VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROBERT W. MCCAFFERY, JR.,

APPELLANT.

APPELLATE CASE NO. 2019-000540

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STATE OF SOUTH CAROLINA.	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2015-GS-10-000387
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	ORIGINAL
	)	
Robert W. McCaffrey, Jr.,	)	
	)	
DEFENDANT.	)	
	)	

March 4, 2019 to March 8, 2019

Charleston, South Carolina

B E F O R E:

The Honorable D. Craig Brown, and a Jury.

A P P E A R A N C E S:

Jennifer K. Shealy, Assistant Solicitor
For the State

Daniel W. Cooper, Assistant Solicitor
For the State

Christopher D. Lizzi, Esquire
For the Defense

room. It will be the forepersons added responsibility to be the jury's spokesperson here in court. It will also be the foreperson's duty to write the verdict. But I will give the foreperson further instructions about that at the conclusion of the case.

Now in order to preserve everyone's rights I will give the parties an opportunity to object to anything that I have said.

Any exception or objection to anything that I have said to the jury from the State?

MS. SHEALY: No, Your Honor.

THE COURT: Defense counsel?

MR. LIZZI: No, Your Honor.

THE COURT: Ladies and gentlemen, we will now begin the trial of this case. The State is recognized for opening statement.

MS. SHEALY: May it please the court. Mr. Lizzi.

OPENING BY MS. SHEALY:

Good afternoon. Bob McCaffrey is charged with obstruction of justice for his actions in March of 2012 when law enforcement was investigating the disappearance of Gayle McCaffrey, Bob's wife of 14 years, the mother of his two children.

He is charged with obstruction for committing an act that prevented or obstructed or impeded or hindered the

administration of justice.

The State must only prove one act. But there are many. Bob McCaffrey acted with the intent to obstruct justice by being deceitful with the police. Put simply, lying to them, giving misleading and false information

Two holidays, 2012. Valentine's Day up in North Carolina at a bar, Bob McCaffrey. Young girl there, Brandy Styles. He bought her a drink. They exchanged phone numbers. She got in his head. And she got in his bed.

St. Patrick's Day 2012, Gayle McCaffrey who had learned about Brandy was putting her all into making the marriage work. She booked a cabin for the next weekend so that she and Bob could go there. She made sure that she ordered the wine and cheese plate for them.

That Saturday, Saint Patrick's Day, she cooked a traditional Irish dinner. They sat at their round family table. Bob McCaffrey, Gayle, her aunt and uncle, Cathy and Joe Gillespie, and their children. M.M., ten years old. Q.M. four years old.

M.M., Q.M., Cathy, and Joe, they didn't know that that night would be the last night would be the last night that they saw Gayle McCaffrey.

I ask you to listen and pay very careful attention to the following. Listen to when Bob McCaffrey calls the police that following day the 18th to report that his wife is missing.

Listen to when. Eleven hours, eleven hours after he said he realized she had gone missing.

Listen to what Bob McCaffrey tells the first officer, the patrolman that answers the report for a missing person. Listen to the detail he gives - Bob McCaffrey - gives that patrol officer, Chris Davis. Listen to the details. That he and his wife had gone out to eat on Saturday. Gone out to eat. That they had come home and had a verbal argument. That he went to Easley that night, St. Patrick's Day night; after the family meal really, but what he tells the officer is went out to dinner. That he then goes to Easley, South Carolina. And then some of y'all know where that is. That is the Upstate going towards Greensville. And that the reason he went, the reason he traveled there that night, St. Patrick's Day night, was to clear his head. Clear his head. He and his wife had been having an argument.

That he came back the next morning -- now driving up there to clear your head and being back by 6:30 in the morning and his wife was gone. His children, ten-year old and four-year old, by themselves sleeping in the house. Lies and misleading information.

Examine what he gave Chris Davis. He will be our first witness. You will hear from him in just a few minutes. When Chris Davis goes over there a little after 5:15 on Sunday the 18th he gives him a letter. He says, oh, this is a letter my

wife left.

One person and only one person typed that letter, Bob McCaffrey. But he thought he was being crafty. He wanted everyone to think Gayle had left him for another man, Nikki, and that she found his secret safe that weighed 350 pounds, 200 pounds, 250 pounds. He has given varying sizes and weights. That she happened to find a safe that he kept where he had hoarded away $110,000. Lies.

Chris Davis, the patrol officer, his instincts were good. This wasn't adding up. He asked Bob who does Gayle talk to a lot. And Bob said her sister Debbie Pearson. So Chris Davis calls Debbie Pearson. And Debbie Pearson says she has got a girl -- he has a girlfriend.

You will hear during the testimony about Gayle McCaffrey how people described her. Reserved, hard working. Not flashy. You are not going to see her at the bar at Duggan's in North Carolina. Not a partier. Helpful. Devoted to her job at the Citadel. Devoted to her church, First Baptist downtown. Devoted to her children. And devoted to Bob.

Police look at who Bob McCaffrey called in the morning hours of that Sunday the 18th. Look at who he calls. And look at who he doesn't call. Listen to who was on his mind for weeks and who wasn't. Listen to what instructions he gives Brandy after you talked to the police. What does he tell Brandy to take?

Obstruction of justice. Remember the defendant doesn't have to prove that he was successful in obstructing the justice -- in obstructing justice. But he tried. He tried.

It is enough to do an act to attempt to instruct justice -- obstruct justice. I can't get that word out this afternoon for some reason.

Ladies and gentlemen, we ask and we know that it is taxing for y'all to be taken away from your ordinary lives. But this is a very important case. And we ask that you listen and evaluate the testimony of the witnesses and that you will conclude that Bob McCaffrey in March of 2012 obstructed justice time and time again. Thank you.

MR. LIZZI: May it please the court.

THE COURT: Yes, sir.

OPENING BY MR. LIZZI:

Ladies and gentlemen, my name is Chris Lizzi. I am here representing Mr. McCaffrey. And you are doing a very very important job today. And I know when you woke up today you say, oh, I have got this jury summons and I am going down to the courthouse and I hope I don't get picked.

But this is one of the most important jobs in America. This sets us apart from other societies. Because here we can go and have our peers sit and listen to evidence and make a determination if we have committed a crime. How important is that?

How are the people of our country equipped to do that? Well, there is one thing that you are equipped and that everybody that walks into this courtroom has. That is your common sense.

Now the State wants you to get caught up in all of these what I call side issues when two people are having a bad time in their marriage.

Mr. McCaffrey wasn't the best husband. He wasn't faithful to his wife. But that is not what we are here about today. What you are going to hear or what you are going to see is not only do they talk to that first officer and while he was distraught and he moved around and was upset about what happened, yes, he called his father who was in law enforcement.

His wife was missing. He didn't know what to do. He called family members. Because he needed to make sure what was going on with his children. And he knew that this was going to be something that there was going to be a lot of disruption.

But he goes to the police station. He goes to the police station and he answers questions from them from four to five hours. From 9:05 until three o'clock in the morning.

He answers not from one officer, not from two officers, not even three officers. He sits in there and answers questions.

He tells them in that interview that he was up there and that he went to see a woman. He tells them that. Same night. There was no great time lag or anything. He goes in and he is truthful about it.

He tells them that it appears that she authored this note. But he is not a hundred percent sure. It sounds like her. He tells them that he is not sure when she found the safe. He tells them he just wants her back, he just wants his life back.

He knows he hasn't been a good husband, he should have been there and never left that night. But listen to the timeline. The timeline is really important in this.

Because you are going to hear from the witnesses and the State's witnesses of when their relatives left from dinner, when Mr. Gillespie came back over and saw both of them together, when he arrived at Travelers Rest.

And they will show you. They have tracked his phone. The timeline is there. And he comes -- and then he comes back down. The children -- the children are asleep.

He calls his dad at about 8:30 in the morning. He is on the phone trying to figure out what to do during the day. There is no sign of a struggle. There is no sign of anything. He hasn't -- he has cooperated with the police.

Now the State wants you to believe that when the police show up and he is giving his initial statement that is all we

should look at. But what you really need to look at is when he voluntarily went and sat down with them for hours and what he told them.

This is on obstruction of justice. And the judge will charge you as to the law. But they have to prove not only did he give them some information that would obstruct or hinder their administration of justice but that he had to do it intentionally. They have to prove that it was intentionally. And not just any kind of proof. Beyond a reasonable doubt.

And the court is going to give you all of those tools and all of that information on what that means. But, ladies and gentlemen, I believe after you hear this case -- and my client welcomes this day in court. This was 2012. We are almost to Saint Patrick's Day of 2019. And he welcomes the chance to finally sit down and have a jury of his peers hear the evidence. Thank you.

THE COURT: Call your first witness, please.

MS. SHEALY: Thank you, Your Honor. Chris Davis.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name spelling your last.

THE WITNESS: Full name is Christopher James Davis. D-A-V-I-S.

DIRECT EXAMINATION BY MS. SHEALY OF CHRISTOPHER DAVIS:

Q. Mr. Davis, if you would please, tell the jury where you

are currently employed.
A. I do private healthcare. I have a client that I specialize, in Upper State North Carolina.
Q. And back in March of 2012 were you living in Charleston?
A. I was.
Q. What area of town did you live in?
A. The Palms. West Ashley.
Q. Okay. And in what capacity were you employed by the Charleston County Sheriff's Department?
A. I was a patrol deputy sheriff.
Q. And would you tell the jury please whether or not you were working on March 17th 2012.
A. I was working on March 17th, 2012.
Q. And were you working on March 18th, 2012?
A. I believe so, yes.
Q. On March 18th could you tell us what shift you worked that day?
A. We say B-Squad.
Q. And what does that mean?
A. B-Squad is a rotation shift. One-one days, one-one nights.
Q. Okay. And when you work that shift what time do you get off in the afternoon?
A. 6:00 p.m.
Q. And would you tell the jury whether or not a report came

out for an address at 2829 Limestone Boulevard.
A. Yes, it did.
Q. Okay. What was the nature of the report?
A. Missing.
Q. And can you tell the jury whether you communicated that to dispatch that you would take that call?
A. I did.
Q. Did you bring your report with you today?
A. Yes, ma'am.
Q. Could you tell the jury, please what time the report came in?
A. The report came in at exactly 17:19 hours which is 5:19 of course.
Q. And what time did you arrive there?
A. I arrived at 17:46.
Q. So that is 5:19 in the afternoon when it was reported?
A. Yes, ma'am.
Q. And you arrived at about five ---
A. 5:46.
Q. Okay. Why was it that you took that call?
A. I tried to help out other deputies. I live closer to the area where ---
Q. It made sense for you to do it?
A. Yes.
Q. And is that Limestone address in Charleston County?

A. It is.
Q. Now could you describe what area of town that is located in?
A. It is practically geographically close to Savannah -- Highway 61 at Bees Ferry.
Q. That is in West Ashley?
A. It is.
Q. And when you first got there what did you do?
A. I followed proper procedure. I got out of my patrol car. I went to the door and I rung the doorbell.
Q. Okay.
A. And ---
Q. And who answered the door?
A. Mr. McCaffrey.
Q. And what did he tell you?
A. He says that he wants to file a missing person report.
Q. Now when he indicated he wanted to file that type of report did you then question him about what had happened?
A. Yes.
Q. Okay. And could you tell the jury please what he told you?
A. If I can refer to my report ---
Q. You can.
A. When I arrived on the scene of course I talked to Mr. McCaffrey. Asked him what was the nature of the complaint.

He said he is filing a missing person report on his wife Gayle McCaffrey.

At this time he stated to me that his wife is missing and that -- he stated to me that him and his wife went out to eat on March 17th, 2012.

Q. And that would have been the day before?

A. Yes, around 14:30 hours which is 2:30.

Q. Okay. What else did he indicate; did he tell you what time they got back?

A. He said he returned home between 15:00 and 16:00 hours.

Q. Okay. Can you just do the -- can you just do the regular time for us?

A. Yes. Yes, I'm sorry.

Q. Too much math for me.

A. 3:00 p.m. and 4:00 p.m.

Q. Okay. And what did he indicate happened once they returned home?

A. He said when they returned home him -- he -- well, he announced it as Marjorie, returned home, they both got into a verbal altercation. Mr. McCaffrey stated that he proceeded to take a walk around the neighborhood because he had a lot on his mind.

Q. Okay. And did he indicate whether or not he got back to the house?

A. He said -- he stated to me that he returned at his

residence at 19:45, 7:45.
Q. And when he returned did he have any other interaction -- and when you say Marjorie, is her complete name Marjorie Gayle McCaffrey?
A. Yes.
Q. Okay.
A. Yes.
Q. So when he said he returned home from the walk did he indicate whether they had any other interaction that evening?
A. He stated to me that he went inside and he noticed his wife was in the bedroom lying down.
Q. Did they have a further conversation as far as you know?
A. Not as far as I know. He stated to me that his wife ignored him.
Q. And what did he tell you he then did?
A. He said he left the residence in West Ashley and traveled to a residence, their other house, in Easley, South Carolina.
Q. And he called it their other house? His ---
A. Yes.
Q. --- second home?
A. Yes.
Q. Why did he tell you he was going to Easley?
A. He stated to me that sometimes he goes up there on business. Or, you know, he's been having problems, you know, just to get away.

Q. And specifically that evening what did he say was the reason he went that night?
A. He said that it was -- he frequents regularly because he needs some time for himself and for the business because he does a lot of traveling up state.
Q. Okay. In looking at the third page of your report, if you need to refresh your memory, would you look at the paragraph on that page.
A. The third page?
Q. Uh-huh.
A. Yes, ma'am.
Q. You note that when you questioned him about going to Easley at the last minute what did he tell you?
A. He stated to me that he was very emotional and distressed about his marriage and he wanted some space and to have time away.
Q. And did he describe to you the status of his relationship with his wife?
A. He said that their marriage is on the rocks.
Q. Now did he indicate to you what time he left to go towards Easley?
A. If I can refer back ---
Q. Sure.
A. --- to the same page. Mr. McCaffrey indicated to me that he left his residence 2829 Limestone Boulevard around 22:00

hours, which is 11 o'clock, of course p.m. And he stated to me he returned home at 6:30 a.m.

Q. Okay. Now did you say 22 hours or 21 hours?

A. 22:00 hours.

Q. And that is what time, military wise? I don't think you are doing your math. Is it ten o'clock?

A. Yes, I believe -- yes.

Q. Okay. Now your report reflects what time?

A. My report reflects 22:00 hours.

Q. Did he tell you when he got back to his house in Charleston?

A. 6:30 a.m.

Q. And that would be on the 18th?

A. Yes.

Q. And the report that you are referring to, is this where you memorialize everything that happened?

A. Yes.

Q. And do you complete that report soon after the event occurred?

A. Yes. If memory serves, I am pretty sure I completed it right in the parking lot of Bi-Lo.

Q. Right near where this happened?

A. Yeah, right across the street; yes.

Q. The times that he told you, were they of importance to you?

A. It was.
Q. Now what did Mr. McCaffrey indicate to you that he found when he got home?
A. Mr. McCaffrey indicated to me that when he got home he found his wife's wedding ring, her checkbook, and her car keys on the counter.
Q. Okay. And did he indicate whether he found anything else in addition to her personal items?
A. A letter.
Q. Okay. Now before we go into the letter, can you tell the jury was her car at the house?
A. Her car was at the house. It was in the driveway.
MS. SHEALY: Beg the court's indulgence a moment.
Q. When he told you that he found the wedding ring, the car keys, and the checkbook did you in fact see those three things in the house?
A. I did.
Q. And the letter that he told you about, did he bring it to you?
A. He did.
(WHEREUPON, counselors confer.)
MS. SHEALY: Your Honor, at this time without objection I will -- let me ask the witness real quick and then I will move it in.
Q. Could you tell us whether or not this is the letter that

he showed you?
A. It is.
Q. Okay.
MS. SHEALY: Your Honor, at this time we would move in without objection State's Exhibit 63. That being a letter provided by Bob McCaffrey to Officer Davis.
THE COURT: So admitted. State's Exhibit 63.
(WHEREUPON, State's Exhibit Number 63 was admitted into evidence.)
MS. SHEALY: And may I approach the witness, Your Honor?
THE COURT: Yes.
Q. Just to clarify those, so when the jury takes a look at it; there are some markings on -- in red ink on the letter. Did that happen after you were involved?
A. No. When I ---
Q. They are actually on the bag ---
A. Yeah, when I ---
Q. So when you saw the letter -- I'm sorry to have interrupted you. But when you saw the letter is that how it looked (displaying)?
A. Yes.
Q. Okay.
A. Yes.
Q. So these markings (pointing) are nothing that you prepared?

