't make anymore statements.

15 Q When he was in the office talking to you, did you
16 observe any injuries on him?

17 A I saw no injuries.

18 Q Did he mention any injuries on him?

19 A He did not.

20 Q And again, you asked him if there was anything
21 else he wanted to add to his statement; is that
22 correct?

23 A Yes, ma'am, both verbally and written.

24 Q And what did he say?

25 A No.

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1 Q Was he given water or asked if he wanted food or
2 anything?

3 A Somebody was giving him water at 14:35, which is
4 2:35, and used the bathroom at 2:54.

5 Q So this was approximately about an hour and some
6 minutes after he first got to headquarters; is that
7 right?

8 A Yes, ma'am.

9 Q What happened after he went to the bathroom?

10 A He was -- he brought back and read his warrants
11 at which time they were signed by Investigator
12 Preston, and he was transported out to the detention
13 center.

14 Q And what was his demeanor like to you during the
15 conversation?

16 A Like we're having normal conversation, very cold,
17 no emotion whatsoever.

18 Q Did you also obtain buccal swab from the
19 defendant?

20 A We did.

21 Q And I think you described that process earlier.
22 How was that done?

23 A Yeah, it's very easy. All it is, we take a Q-tip
24 it's a Q-tip with a long stick. We have the person,
25 in this case being Jabriel Singleton, put it in his

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1 mouth, both sides of the cheek, swirl it around in
2 there at which time they put it into a cardboard
3 box, seal the box and label it, seal it in our
4 evidence bag and then turn it over to evidence.

5 Q Did he give you consent to do that?

6 A He did.

7 Q I'm gonna show what's marked as State Exhibit 194
8 for I.D. purposes only. Do you recognize that?

9 A Yes, ma'am.

10 Q And is that the DNA swab that you took, the
11 buccal swab from Jabriel Singleton?

12 A It is.

13 Q And it says collected by you; is that correct?

14 A It does.

15 MS. CAVANAUGH: Your Honor, at this time
16 we move to introduce State's Exhibit 194 into
17 evidence.

18 MR. SUTHERLAND: Subject to limitation,
19 Your Honor.

20 THE COURT: All right. 194 is in evidence
21 subject to previous ruling.

22 (State's Exhibit No. 194 was admitted into
23 evidence.)

24 BY MS. CAVANAUGH:

25 Q Did you learn — the motel room that the

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1 defendant was located in on the 26th, did you learn
2 that the — did they get a search warrant, other
3 investigators get a search warrant for that room?

4 A Yes.

5 Q And were they -- did you learn they were finished
6 with their search of that room at some point?

7 A I did, yes.

8 Q And what, to your knowledge, was recovered in
9 that room?

10 A Out of that room recovered from that bed was a
11 black square D bag with two ziplock bags with a
12 green leafy material and an empty ziplock bag inside
13 found on the night stand shelf to the right of the
14 bed; a digital weight, digital scale from the night
15 stand to the right of the bed; empty Hennessy cognac
16 bottle found on the night stand to the right of the
17 bed; a rolled cigar with green, leafy material found
18 between the headboard and the wall; pair of black
19 sized eight-and-a-half Air Jordans with clear bag,
20 baggie, with a green, leafy material inside the left
21 shoe found on the floor; open box, empty; two
22 ziplock sandwich bags found on the table; gray
23 sweatshirt and hoodie found on the chair; and a room
24 key to 118 found on the night stand.

25 Q So the Air Jordans were located on the right

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1 side of the bed; is that right? Does it say?

2 A A pair of black sized eight-and-a-half Air
3 Jordans with clear bag and green leafy inside the
4 left shoe found on the floor on the right side of
5 the bed.

6 Q And the other bag of marijuana was on the right
7 side of the bed too?

8 A Night stand shelf to the right of the bed.

9 Q Okay. And was the weapon actually located in
10 this hotel, motel room?

11 A No weapon was located.

12 Q And in your experience as an investigator two
13 days after a murder, is that necessarily unusual?

14 A No, it's not unusual at all.

15 Q During this investigation did you meet with
16 Rachel Grant with the DNA lab?

17 A I did.

18 Q And did you ask about certain items of evidence
19 to be processed for DNA?

20 A I did. Each one individually —

21 Q Yes.

22 A I asked for 18 separate items to be run. The
23 first one was a swab of a group of fired cartridges,
24 A, B, C, D, and E. The second was a swab of unfired
25 cartridges from a 357 Magnum, swab of cigarette

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1 lighter, swab of Newport cigarette pack, a swab of a
2 Food Lion plastic bag, a swab of the Winchester .38
3 Special, a swab of a Winchester .38 Special, a swab
4 of the exterior door handle, a swab of the exterior
5 driver's door above handle below window, a swab of
6 passenger side rear door handle, a swab of driver's
7 side rear door handle rear pull handle, a DNA
8 standard for Dashawn Jones, a cigarette butt found
9 in the front area, the black glove found in the
10 front yard, the small plastic bag containing GEM,
11 the black and white tennis shoes, and gray hoodie.
12 Jonathan Frazier's standard was also requested.

13 Q Okay. And also the defendant's room?

14 A Yes, ma'am.

15 Q And was this actually — how many items, total
16 items of evidence in this case were collected?

17 A There were a total at the time we were looking
18 over it was 119 at that time, but it ended up being
19 151 items.

20 Q Okay. And is it necessarily unusual that every
21 single item is not — every single swab taken of
22 every single item collected processed for evidence

23 —

24 A No.

25 Q —I mean, DNA?

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1 A No. When we sit down with DNA, analyst person
2 that's actually going to run the DNA, we go through
3 the list methodically. A couple of things you don't
4 know about DNA that they don't tell you: One, it's
5 very expensive to run. \$100 a swab or somewhere
6 around there, for the kit itself. That doesn't
7 include the machines and the payment for the people
8 actually running it. Two, we have our own DNA lab.
9 We're one of just a few in the state, and they run a
10 lot of DNA. We're -- our road deputies are
11 instructed to take DNA on anything they can so we
12 take DNA on everything from a shoplifting to larceny
13 to burglaries, arm robberies, aggravated assaults,
14 obviously homicides and things of that nature so
15 they have a lot of DNA that they run. So we have to
16 have go through the list, and we sit down. The
17 techs say this is going to be best swabs that we
18 need to run to find out what we need to find out.
19 That's what we did on this. Now if we have to go
20 back in later date and put additional ones in, we
21 can, but this is the ones that we picked.

22 Q Okay. And was it also important that this DNA be
23 run very quickly?

24 A Yeah, we -- any homicide, to include this
25 homicide, we put a rush on it. A rush, all it means

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1 is that the analysts start working immediately and
2 they run it through the machine immediately. And
3 again, normally a machine they wait for 100, 100
4 swabs to be processed and we'll run it. When we use
5 a homicide that all goes out, they run what we need
6 to run and that's all we'll run.

7 Q On January 27th, 2012 the next day, did you go to
8 the hospital again to speak with Jonathan Frazier?

9 A I did.

10 Q And once again, was he able to provide details
11 surrounding the shooting?

12 A He was. Again, he was, he still could not talk
13 because he still had the trachea in and still had
14 his jaws wired shut, but much -- he was in much
15 better condition, still in critical but he was in
16 much better condition and again through yes and no
17 we were able to talk to him.

18 Q Okay. How was he still in critical condition you
19 said?

20 A Yes.

21 Q But did he seem better?

22 A Much better.

23 Q Okay. Through the questions that you asked him,
24 did he indicate anyone else was present other than
25 himself, Dashawn, and the defendant that day?

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1 A No, it was directly asked of him. He said it was
2 just those three.

3 Q Did he ever tell you that there was any other car
4 —

5 A No.

6 Q —around?

7 A No, never.

8 Q Did you also, again, show him a photographic
9 lineup?

10 A I did.

11 Q And was it the same lineup that you showed him
12 two days before?

13 A It was, it was the same one.

14 Q And when a lineup is actually constructed, what's
15 important about the photos in that lineup?

16 A We try to have the overall appearance of each
17 person, nothing out of the ordinary. If — we try
18 to do tattoos then we try no tattoos. Obviously
19 race and sex same, and we try to get the physical
20 features fairly similar. If one person has a goatee
21 coming down to their neck, obviously we don't want
22 to put that in the same picture with somebody that
23 has no facial hair whatsoever. So we try to
24 construct it — we don't want everybody to look
25 exactly the same, but we want it to look generally,

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1 general characteristics to be same for the lineup.

2 Q And I'm gonna show you State's Exhibit 1 that's
3 already introduced into evidence. Is this the
4 lineup that you showed Jonathan Frazier on the 27th?

5 A Yes, ma'am, it is.

6 Q And was he able to identify anyone in this
7 lineup?

8 A He did. He identified Jabriel Singleton as the
9 person who shot him.

10 Q And again, you didn't necessarily tell him that
11 the shooter was in that lineup?

12 A No, I said the same thing I told him. I told him
13 that I was gonna show him six photographs. The
14 person who shot you may or may not be in this. Look
15 at each photograph individually, if you see the
16 person that shot you, please point it out.

17 Q Now earlier on, did he at first seem a little bit
18 hesitant to tell you that they were, that Dashawn
19 and he were there for Dashawn to buy some weed?

20 A Sure, yeah, he didn't. I mean, he didn't want to
21 tell me he was there for a criminal act.

22 Q Okay. Did he eventually tell you later —

23 A Yes.

24 Q —what they were there for?

25 A Yeah.

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1 Q Did he think he was going to get in trouble?

2 A Yeah, and when we're investigating a crime of
3 this nature, a little weed is not big to us; it
4 doesn't matter we. We want what's going on so I
5 tell them, you're not going to get in trouble if you
6 were there for the purpose of buying or selling
7 anything, that's not what we're here for. When we
8 tell him that, it relaxed him and he was obvious.

9 Q And were you planning on getting a more detail
10 written statement from him at a later point?

11 A Yes, ma'am, I told him when we left that day, I
12 said, when you're able to talk with me I'm gonna
13 come back and we're gonna do a detailed written
14 statement.

15 Q And did you, were you able to do that?

16 A I did. It was done on February 6, 2012.

17 Q On February 6 you said?

18 A Yes, ma'am.

19 Q That's when you would go to actually speak?

20 A Yes, ma'am.

21 Q On January 31, 2012 did you meet with
22 investigators again about this case?

23 A Actually we met on the 30th.

24 Q Okay.

25 A And we, again, we did another review, said hey,

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1 what do we need to do, what do we need to look at on
2 this case to continue it on. At that time we, we
3 needed to go to [REDACTED] which we talked about
4 earlier and see if that person was home; and if they
5 were, interview them. And I needed to interview
6 Randall Dandy. And we needed to reinterview Jabriel
7 Singleton's girlfriend Kenyatta Hickman.