A. No. No.
Q. Now have you learned that your fingerprint was actually on the letter?
A. I have.
Q. If you would, please, would you read the letter to the jury?
A. I would:

Dear Bob. It is St. Patrick's Day and you are on your way out somewhere ignoring me again. You are right again. We are through. When you get back I will not be here. I found your safe. WTF - abbreviation henceforth. We live like this and you have over $110,000 in cash and the coins and all of the old money?

I know why you never say anything about me. You have known. And, what, just waiting for someone to come along so you can leave us. Oh, wait, you have met someone. I hope you are happy. Nikki is going home in a couple of days, and he asked me to go with him. I am going, exclamation point. I am going to be happy, exclamation point.

M.M. told me that she wanted to go with you two weeks ago when she first asked if we were getting a divorce. You cannot be a better dad, and the kids love you so much more than they love me, exclamation point.

It hurts so bad. And before you hurt all of us I am making it easy for you. I am starting over also while I have

someone that worships me -- worships me - excuse me - and cares so deeply for me.

I will always love you and the kids and cherish the moments we had. I do not want to end up like my mom or sisters in loveless marriages and bitter, always trying and never really being happy.

I have tried to settle a few things for you, but since you have not really helped me you can see what it takes to keep a family together by yourself or with whatever ugly redneck bitch you want now.

If you were going to stay I would have forgotten about Nikki. But I can see you have no desire to stay, and I am done suffering and trying and praying.

I know this is not all your fault. But like you said, I'm done. You can tell everyone whatever you want. And I am sure you will.

If you look for me and find me, because I am sure you will try, I will use the gun that was in the safe on you.

Tell the kids that I love them and I will miss them. Gayle.

Q. Okay. Let me grab that back from you.

(WHEREUPON, document returned to counsel.)

Q. Now after getting the letter from Bob was there anything about the letter the way it was -- the way it was presented to you that was odd?

A. It was typed.
Q. And did you ask Mr. McCaffrey anything about what was referenced in the letter?
A. As soon as he presented the letter to me that was allegedly typed by Marjorie he was questioning -- he stated -- he brought up a various subject about a safe.
Q. Okay. And what did he tell you about the safe?
A. He said the safe contained $110,000 in cash and coins. But most importantly, it weighed 350 pounds.
Q. When you were inside -- I may have already asked you this. I'm sorry. But when you were inside and he described the ring and the checkbooks and the phone did you actually see those in the house?
A. I did.
Q. And in what room were they in the house?
A. They were in the kitchen right on the right side above the lower cabinet.
Q. And did he tell you anything about -- or did you ask him anything about whether those items typically were there?
A. Yes.
Q. What did you ask him?
A. I asked him -- if you don't mind I am going to refer to my notes. I apologize.
When I asked him about the wedding ring and the car keys and the checkbook I asked Mr. McCaffrey of the items and did

Marjorie usually leave them in a place, if she had certain items -- a certain place for the items. And McCaffrey stated to me he did not know.

Q. Now given the fact that her vehicle was there and her items were there, as a police officer did that creates some kind of concern for you?

A. Yes.

Q. And what was that?

A. Foul play.

Q. Okay. Now as you continued to ask him questions could you describe for the jury if you would please what was his demeanor like?

A. When I was asking Mr. McCaffrey questions pertaining to the disappearance and safety of his wife he began to break down hysterically, looking up at the ceiling at one point with his hands over, over his head.

Q. What do you -- can you show us physically what you mean by that?

A. When he was looking at me he started crying. And then he went like this (motioning). Not covering his eyes.

Q. Okay. What else did he do?

A. He was showing signs of nervousness. And like I said, he began to cry hysterically. And he began to walk back and forth holding his hands.

Q. Now did he ever tell you why he came back from Easley in

the middle of the night?
A. If memory serves me correctly, ma'am, no.
Q. And based on what the information you received when you went over to Bob McCaffrey's house was there paperwork then that you needed to complete?
A. It was.
Q. Okay. And can you describe that to the jury?
A. It was the affidavit of a missing person report.
Q. Now as you were filling that out would you describe to the jury please how Mr. McCaffrey was acting during that time?
A. When I was filling the report out he began to look away. He didn't make eye contact with me. And when I was asking him questions and filling information out for his wife so she could be entered into NCIC he smirked one time and stated that he got a ticket while he was up in Easley, South Carolina.
Q. And did that make an impression on you that evening and you put all of that in your report?
A. Yes, ma'am.
Q. Did you ask him whether or not his wife had ever behaved this way before?
A. I did.
Q. And what did he say?
A. He said no.
Q. And in a situation like this do you inquire as to whether someone has mental health issues?

A. I do.
Q. Did you ask him about Gayle?
A. I did.
Q. And did he indicate whether she had any mental health issues?
A. No, he stated to me that his wife has no history of mental health, health issues, or anything.
Q. Now tell the jury as you are there one on one with Mr. McCaffrey did what he -- was what he was telling you adding up?
A. No.
Q. And what did you ask him -- did you ask him whether Gayle had somebody that she was close to?
A. Yes.
Q. That is after things weren't adding up?
A. Yes.
Q. Okay. Who did you call after -- first of all, who did Mr. McCaffrey tell you was close to Gayle?
A. Her sister Debbie.
Q. And did you in fact call Debbie?
A. I did.
Q. And when you called Debbie what did you learn?
A. Debbie stated to me that her sister ---
MR. LIZZI: Objection, Your Honor. Hearsay.
MS. SHEALY: You don't need to go into ---

THE COURT: Sustained.

MS. SHEALY: Excuse me. I'm sorry.

Q. You don't need to tell us everything that Debbie told you.

A. Okay.

Q. I can ask Debbie that. But could you tell me what you learned about Mr. McCaffrey that you didn't know before?

A. I learned that he ---

THE COURT: Objection.

A. --- possible could have answers ---

MR. LIZZI: Your Honor, ---

THE COURT: Hold on. Hold on.

MR. LIZZI: It is still hearsay, Your Honor.

THE COURT: Sustained.

Q. Based on what you -- don't tell me what you heard. But based on what Debbie Pearson told you about Mr. McCaffrey did you then relay that information back to your supervisors?

A. I did.

Q. When you fill out a missing person affidavit what does that actually mean; what happens once that is filled out?

A. When you fill out a missing person affidavit you basically enter the person into NCIC which is the National Crime Information Center. As a missing person she is given a NIC number. So that means if she is picked up anywhere her name, her date of birth, her social, is all going to be

connected.
Q. And what does it mean to do a BOLO on someone?
A. It is an all points bulletin. And that is put out to surrounding law enforcement agencies to be on the lookout.
Q. Was that also done in this case?
A. It was.
Q. Now you have indicated to us that you are a patrol officer. In a situation like this what happens once you have done your initial report; what happens with the investigation?
A. Once I do my initial report as a patrol deputy I call my supervisor. Notify him. Which was Sergeant Fletcher King. Now highly promoted. And he submits his findings. And he is going to determine whether the Criminal Investigation Division needs to be called out.
Q. And was the criminal investigation team called out?
A. They were.
Q. And is another way of referring to them as the detectives?
A. Detectives. I'm sorry.
Q. Did you have a conversation with a detective in this case?
A. I did.
Q. And who was the detective?
A. Detective Perkins.
Q. Is that James Perkins?

A. Yes, Detective James Perkins.
Q. When Detective Perkins arrives to Bob McCaffrey's house were you still there?
A. I was.
Q. And did you relay to him what you had learned?
A. I did.
Q. And did you give him details that you were aware of?
A. I did.
MS. SHEALY: Beg the court's indulgence just a moment.
THE COURT: All right.
Q. Oh, and when you met with Detective Perkins did you in fact give him the letter?
A. I did.
Q. I have no further questions right now. Answer any that the defense may have.
THE COURT: Cross-examination.

CROSS-EXAMINATION BY MR. LIZZI OF CHRISTOPHER DAVIS:

Q. Mr. Davis?
A. Yes, sir.
Q. What is it you say you do now?
A. Home healthcare.
Q. Okay. How long have you been doing that?
A. For a couple of months.
Q. Okay. What did you do before that?
A. I worked at Target at the Citadel Mall.

Q. Okay. How long since you have been a deputy?
A. I haven't been in law enforcement since April 2014.
Q. And why did you leave law enforcement?
A. Well, I left Colleton County which was my last agency. I resigned to move to North Carolina because I was going through a bad divorce.
Q. Okay. And when did you leave Charleston County?
A. April 2013.
Q. And how long were you with them?
A. I started July 2010 as a detention officer.
Q. Okay. And when do you become a patrol officer?
A. It usually takes a while. But ten months I became a deputy.
Q. Okay. So you have been a deputy about a year, maybe a year, year and a half, when this happened?
A. Yeah. Yes, sir.
Q. Okay. And when you got here to be a witness today they gave you your statement earlier and let you read it, correct?
A. My statement, sir?
Q. Your report. You read your report before you came here before today?
A. Yes, I read my report to refresh my memory.
Q. Okay. But you still didn't remember it; you had to read your report to tell the jury, correct?
A. Some parts.

Q. So that was a long time ago?
A. Almost seven years.
Q. And you didn't have a camera on?
A. No, sir, we didn't have body cameras.
Q. Okay. And when you got to the house I think the -- one part you left out at the beginning was that Mr. McCaffrey was really distraught, correct?
A. If I did, I apologize. But, yes, he was distraught.
Q. Okay. And he told you he went to Easley or where ever and he went upstate and at about ten o'clock at night, correct?
A. Uh-huh.
Q. And the other things, you are taking in the scene; you are sitting there and you have got this -- you answer the door, you have this person missing and -- did you have another officer with you?
A. No, sir.
Q. Okay. And you are trying to evaluate as much as you can, correct?
A. Uh-huh.
Q. So isn't it kind of -- people kind of get times and things mixed up when they are distraught when you are getting information; don't they get confused?
A. It depends.
Q. Was he being cooperative?

A. Yes.
Q. And he filled out the missing persons form, correct?
A. I filled it out. He gave me the information.
Q. Okay. And on your incident report your dispatch time was 17:19.
A. Yes ---
Q. That would have been 5:19?
A. Yes, sir.
Q. Okay. And you got there maybe 20 minutes later or something like that?
A. Uh-huh.
THE COURT REPORTER: I'm sorry, if you could speak up.
THE COURT: Is that a yes?
THE WITNESS: Oh, yes, sir. I'm sorry, Your Honor.
THE COURT: We need a yes or no, please.
A. Yes, sir.
Q. And you put down 14:30 or 2:30 in the afternoon is the beginning of the incident time; is that correct?
A. Yes.
Q. Okay. Now when you are doing -- when you are doing all of this are you taking notes the whole time?
A. I am.
Q. But you are also trying to watch him and observe him, correct?
A. Yes and no.

Q. I mean you go into some detail about actually observing him during this process?
A. I did.
Q. Okay. And you said he began to cry hysterically and showed signs of nervousness and his hands began to shake?
A. Yes.
Q. Have you responded when somebody has lost a loved one before?
A. I have.
Q. Do they get kind of uncontrollably crying?
A. Yes, in some cases.
Q. Who was all at the house when you got there?
A. If my memory serves me correctly, Mr. McCaffrey.
Q. Just Mr. McCaffrey?
A. I do remember that may -- it was possibly a female there.
Q. Shouldn't you have noted that on the report?
A. Well, at the time I didn't think it was important because I was trying to get all of the pertinent information from him so I could hurry up and get his wife BOLO'd out so she could be found.
Q. But at some point you said that you kind of switched -- switched modes to where you thought something wasn't right, okay. So shouldn't you also be looking to see who all is in the house or what is going on in the house?
A. I was.

Q. When did -- did you get back-up -- did you call back-up in right away?
A. For a call like that, sir, you don't need back-up. It's not Sheriff's Office policy for a missing person to have two responding deputies.
Q. So you never called back-up because you are still on -- you still were just investigating a missing persons?
A. Yes.
Q. Okay. Did you have anything else to do with this case after -- after that night?
A. No. I remember there was at one point where we were on patrol at his house several times.
Q. You said your shift was over at six o'clock?
A. Uh-huh.
Q. That same night?
A. Yes, sir.
Q. Okay. And did you get off at six o'clock or what -- how long did you have ...?
A. I can't remember. But it wasn't six o'clock.
Q. Okay. But you were -- as soon as you were going to get done with this you were going to get to go home?
A. Yes and no. That would be my choice.
Q. Did you go home?
A. Hours later.
Q. When you talked to Detective Perkins right after that,

you were done with -- you were done on this case?
A. Not necessarily. Because I needed to share more information. I passed it to him. He is the detective and part of the chain of command. But I still had to remain at the scene because they had to have forensic services come out and everything.
Q. Did you go anywhere else in the house and check any other rooms or do anything else while you were there?
A. I did. I just strolled around.
Q. Were the children there?
A. I cannot remember. The only thing that I will remember is when Detective Perkins arrived on the scene I took that as a opportunity. Because I wanted to help them out. I strolled around the house into the bedroom he said she was lying in.
Q. But you didn't put any of that in your report?
A. No, sir, because I've already cleared -- Perkins -- Perkins, the case was assigned to him. I was just trying to help out, be an extra hand.
Q. But you hadn't written your report yet?
A. No, I wrote my report way before then.
Q. You wrote your report before you left the scene?
A. Well, I wrote my report in the Bi-Lo parking lot. Parking -- it took a little bit for them to show up. I had to go through Sergeant King. Sergeant King has to call CID. They have to call them out.

Q. Well, the sergeant signs the report. How -- when does he sign it?
A. It says March 18th, 2012.
Q. Okay. So you send it to him electronically, or how does he get it and sign it?
A. Just you send it through electronically. We had NBT's, or you can print them out and you put them in the report basket. And it is up to usually the sergeant that come on to proofread and sign off on it.
Q. And you don't know how cooperative or what he told Detective Perkins or what went on when he went down to the station that night?
A. No, sir.
Q. You never read him any rights or -- or told him he had any rights against incriminating himself or anything or never engaged to make him feel like he was being detained or being questioned as a police officer, did you?
A. No, sir. No, sir, it's pretty forward if I wanted to detain him at that time there was not probable cause of a crime. So there was no need to read him his Miranda rights. He was not under arrest.
Q. Well, as you strolled through that house you didn't see any signs of a struggle; correct?
A. No, sir.
Q. You didn't see anything out of place, correct?

A. No, sir.
Q. You didn't see any blood or any kind of thing that would indicate that anything bad happened there, correct?
A. No, sir. And I only went to the bedroom. Forensic Services when they arrived on the scene that is their job. That is what -- their training. That is what - their specialty and certified in, forensic services.
Q. So what you wrote in your report is what you remembered after you were there at the scene and you went over to the Bi-Lo and wrote it up?
A. Yes.
Q. Okay. Nothing further.
THE COURT: Any redirect?
MS. SHEALY: No, Your Honor. We would ask that -- if he lives in North Carolina he be excused.
THE COURT: Any objection?
MR. LIZZI: No objection, Your Honor.
THE COURT: Sir, you may step down. You are free to go. You have no further responsibility here. Have a nice day.
THE WITNESS: Thank you, Your Honor.
MS. SHEALY: Thank you. Judge, are you ready for us to call our next witness?
THE COURT: Yes.
MS. SHEALY: Brandy Styles.
(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name spelling your last.

THE WITNESS: Brandy Mia Lee. L-E-E.

MS. SHEALY: Beg the court's indulgence just a moment.

DIRECT EXAMINATION BY MS. SHEALY OF BRANDY LEE:

Q. Okay. Ms. -- it is Ms. Styles, correct?

A. Lee.

Q. Lee, okay. One time you had the last name Styles; is that right?

A. Yes. That is -- yeah.

Q. Did you travel here from the Upstate?

A. Yes, ma'am.

THE COURT: Was that a yes?

THE WITNESS: Yes.

THE COURT: When there is a yes or no necessary, please give me a yes or no so my court reporter has got a clear record on that; okay?

THE WITNESS: Okay.

THE COURT: Thank you.

You may continue.

MS. SHEALY: Thank you.

Q. Tell the jury how old you are.

A. Thirty-seven.

Q. And where in the Upstate to you live?

A. Travelers Rest, above Greenville.

Q. Is that where you are from?
A. Uh-huh.
Q. And how far did you go ---
THE COURT: Is that a yes?
THE WITNESS: Yes. I'm sorry.
THE COURT: That's all right.
Q. Just try to remember that.
A. Okay.
Q. We are so used to talking that way. But yes or no. How far did you go in school?
A. I graduated.
Q. From what, high school?
A. Yes.
Q. Okay. And what type of work do you do?
A. I am a waitress. But up until now I am -- I am doing cleaning houses and that kind of thing. Just odd jobs.
Q. Are you still a waitress?
A. Huh-uh, ---
Q. Oh, you are not working.
A. --- not at the time.
Q. Where did you work for a long time?
A. The Ham House and at Darcy's and a restaurant in Marietta for my aunt.
Q. Okay. So ---
A. Family ran.