8 Q Okay.

9 A And we needed to interview Jonathan Frazier and
10 wanted to walk the crime scene again.

11 Q Kenyatta Hickman had already provided the
12 statement at this point; is that correct?

13 A Yes, ma'am. The day Jabriel was arrested she was
14 at the hotel room with him and she provided a
15 written statement to Sergeant Ellis.

16 Q Okay, but she needed to be reinterviewed?

17 A She needed to be reinterviewed.

18 Q And the person that lived at [REDACTED] what was
19 her significance again? That was where---

20 A Once I -- we went back to [REDACTED] no one
21 answered. I left a card on the door. She called
22 back and we learned through the investigation she
23 was of no significance.

24 Q Okay, and you actually interviewed Randy Dandy?

25 A Yes, ma'am.

SW - D. UNGER - DIRECT

1 Q You already spoke about Randall?

2 A Yes.

3 Q When you spoke — when you got a more detailed
4 statement on February 6 of 2013, where did you meet
5 him, where did you meet Mr. Frazier?

6 A I went to — he was now moved to a normal room,
7 741 at Palmetto Richland, and I interviewed him and
8 Investigator Caldwell was with me.

9 Q And did he write it or did you write it?

10 A I wrote it.

11 Q And why that was?

12 A We write all of our statements whether it's
13 handwritten or on a computer. Our policy is the
14 detective/investigator will write that or I will
15 write that statement which I will present it to the
16 person that's giving us a statement. They will read
17 it over and then they sign it.

18 Q And did that happen in this, in this case?

19 A It did.

20 Q And did he sign his statement?

21 A He did.

22 Q Did you learn that on February the 6th that
23 anything about that glove? Again, did that glove
24 turn out to be to significant?

25 A I actually learned that on the 31st.

SW - D. UNGER - DIRECT

1 Q From Jonathan or from —

2 A Oh, I'm sorry, yes. I learned that he — I
3 learned it was very significant, the glove.

4 Q And Jonathan saw it?

5 A Jonathan saw it that day.

6 Q And did you have to take another swab from
7 Jonathan?

8 A I did. I had to take a second swab from
9 Jonathan.

10 Q And that was — Rachel Grant asked you to do
11 that; is that correct?

12 A She did, yes. When she testified yesterday that
13 there was anomaly — I don't know the terminology,
14 but she needed another one to make sure that it was
15 right.

16 Q Okay. You mentioned earlier that Kenyatta
17 Hickman needed to be interviewed again?

18 A That's correct.

19 Q Did he — did you attempt to reach out to her on
20 February the 6th?

21 A We did. I called her letting her know that we
22 needed to reinterview her, and she did not want to
23 come back. She did not want to give us anything.
24 She was uncooperative at that point.

25 Q Okay. And that was based on the course of your

SW - D. UNGER - DIRECT

1 investigation —

2 A Yeah.

3 Q —that that determination was made?

4 A That's correct.

5 Q Did you actually have to obtain a warrant for her
6 arrest?

7 A I did. I had to obtain a warrant for obstruction
8 of justice.

9 Q And did she turn herself in the next day?

10 A She did.

11 Q When she came in did you advise her of her
12 rights?

13 A She was Mirandized the same way that Jabriel was.

14 Q And without giving the details of the actual
15 statement, what she said to you that day, did she
16 give you a second statement?

17 A She did give me a second statement.

18 Q And was she subsequently transported to the Alvin
19 S. Glenn Detention Center?

20 A She was.

21 MS. CAVANAUGH: Beg the Court's
22 indulgence.

23 BY MS. CAVANAUGH:

24 Q At some point later in April of 2012 did you
25 receive a letter?

SW - D. UNGER - DIRECT

- 1 A I did.
- 2 Q And who was that letter from?
- 3 A Robert Jeter.
- 4 Q Was that the person we saw yesterday?
- 5 A He was the one that came on the stand yesterday.
- 6 Q Okay. And where did he write you a letter from?
- 7 A He was an inmate, or he was detained at the Alvin
- 8 S. Glenn Detention Center.
- 9 Q Okay. And due to a miscommunication, did you
- 10 actually not speak to him until much later?
- 11 A That's correct. I did not speak to him until
- 12 November.
- 13 Q Okay. And where was he in November of 2012?
- 14 A I spoke with him at his probation office, in the
- 15 actual office of his probation officer at 1221 Greg
- 16 Street, Columbia.
- 17 Q And so he was out of jail?
- 18 A He was out of jail.
- 19 Q Did, did the fact that he was out of jail,
- 20 doesn't have absolutely anything to do with this
- 21 case?
- 22 A No, no.
- 23 Q So no investigator had spoken to him before
- 24 November of 2012 to your knowledge?
- 25 A No.

SW - D. UNGER - DIRECT

1 Q So he really had absolute no reason to talk to
2 you at that point?

3 A No, no reason whatsoever.

4 Q And did he give you a written statement?

5 A He did.

6 Q And did he provide you with details about this
7 case?

8 A He did.

9 Q And did he provide information that only a person
10 familiar with the details of this case would be able
11 to provide?