Q. So restaurant, waitressing; and now you are cleaning houses; is that right?
A. Uh-huh. Yes, ma'am.
Q. Are you in fact married now?
A. No.
Q. And back in February leading into March of 2012 what was your marital status?
A. Separated.
Q. Now let me ask you a few questions regarding the investigation of this case. Have you been previously interviewed by the police?
A. Previous?
Q. Have you been interviewed previously by the police?
A. Yes.
Q. Okay. And focusing your attention back to March 19th of 2012, did you meet with the Greenville County Sheriff's Office?
A. Yes.
Q. Did you give a statement?
A. Yes.
Q. Did you sign that statement?
A. Yes.
Q. Then on March 20th of 2012 did you meet with someone from the Charleston County Sheriff's Office?
A. Yes.

Q. And was that in Greenville?
A. Yes.
Q. Did you give a statement to them that day?
A. Yes.
Q. And was that statement recorded?
A. Yes.
Q. On that day when Charleston County went up to Greenville to interview you, when you were discussing what had happened between you and Bob McCaffrey were you referring to some text messages?
A. Uh-huh.
Q. And could you tell the jury whether or not Charleston County wanted to take a look at your phone?
A. Yes.
Q. Did you in fact consent to let them what we call dump your phone?
A. Yes.
Q. Did they also want to look at your vehicle?
A. Yes.
Q. And did you in fact give them consent to look at your vehicle?
A. Yes.
Q. I am showing you what has already been admitted into evidence, State's Exhibit 65. Is this your consent to search that you signed?

A. Uh-huh. Yes.
Q. And then -- so that was March 20th.
A. Uh-huh.
Q. So we were talking about March 19th by Greenville County and then March 20th in Greenville but by Charleston County.
A. Uh-huh.
Q. Was that Mike Thompson who interviewed you?
A. Uh-huh. Yes, ma'am.
Q. And then on March 26th did you write a statement that went into detail what had happened in between March 20th and March 26th?
A. Uh-huh.
Q. Yes or no?
A. Yes.
Q. And did you allow your phone to be dumped again?
A. Yes.
Q. Now regarding that, previously State's Exhibit 71 has been admitted into evidence. Is this the written report of the extraction from your phone?
A. Yes.
Q. And you had an opportunity to look at all of them; ---
A. Uh-huh.
Q. --- is that correct?
THE COURT: Is that a yes?
THE WITNESS: Yes.

Q. I am showing you State's Exhibit 73 that is already in evidence. Have you had the opportunity to look at a summary of what your phone record reflects?
A. Yes.
Q. And did you look and compare both of them with each other?
A. Uh-huh. Yes, ma'am.
Q. On November 8th of 2012 did you meet with Detective Perkins from the Charleston Sheriff's Office?
A. (Nods head.)
Q. And that too was in Greenville?
A. Yes.
Q. Okay. Now let's talk about your relationship if we could, with Robert McCaffrey.
A. Okay.
Q. That -- do you see him in the courtroom?
A. Yes.
Q. And is he seated next to his attorney?
A. Yes.
Q. When did y'all meet?
A. Valentine's Day.
Q. Okay. I need you to speak up just a little bit so the court reporter can hear you and everyone in the jury and we can hear you, okay.
A. Valentine's Day 2012.

Q. And where were you that you met him?
A. In Duggan's Pub in Brevard, North Carolina.
Q. Okay. Give us some sense of how far Travelers Rest is from Brevard.
A. About 35, 40 minutes. Same amount it would take to get to Greenville.
Q. Okay. And is Brevard some place you like to go party?
A. It is something different.
Q. Tell us how that went. How did you meet him?
A. Me and my girlfriend was there all night drinking. And the bartender said, at the ending of the night, she said Happy Valentine's Day from the man at the end of the bar.

So he took care of my tab. And as I was leaving I went over and said thank you. And we exchanged numbers. And, you know, kiss on the cheek. Whatever. And I left.

Q. Okay. Did he impress you?
A. Yeah.
Q. And what happened next; after y'all exchanged numbers could you tell the jury what happened next?
A. I believe we were on the phone and I believe he came down and we wound up in a motel room that night.
Q. On a different night?
A. On that night.
Q. On that night?
A. Uh-huh.

Q. And did you when you exchanged numbers when you entered the contact into your phone could you tell the jury how you referred to Mr. McCaffrey?
A. Mr. Valentine.
Q. So that evening when you went to the motel room did y'all engage in sex?
A. Yes.
Q. And over the course of the relationship with Mr. McCaffrey did you just have one number for him the whole time, or were there a variety of numbers?
A. A variety.
Q. Now your phone number at the time was what?
A. 404-6123.
Q. And what is the area code?
A. 864.
Q. After that evening, I guess Valentine's Day, did your relationship with Mr. McCaffrey continue?
A. (Nods head.)
Q. You have to ---
A. Yes.
Q. --- say yes or no.
A. I'm sorry. Yes.
Q. And if you would please, could you describe for us the nature of your relationship, how often you saw him?
A. Every day sometimes, some weeks. And we were just -- we

were like teenagers. We couldn't keep our hands off of each other. It went fast. Everything went fast.
Q. Did you fall for him fast?
A. Yeah.
Q. Did he appear to fall for you fast?
A. Yes.
Q. And what did he tell you about his marital status?
A. That he was separated and not -- not living at home.
Q. Did he give you any indication as to whether his marriage was going to end?
A. No.
Q. Okay. Now you have said that sometimes y'all would see each other every day?
A. As much as we could.
Q. Could you tell us the variety of places that y'all would meet up?
A. We would get together and go get a room, or we would go and stay at a place he was working at or ---
Q. Now let me stop you there. Do you mean a house?
A. Uh-huh.
Q. And when you say that he was working at, what type of work did you understand that he did?
A. Like remodeling.
Q. Remodeling?
A. Uh-huh.

Q. Was that house in Brevard?
A. Uh-huh.
Q. So that is North Carolina ---
THE COURT: Hold on a minute. Ma'am, I know you haven't done this. But I really need a yes or a no response as opposed to an uh-huh or huh-uh.
THE WITNESS: Okay. I'm sorry.
THE COURT: We in the courtroom understand what you are saying, but I want it abundantly clear for my record, okay?
THE WITNESS: Okay. All right. I'm sorry.
THE COURT: If you need to stop and think about it before you respond ---
THE WITNESS: Okay.
THE COURT: --- just make sure you do that, please.
You may continue.
THE COURT: Thank you.
Q. So you were saying that y'all would get a room, correct?
A. Uh-huh. Yes.
Q. And when you say that you went to his house, you are talking about the one he was working on?
A. Uh-huh.
Q. When you say y'all would get a room, what are you talking about?
A. Like we would just go get a room.
Q. At a hotel?

A. At the motel, uh-huh.
Q. Do you remember what hotels y'all went to?
A. Sleep Inn in Travelers Rest once. And there was -- there is one on Rocky Mountain Road. But I don't remember the name of it.
Q. Okay. What about a Days Inn?
A. That was probably it.
Q. Were there times ---
MR. LIZZI: Objection. Leading, Your Honor.
THE COURT: Sustained.
MS. SHEALY: Yes, sir.
THE COURT: I understand what you are doing. But ---
MS. SHEALY: Yes, sir.
THE COURT: Sustained.
MS. SHEALY: Okay.
Q. Could you tell the jury whether there were any places other than hotels or his house that y'all would engage in sexual activity?
A. Once in his truck. And then once at a house in North Charleston.
Q. In North Charleston. What were the circumstances for your having come to Charleston?
A. My sister had something going on with her health and she had to come to see a doctor at MUSC.
Q. Okay. And what did you and Bob McCaffrey do otherwise

while y'all -- while you were in Charleston?
A. We all went to a restaurant and ate together.
Q. Now who -- when you say we all ---
A. My step mom, my sister, and myself and Bob.
Q. Okay. And do you remember what restaurant that was?
A. Shem Creek.
Q. And was there an occasion when you were in Charleston that y'all ran into somebody else that is involved?
A. Uh-huh.
Q. Tell us -- you are going to have to -- okay, you are going to have to ---
A. Yes.
Q. --- say yes or no. Describe for us -- first of all, tell us who did you see one time in Charleston?
A. Bob and Gayle.
Q. You ran into them?
A. Uh-huh.
Q. And where was that?
A. At a tavern.
Q. And do you remember the name of the tavern?
A. (Nods head.)
THE COURT: Is that a no?
THE COURT REPORTER: I can't hear you.
A. No.
THE WITNESS: I'm sorry.

Q. I am trying to think if there is any way we can get you to do that a little bit better. Will you try really hard ---
A. Uh-huh.
Q. --- to answer that?
A. Uh-huh.
Q. Are you nervous here today?
A. Huh-uh.
Q. Okay.
THE COURT: Is that a no?
A. No. No. No.
Q. Okay. So when you were in Charleston you ran - just to back us up - you ran into Bob and Gayle somewhere?
A. Yes.
Q. And that was what type of establishment that you saw them in?
A. It was a tavern. Like a -- like a restaurant, kind of type thing maybe.
Q. And who were you at the restaurant with?
A. My step momma, Marie.
Q. Did Bob know where you were going to eat?
A. I -- I don't remember. I don't think so.
Q. How did that happen that you ended up at the same place; do you know?
A. I don't know.
Q. Now you have indicated to us that he was appealing to

you.
A. Uh-huh.
Q. Could you tell us in what way he was -- what made him attractive to you?
A. Well, he was a perfect gentleman.
Q. And was he doing things for you that other guys had not previously done?
A. (Nods head.)
Q. What type of things?
A. Take me out to eat, give me money for gas. Always make sure, you know, I had what I needed. Always make sure I was taken care of.
Q. With -- so financially he was helpful?
A. Uh-huh.
THE COURT REPORTER: I'm sorry?
THE COURT: Is that a yes?
THE COURT REPORTER: I couldn't hear you.
A. Yes.
Q. Were there times that he -- did he ever give you any type of gift?
A. (Nods head.)
Q. You have to answer yes ---
A. Yeah.
Q. And what type of gifts did he give you?
A. Pearls. A pearl necklace.

Q. Okay. And did he give you any other type of gift, any other jewelry?
A. No. Unless the necklace had earrings with it.
Q. The necklace had earrings with it?
A. If it did. I don't ....
Q. Now you told us that you let -- you let the Sheriff's Office search your vehicle?
A. Uh-huh.
THE COURT: It that a yes?
A. Yes.
Q. And when they searched the items did they come across the pearl earrings and the necklace?
A. Uh-huh. Yes.
MS. SHEALY: Your Honor, at this time I would move State's -- well, let me show her a photograph, please.
Q. I am showing you what has been marked as State's Exhibit 62. Can you identify that?
A. Uh-huh.
Q. What is that a picture of?
A. The pearls he gave me.
MS. SHEALY: Your Honor, at this time I would move in State's Exhibit 62.
THE COURT: Any objection?
MR. LIZZI: No objection, Your Honor.
THE COURT: Without objection so admitted.

(WHEREUPON, State's Exhibit Number 62 was admitted into evidence.)

MS. SHEALY: Okay. Just one second.

Q. And showing you what has been previously marked as State's Exhibit 67 could you tell me what that ---

A. Pearls.

Q. Okay, you are going to need to talk a little bit louder and remember that they are going to have to hear.

A. That is the pearls he gave me.

MS. SHEALY: Your Honor, at this time I would move into evidence State's Exhibit 67.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: Without objections so admitted.

(WHEREUPON, State's Exhibit Number 67 was admitted into evidence.)

Q. So these are the pearls that he gave you?

A. Yes, ma'am.

Q. And you said the necklace came with earrings?

A. Maybe. I'm not sure. I can't remember.

Q. You have to talk -- you have to talk louder.

A. I said maybe. I can't remember.

Q. Okay. Well, let me show -- ask you ---

A. Is that -- yeah, it is.

Q. Do you recognize that?

A. Yep.

MS. SHEALY: Your Honor, State's Exhibit 68 we would offer into evidence the pearl earrings.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: Without an objection so admitted.

(WHEREUPON, State's Exhibit Number 68 was admitted into evidence.)

Q. And the earrings also were found in your vehicle?

A. Uh-huh.

THE COURT REPORTER: I didn't hear that.

Q. Yes or no?

A. Yes.

THE COURT REPORTER: Thank you.

Q. Tell the jury how you felt about him.

A. I was swept off my feet. He gave me those pearls on Folly Beach.

Q. On Folly Beach?

A. Uh-huh.

THE COURT: Is that a yes?

A. Yes.

Q. Now could you tell the jury whether you at any point started questioning his marital status?

A. About three weeks into it I learned -- I realized he wasn't separated, that he was very much at home and very much

still married.
Q. How did you find that out?
A. I just put things together and -- I am not -- I am not a stupid woman.
Q. And did -- you told us about the time at the tavern that you saw Gayle McCaffrey. Did you ever actually meet her?
A. No.
Q. Did you ever have any type of contact with her?
A. No.
Q. Did you ever have any type of communication with her?
A. I think there was a text.
Q. And who sent who the text?
A. She sent me a text.
Q. Okay. And could you tell the jury about that text for us?
A. Just basically she wants me to leave her husband alone and she is going to believe him that we have no physical relationship and they want to work it out, ---
Q. So ---
A. --- save their marriage.
Q. I'm sorry?
A. They want to work it out and save their marriage.
Q. And so she asked you to stay away from him?
A. Uh-huh.
THE COURT: Is that a yes?

A. Yes.
Q. Did you tell Bob about the text message?
A. Uh-huh. I'm pretty ---
Q. Yes or no?
A. --- sure. I'm sure -- I am pretty sure I did, yes.
Q. Okay.
MS. SHEALY: Beg the court's indulgence just a moment.
Q. After you told Bob that Gayle had texted you did he give you a piece of paper?
A. Yes.
Q. And do you recall what was on that piece of paper?
A. I think it was her home number, her work number, and -- all of her numbers. So if they call, don't answer.
Q. He said what?
A. Those numbers if they call me, don't answer.
Q. Okay. And showing you a photograph of a piece of paper. Where was that piece of paper found?
A. In my car.
Q. And the opposite of it is this (displaying)?
A. Uh-huh.
MS. SHEALY: Your Honor, at this I would move -- and I have to see what our number is. If we could have these marked as State's Exhibit 116 (sic) and 117 (sic).
Your Honor, at this time we would move in State's Exhibit 116 (sic) and 117 (sic).

THE COURT: Any objection?
MR. LIZZI: No objection, Your Honor.
THE COURT: Without objection so admitted.
(WHEREUPON, State's Exhibit Number 116 and 117 admitted into evidence; however, see below correction which recognizes these exhibits as State's Exhibit Number 118 and State's Exhibit Number 119 admitted into evidence.)
MS. SHEALY: I request permission to publish it to the jury.
THE COURT: Go ahead.
Q. So Ms. Styles -- Ms. Lee, when you look at that monitor right there it is going to depict what I am putting up here.
THE COURT: And that is exhibit what?
MS. SHEALY: This is Exhibit 116 (sic).
THE COURT: Thank you.
Q. Okay. So when you gave the police permission to search your vehicle in Greenville was this piece of paper found in your vehicle?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes. Yes.
Q. On State's Exhibit 116 (sic) it says another dusty dog at AM.com. Is this the piece of paper that Mr. McCaffrey gave you?
A. Uh-huh.

THE COURT: Yes? Is that a yes?
A. Yes.
Q. And on State's Exhibit 117 (sic) who wrote on that piece of paper?
A. Bob.
Q. And this was when in relationship to when you got texted by Gayle McCaffrey?
A. I can't remember.
Q. Before or after?
A. Probably after.
Q. And you told us that -- what did he tell you about these three numbers?
A. If they call, don't answer.
Q. Don't answer?
A. Uh-huh.
THE COURT: Ms. Lee, if you could slide that microphone back towards you some or you slide up to it, please.
THE COURT REPORTER: And if I could get clarification on the exhibits.
(WHEREUPON, court reporter confers with Ms. Shealy. Per court reporter, there were other exhibits previously pre-marked by the State as Number 116 and 117; therefore, the two exhibits just marked by the State and entered by the State as 116 and 117 should be relabeled and entered under a different exhibit number.)

MS. SHEALY: Your Honor, the court reporter is correcting me that these exhibits which I had said was 117 needs to be 118. And State's Exhibit 116 needs to be 119.

THE COURT: All right.

(WHEREUPON, State's Exhibit Number 118, a note, was admitted into evidence - versus Exhibit Number 117.)

(WHEREUPON, State's Exhibit Number 119, a note, was admitted into evidence - versus Exhibit Number 116.)

Q. Now do you remember what type of contact information you had for Bob?

A. Uh-huh.

Q. Could ---

THE COURT: Yes? Is that a yes?

A. Yes. Yes.

Q. Could you tell us what telephone numbers you had for Bob. And you have got your phone summaries up there.

A. I had his home number and his cell number. And then I have -- he has another phone. And I have that number.

Q. Okay.

A. There's three numbers.

Q. Regarding telephone number 843-696-9793 ---

A. Uh-huh.

Q. --- could you tell us ---

THE COURT: Is that a yes?

A. Yes.

Q. Could you tell us whose phone number that was?
A. That was Bob's.
Q. And ---
A. And ---
Q. I'm sorry?
A. That was his phone he had gotten so she wouldn't know he had gotten another phone so that we could keep in contact with each other. I think.
Q. And the telephone number 843-822-6694 ---
A. And that was his -- his phone.
Q. It was his what?
A. His -- his cell phone number.
Q. Okay. And then the number 843-556-7486?
A. That was the house.
Q. After hearing from Gayle did you make a decision about your relationship with Bob?
A. Yeah. I told him we couldn't see each other anymore.
Q. Okay. Now first of all do you remember when that was?
A. Around March 6th or 7th.
Q. And where did you tell -- where were you when you told him this?
A. Applebee's in Hendersonville.
Q. Can you tell us what you told him and what his reaction was?
A. I told him that I know he is married and I know he is

still there and I am not going to be the reason why, you know, your marriage breaks up so I am going to call it quits.

And he cried and begged and said he didn't want us to be over, you know, could I give him a couple of months, you know. And I said, no.

Q. And when he asked you for a couple of months was it something that -- did he tell you he was going to get something done within a couple of months?

A. No.

MS. SHEALY: Objection. Leading.

Q. How did he react ---

THE COURT: Hold on a minute. Sir?

MR. LIZZI: Leading, Your Honor.

THE COURT: Sustained.

Q. Could you tell us -- would you describe for us, please, how he physically reacted?

A. He was very upset. He cried.

Q. And this occurred where?

A. In my car in the parking lot of Applebee's.

Q. Now did you after that date continue to have communication with him?

A. Yes.

Q. Okay. And tell us why did you continue to have communication with him if you had broken it off?

A. It was just here and there. It was not every day and not

seeing him. Just, hey, how are you. You know, that kind of thing.

Q. Now when was the next time you saw him after the conversation at Applebee's?

A. He came into Tommy's Country Ham House where I worked. I believe it was on a Sunday. And ordered breakfast. And sat in my section. And I served him. And he sat there for a while after he ate. And, you know, we talked -- as I am passing we talked about some things.

Q. Was -- did he pay for his meal?

A. Uh-huh, he did. He paid with a 50. And his sale was nine dollars, and he told me to keep the change for a tip.

Q. When was the next time you saw him?

A. I guess at the VFW on St. Patrick's Day.

Q. Did you see him on March 15th?

A. I don't know. I don't recall.

Q. Could you tell the jury whether or not you and he ever went to a Mexican restaurant?

A. I don't remember if we went to a Mexican restaurant or not.

Q. Is there a Rancho Grande?

A. Uh-huh.

MR. LIZZI: Objection, Your Honor.

A. There is.

MR. LIZZI: Leading.

THE COURT: Hold on a minute. Go ahead.
MS. SHEALY: I am asking if there is a restaurant named Rancho ---
THE COURT: Overruled at this point. You can answer the question.
A. El Rancho Grande.
Q. Okay. And could you tell the jury whether or not you ever saw him there? You don't remember?
A. I don't remember.
Q. Okay.
A. I'm sorry.
Q. That's okay.
MS. SHEALY: Beg the court's indulgence for just one moment.
THE COURT: Yes, ma'am.
Q. Okay. You have been asked previously about your summary of phone calls and text messages with Bob McCaffrey. And you have that in front of you?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes. Sorry.
Q. So I am going to ask you about your exchange of communication that is State's 73. Let me hold this. I will get you a copy.
THE COURT: What number is that again, ma'am?

MS. SHEALY: It is 73.

THE COURT: Okay.

Q. Okay. Focusing your attention then to Thursday, March 15th, could you describe to the jury how many times did you and Mr. McCaffrey have communication that day?

A. It looks like we talked twice. Or maybe tried to call twice.

Q. Okay. So he called you first and you spoke for how long?

A. Fourteen minutes, forty-eight.

Q. Do you remember the nature of that phone call?

A. Huh-uh. I do not know.

Q. And then at 2:49 did you -- who called whom?

A. I called him.

Q. And how long did you talk on that occasion?

A. The same time, 14 minutes, 48 seconds.

Q. And do you remember the nature of that phone call?

A. I don't. No.

Q. Then going into Friday, March 16th, could you tell us what time did you -- did you miss a phone call from Mr. McCaffrey?

A. Uh-huh.

Q. And that was at what time?

A. 2:35 a.m.

Q. And would you tell the jury how many times he reached out to you between the hours of 2:35 a.m. until 3:05 a.m.?

A. Eight.
Q. And during any of those times that he was calling you, did y'all talk?
A. No.
Q. Then at 8:50- -- let's see, at 5:12 in the morning did you call him back?
A. Yeah, when I got up to go to work.
Q. And do you remember the nature of that conversation?
A. I don't.
Q. When was the next time there was any communication with y'all that day?
A. He texted me.
Q. And could you tell the jury what he texted you?
A. Been drinking out. Going back to tell all and figure out from there. I want nothing more than to be in your arms. Being away really hurts. Talk soon. LU, which meant love you.
Q. Then at 8:55 who reached out to the other?
A. I texted him.
Q. And what did you say?
A. I said, wow, I was just fixin to say, yeah, I know I know why; you are married. It is fucking complicated. I just put your CD in and I haven't listened to it since Charleston.
Q. Okay. Now you have told us that you broke up with him.
A. Uh-huh.

Q. Could you tell the jury whether that was an easy decision for you or not?
A. No, it was not.
Q. Why was it not?
A. Because I fell for him very fast -- very -- very hard very fast.
Q. At 11:34 p.m. did you reach out to him again?
A. I did.
Q. And what did you tell him?
A. I told him I was going to Duggan at -- to party at Duggan's tomorrow night.
Q. So that's at 11:34 on Friday, March 16th?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes.
Q. Now spilling into the morning hours of Saturday, March 14th (sic), could you tell the jury the next communication you got from Mr. McCaffrey?
A. It was a text that said I may see you there.
Q. Okay. And how did you respond at 3:26 a.m.?
A. Said really.
Q. Who reached out to whom at 8:22 in the morning?
A. He texted me. He said, could be late. I need to know how late they are open. Dinner with friends at 6:30 and then I leave here if you want to see me.

Q. At 9:58 who reached out to whom?
A. He called me.
Q. Did you get that call?
A. No, I missed it.
Q. At 10:01 a.m. who reached out to whom?
A. He texted me: Tried to call but someone does not even have voicemail. Try you later.
Q. At 11:49 on Saturday the 17th who reached out to whom?
A. He called me.
Q. And do you recall if that was a conversation?
A. If it was, it was quick. It was forty-five seconds.
Q. Then again at 11:00 -- let's see. I'm sorry, at 11:50 did you call him?
A. Yeah, I guess ---
Q. Were you able to get him?
A. I don't think so.
Q. And if you could just walk us through then. At 11:50 does he call you back?
A. Uh-huh.
Q. And how long of a conversation was that?
A. Ten minutes.
Q. Do you recall the nature of that conversation?
A. No, I do not.
Q. At 2:45 in the afternoon who called whom -- or who texted whom?

A. He texted me and said ---
Q. And what did he say?
A. Let me know what you are going to do.
Q. And at 3:05 what happened?
A. I texted him back. I said I am going to party.
Q. 3:40?
A. And he texted me: Where?
Q. 3:48?
A. And then I texted him: I don't know, probably NC.
Q. Meaning North Carolina?
A. Yeah.
Q. Then at 3:48 -- I'm sorry, 3:49?
A. I texted him: Sorry but -- ain't you in Charleston with your wifey.
Q. And at 4:05?
A. He texted me: I thought I said I would be there.
Q. At 7:58?
A. Said where are you.
Q. Who said that?
A. Bob.
Q. At 8:03?
A. He called, and I missed it.
Q. At 8:08?
A. I texted him back. I said, I am in TR at the Mexican joint.

Q. Okay. And TR is?
A. Travelers Rest.
Q. And the Mexican joint is?
A. El Rancho Grande.
Q. 8:10?
A. He texted me, I am finishing up in a bit and would like to see you soon.
Q. 9:10?
A. He called me, but I missed it.
Q. 9:20?
A. He texted: Hey.
Q. 9:27?
A. He called. I missed it.
Q. 9:35?
A. I called him. We talked for a minute and fourteen seconds.
Q. 9:51?
A. Same thing. I called him and talked for a minute and fourteen seconds.
Q. And 11:04?
A. He called me, but I missed it.
Q. 11:16?
A. He texted me: Hey, beautiful, call me.
Q. 11:19?
A. I called him. We talked ---

Q. Do you remember what was said during that?
A. --- for a minute and eighteen seconds. No, he probably asked me where I was by that time. And ---
Q. And do you recall whether you told him?
A. Or somebody else might have answered my phone. VFW.
Q. Okay. So you went from the Mexican restaurant at some point to the VFW?
A. Uh-huh. Yeah.
Q. And -- okay, so let's stop there for a second. Well, I'm sorry, let's go a little further down. He asks you: Where you at beautiful.

And at 12:22 he calls you from 12:22 until 12:55 how many times? 12:22, 12:54, 12:55 who is calling whom?

A. He is calling me.
Q. At 12:56 what does he text you?
A. I am in TR.
Q. Meaning Travelers Rest?
A. Uh-huh.
Q. At 12 ---

THE COURT: Is that a yes?

A. Yes.
Q. At 12:59 do you miss a call from him?
A. Uh-huh.

THE COURT: Is that ---

A. Yes.

Q. At 1:01 does he call you?
A. Yeah.
Q. And 1:02 does he call you?
A. Yes.
Q. And -- okay, so let's stop there for a second. You have testified that on March 17th you went to the Mexican restaurant?
A. Uh-huh.
Q. Who did you go there with?
A. Myself.
Q. And ---
A. And -- and I saw some friends there.
Q. Who did you see there?
A. Al Rochester and Denise Richardson.
Q. Okay. And were they both already friends of yours, or did you meet one of them that evening?
A. I knew Al all my life. But I had -- this was his new wife, and I had just met her that day.
Q. Okay. And when you met -- you called her Denise Richardson; is that right?
A. Uh-huh.
Q. When you met Denise did you share any information about your personal life with her?
A. Oh, yeah.
Q. Who did you tell her about?

A. Mr. Valentine.
Q. What did you tell her out the status of your relationship with him?
A. That it was over but he still wanted to come up and see me and I didn't know what do.
Q. Okay. What -- did you change from then the Mexican restaurant to the VFW?
A. Huh?
Q. Did you go from the Mexican restaurant and then went to the VFW?
A. Denise drove me there. Because I was drunk. I had been drinking. So she was my DD.
Q. Okay.
MS. SHEALY: Beg the court's indulgence for just a moment.
Q. What were you doing inside of the VFW?
A. I was singing karaoke, dancing, drinking.
Q. And at some point did anyone arrive that drew your attention?
A. Uh-huh.
Q. Who?
A. Mr. Valentine.
Q. Okay. Now tell us a little bit about the VFW. Do they have members at the VFW?
A. Uh-huh.

THE COURT: Is that a yes?
A. Yes. And ---
Q. And if you're ---
A. And ---
Q. I'm sorry?
A. If you are not a member you can sign in as a guest.
Q. Showing you what has been previously marked as State's Exhibit 80 -- when you come into the VFW do you sign in in some fashion?
A. Uh-huh. That is the first thing you do.
Q. Can you tell the jury what this item is (pointing)?
A. That is the register.
Q. Talk a little bit louder for us.
A. That is the register from the VFW.
Q. Okay. And could you tell us whether or not your name is on that register?
A. Yep, there it is.
Q. Okay. Let me tell you what. Let me put it up on the monitor. Well, how am I going to do that? Let's see. It is going to come up. And when -- if you see your name you can draw a circle around it.
A. Okay.
(WHEREUPON, exhibit displayed.)
Q. Okay. Do you see your name on the register?
A. Uh-huh.

Q. Could you circle that for us?
A. (Nods.)
THE COURT: Is that a yes?
THE WITNESS: Yes.
A. (Circled on display screen.)
Q. And you say that you went there with what two people?
A. Al and Denise.
Q. Okay.
A. I wrote all of our names on there that night.
Q. You wrote all of them?
A. Uh-huh.
Q. And this is for the members (pointing), and this is for the guests (pointing)?
A. Uh-huh.
THE COURT: Yes?
A. Yes.
Q. And do you see this signature here (pointing)?
A. Uh-huh.
Q. And whose is that?
A. Bob's.
Q. When Mr. McCaffrey arrived at the VFW would you describe for the jury please what was going on.
A. Well, I was drinking and singing and dancing and having a good time. And just really wasn't paying him much attention.
Q. You were not paying him much attention?

A. Huh-uh.
Q. Would you describe to the jury please what he was doing?
A. He was trying to get me off to myself and, you know, us talk, whatever. But I just wasn't having it.
Q. You weren't having it?
A. Huh-uh.
Q. Why?
A. Just wasn't.
Q. And when you say you were -- you said you were drinking and what else?
A. Singing and dancing and just having a good time.
Q. And when you were singing could you tell the jury whether you were singing with females, males, what?
A. I was singing with a -- a guy.
Q. And when you were dancing?
A. With a guy.
Q. And where was Mr. McCaffrey when you were singing and dancing with other men?
A. Propped up against the wall staring at me.
Q. Okay.
MS. SHEALY: Your Honor, I would ask that she be allowed to stand and show us how Mr. McCaffrey was behaving, please.
THE COURT: Go ahead.
Q. Can you stand up, Ms. Styles.
(WHEREUPON, witness complies.)

A. He was just kind of leaning at the wall like this (motioning).
Q. Well, you have shown it to me ---
A. Like up against the wall like this (motioning).
Q. Okay.
A. Yeah.
Q. And who was he looking at?
A. Me.
Q. When you say that he approached you, in what fashion did he approach you?
A. He seemed aggravated because I wouldn't stop, you know, and talk to him. He came ---
Q. I'm sorry, I couldn't hear you.
A. Because I wouldn't stop and talk to him. He came to see me, drive all that way, and I just -- well, I didn't want to see him. I was doing my own thing.
Q. Was there someone else you were interested in there?
A. Uh-huh.
Q. And who was that?
A. Matthew Poteet.
Q. Okay. Now you had the opportunity to look at a clip previously; is that correct?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: I'm sorry. Yes. I'm sorry.

Q. Showing you State's Exhibit 86, is this the clip that you have seen?
A. Uh-huh.
Q. Did you realize Mr. McCaffrey was filming you?
A. No, I did not.
MS. SHEALY: Your Honor, at this time we would ask permission to play the clip.
THE COURT: Well, it has already ---
MS. SHEALY: This item ---
THE COURT: --- been admitted.
MS. SHEALY: Oh.
MR. LIZZI: No objection.
THE COURT: It has already been admitted without objection.
MS. SHEALY: And, Your Honor, it will take him one second to turn it correctly.
(WHEREUPON, publish State's Exhibit 86.)
Q. Okay. I am going to ask that we play it one more time. But before we do -- so it is a very brief clip. Who is the person with the green shirt on?
A. Me.
Q. And it is a little hard to see in here with the lighting. But what are you doing at the time of this clip?
A. Singing.
Q. And who are you singing with?

A. Matthew Poteet.
(WHEREUPON, publish State's Exhibit 86.)
Q. Now how late does the VFW stay open?
A. Sometimes 1:00- -- after 2:00.
Q. It closes after 2:00?
A. Yeah. It will stay open til 2:00. Sometimes 3:00.
Q. At any point that evening when Mr. McCaffrey was in the VFW do you stay in there the whole time or do you go -- did you go outside for something?
A. Huh-uh, I went out to the car I think to get my phone charger.
Q. And what occurred when you went outside?
A. He came out with me.
Q. And when you say he came out with you ---
A. Or he came out behind me.
Q. What happened when you got outside?
A. He tried to talk -- grabbed my arm. You know, grabbed me and talked to me. That kind of thing.
Q. And what did you do?
A. Just shrugged him off and walked back in.
Q. Now do you recall what time you left the VFW?
A. No, but I am thinking 2:00 -- 2:00, 2:15, 2:30; something like that.
Q. And how did you leave?
A. Well, I left. And Bob left, and he pulled out.