12 MR. SUTHERLAND: That's hearsay she's
13 asking for.

14 THE COURT: I'm sorry?

15 MR. SUTHERLAND: She's asking for hearsay,
16 Your Honor.

17 THE COURT: Rephrase your question,
18 Solicitor.

19 MS. CAVANAUGH: I'm not asking him to
20 actually tell us what — I'll rephrase the question.

21 THE COURT: All right, just restate it.

22 BY MS. CAVANAUGH:

23 Q You said that he provided a written statement?

24 A He did.

25 Q And did it include details related to this crime?

SW - D. UNGER - DIRECT

- 1 A Intimate details.
- 2 Q Did you confirm that earlier in 2012 Mr. Jeter
- 3 was in contact with Mr. Singleton?
- 4 A Yes.
- 5 Q And did they actually share a dormitory —
- 6 A They were in the same dorm, rooms next to each
- 7 other.
- 8 Q After Mr. Singleton was arrested for this crime?
- 9 A Yes.
- 10 Q And Investigator Unger, do you recognize the
- 11 person in this courtroom that is charged with murder
- 12 and attempted murder?
- 13 A I do.
- 14 Q And can you identify him?
- 15 A Jabriel Singleton right there (indicating).
- 16 Q And that's the person you spoke to in your
- 17 office, or in Sergeant Robinson's office?
- 18 A Yes, ma'am.
- 19 Q On January 26, 2012?
- 20 A Yes, ma'am.
- 21 Q And who denied having anything do with this
- 22 whatsoever?
- 23 A Yes, ma'am.
- 24 Q Thank you.
- 25 MR. SUTHERLAND: May it please the Court.

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1 THE COURT: Thank you, Solicitor.

2 Yes, sir.

3 CROSS - EXAMINATION

4 BY MR. SUTHERLAND:

5 Q Investigator Unger?

6 A Sir?

7 Q This is just going to seem like a little slap
8 dash 'cause what I'm gonna do is try to just hit
9 particular points —

10 A Yes, sir.

11 Q —without going over everything for the
12 fifteenth time?

13 A Yes, sir.

14 Q Okay. You testified about the telephone calls on
15 the day of the incident?

16 A Correct.

17 Q And 12 of those calls were from King Breeze to
18 Mr. Singleton and one was from Mr. Singleton to King
19 Breeze?

20 A I believe so. I — looking at the records
21 yesterday, yes.

22 Q Okay. So I — and jumping to the K-9 Deputy
23 McLamb —

24 A Uh-huh.

25 Q His testimony basically echoed his report that he

SW - D. UNGER - CROSS

1 had searched the back yard of, is it 212 Masonry
2 Circle, and a grassy area but not the surrounding
3 woods?

4 A That's what he testified to.

5 Q Okay, there it is. Okay. And again, gosh, I'll
6 have to jump — okay, I'm just gonna stay focused
7 here. Ms. Garfield Belton, I have no idea who this
8 person is, but the person's prints were compared by
9 Tricia Odom?

10 A Correct.

11 Q Now in order, if she's going to compare a print
12 card —

13 MS. CAVANAUGH: Objection.

14 THE COURT: I didn't hear the question.

15 BY MR. SUTHERLAND:

16 Q You would, you would ask her to compare this set
17 of prints to the other?

18 A No.

19 THE COURT: You have an objection to that,
20 Solicitor?

21 MS. CAVANAUGH: No, Your Honor, not the
22 way he rephrased the question.

23 BY MR. SUTHERLAND:

24 Q So you didn't ask her to compare Ms. Garfield
25 Belton to the prints that were taken?

SW - D. UNGER - CROSS

1 A That all happened through the fingerprint unit.

2 I had nothing to do with that.

3 Q Okay, so this was something in and of themselves
4 for —

5 A To my understanding.

6 Q —for their own purposes?

7 A To my understanding, and I don't work in that
8 section.

9 Q Sure.

10 A The lab, the processing guys, the CSI guys, Holt,
11 Polis, Cavanagh, and Richards. I don't know which
12 ones did the actual — I can't remember which ones
13 did the actual fingerprints. They pull off prints
14 from the card that they say have enough ridge detail
15 to turn in. And again, I don't work in that section
16 so my terminology might be a little off. These are
17 turned in and then they are, they are looked at by
18 either Trish Collins or whoever is working
19 fingerprints at that time. They said this one, the
20 one that you're talking about, had enough ridge
21 detail to go into a computer program, it's a
22 computer program. That's as far as I know.

23 Q Okay. So there it is. And so when they
24 basically get this report, that particular report
25 back, they went and pulled the card?

SW - D. UNGER - CROSS

1 A That's right.

2 Q Okay. And they're just -- I just didn't know so
3 thank you. Oh, you had testified about the visions
4 system with the --

5 A That's correct.

6 Q --mysterious report earlier?

7 A It's not mysterious.

8 Q Your testimony is it's a computer glitch?

9 A That's right.

10 Q Okay, fair enough. You went to the studio; that
11 was your testimony. And how many people were there?
12 Were there people milling about?

13 A Yes.

14 Q And no one was cooperative at the studio?

15 A No.

16 Q Did -- without asking -- did you inform why you
17 there, what you were investigating?

18 A I did.

19 Q And everyone just walked away from you or just
20 wouldn't speak with you?

21 A They acknowledged that they knew King Breeze or
22 Crash, but nobody wanted to talk to me which is not
23 uncommon.

24 Q Oh, and the Solicitor had asked you about when
25 you were speaking with Frazier and that he thought

SW - D. UNGER - CROSS

1 he was gonna get in trouble so he didn't talk about
2 the weed earlier on?