Q. He what?
A. He pulled out. And he was behind me. So I had to make a U-turn. And he made a U-turn and was still behind me. So I had to make another U-turn. He was still behind me. And I turned off on the back road and lost him.
Q. Okay. So let's take a second and go back to our phone calls. Okay. So in showing you State's Exhibit 73 starting at 2:12 in the morning could you tell us about the exchange of communications. What happened at 2:12? Do I have it -- let's see.
(WHEREUPON, display State's Exhibit 73.)
A. He called me.
Q. He called you?
A. Uh-huh.
Q. Was there a conversation?
A. No.
Q. At 2:13 where it says VW tell us what that means.
A. I am not sure -- that was him. But I don't -- I am not sure what I put VW in there for.
Q. You don't remember why you ---
A. Huh-uh.
Q. --- labeled it that way?
A. Huh-uh.
Q. But who was it that called you?
A. It was Bob.

Q. And did you get that phone call?
A. No.
Q. Tell us what happened at 2:14.
A. I called him and it lasted 33 seconds.
Q. Do you remember what you said?
A. Huh-uh.
Q. Excuse me?
A. Probably to get off my ass. Because he was in the car right behind me.
Q. And then at 2:16? It is at two six- ---
A. I called him up. And it was a minute and twenty-eight seconds.
Q. And what happened during that conversation?
A. I think he got pulled over by TR police for speeding.
Q. And why do you think that?
A. Because he said, oh, shit, I am getting pulled over or something to that effect; I am getting pulled over. And then I could hear the officer walk up to the car.
Q. Now you were telling us before. What did you have to do to kind of lose him as he was following you?
A. Do a U-turn.
Q. His behavior at the VFW that evening, was it consistent with how he typically acted or was it different; or how would you describe it?
A. It was different.

Q. In what way?
A. We weren't together.
Q. And how -- how was he behaving is what I am asking you.
A. Distant.
Q. Okay. What did Mr. McCaffrey say during that conversation when he got stopped by the police; what was he saying to you?
A. He told me I had to go. I mean ---
Q. Okay. Do you remember what the nature of that conversation was?
A. No.
Q. Okay. Did you continue to have correspondence with him that evening in the early morning hours of the 18th?
A. Yes, ma'am.
Q. And at 2:20 who called whom -- or who texted whom? I'm sorry.
A. He texted me: Sorry.
Q. And at 3:02?
A. I said for what?
Q. And at 3:02?
A. He texted me. He said: I am probably fucked and all I can think about is you. I drove four hours to see your smile and all I saw were stares and accusations. Is it so wrong to fall in love.
Q. What about at 3:03?

A. I texted him: You are married; so sorry, did I miss something?
Q. And when was next time you talked -- there was any communication between the two of you?
A. I texted him at 10:28 a.m. the next morning.
Q. So between 3:03 and 10:22 there was no communications?
A. Huh-uh.
THE COURT REPORTER: I'm sorry, I didn't hear you.
A. No.
THE COURT REPORTER: Thank you.
Q. Would you tell the jury, please, about your text at 10:20 in the morning.
A. I said: Yeah, I told you two weeks ago that we couldn't keep on seeing each other so why do you keep on.
And then he texted me: Could be the same reasons you have sent three texts in the last eight hours and kept calling and texting after you told me. Or maybe it could be same reason a moth is attracted to a flame or a dog sits by the door all day waiting for its two owners to come home from work.
Q. Okay. So just to make sure I understand. That is Sunday, March 18th, at 10:40 in the morning?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes.

Q. At 11:19 did you respond?
A. Uh-huh, I said ---
Q. And what did you say?
A. I said: Wow. Good bye, Mr. Valentine.
Q. At 11:37 on that Sunday morning?
A. Uh-huh, he texted me ---
Q. I'm sorry, hold on just a second.
A. Okay.
Q. Okay. Here we go. What did he text you?
A. It said: Three weeks too late but thanks anyway.
Q. And when was the next text?
A. 11:38.
Q. And ---
A. It said the same thing: Three weeks too late but thanks anyway.

And then I text him at 12:56 p.m. and said: Oh, my pleasure.

Q. And then what occurred at 2:17?
A. I texted him. I said: Yeah, you might can show your ass and get away with it at home with your wife, but not with me.
Q. And at 2:22?
A. He texted me and he said: She left. I found the kids alone when I got home. A bunch of other stuff is gone and just a note behind. So ass or not, me and the kids are alone now. I could use a friend now and not more shit.

Q. And then at 3:24.
A. I said I don't know if I believe you or not.
Q. And at 4:51 that -- in the morning at this point going into Monday, March 19th?
A. He texted me and he said: You do not have to. She is gone and I have to move on and keep the kids and try to help myself. And I guess I will get that fresh start after all. I just did not think it would be like this. House phone number is 843-556-7486 if you don't mind talking later.

And I texted him and said: What is there to talk about, Bob.

At 9:45 p.m.

Q. Okay. So now we are leading into Monday, March 19th. And would you tell us about the exchange at 2:11; did you know that number, the 554-2193?
A. Huh-uh.

THE COURT: No?

A. No.
Q. And at 2:13 what did you do regarding that number above?
A. I tried to call it back.
Q. And at 2:19?
A. Uh-huh, tried to call it back.
Q. And at 2:20?
A. Tried to call it back.
Q. And at 2:22?

A. I called Bob.
Q. And at 2:25?
A. I called Bob.
Q. Why were you calling him?
A. I guess to see who that was that had called. the landline somebody called from that number who was it and what happened, you know.
Q. Okay.
A. And why was they calling me.
Q. And then at 2:26?
A. I called him.
Q. At 2:26 you called him?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes.
Q. And at 2:27 what did you do?
A. I texted him and I said: So who just called me.
Q. And at 5:42 a.m.?
A. I called him.
Q. At 5:42 you called which number?
A. Mr. Valentine.
Q. I think you -- okay, let's see. Here is 2:27 (pointing) ---
A. Oh, at 5:42 I called the 843-554-2193.
Q. And at 5:44?

A. Uh-huh, I called that same number.
Q. 5:44?
A. Same number.
Q. 5:46?
A. I called the same number.
Q. And where did you call at 5:46:52?
A. Mr. Valentine's house.
Q. Do you remember if there was any talking during those calls?
A. Huh-uh.
THE COURT: Is that a no?
A. No, there was not.
Q. And one other morning call, that being 10:46 a.m., what number did you call?
A. That number, the 843-554-2193.
Q. And at 12:19?
A. Same number.
Q. Did you go to work on the 19th, that Monday?
A. Uh-huh.
Q. And that was ---
THE COURT: Is that a yes?
A. Yes. Sorry.
Q. That was at which location?
A. At Tommy's Country Ham House.
Q. What happened while you were at work?

A. They came and got me and I had to go give my statement.
Q. When you say they came and got me, you mean who?
A. A Greenwood County officer.
Q. Okay. You said you gave a statement that day?
A. Uh-huh.
THE COURT REPORTER: I'm sorry?
THE COURT: Is that a yes?
A. Yes.
Q. Did they tell you whether or not you would need to come back at some point?
A. They told me that the Charleston detective was coming up to speak to me and I would have to come back and talk to him.
Q. Now did you reach out after your interview with the police at 8:40 that evening; did you reach out to ---
A. Uh-huh.
Q. Do you remember whether y'all had a discussion?
A. I don't recall what it was about.
Q. So spilling in then to March 20th, that day you met with Mike Thompson from Charleston County?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes.
Q. Would you tell the jury when you were meeting with Mr. Thompson did you answer his questions or refuse to answer his questions?

A. I answered his questions.
Q. And you have told us about the various statements you gave. Some were recorded. Some were written. Is that correct?
A. Yeah.
Q. The substance of what you told the police, could you tell the jury whether that is consistent with what you are telling us today?
A. Yes.
Q. Now after you talked to Mike Thompson on the 20th did you get in touch with Bob that day?
A. Uh-huh. Yes.
Q. And why did you get in touch with Bob?
A. To try to get him to talk.
Q. In an effort to do what?
A. Help Charleston detective.
Q. Okay. So on March 20th in the afternoon hours at 5:37 what did you do?
A. I called him.
Q. And at 5:38?
A. I call him ---
Q. Did you call him ---
A. I texted him. Texted him.
Q. And what did you text him?
A. Call me, please; it is my birthday.

Q. And was it your birthday?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes.
Q. And at 5:46 what did you do?
A. Called.
Q. And did you talk to him then?
A. I don't believe so.
Q. And at 5:47 on Tuesday did you talk to him?
A. No, I don't think so.
Q. Now regarding your efforts to contact Bob did those continue on to Wednesday?
A. Uh-huh.
THE COURT: Is that a yes?
A. Yes.
Q. And if you would please, tell us about your efforts to call him and what time.
A. Um ---
Q. Or I will tell you the time. You tell me what you tried to do.
A. Okay.
Q. 12:23, Wednesday, March 21st in the morning?
A. I tried to call him.
Q. Did you get him?
A. No.

Q. 12:27?
A. I say that we need to talk.
Q. 12:28?
A. Called.
Q. 12:28 again?
A. I called.
Q. 2:24?
A. I called the 843-291-0159.
Q. You called it or it called you?
A. Or they called me. I missed it three times.
Q. Were you familiar with that number?
A. Uh-huh.
THE COURT: Is that a yes.
A. Yes.
Q. And whose number is that?
A. I don't know.
Q. My previous question was are you familiar with that number. Do you know whose it was?
A. I mean I think it was the number that was calling me.
Q. Okay. But you didn't know whose it was?
A. No.
Q. And at 8:13 in the morning what happened then?
A. I called that number back.
Q. And at 8:26 in the morning?
A. They called me.

Q. Look at the 8:26 entry. What telephone number is that?
A. 553-2193 (sic).
Q. 554-2193?
A. Uh-huh.
Q. And who was that that you spoke to then?
A. I don't know that number by heart ---
Q. Okay.
A. --- without looking back.
Q. Well, do you remember whether or not you talked to Bob that day?
A. I don't remember. It has been seven years ago.
Q. Well, do you have your summary in front of you?
A. I do.
Q. So you don't remember whose number was 554-2193?
A. Huh-uh.
THE COURT: Is that a no?
A. That was probably Mike Thompson.
Q. Who is Mike Thompson?
A. The Charleston County detective.
Q. Oh, okay. And then at 8:10 -- let's see, at 10:39 a.m. the 810-0334, was that someone you are familiar with?
A. Huh-uh.
THE COURT REPORTER: I'm sorry?
A. No. I don't -- I don't know.
Q. I can't hear you. I'm sorry.

A. I said I don't know.
Q. Okay.
A. I don't know whose number that is.
Q. Do you remember whether you had any kind of conversation with Bob after, after the evening when he was going back to Charleston that we talked about, the morning of March 18th when y'all were exchanging texts, when was the next time you talked to Bob; do you remember?
A. Huh-uh. No.
Q. Okay. Well, look at your summary. And at 11:46 you called what number? At 11:46 on Wednesday the 21st.
A. Yeah, he was going to meet -- he wanted to meet me.
Q. Okay. Well, tell me about the conversation that preceded that text.
A. He wanted to meet ---
Q. What did y'all talk about?
A. He wanted to meet me to talk over off some interstate. I don't know.
Q. Okay.
A. I don't remember the details of it. But he wanted to meet and talk to me. Of course momma didn't think it was a good idea. You know, nobody thought it was a good idea, so but then ---
Q. So did you agree to meet him ---
A. But ---

Q. --- or not?
A. But the detectives were wanting me to meet him. You know, they were wanting me to meet him.
Q. Okay. Well, did something happen; did you -- did you have an idea of what might be helpful to be able to talk to Bob McCaffrey again; did ---
A. No.
Q. --- you send anything to him?
A. Helpful for them?
Q. Uh-huh.
A. Yeah, I mean maybe. I don't know. But ---
Q. Ms. Lee, I am asking you did you send anything to ---
A. Oh, a pregnancy ---
MR. LIZZI: Objection, Your Honor.
A. --- test. A pregnancy ---
MR. LIZZI: Leading.
THE COURT: I will allow that question. Go ahead.
Q. Did you send anything to Bob McCaffrey?
A. Yeah, a pregnancy test. A picture of a positive pregnancy test.
Q. And I am showing you what has been previously marked as State's Exhibit 116. What is that a photograph of?
A. A picture of a positive pregnancy test.
Q. Okay. And you sent that to whom?
A. Bob.

Q. To Bob?
A. Uh-huh. Yes.
Q. So when you sent that photograph to Bob what was the next communication y'all had?
A. Text or talking on the phone.
Q. Okay. And when you talked to him on the phone that day tell the jury about the nature of that conversation.
A. That he was telling me where to meet him at and how to get there, that kind of thing.
Q. What details did he tell you ---
A. Come alone.
Q. --- about what was going on?
A. Come alone. And that, you know -- basically it.
Q. I'm sorry. I cannot hear you.
A. Come alone. And basically that was it.
Q. Okay. Did he tell you anything else about what was going on in his life?
A. I don't remember.
Q. I'm sorry, I didn't hear what you said.
A. I don't remember.
Q. Okay. Well, so you are saying that he wanted to meet you somewhere?
A. Uh-huh.
Q. And ---
THE COURT: Is that a yes?

A. Yes.
Q. Did you hear from anybody else connected with Bob?
A. I don't remember. I don't remember.
MS. SHEALY: Your Honor, may we approach?
THE COURT: Yes.
(WHEREUPON, bench conference 3/4/19, 5:18 p.m.)
THE COURT: Ladies and gentlemen, I am going to ask you to step to the jury room for just a minute. I am aware of what time it is, okay. I am aware what time it is. Do not discuss this case. I will get you back out here in just a minute, okay. And we are going to -- do not discuss the case.
(WHEREUPON, jury exits 3/4/19, 5:20 p.m.)
THE COURT: Ms. Shealy, I sent the jury out.
MS. SHEALY: Do you want to have a discussion in front of this witness?
THE COURT: You tell -- y'all tell me.
Can y'all approach a minute?
MS. SHEALY: Yes.
(WHEREUPON, bench conference as follows:)
MR. LIZZI: And if she doesn't remember the conversation, Your Honor, for them to tell her the conversation to remember for the record is not proper.
MS. SHEALY: Judge, we have met with her three times, and she has always given the details. I mean this -- this woman doesn't typically have to do these kind of things. There is

no she has not forgotten it. So the question is this: Is she ---

THE COURT: Try and rehabilitate her.

MS. SHEALY: Well, is she exhausted or is she being hostile to me. And I don't know the answer to that.

THE COURT: You can question her on that.

MS. SHEALY: Do what?

THE COURT: I said you can question her on that. I will let you do that. I am not exactly sure how you are going to do it. And I guess that is what he is objecting to. I mean it's ---

MS. SHEALY: Here is my dilemma ---

THE COURT: Whose conversation? She had it with you?

MS. SHEALY: No, she had a conversation with Bob.

THE COURT: Okay.

MS. SHEALY: We have interviewed her three times. As recently as again yesterday. She always recalls that conversation. I don't know that she is being hostile towards me by not answering it now. I am just being candid with the Court. I don't know that she is being hostile.

THE COURT: Do you want to try to proffer it?

MS. SHEALY: I can.

THE COURT: Why don't you try that and see what she says.

MR. LIZZI: I will object at the ....

THE COURT: Sir?

MR. LIZZI: I will object at the time, the proper time.

THE COURT: Go ahead, Ms. Shealy.

(WHEREUPON, conclusion of bench conference.)

PROFFER BY MS. SHEALY OF BRANDY LEE (IC):

Q. Brandy, do you remember meeting with me -- we have met three times; is that correct?

A. (Nods head.)

THE COURT: Is that a yes? I need a verbal response, please.

THE WITNESS: I need to go.

Q. Do what?

THE COURT: You are not going anywhere right now. You are going to answer her question.

A. Yes.

Q. And do you remember on those occasions you told me about a conversation when Bob shared what all his family was doing for him now and that he had gotten a lawyer?

A. I don't recall.

Q. You don't recall telling me that ---

MS. SHEALY: Beg the court's indulgence just a moment.