3 A Uh-huh.

4 Q I believe that was the substance of y'all going
5 back and forth. But his testimony earlier just to
6 be clear, he testified he did talk about the weed.

7 A He did talk about the weed. He did talk about
8 the weed.

9 Q Right, okay, all right. And now you know, we'll
10 just go around the statement and we should pretty
11 much be wrapped up here.

12 A Okay.

13 Q You've already testified to a lot about just for
14 context and want to just go over it a little bit?

15 A Are we talking about Jabriel's?

16 Q Yes, yes.

17 A Okay.

18 Q Let's see, he told you that he was with Crash and
19 King Breeze earlier in the day but was somewhere
20 else when that happened?

21 A At the recording studio.

22 Q Yes, but was somewhere else when the incident
23 happened —

24 A Yes.

25 Q —is that correct? You did not believe that

SW - D. UNGER - CROSS

1 obviously?

2 A Correct.

3 Q Now I'll just ask you what the Solicitor asked
4 you though, is it unusual for people to dissemble or
5 not be honest first go around first statement in
6 your experience with interviews?

7 A Yes.

8 Q It is unusual for —

9 A I'm sorry, you asked if it's unusual?

10 Q It's —

11 A No, no.

12 Q How —

13 A It's usual.

14 Q Okay, great, great, great. All right, let's see.
15 And you testified that you informed Mr. Singleton
16 that you believed he was lying and, you know, this
17 is just a process that you do when you're trying to
18 get information. I know this, you're not telling
19 —

20 MS. CAVANAUGH: Objection, not in the form

21 —

22 THE COURT: What's the basis of the
23 objection?

24 MS. CAVANAUGH: Not in the form of a
25 question, just making side comments.

SW - D. UNGER - CROSS

1 THE COURT: Overruled.

2 BY MR. SUTHERLAND:

3 Q And this is just a process they do when you're
4 interviewing people. You have information here, you
5 don't necessarily — you don't tell people
6 everything that you know at the outset of an
7 interview that's — when you're calling them on a
8 particular thing, you're saying — well, for
9 example, when the phone was moving.

10 A (The witness nodded head.)

11 Q So it's just a process that you go through with
12 people and going over details with them and
13 revealing over time details that you know; is that
14 correct?

15 A Yes.

16 Q And that, and that's just an attempt on your part
17 to I believe they call it the breathing technique or
18 something; but ultimately that's a way for you to
19 get, you know, to try to get to the truth, try to
20 get the information that you want?

21 A The bottom line is to try and get the truth, yes.

22 Q Okay. Now the things had broken down I believe
23 you testified previous that, you know, we were done
24 at the point once with the signature and the refusal
25 to sign. I believe you testified previously, you

SW - D. UNGER - CROSS

1 know, at that point we were done. Do you recall?

2 A Can you rephrase that?

3 Q Okay. I — you know what, I'll withdraw that
4 question. The interview was effectively winding
5 down at the point where you were accusing him of
6 lying and —

7 A (Nods head.)

8 Q —and all that?

9 A Yes.

10 Q And the last thing that he said to you was that
11 there's no self-defense law in South Carolina?

12 A He made that comment, yes.

13 Q And that's, that's sufficient, do you agree? Or
14 no?

15 A I — I don't know, is it?

16 Q Well, you're — I'm just asking. If you disagree
17 that's fine.

18 A It was just a comment.

19 Q Okay, all right. And we may — we are. Thank
20 you. No further questions.

21 THE COURT: Redirect, Solicitor.

22 **REDIRECT EXAMINATION**

23 **BY MS. CAVANAUGH:**

24 Q Investigator Unger, you don't force people to
25 sign their statements, do you?

SW - D. UNGER - REDIRECT

1 A No, ma'am.

2 Q And had he denied even being in Hopkins up until
3 point to you?

4 A That's correct.

5 Q Did you ask him if he wanted to add anything to
6 his statement?

7 A Yes.

8 Q And what did he indicate to you?

9 A No.

10 Q After he made the comment about there's no
11 self-defense law in South Carolina, did he followup
12 with that at all?

13 A That -- that was it. That was the last thing he
14 said.

15 Q And did he tell you anything else?

16 A No.

17 MS. CAVANAUGH: Beg the Court's
18 indulgence. Thank you.

19 THE COURT: Anything else?

20 MR. SUTHERLAND: No further questions,
21 Your Honor.

22 THE COURT: Thank you very much, Detective
23 Unger. You may step down.

24 All right, Solicitor, you may call your
25 next witness.

SW - D. UNGER - REDIRECT

1 MS. CAVANAUGH: Your Honor, at this time
2 the State rests.

3 THE COURT: Thank you. Thank you very
4 much, Solicitor.

5 Mr. Foreman, ladies and gentlemen of the
6 jury panel, perhaps now will be a good time for us
7 to take our morning recess. I will remind you
8 during this recess again, do not discuss this case
9 with anyone including your fellow jurors. Remember
10 to keep an open mind until you've heard all of the
11 evidence, all of the testimony, closing arguments by
12 the attorneys, the instructions and the law by the
13 court. If you'd please leave your notes upside down
14 on your chairs. You may now go with the bailiff to
15 the jury room. Thank you very much.

16 (The jury is removed from the courtroom at
17 1:07 p.m.)

18 THE COURT: All right, Mr. Sutherland, do
19 you have any motions?

20 MR. SUTHERLAND: Yes, sir. Briefly, Your
21 Honor, at this time as I must, I'd like to move for
22 a directed verdict on the basis that the evidence is
23 insufficient to support a guilty verdict that no
24 reasonable juror could find him guilty of this
25 crime, sir, and renewing all previous motions and

1 objections.

2 THE COURT: Thank you. Solicitor.

3 MS. SIMPSON: Thank you, Your Honor, may
4 it please the Court. The State has presented what I
5 would offer is more than sufficient to survive a
6 directed verdict motion in this case with respect to
7 the murder charge and the death of Dashawn Jones.
8 Again, the elements of murder are the person is
9 guilty of it if he kills — if he unlawfully kills
10 another with malice either expressed or implied. We
11 have direct evidence and testimony from Jonathan
12 Frazier in this case who indicated that the
13 defendant was the shooter in this case. And as we
14 have it now there are at least nine shots. The
15 defendant attempted to reload the gun in the middle
16 of the shooting, and Dashawn Jones remained in the
17 car. There was no evidence that this was anything
18 but a murder in this case.

19 With respect to the attempted murder,
20 similarly we have the direct evidence of Jonathan
21 Frazier who indicated who shot him, who attempted to
22 kill him, and who backed him up into the car and
23 shot again, fired. That testimony along with the
24 forensic evidence in this case, we have shell
25 casings found at the scene. We have the defendant

1 identified by Jonathan Frazier. His DNA is at the
2 scene in the glove near some spent shell casings.
3 That glove has been indicated by Mr. Frazier has
4 having been with the defendant at the time of the
5 shooting. That glove also has gunshot residue in
6 this case. Your Honor, those are just a few of the
7 pieces of the evidence that the State has put forth
8 to prove our case.

9 Again, Your Honor, with respect to the
10 directed verdict motion I believe Your Honor's —
11 the testimony and what Your Honor is concerned with
12 is the existence or nonexistence of evidence and not
13 its weight, and I think we have sufficient evidence
14 in this case.

15 THE COURT: All right, thank you. You
16 care to respond, Mr. Sutherland?

17 MR. SUTHERLAND: Nothing further, Your
18 Honor.

19 THE COURT: Thank you. Thank you very
20 much. I will respectfully deny the motion for
21 directed —

22 MR. SUTHERLAND: Thank you, sir.

23 THE COURT: —verdict on both the murder
24 and the attempted murder. I think there is
25 substantial direct and substantial circumstantial

1 evidence as to both, both charges by the
2 indictments.

3 Anything further, Mr. Sutherland?

4 MR. SUTHERLAND: No, sir, Your Honor.

5 THE COURT: Does the Defense intend to
6 present any evidence or testimony?

7 MR. SUTHERLAND: Yes. Yes, we do, Your
8 Honor. We do intend to have Mr. Singleton take the
9 stand, sir.

10 THE COURT: Any other witnesses?

11 MR. SUTHERLAND: I don't anticipate any
12 other witnesses. If there are they will be sitting
13 in the courtroom, sir.

14 THE COURT: Would you, would you want me
15 to interview Mr. Singleton as to his rights.
16 Concerning his right to testify?

17 MR. SUTHERLAND: While he and I had the
18 discussion I believe that would be appropriate, sir.

19 THE COURT: All right. If would you come
20 around, Mr. Singleton, to the microphone please.

21 THE CLERK: Please raise your right hand.
22 WHEREUPON,

23 **JABRIEL SINGLETON,**
24 after having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 THE COURT: I need to go over some things
2 with you at this stage of the trial. I do this with
3 all individuals that are on trial, and I want their
4 responses to be under oath and that's why I had the
5 clerk place you under oath. Tell me your full name
6 please.

7 THE DEFENDANT: Jabriel Singleton.

8 THE COURT: And how old are you,
9 Mr. Singleton?

10 THE DEFENDANT: 21.

11 THE COURT: And how much education do you
12 have?

13 THE DEFENDANT: I got a GED.

14 THE COURT: We have reached the state of
15 the trial where the State has rested and your side,
16 the defense, now has the opportunity to present
17 evidence for the jury to consider. Do you
18 understand where we're at in the trial?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: In that regard you may call
21 witnesses to testify. If you choose to testify
22 yourself you may do so. Do you understand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: No one can force you to
25 testify. You have the absolute right to remain

1 silent. And if you choose not testify I will tell
2 this jury that they cannot hold your silence against
3 you in any way. I will tell them that they are not
4 to discuss that in the jury room in any manner. Do
5 you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: If your side offers no
8 evidence at all, in other words, if neither you or
9 anyone on your behalf testifies or offer any
10 exhibits, then your attorney Mr. Sutherland will get
11 to make the last argument to the jury. Otherwise,
12 the prosecutor, the Solicitor, gets to make the last
13 argument. Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Sutherland, Solicitor,
16 does the defendant have a prior criminal record that
17 would subject him to impeachment under rule 609?

18 MR. SUTHERLAND: I do not believe so, Your
19 Honor. There is a juvenile the defendant does have.

20 MS. CAVANAUGH: Beg the Court's
21 indulgence, Your Honor. He has several arrests, but
22 he does not have any convictions to impeach him.

23 THE COURT: All right, so he does not?

24 MR. SUTHERLAND: No, sir.

25 THE COURT: All right. That would not be

1 an issue.