Q. That he asked you whether you had taken the pregnancy test and that for the first time his parents were helping him ---

A. His family was helping him. And then he -- they was living in North Carolina.

Q. Right.
A. Yeah.
Q. I am afraid that you are tired this afternoon.
A. I am very tired.
Q. Okay.
A. I am hungry. I haven't ate nothing all day.
THE COURT: Ms. Lee ---
MS. SHEALY: You haven't eaten anything?
THE COURT: --- do you want me to get you something to eat? I am tired too. We are all tired, and we want to try to get through at least this portion today; okay.
If you need something to eat or drink, all of these bailiffs in here I can have them -- any of them get you whatever you need.
THE WITNESS: Thank you.
THE COURT: Okay?
Q. So Brandy, one thing that we are needing to understand is do you need a break to eat something and have something cold to drink?
A. Yes.
THE COURT: Okay.
MS. SHEALY: And, Your Honor, we would rather ---
THE COURT: We will do that. We will stand down.
MS. SHEALY: Instead of starting back in the morning?
THE COURT: Do y'all have her a place to stay tonight?

MS. SHEALY: We will.

THE COURT: All right. This is what I am -- we will do. We will stop -- what I am going to do is I am going to bring the jury back in. I am going to let you stay on the witness stand while I bring them back in.

THE WITNESS: Okay.

THE COURT: Okay. I am going to excuse them for the balance of the evening, ---

THE WITNESS: Uh-huh.

THE COURT: --- okay. And then I am going to give you some further instructions before I let you step down. But we will do this fairly quickly, okay?

THE WITNESS: Okay. Thank you.

THE COURT: Bring me the jury, please, sir, if they are ready to come back.

While he has stepped out, do you have anything, Mr. Lizzi?

MR. LIZZI: We have no objection as long as the State does not talk with this witness.

MS. SHEALY: Oh.

THE COURT: I am -- we are going to -- I am going to handle all of that. I promise you, okay.

(WHEREUPON, jury enters 3/4/19, 5:27 p.m.)

THE BAILIFF: All jurors are present, Your Honor.

THE COURT: All right. Y'all be seated, please.

All right. Ladies and gentlemen, what we are going to do at this point I am going to let you go ahead and let you go home for the balance of the day. I am going to ask you to be back here tomorrow morning at 9:30. Be back tomorrow morning at 9:30.

Do not -- do not discuss this case with anyone. As I have told you from the outset, you are to decide this case based solely upon the evidence and testimony that is presented in this courtroom and nowhere else.

Now when you all return tomorrow morning I am going to ask that you all select a foreperson. All right. I will tell you that your foreperson cannot be Mr. -- is it Fyall; did I pronounce that correctly?

ALTERNATE JUROR: Fyall.

THE COURT: Fyall. I'm sorry.

ALTERNATE JUROR: Yes, sir.

THE COURT: Cannot be Mr. Fyall or Mr. Etheridge. Those two gentlemen cannot be your foreperson. It will be one of you twelve. All right.

When you all decide on a foreperson, reduce that to writing. Hand it to my bailiff, and he will give it to me when you all come back in the courtroom tomorrow morning.

The foreperson will have an assigned seat. And that foreperson will sit where this young lady is seated on the front row closest to the witness, okay.

The rest of you all, ladies and gentlemen, as you all come in and out of the courtroom, other than my two alternates back there -- and they -- my two alternates can switch seats if they want to. They don't have to sit in that same seat. But the rest of my jurors you all can sit where ever you want to. You don't have assigned seating.

I know sometimes you -- creatures of habit, so to speak. But you don't have an assigned seat. The only person that really has an assigned seat would be my foreperson, as I have told you all before.

Again, do not discuss this case at all. Do not do any independent investigation on your own. I will see you tomorrow morning at 9:30. You all are free to go. Thank you.

(WHEREUPON, jury exits 3/4/19, 5:27 p.m.)

THE COURT: All right. What is that?

THE BAILIFF: May I approach?

THE COURT: Yes.

(WHEREUPON, note presented to the Court.)

THE COURT: All right. Ms. Lee, what I am -- I am going to let you step down. It is my understanding they have a place for you to stay tonight. Do not discuss your testimony at all with anyone. Likewise no one is to try to talk to you about your testimony, okay.

You need to be back here tomorrow morning by 9:30. And what will take place is you will come right back to this

witness stand like you are right now, before I bring the jury in, and when the jury comes back in you will already be seated up here and we will continue with your testimony. I am going to expect them to finish with your testimony tomorrow.

THE WITNESS: Okay.

THE COURT: Okay. But do not discuss this case, your testimony, with anyone. Nor is anyone else supposed to do so with you, okay?

THE WITNESS: Yes, sir.

THE COURT: Any additional instruction from the State?

MS. SHEALY: Yes, Your Honor. In that she has my cell number and all I think in an abundance of caution we should tell her if she has any kind of difficulty this evening to get in touch with our victim witness person. And of course that would include not discussing the case ---

THE COURT: Make sure you all ---

MS. SHEALY: --- with her as well.

THE COURT: Make sure ---

MS. SHEALY: And, then secondly, I will have someone pick her up -- take her to her hotel and pick her up from her hotel tomorrow. But if you could just remind her of the consequences of not coming tomorrow.

THE WITNESS: I am. I am definitely coming.

THE COURT: If you don't come ---

THE WITNESS: I am not definitely coming.

THE COURT: --- I am going to issue a bench warrant for you and law enforcement they will find you, okay.

THE WITNESS: I will be here.

THE COURT: But if you don't come, I mean I am going to have to issue a bench warrant for you. The last thing I want to do. But I just want you to understand that.

THE WITNESS: Yes, sir. I will be here.

THE COURT: Okay. All right. You can step down.

THE WITNESS: Okay. Thank you, Your Honor.

THE COURT: Can the lawyers approach a moment as she is stepping down.

(WHEREUPON, bench conference 3/4/19, 5:31 p.m.)

(WHEREUPON, Court's Exhibit Number 4, juror note, was marked for identification.)

THE COURT: Let me ask this question. The defendant is obviously out on bond.

MS. SHEALY: I think he should go in.

MR. LIZZI: Robinson Bonding Company. I have contacted them. They are the bonding company. And they said that they would stay on his bond.

THE COURT: How long has he been out?

MR. LIZZI: He has been out for four -- five years.

THE COURT: I am going to let him remain out.

Mr. McCaffrey, if you would stand please, sir.

(WHEREUPON, the defendant was duly sworn.)

THE COURT: I am going to allow you to remain out on bond at least over night. I want you to understand that if you fail to appear tomorrow that will not halt the proceedings of your case. This case will proceed as if you were sitting right there like you have been today.

If you fail to appear tomorrow I will issue a bench warrant for you. Your case will proceed. The trial will proceed. If you are convicted I will fill out a sentence sheet. That sentence will be -- that sentence sheet will be sealed. Once you are picked up on a bench warrant you will be brought back here for sentencing.

But I just want you to fully understand you have a responsibility to be back here tomorrow morning but if you fail to appear tomorrow morning that will not halt the trial of this case; we are going to proceed and I am going to issue a bench warrant for your arrest. Do you understand me?

DEFENDANT MCCAFFREY: I understand, Your Honor.

THE COURT: Do you have any questions about what time you need to be back here tomorrow?

DEFENDANT MCCAFFREY: No, sir.

THE COURT: 9:30. 9:15 to be on the safe side.

MR. LIZZI: Thank you, Your Honor.

All right. Anything further from the State at this time?

MS. SHEALY: No, Your Honor.

THE COURT: Defense counsel?

MR. LIZZI: Nothing, Your Honor.

THE COURT: All right. If you all will be back ready to go in the morning.

(WHEREUPON, recess for the evening 3/4/19, 5:33 p.m.)

(WHEREUPON, resume trial 3/5/19, 9:37 a.m.)

THE COURT: Can you get Juror Number 88, Mr. Ethridge, out and bring him out here, please, sir.

Is your witness here, Ms. Shealy?

MS. SHEALY: I am sorry?

THE COURT: Is your witness here?

MS. SHEALY: She is.

THE COURT: Okay.

MS. SHEALY: I do have just a couple of housekeeping things when we get a chance.

THE COURT: The lawyers can approach as Mr. Etheridge is coming out here.

(WHEREUPON, bench conference with counselors.)

(WHEREUPON, Mr. Etheridge enters courtroom and joins bench conference.)

(WHEREUPON, Mr. Etheridge leaves bench conference.)

(WHEREUPON, bench conference with counselors continues.)

(WHEREUPON, end of bench conference.)

THE COURT: All right. The State indicated there are a couple of housekeeping matters that we need to deal with.

MS. SHEALY: Yes, Your Honor. One is I was just going to

save us some time later on. The written statement that is currently a court's exhibit, when I put it in through Detective Perkins I have redacted the last two sentences which dealt with the lie detector. And I have shown that to Mr. Lizzi.

So I just wanted to make the courts -- the court aware that that had been redacted.

THE COURT: Is that your satisfaction, Mr. Lizzi?

MR. LIZZI: It is, Your Honor.

THE COURT: All right. Very well. All right. Go-ahead, Ms. Shealy.

MS. SHEALY: And also I need to apologize to the Court. Yesterday when I was going over the phone numbers with Brandy I thought I had my copy and I put a line on it. I can show it to y'all. I was just going to replace it with a clean copy. I was trying to keep my place.

MR. LIZZI: That is fine, Your Honor.

THE COURT: Okay.

MS. SHEALY: I'm sorry about that.

THE COURT: Let's just clear that through my court reporter over here.

MS. SHEALY: And that is State's Exhibit 73. So I replaced it with a copy that does not have any lines on it. I can actually just make this part -- if you want -- if we need to make this part of the record we could.

THE COURT REPORTER: I will keep it.

MS. SHEALY: Okay.

(WHEREUPON, 73A is original Exhibit 73 (accidently written on during trial); 73B is duplicate of 73 before written on.)

MS. SHEALY: Okay. And then also, Judge, and in abundance of caution I think that if we put Ms. Lee back on the stand that my questioning of her would involve a conversation that she had with Mr. Lizzi. I do not intend to elicit from her anything that Mr. Lizzi said to her. But I feel like I better tell her that before she blurts it out.

THE COURT: Okay. Mr. Lizzi?

MR. LIZZI: That is fine, Your Honor.

THE COURT: Well, one of the things, I thought about this after we left last night. Now you certainly objected a couple of times as it relates to some leading questions. And under Rule 611(C) leading questions, I have got some leeway there to develop the testimony. And if it is determined to be a hostile witness, so to speak, the rules kind of change a little bit on that on cross examine- -- or the direct examination of such.

In addition, under Rule 613 you are getting into prior inconsistent statements or prior statements of witnesses. And that rule specifies that those statements may be written or not written so.

I just call y'all's attention to those two particular

rules because I think that is probably what we are dealing with here as the testimony of this witness is elicited from the stand here this morning. Okay?

All right. Anything else?

Ms. Shealy, anything ---

MS. SHEALY: No, Your Honor.

THE COURT: Mr. Lizzi, anything from you, sir?

MR. LIZZI: Nothing, Your Honor.

THE COURT: All right. If you will bring Ms. Lee back in the courtroom, please.

(WHEREUPON, Ms. Lee enters courtroom.)

THE COURT: Ms. Lee, if you will come back around and have a seat on the witness stand, please, ma'am.

THE WITNESS: Yes, sir. (Witness complies.)

THE COURT: All right. Ms. Lee, how are you doing this morning?

THE WITNESS: Good. How are you?

THE COURT: Doing well. When we broke yesterday my instructions to you were not to discuss your testimony with anyone and furthermore that no one was to try to attempt to discuss this case with you.

First of all, did you comply with this Court's order about not discussing your testimony?

THE WITNESS: Yes, sir.

THE COURT: Second of all, has anyone tried to reach out

to you in any way, shape or form by phone, text, instant message or in any way whatsoever to discuss your testimony here?

THE WITNESS: No, sir.

THE COURT: Okay. And what we are going to do -- and I will remind you that you are still under oath, okay. I am not going to have to swear you again. I will remind you that you are still under oath, the same oath that you took yesterday.

We are going to continue the trial here this morning. I am going to bring the jury in, as I told you yesterday, and we are going to continue at that time.

Anything from the State; anything further from the State?

MS. SHEALY: Yes, may I direct one area of questions to her that I need to advice her what not to say regarding what Mr. Lizzi said just so she doesn't blurt that out?

THE COURT: Yes.

MS. SHEALY: Okay.

Ms. Lee, when I ask you about having a conversation with Bob's attorney I am going to ask you what you said to him. I am not going to ask you what he said to you.

THE WITNESS: Okay.

MS. SHEALY: Okay. Thank you.

THE COURT: Anything, Mr. Lizzi?

MR. LIZZI: Nothing, Your Honor.

THE COURT: Okay.

Bring me the jury, please, sir.

(WHEREUPON, jury enters courtroom, 3/5/19, 10:48 a.m.)

THE BAILIFF: The jury is all present, Your Honor.

THE COURT: You got my piece of paper? Did y'all select a foreperson?

THE FOREPERSON: We did, but we did not reduce it to writing, Your Honor.

THE COURT: All right. Tell me your name and juror number.

THE FOREPERSON: It is Zachery Birch, 46.

THE COURT: Yes, 46?

THE FOREPERSON: Yes, sir.

THE COURT: When you all return to the jury room for a break here this morning how about put that in writing for me so I can give that to my court reporter ---

THE FOREPERSON: Yes, sir.

THE COURT: --- for a court exhibit, okay.

Hope you all had a nice evening last night and are ready to proceed here today. At this time I am going to recognize the State. We are going to continue with the direct examination of Ms. Lee.

Ms. Shealy, you are so recognized.

MS. SHEALY: May it please the court.

RESUME **DIRECT EXAMINATION BY MS. SHEALY OF BRANDY LEE:**

Q. Ms. Lee, okay, so yesterday you were pretty tired at the

end of the day?
A. Yes, ma'am.
Q. Okay. So we got to Wednesday, March 21st, okay. And you remember how I was awkwardly trying to show the text messages and calls over here (pointing)?
A. Uh-huh.
Q. We have put it on a PowerPoint. I would ask Mr. Cooper to pull up State's Exhibit 73. It is going to show upon on the screen.
A. Okay.
Q. Okay, so we will have that in the background.
Now just to back up for a moment. We were talking about March 21st. I believe you testified yesterday that you gave a statement the day before to Mike Thompson?
A. Yes.
Q. Is that correct?
A. Yes.
Q. And could you tell the jury whether or not you have recently been able to hear the recording of your statement?
A. Yes.
Q. And did you look at a transcript from that statement?
A. Yes.
Q. Now I asked you -- let's go back to the pregnancy test issue, okay. When you spoke with Mike Thompson on that Tuesday the 20th was there any discussion with you and

Investigator Thompson about you trying to assist to them?
A. Yes.
Q. Okay. And tell us again what you were going to try to do.
A. I sent that picture of that positive pregnancy test to Bob to try to get him -- his attention and try to get him to talk to tell me something.
Q. Okay. And if you will look then in the morning hours of Wednesday, March 21st at 12:23, who do you call?
A. Bob.
Q. And at 12:27 in the morning who do you text?
A. Bob.
Q. And what do you say in that text?
A. We need to talk.
Q. Why did you text him we need to talk?
A. Because I was trying to get him to talk. I was going to tell him I was pregnant and go from there.
Q. Okay. And then your communication at 12:28 and 12:28 again, is that when you are sending the pregnancy test?
A. Uh-huh.
Q. Now --
A. Probably.
Q. Okay. Now at 2:24 and at 2:26 and at 4:38 what telephone number do you receive a phone call from?
A. Bob.

Q. And tell me the telephone number itself.
A. 843-291-0159.
Q. And was this an existing number you had for him, or was this a new number.
A. No, it was a new number.
Q. Do you know Mike Thompson?
A. Yes.
Q. And who is Mike Thompson?
A. He is the Charleston County detective.
Q. Okay. I'm sorry. I've got the wrong name. Do you know Mike Roberts?
A. Yes.
Q. Who is Mike Roberts?
A. He worked with Bob.
Q. And had you met Mike Roberts?
A. Yes.
Q. Could you describe his relationship with Bob McCaffrey?
A. They were friends and coworkers.
Q. Okay. So at 813 what number do you then call?
A. 843 -- that number that called me, I called it back.
Q. And during that phone call it lasted how long?
A. Ten minutes and six seconds.
Q. Now if you need your statement to refresh your memory let me know. But what was that conversation about with Bob?
A. He was going to meet me off of I-95 - and 26, I believe.