2 The decision about whether you testify or
3 not, Mr. Singleton, is your decision to make; it's
4 your call. It's your decision alone. I expect that
5 you conferred with your attorney and perhaps others
6 whose opinions you value on important matters; but
7 again, the decision about whether you testify or not
8 is your call to make, your decision. Do you
9 understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has anyone exercised to you
12 any undue influence over you to get you to choose to
13 testify or not to testify?

14 THE DEFENDANT: No, sir.

15 THE COURT: Today are you under the
16 influence of any drugs, medication, alcohol, or
17 anything that negatively affects your thinking
18 ability?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you suffer from any mental,
21 emotional, or physical disorders or problems that
22 affect your thinking today?

23 THE DEFENDANT: No, sir.

24 THE COURT: Do you have any questions you
25 would like to ask me about your right to testify or

1 not to testify?

2 THE DEFENDANT: No, sir.

3 THE COURT: Whatever decision you have
4 made about whether to testify or not to testify, is
5 it your decision?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Made of your own free will and
8 accord?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Nobody's twisted your arm or
11 forcing you make the decision that you have made?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. I make a finding
14 that Mr. Singleton appears to be an intelligent
15 young man, that whatever decision he has made to
16 testify or not to testify, is his free, knowing, and
17 voluntarily decision.

18 What is your decision, Mr. Singleton? Are
19 you going to testify?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right, thank you. Thank
22 you very much. You may return to your seat.

23 MR. SUTHERLAND: Thank you, Your Honor.

24 THE COURT: Anything further from the
25 State before we take our recess, Solicitor?

1 MS. SIMPSON: Your Honor, there proposed
2 jury charges.

3 THE COURT: All right.

4 MS. SIMPSON: I'm providing a copy to
5 Defense.

6 THE COURT: Thank you. Anything further
7 from the Defense?

8 MR. SUTHERLAND: No, sir, not from the
9 Defense.

10 THE COURT: All right, thank you very
11 much. Court will be in recess 15 minutes.

12 (Whereupon, a break was taken.)

13 THE COURT: Anything from the State before
14 we bring out the jury, Solicitor?

15 MS. SIMPSON: Your Honor, I just renew our
16 requests for Rule 5 at this time.

17 MR. SUTHERLAND: And we have nothing else.

18 THE COURT: All right. Anything from the
19 Defense?

20 MR. SUTHERLAND: No, sir.

21 (The jury was returned to the courtroom at
22 1:31 p.m.)

23 THE BAILIFF: The jury's seated.

24 THE COURT: Thank you, Mr. Bailiff. Thank
25 you very much.

1 Mr. Foreman, ladies and gentlemen of the
2 jury, welcome back. You heard before the break the
3 State has rested. You have heard all of the
4 evidence and all of the testimony you're going to
5 hear from the State in its case and chief. The
6 defendant may now if he choose to do so present
7 evidence or testimony; however, a defendant in South
8 Carolina, no matter the seriousness of the charges,
9 is never required to prove himself or herself
10 innocent. The criminal defendant is always presumed
11 to be innocent unless and until the State presents
12 proof beyond a reasonable doubt convincing you, the
13 jury, of the defendant's guilt beyond a reasonable
14 doubt. As I say though, a defendant may present
15 evidence or testimony if he or she desires to do so.
16 So we will now turn our attention to the defendant
17 and ask Mr. Sutherland.

18 Does the defendant intend to present any
19 evidence or testimony, Mr. Sutherland?

20 MR. SUTHERLAND: Yes, sir, Your Honor, the
21 defendant would like to testify.

22 THE COURT: All right. You may call your
23 first witness please.

24 MR. SUTHERLAND: If it please the Court,
25 the Defense would call Jabriel Singleton to the

1 stand.

2 THE COURT: Come around and be sworn
3 please, Mr. Singleton.

4 WHEREUPON,

5 **JABRIEL SINGLETON,**

6 after having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please have seat
8 on the witness stand and state your full name for
9 the record.

10 THE WITNESS: Jabriel Singleton.

11 **D I R E C T E X A M I N A T I O N**

12 **BY MR. SUTHERLAND:**

13 Q Okay. Mr. Singleton, I'd like to ask you what
14 actually happened that day. A good place to start
15 would be at the recording studio.

16 A All right. On that day I went to the studio.

17 THE COURT: Speak up a little bit for me
18 please.

19 THE WITNESS: On that day I went to the
20 studio. As usual everybody was just sitting around
21 just chilling. We was smoking. I said hey to
22 everybody and I shook hands with everybody.

23 **BY MR. SUTHERLAND:**

24 Q Okay. Let me stop you. I just, I'm gonna stop
25 you from time to time. So when you arrived were

SW - J. SINGLETON - DIRECT

1 there a bunch of people there?

2 A Yes, there was quite a few people.

3 Q Okay. And you testified that everybody was just
4 sitting chilling, would that include —

5 A Some people was making music. A few people was
6 playing cards.

7 Q Playing cards?

8 A (The witness nodded head.)

9 Q Okay. And then you had went around and said
10 hello to everybody basically?

11 A Yeah, I went around shook hands with everybody
12 and said hello to everybody.

13 Q Okay. Then what happened?

14 A After I said hey to everybody, shook hands with
15 everybody, I went back to the front where everybody
16 was smoking and playing cards at. It wasn't nothing
17 but three people playing so I asked them could I
18 jump like everybody gambling. So I jumped in and
19 gamble, and as I gambling it was quite a few people
20 around watching. And the person who I rode there
21 with, which his name, we call him D but his name is
22 Derrick. I'm not familiar with his last name. He
23 came in and he told me, like, he couldn't stay state
24 too long, he had to leave after a while. So I
25 started gambling. I say I won about up to 500, 700

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1 dollars.

2 Q Now I'm gonna go ahead and stop you. When you
3 said, say that you were gambling, you were playing
4 cards, what, is there a -- what kind of cards were
5 you playing? There's poker, there's blackjack, what
6 kind, what was the cards?

7 A We were playing a card game called tonk.

8 Q Tonk, T-O-N-K?

9 A Yeah, Tonk.

10 Q Okay. And. is that similar to poker or?

11 A No, it's not like -- it's not like poker.

12 Q Okay. But this is a card game where people are
13 betting money?

14 A Yes, sir.

15 Q Okay. All right, then what happened?

16 A So I won about up to 500 to 700 dollars. And
17 after I feel like I had got hot and I ain't want to
18 lose, that's when I stopped. But as I was stopping
19 anyway David had informed me it was about time to go
20 so I went back and shook hands with everybody, tell
21 them I'll be back later on. As I went outside
22 Breeze and a few other people were outside talking
23 and I --

24 Q Okay.

25 A And as he was I seen -- I know I seen a gun in

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1 his hand with black and brown in color. I couldn't
2 really see exactly what kind it was, but I know I
3 seen him showing somebody a gun and he was putting
4 it under the seat. And he called me over. As he
5 called me over he asked me about can I get him any
6 weed.

7 Q Okay.

8 A I told him ---

9 Q I'm just going to go ahead and stop, you know,
10 just to be clear. So you saw Breeze out there.
11 That's how you knew him?

12 A Yes, sir.

13 Q You didn't know him as Tyler Edwards or Dashawn
14 Jones?

15 A No, I known him as Breeze, and yeah, Dashawn
16 Jones.

17 Q Okay. You did know Dashawn Jones, okay. And so
18 you saw him out there with a group of people and you
19 say you did see a firearm?

20 A Yes, sir.

21 Q Okay. And he called you over and then what
22 happened?

23 A To ask me I can get him any weed. I told him
24 yeah, but clear he'd have to give me a little while
25 and I let him know whenever I get it. So as I told

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1 him that, he told me okay, just call him whenever I
2 get it. So I got in the truck with Derrick. And as
3 I left I went to a friend name Tim's house who I
4 usually get the weed from. And as I sat in the yard
5 waiting on him because he wasn't home, I called a
6 few people, like, to try to hurry up and go get the
7 weed so I could do what I had to do with him. And
8 as I was waiting, that's when Breeze called back and
9 asked me, 'cause he called me and asked me if I had
10 anything yet. I had told him not yet, give me a
11 little while, I'll call you and let you know.

12 Q Okay. So at this point you had spoken within
13 Breeze about getting marijuana. Do you remember the
14 amount you all talked about?

15 A He wanted a couple of ounces.

16 Q Okay. And your testimony was that you had gone
17 to Tim house?

18 A Yes, sir.

19 Q And that you were there and you were waiting on
20 Tim and had called a couple of other people?

21 A Yes, sir.

22 Q Then what happened?

23 A So as I was waiting on Tim he finally pulled up
24 so as he pulled up me and him, we was associating
25 for a little while, talked to him. And I had

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1 basically told him what I wanted, got what I wanted
2 for him; but as I was getting what I was supposed to
3 get from him breeze called back and he told me that
4 another friend wanted to get some too so.

5 Q Okay, again, and sorry. So you had gotten the
6 original marijuana and then you had gotten a call
7 back asking for more?

8 A Yes, sir.

9 Q Okay. And so you had the -- you had the
10 marijuana on you, the original stuff?

11 A Yes, sir, I was purchasing it at the time.

12 Q Okay. And then what happened?

13 A So as I was purchasing what he wanted he called
14 back and told me another friend wanted some. I
15 asked him how much. He told me basically the same
16 thing that he wants so I told him, okay, I'll have
17 that and more for him so I got that.

18 Q Okay. And so the same amount which is a couple
19 more ounces?

20 A Yes.

21 Q So we're talking four ounces?

22 A Yes, he wanted a quarter pound.

23 Q Quarter a pound, okay.

24 A Yes, he asked for four ounces.

25 Q Okay. If I may, hold on for the second. I

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1 think...

2 MR. SUTHERLAND: Beg the Court's
3 indulgence, sir.

4 THE COURT: Yes, sir.

5 BY MR. SUTHERLAND:

6 Q Let's see what they did with this. Okay, now
7 this has been introduced into evidence as 189,
8 State's 189, as a green plant like material. Is
9 this what you had gotten?

10 A Yes, it's some of it.

11 Q Some of it, okay. Now, okay, and we're at the
12 point with the additional, so the order for the
13 additional order for marijuana, and then what
14 happened?

15 A That's when I tell he had called me and told me
16 somebody else wanted some. I said okay, I'll get
17 that. I'll get what you want, and I'll get what he
18 wanted. So after I got that I was still sitting
19 around for a minute talking with Tim, and me and
20 Derrick, we was also smoking. I was over at Tim's
21 house, and he had called a few times. I had
22 answered at first, but then he kept calling so I
23 answered. And I told him, you know what saying,
24 just give me a while, everything will be straight, I
25 got you.