Or said we needed to get together and talk about the pregnancy test and getting back together. And then he would tell me what happened and ---

Q. He would what, I'm sorry?

A. He would tell me what happened. Could he trust me and would I be wearing a wire.

Q. Okay. And ---

A. And I jokingly said, no, do you want to strip search me.

Q. Okay. So you were being flirty back?

A. Yeah.

Q. Showing your statement from March 26th of 2012.

A. Uh-huh.

Q. Reading that passage was there anything else that he told you during that conversation?

MR. LIZZI: Objection, Your Honor. The witness has not indicated she doesn't have a memory of it.

MS. SHEALY: Well, I can ask that question.

THE COURT: Ask the question.

Q. You have indicated to us what you remember about that conversation.

A. Uh-huh.

Q. Do you remember other things about that conversation or would it --

A. I am sure they would, yes.

Q. Okay. Would it help you to look at your statement ---

A. Uh-huh.
Q. --- to remember the details of that conversation?
A. Yes, ma'am. That was seven years ago, and I have blocked a lot out.
Q. Okay.
A. Yeah.
MS. SHEALY: So, Your Honor, then at this time I would ask that she refresh her memory.
THE WITNESS: Okay.
THE COURT: Go ahead.
(WHEREUPON, document provided to witness.)
A. He told me that the less I said the better it would be.
Q. Okay.
A. And maybe it would be a good idea if we didn't -- if we say we didn't have a relationship.
Q. Okay. And you said that he asked you if you could meet him where?
A. Off of I-26 - and 95, I believe.
Q. Okay. Now looking back at our chart then at 8:26 that 554 number that called you at 8:26 and 8:55, you believe to be whose? I'm not sure. I think it was one of Bob's numbers. But I'm not sure.
Q. Okay. And do you remember what the first three digits of the extension when you would talk to Detective Thompson would be?

A. 843.
Q. Okay. And do you remember the first three numbers, or not, after that? You don't know?
A. No.
Q. Okay, that is fine.
A. No. It was a long time ago.
Q. Now on that same day did you have the occasion to talk to Bob again?
A. Yes.
Q. And when you talked to him then was he some place that he indicated to you where he was?
A. I don't recall.
Q. Okay. On your statement from March 26th, reading the bottom of the page and up into the top, can you tell us where Bob indicated he was?
A. It was a number from Moncks Corner ---
Q. Okay.
A. --- that he called from.
Q. But looking at the top of that page --
A. Uh-huh.
Q. I'm sorry, let me take that sticky off. Beginning there if that refreshes your memory.
(WHEREUPON, document provided to witness.)
A. He said his lawyer wanted me -- to talk to me. And I spoke briefly -- let me -- he was asking me ---

Q. Wait. Don't say what the lawyer said. Okay, I'm sorry; but don't say what the lawyer said. But what did you tell the lawyer? Do you need me to show you where I am talking about?
A. Yeah.
(WHEREUPON, counsel assisting witness with document.)
Q. What did you ---
A. Not saying what he ---
Q. Don't say what the attorney said. But say what you said.
A. I said, yes, they had spoke to me about me and Bob's relationship.
Q. Okay. And did you indicate to who you were speaking to whether or not you had indicated who you had talked to?
A. I think so.
Q. Well, read the next sentence.
A. I didn't -- no, I didn't specify who. But, you know.
Q. Well, what does your statement say?
A. I didn't specify who I had talked to.
Q. Okay. And during that same conversation did Bob get back on the phone?
A. Uh-huh.
Q. Okay.
A. I believe so.
Q. And did he indicate to you whether he had any problems?
A. The kids were in protective custody and that ---
Q. And looking here (pointing).

A. Yeah, he said -- he said he had three major problems. His kids, his wife, and me.
Q. And then in your statement is that then referencing the trip he said he wanted you to ---
A. Uh-huh.
Q. --- meet him on?
A. He wanted me to take a ride two-and-a-half hours away to meet him and talk. And he asked me if I could -- he asked me if I could trust him -- if he could trust me. Excuse me. And if I would be wearing a wire.
Q. And then that is when you gave the flirty comment you told us about?
A. Yeah.
Q. Now did you offer to Bob to meet him somewhere?
A. I was going to. But I said -- I told him I had only known him a month, his wife was missing and he wants me to drive two-and-a half-hours away, and I am not going to do it.
Q. Did you offer to meet someplace other than where he told you?
A. Yeah.
Q. Looking at your statement what did you indicate?
A. I told him that I would consider meeting him but not two-and-a-half hours away.
Q. And what type of place would you meet him in? Turn the page, if you would.

A. In a public place.
Q. Okay. Did he indicate to you whether or not what his plans were after y'all talked?
A. He said he would -- he had to be at his lawyers at 3:00 p.m. and then he would call me after that. And then I never heard anything else from him.
Q. Have you heard anything else from him to this day?
A. No.
Q. Okay. And then the remainder of -- did you attempt actually to get in touch with him?
A. Yes.
Q. And in doing so did you text him or call him or what?
A. Text.
Q. Okay. Looking at 11:46 on Wednesday the 21st what did you text him?
A. Do you want or need me to come or not? I know your lawyer advises against it; but what do you want, Bob? What do I do?
Q. Okay. And then at 12:06?
A. I sent the same thing again.
Q. Okay. And did someone call you at 12:22?
A. Uh-huh.
Q. And was that from that same number?
A. Yes.
Q. Do you remember what the content of that conversation

was?
A. I do not.
Q. You do not?
A. Huh-uh.
Q. And then approximately two hours later at 2:21 who do you call?
A. It looks like Thompson maybe.
Q. No, at 2:21.
A. Oh, that is Mr. Valentine. I texted him.
Q. And what did you text him?
A. (Inaudible)
THE COURT REPORTER: I'm sorry, I didn't hear her.
A. I texted Bob.
THE COURT REPORTER: Okay.
A. I do care about you and I wish all of this had never happened. I have got to see you. I want to make sure you are okay for my own well-being.
Q. And when saying that, is that genuinely how you felt; or what were you doing?
A. I was trying to meet with him for Thompson.
Q. Okay. And at 6:17?
A. What is going on.
Q. And at 6:18?
A. The same thing, what is going on.
Q. And then at 6:20?

A. It might have been -- I don't know what that would have been.
Q. Just a call?
A. Either a call or a text. I don't know. Or a picture or something.
Q. So just to make sure we understand the timeline then, you did that after your meeting with Mike Thomson?
A. Uh-huh.
Q. And then you -- did you go and get interviewed again in relationship to everything you had done with Bob?
A. Yes.
Q. And that was on the 26th of March?
A. Yes.
MS. SHEALY: Beg the court's indulgence just a moment.
THE COURT: All right.
Ms. Lee, I have no further questions. Please answer any that the defense may have.
THE WITNESS: All right.
MS. SHEALY: Thank you.
THE COURT: Cross-examination.
MR. LIZZI: May it please the court.

CROSS-EXAMINATION BY MR. LIZZI OF BRANDY LEE:

Q. Ms. Styles, when you were interviewed on the 26th had you hired a lawyer to represent you in this matter?
A. Yes.

Q. Who was that?
A. Frank Gipp (ph).
Q. Okay. When did you hire him?
A. I'm not quite sure what day.
Q. Well, that interview I think you said was on the 26th correct?
A. Uh-huh.
Q. Had you hired him prior to that?
A. He was there. Yes, sir.
Q. Okay. And do you think Bob shouldn't have hired a lawyer?
A. That is not for me to say.
Q. You and Bob, you testified, got into a relationship on Valentine's Day; correct?
A. Yes.
Q. And that is why we have the term Mr. Valentine?
A. Yes, sir.
Q. And you testified as to seeing him numerous times during that period of time?
A. Yes, sir.
Q. Were you seeing anybody else during that time?
A. No, sir.
Q. Were you seeing anybody else during the timeframe leading up to March 17th?
A. That night I did.

Q. Okay. How about prior to that night?
A. No, sir.
Q. Now you testified that you went to the VFW?
A. Uh-huh.
Q. And you rode with Denise?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes. I'm sorry.
Q. But then you testified that you drove away from the VFW?
A. She drove my car from the Mexican restaurant to the VFW because I was drunk. I had been drinking. Got to the VFW. Wasn't drinking as much. I sobered up some. So I left driving; the VFW, yes.
Q. So in that video you weren't -- you weren't drunk in that video?
A. I was probably tipsy, yes.
Q. And you got in your car and drove?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
Q. And who is Jairo, J-A-I-R-O?
A. A friend of mine from a long time ago.
Q. Okay. And were you seeing him that night?
A. No.
Q. Were you talking to him that night?

A. Probably.
(WHEREUPON, counselors confer.)
MS. SHEALY: Your Honor, may we approach for a moment?
THE COURT: Yes.
(WHEREUPON, bench conference 3/5/19, 10:05 a.m.)
THE COURT: You may continue, Mr. Lizzi.
Q. So on -- you testified that you had fallen hard for Bob?
A. I did. Yes, sir.
Q. And on the night of the 16th and the 17th Bob sent you those messages talking about coming up to see you?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
Q. Not once did you tell him not to come?
A. I didn't, no.
Q. Okay. And at the same time you were making plans with other men?
A. Probably. I was single going through a divorce, yeah.
Q. And you were married, correct?
A. Me?
Q. You were married at the time?
A. I was going through a divorce at the time. I was separated. Legally separated.
Q. Did you file for a divorce?
A. I did, and I got divorced. That year August it was

finalized.
Q. Had you filed at the time that this was -- you were seeing Bob?
A. It had been filed.
Q. You didn't get divorced until later that year?
A. Yeah. That is when my court date was.
Q. And you testified as to you were going to go see -- you went to the VFW to see a -- what was the guy's name?
A. Matthew Poteet.
Q. Matthew Poteet?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
Q. And you went out there to hang out with him, correct?
A. Yes.
Q. And after Bob left that night you met Mr. Poteet, correct?
A. Yes, I did.
Q. You spent the night with him?
A. Yes.
Q. And you were being intimate at that time also with -- and I -- J-A-I-R-O?
A. No, at that time -- at that time, no.
MS. SHEALY: I am going to object to the relevancy, Your Honor.

THE COURT: I am going to allow it right now on cross-examination.

Q. So you are doing this, and why don't you just tell Bob I'm sorry, you're married, we're done, don't come?

A. I did tell him that. Three weeks before I had called it off. Three weeks after we were seeing each other I had called it off.

Q. I am going to show you back here State's Exhibit Number 73 which is a skinny version of your messages with Bob that we have been talking about.

A. Uh-huh.

Q. And can you show me or tell me or read where you told Bob ---

A. No, I done it in person.

Q. Okay. There's messages here that you knew he was coming, correct?

A. Uh-huh. Yes.

Q. You have to say yes louder.

A. I said yes.

Q. And you didn't say don't come, Bob, I am meeting with somebody else; correct?

A. Correct.

Q. So you kind of wanted Bob to come up there to make him jealous, correct?

A. Not really, no.

Q. Well, why else ---
A. That was not my intention.
Q. --- would you know somebody is going to drive three hours up to see you and you don't tell them no if -- and when you know you are going to be out with somebody else ---
A. I didn't know I was going to be out with somebody else. I was there by myself.
Q. So how often were you talking with Jairo at the time?
A. I don't know. That was about seven years ago. I talked to a lot of people. It is not a crime to talk to somebody.
Q. Did you make plans to see him during that timeframe?
A. I don't recall.
Q. And you were talking to a guy named Davey?
A. I am sure. Like I say, I talk to a lot of people.
Q. And were any of them married?
A. Excuse me?
Q. Were any of them married?
A. Bob.
Q. So would you not expect that when Bob drives all the way up to Travelers Rest to the VFW for him to be a little bit upset?
A. Of course.
Q. You are over there with Matthew Poteet and being very friendly with him?
A. We were singing karaoke and shooting pool, Yes.

Q. And did you talk to Bob?
A. Uh-huh, I spoke with Bob. Briefly. I said hello.
Q. But you could have stopped Bob on the 16th, correct, just saying -- send him a text, say do not come; correct?
A. Correct.
Q. And on the 17th when he said where are you at, not tell him anything; correct?
A. Correct.
Q. You and Bob did some things up there. Y'all went and picked up his brother -- your brother?
A. Uh-huh, we did.
Q. Where did you pick him up from?
A. From the law enforcement center.
Q. Okay. And he met your family?
A. He met my dad. And my brother.
Q. How about who came down to Charleston?
A. My stepmother and my little sister and her boyfriend.
Q. And you knew he was married then, right?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
A. I was putting it together then.
Q. And you had texted him when he was home with his wife?
A. Uh-huh. Yes.
Q. And you knew he was?

A. (Nods head.)
THE COURT: Is that a yes?
Q. Correct?
A. Yes.
Q. And you have had other guys that bothered you before and you knew how to stop them from contacting you, right?
A. Yes.
Q. Blocked their numbers?
A. Yep.
Q. Took legal action?
A. Yep.
Q. Not Bob? Did you?
A. No.
Q. And you knew Bob fell for you, right?
A. I fell for him as well.
Q. And he told you he needed some time, a couple of months to sort through everything; is that correct?
A. Yep. Yes.
Q. He didn't tell you I need to Saturday; he said I need a couple of months?
A. Yes.
Q. And you continued to have contact?
A. He did too. It wasn't one-sided.
Q. Now you went and faked a pregnancy test, so you contact Bob for law enforcement?

A. I did.
Q. And when you did that did you have your lawyer then?
A. Uh-huh.
Q. So you had your lawyer pretty much right away?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
THE COURT: I need yes, please; yes or no.
THE WITNESS: Yes.
Q. Bob never told you to lie about anything, did he?
A. No, sir.
Q. Never told you to do anything ---
A. He said it would probably be best if we said we never had a relationship.
Q. Okay. Well, he was a married man; right?
A. Uh-huh.
Q. And his wife had left or disappeared. And you didn't want to see him no more, correct?
A. Correct.
Q. Now you said he wanted to come meet you at a gas station. Where was that gas station at?
A. Off of I-95 and 26 somewhere.
Q. Okay.
A. Two-and-a-half hours away from my house.
Q. And you had come down to Charleston before?

A. Well, my sister had to go to the doctor. Yes, sir.
Q. Okay. And it was a public gas station, correct?
A. (Nods head.)
THE COURT: Is that a yes?
THE WITNESS: Yes.
Q. Wasn't trying to meet you at some secluded place that nobody was there, did he?
A. No.
Q. When Bob and you discussed him being married -- and you told him you didn't want to see a married man, correct?
A. Uh-huh.
THE COURT: Yes or no?
THE WITNESS: Yes.
Q. But if he had left his wife did you tell him you were going to see him?
A. No.
Q. So you didn't tell him that I will come see you if your wife is not there?
A. No.
Q. Okay. So as far as you are concerned you are basically -- felt like Bob should know it is over?
A. Yes.
Q. So why did you think Bob would have such a concern about if you were pregnant?
A. It would be his child.

Q. Okay. Did it appear that he loved children?
A. He said he loved me.
Q. And you told him you loved him?
A. I did.
Q. And you were upset that he wouldn't talk to you anymore, weren't you?
A. No.
Q. You weren't?
A. Huh-uh.
Q. You weren't upset that he never contacted you again?
A. I was sad for the way things happened to us.
Q. When Bob came up there that night did he appear anything different than any other guy who got scorned by coming up and finding his girlfriend with seeing somebody else at a bar?
A. He was upset, yes.
Q. But he sat there and looked at you because you were playing pool, singing with some fellow?
A. Yes.
Q. Face to face?
A. Yes.
Q. Acting pretty much like he wasn't there?
A. Yes.
Q. A lot of that night you were pretty tipsy?
A. Uh-huh.
THE COURT: Is that a yes?

THE WITNESS: Yes.
Q. So you don't have the best memory of everything that happened in that bar?
A. No.
Q. And when he left the VFW, when he drove down through Travelers Rest, isn't that the way he has to go home?
A. Uh-huh. Yes.
Q. So the way he left was the way he had to go home?
A. Uh-huh.
Q. You have to say yes or no. I'm sorry.
A. Yes.
Q. And he called you to see basically wanting to know why, correct?
A. Correct.
Q. Why you wouldn't talk to him, why you were blowing him off; correct?
A. Correct.
Q. What did you tell him?
A. I don't recall.
Q. Isn't that a long way to make somebody to go to ---
A. I didn't make him do anything. I didn't make him do anything.
Q. But one message probably could have stopped it all, right?
And these statements, I don't want you to say what you

talked to your lawyer about. But you talked to your lawyer before you wrote all of these statements or gave these statements, correct?

A. No.

Q. No?

A. Huh-uh.

Q. You had a lawyer there, right?

A. Uh-huh.

THE COURT: Is that a yes?

THE WITNESS: Yes.

Q. You didn't talk to him?

A. For the last one, yes. But not the first ones, no.

Q. When Bob got there it looked like he drove the whole time?

A. Yes.

MR. LIZZI: One second, Your Honor.

THE COURT: Yes, sir.

(WHEREUPON, counselors confer.)

MS. SHEALY: May we approach, Your Honor?

THE COURT: Yes.

(WHEREUPON, bench conference 3/5/19, 10:46 a.m.)

THE COURT: Ladies and gentlemen, I am going to have to ask you to step to the jury room for just a minute. Do not discuss the case. I will get you back out here in just a second.

All right, Ms. Lee, same question. Did you comply with the Court's order concerning your testimony?

THE WITNESS: Yes, sir.

THE COURT: All right.

Anything from the State before I bring the jury back in?

MS. SHEALY: No, Your Honor.

THE COURT: Defense counsel?

MR. LIZZI: Nothing, Your Honor.

THE COURT: Bring me the jury, please, sir.

(WHEREUPON, jury enters 3/5/19, 10:50 a.m.)

THE BAILIFF: The jury is all present, Your Honor.

THE COURT: All right. Mr. Lizzi, you may continue, sir.

MR. LIZZI: May it please the court.

RESUME CROSS-EXAMINATION BY MR. LIZZI OF BRANDY LEE:

Q. Ma'am, back on the 17th of March of 2012 -- and I know it is a long time ago -- do you text your momma a lot?

A. Yes, sir.

Q. You and her talk a lot?

A. Yes, sir.

Q. And do you remember telling her that you probably would go out with Jairo that night?

A. Yes, sir.

Q. And had you talked to Jairo that day?

A. I don't recall.

Q. I am going to show you what is already an exhibit which

is State's Exhibit Number 71. And I am going to ask you to look on Page 9 of this document and Page 10 and count how many times you talked to Jairo on the 16th and the 17th that you called him.

THE COURT: What exhibit number is that again?

MR. LIZZI: It is Exhibit Number 71, Your Honor.

A. Two times on the 18th.

Q. And how about on the 17th?

A. One time.

Q. That was outgoing calls that you made to him?

A. I don't recall if it was outgoing or incoming.

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

THE WITNESS: I said I don't recall if it was outgoing or incoming.

Q. And then I am going to show you the incoming calls that day on the 17th ---

MS. SHEALY: I am going to again object to the relevancy, Your Honor.

Q. Show me how many incoming calls you had from him that day.

THE COURT: Hold on a minute.

THE COURT: I am going to allow it. But you need to wrap ---

A. Three.

THE COURT: You need to wrap it up.

A. Three.
THE COURT: Wrap it up.
Q. Three. Okay. When was the time of the last one on the 17th?
A. 11:24 p.m.
Q. 11:24 p.m.?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
A. I did not see him that day or go off with him that night.
Q. And this was after you had Bob already coming here?
A. Yeah, but like I said, I did not see him or go off with him. Talking to somebody doesn't mean anything.
MS. SHEALY: Nothing further.
THE COURT: Any redirect.
MS. SHEALY: Just briefly, Your Honor.
REDIRECT EXAMINATION BY MS. SHEALY OF BRANDY LEE:
Q. Mr. Lizzi asked you about y'all heading the same direction to leave the VFW?
A. Uh-huh.
Q. Will you describe to the jury, please, what you had to do to get away from his vehicle?
A. I had to do a U-turn and go the other way.
Q. And when Mr. Lizzy was asking you about Jairo on the 16th or the 17th of March, tell the jury please when did you break

it off with Bob.
A. It was like March the 6th or 7th, I think. When we ---
Q. Would you tell the jury what ---
A. --- met at Applebee's.
Q. I'm sorry?
A. When we met up at Applebee's.
Q. Okay. Would you tell the jury whether you had seen Bob since the date that you had broken up with him.
A. Um, I don't think so.
Q. I think you mentioned to us earlier you saw him when he left you a tip at a restaurant?
A. Yeah, he came into my work. Yeah. But I hadn't seen him outside of there, no.
Q. Had y'all slept together since March 6th?
A. No.
Q. And on the 16th when he is questioning -- when he sent you a text at 8:52, looking at State's Exhibit 73, what does Bob say at 8:52?
A. Been drinking out. Going back to tell all and figure out from there. I want nothing more than to be in your arms. Being away really hurts. Talk soon. Love you.
Q. Tell the jury what you said to him at 8:55.
A. Wow, I was just fixin to say, yeah, I know why. You are married. It is fucking complicated. I just put your CD in and I haven't listened to it since Charleston.

Q. Okay. So you mentioned the fact there that he was married?
A. Uh-huh.
Q. Then ---
THE COURT: Is that a yes? Is that a yes?
THE WITNESS: Yes.
Q. Then on Saturday, March 17, what do you say to Bob at 8:49?
A. (Pause.)
Q. Well, let me back you up. Saturday, March 17th at 2:45 what does Mr. Valentine say to you?
A. Let me know what you are going to do.
Q. And what do you tell him at three o'clock?
A. I'm -- I'm going to party.
Q. And when -- what does he ask you at 3:40?
A. Where.
Q. And what do you say?
A. I don't know, probably NC.
Q. Okay. At 8:49 -- excuse me, 3:49 in the afternoon on March 17th what do you say to Bob?
A. Sorry but ain't you in Charleston with your wifey?
Q. Okay. And then after the VFW would you tell the jury please -- and this is after he got stopped in Travelers Rest; is that correct?
A. Uh-huh.

Q. At 3:02 what does Mr. Valentine text you?
A. I am probably fucked and all I can think about is you. I drove four hours to see your smile and all I saw were stares and accusations. Is it so wrong to fall in love?
Q. And what do you say to him at 3:03?
A. You are married. Sorry, did I miss something?
Q. I have no further questions. Thank you.
THE COURT: Any recross?
RECROSS-EXAMINATION BY MR. LIZZI OF BRANDY LEE:
Q. You tell him all of that after he had driven all the way up there and find you with another man, correct?
A. He didn't find me with another man. I was there with a lot of people.
Q. And ---
A. A group of people actually.
Q. And he could be talking about y'all's relationship, correct?
A. Correct.
MR. LIZZI: Nothing further.
THE COURT: Ma'am, you may step down. Thank you.
THE WITNESS: Thank you.
MS. SHEALY: Your Honor, may she be excused from her subpoena?
THE COURT: Any objection?
MR. LIZZI: No objection.

THE COURT: Ms. Lee, you are excused from here. You have no further responsibility. Have a nice day.

THE WITNESS: Okay. Thank you.

THE COURT: Call your next witness, please.

MS. SHEALY: Denise Richardson.

(WHEREUPON, the witness was duly sworn, 3/5/19, 10:59 a.m.)

THE CLERK: For the record please state your full name spelling your last.

THE WITNESS: Okay. Theresa Denise Richardson. R-I-C-H-A-R-D-S-O-N.

DIRECT EXAMINATION BY MS. SHEALY OF TERESA DENISE RICHARDSON:

Q. Thank you, Ms. Richardson. Tell the jury, do you live in the Upstate?

A. I do.

Q. Okay. And what type of work do you do?

A. I work for a property management group.

Q. Okay. How long have you worked with them?

A. About a year and a half.

Q. Okay. Regarding the investigation of Bob McCaffrey did you give a statement in the case?

A. I did.

Q. And do you remember when you gave that statement?

A. March of 2012.

Q. Okay. I am asking you to focus then on March 17th of 2012, Saint Patrick's Day.

A. Okay.
Q. Could you please tell the jury what did you do that night.
A. We went to a local restaurant called El Rancho Grande.
Q. And when you say we, who are you talking about?
A. Allen and I.
Q. And Allen is your husband?
A. Yes.
Q. Okay. When you go to -- I never say it correctly. It is El Rancho, El Rancho?
A. Yeah. We call it the hole ---
Q. When you ---
A. --- but.
Q. When you got there did you meet someone?
A. Yes.
Q. Okay. And who was that?
A. Brandy.
Q. And did you know her prior to that night?
A. No.
Q. Did your husband?
A. Yes.
Q. Tell us a little bit about El -- at -- I am just going to call it the Mexican restaurant.
A. Okay.
Q. At the Mexican restaurant did you talk to Brandy and get

to know her?
A. Yeah, a little bit.
Q. Okay. And did she discuss her personal life at all with you?
A. Yeah, a little bit. Not much.
Q. Okay. Did she tell you about a man she had been dating?
A. Not then.
Q. Okay. That was later on in the evening?
A. That was later.
Q. Do y'all leave El Rancho at some point?
A. We did.
Q. And where did you go?
A. To the VFW.
Q. Do you remember how you got there?
A. Yeah, it is just -- it is just very close. I drove Brandy's car. Al drove our car over there.
Q. And Al took your car?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
Q. When you got there can you tell the jury please what did y'all start doing.
A. Just playful. Walked in. Brandy ordered us some drinks. And so we went and found a table in the back and we started playing some pool.

Q. Okay. And did the occasion come that you saw her telephone on the table -- did you go back to the table after you played a round of pool?
A. I did.
Q. Okay. Tell the jury if you would what was going on with her phone.
A. It kept going off. It kept lighting up, and it just kept ringing over and over and lighting up.
MS. SHEALY: Beg the court's indulgence just one moment.
THE COURT: Yes.
Q. So at some -- what was Brandy doing while you went back to the table?
A. Just playful.
Q. Okay. At some point did you see a message come in from a Mr. Valentine?
A. Not a message. I saw when her phone would light up it would say Mr. Valentine. That is how she had it plugged into her phone.
MS. SHEALY: Judge, let me check an exhibit number real quick. I beg the Court's indulgence.
(WHEREUPON, Ms. Shealy confers with court reporter.)
Q. I am showing you what has been previously admitted into evidence, State's Exhibit 119.
A. Uh-huh.
Q. Could you ---

THE COURT: Is that ---
A. Yes.
Q. Is that how it lit up?
A. Yes.
Q. Okay. May I hold that?
A. Uh-huh.
MS. SHEALY: May I publish it to the jury, Your Honor?
THE COURT: It is already admitted into evidence?
MS. SHEALY: It is.
THE COURT: All right. Yes, ma'am.
Q. When you saw this did you bring that to anybody's attention?
A. I did.
Q. Who did you bring it -- whose attention did you bring it to?
A. I told Brandy.
Q. Okay. And what did you do when that phone call came in?
A. I asked her if she wanted me to answer it. Because it just -- over and over and over again. And she said yes. And so ---
Q. And what did -- tell me what you said when you answered the phone.
A. I just said hello. And they said where are you. And I asked Brandy, I said he wants to know where we are so do you want me to tell him. And she said yes. And I said we are at

the VFW. I said where are you. He said Wal-Mart. He said I will be there in a few minutes.

Q. And did in fact someone come to the VFW?

A. He did.

Q. Seated in the courtroom is Robert McCaffrey. Is that who came into ---

A. Yes.

Q. --- the VFW?

A. Uh-huh.

Q. Now would you describe to the jury, please, when he came in how was he behaving; what was he doing?

A. He was -- when he first came in he just came in the entrance of the door and just kind of stood against the wall. Had his -- this very stiff kind of nervous behavior. Just stood there and didn't really move. But he kept watching Brandy the whole time. You know, he sought her out and kept his eyes on her the entire time he was there.

Q. Okay. And did you continue watching him?

A. Yes.

Q. Okay. As the evening progressed could you tell the jury whether at some point you noticed Brandy go outside the VFW?

A. I did. She received another phone call. And I let her know that. She said she needed to take it. And she went out.

Q. As she walked out could you tell us what if anything Mr. McCaffrey did?

A. He followed her.
Q. And how did you react to that?
A. I was upset just because of how he was watching her the whole night the time that he was there. And then I asked my husband to follow Brandy out to keep his eye on her too. Because I was -- I was nervous for her.
Q. Okay. Did Brandy stay outside or did she come back in?
A. She came back in. A few minutes later.
Q. And how did she appear when she came back in?
A. She was nervous when she came back in. She was hurried. And she went straight to the ladies room.
Q. Now tell us then from that point when Brandy came back in could you tell us what -- whether or not you were observing Mr. McCaffrey's behavior?
A. I was.
Q. And what was he doing?
A. Still watching her. He went to the bar while she was in the ladies room. And when she came out he went back and leaned against the wall.
Q. What was Brandy doing once she came out of the restroom?
A. She came back to the pool tables, back to where we were. And she was playing pool, talking to her friends. She had several friends there.
Q. Once Mr. McCaffrey was at the VFW did Brandy ever tell you who he was?

A. She told me -- all she said was that is the guy I was telling you about that she had been seeing a little bit.
Q. Now as the evening progressed was there -- the VFW closed?
A. It did.
Q. Did you leave before or after it closed?
A. Right about the time it closed.
Q. And at any point did you say anything to Mr. McCaffrey?
A. I did. Before -- before it closed I did.
Q. What did you say?
A. My remark to him was, oh, you are the guy that is married with two children.
Q. And what did -- why did you say that to him?
A. I said that to him hoping to embarrass him enough to make him leave. But he didn't. He just kind of scooted back. By that time he had gotten closer and closer to our table. And after I said that to him then he moved back down the wall closer to the door.
Q. Okay. And was that the last time that you saw him and Brandy that evening?
A. Right. It was.
Q. What was it about his behavior that was bothersome to you?
A. It was bothersome to me because of Brandy and how she was nervous for him to be there. But just the fact that he didn't

come and interact with anybody, he just stood against the wall and kept watching her the entire time, did not take his eyes off of her at all. Until he came a little closer. But he was still glued to her. And then when he went back down the wall he just never took his eyes off of her. And that is just unusual behavior as far as I was concerned.

Q. Thank you. Answer any questions the defense may have.

A. Okay.

Q. Thank you.

THE COURT: Cross-examination.

MR. LIZZI: May it please the court.

THE COURT: Yes.

CROSS-EXAMINATION BY MR. LIZZI OF TERESA DENISE RICHARDSON:

Q. Ms. Richardson, that was the first night you met Brandy, right?

A. Yes.

Q. Okay. And you didn't know very much about her?

A. No.

Q. But when y'all went from the first place to the second place she was fairly tipsy?

A. I did not let her drive her car. But just for her safety. I didn't know her well enough to know if she was drunk and tipsy.

Q. You didn't let her drive a car, did you?

A. No.

Q. But you did let her drive the car when she left?
A. No.
Q. She didn't leave in her car?
A. No. There was a friend there she -- that she also knew. My husband and I made sure that he was going to take her to where ever she needed to go, if that was with him or home or where ever. But we made sure. And so he did.
Q. So you are saying that she left there with somebody else driving?
A. She did.
Q. And Matt, the guy named Matt?
A. Yes.
Q. She went up there to meet him, correct?
A. To the VFW?
Q. Yes.
A. No.
Q. Or he came there later?
A. No, he -- he was with -- he was already there when we all arrived. But he was also at the restaurant as well.
Q. Okay. And she was flirting?
A. I don't know that for sure. They were friends.
Q. She was singing karaoke with him?
A. Yes.
Q. Playing pool with him?
A. With all of us. My husband included. She was singing

with him as well.
Q. Did she leave with Matt?
A. To my knowledge she did.
Q. And you don't -- she didn't tell you that she didn't tell Bob to come there that night, did she?
A. Can you repeat that?
Q. She didn't tell you -- how did you think Bob came there that night?
A. He drove ---
Q. Okay.
A. --- from Wal-Mart.
Q. And when you asked her if she could tell Bob where you were, she told you okay?
A. Yes.
Q. Okay.
A. Yes.
Q. So it wasn't like she didn't want Bob to come there?
MS. SHEALY: Objection to the form of the question. She can testify ---
THE COURT: Objection sustained.
Q. Okay. She didn't tell you not to tell Bob?
A. No.
Q. Okay. And you don't know why Bob was bothered, did you?
A. No.
Q. Now if somebody had driven -- he lived in Charleston;

that is what you understood, right?
A. I didn't know that then.
Q. Okay. You know that now?
A. Yes.
Q. And he had driven all the way from Charleston?
A. I don't know.
Q. Would you be upset with somebody if you drove three hours and they hung out with ---
MS. SHEALY: Objection.
THE COURT: Let him finish the question first, please.
MS. SHEALY: I'm sorry.
THE COURT: Finish your question, please.
Q. Would you be upset if you drove three hours to see somebody and they ignored you?
THE COURT: Hold on. Do you have an objection?
MS. SHEALY: Relevancy.
THE COURT: I will allow it. Overruled. Go ahead.
A. More than likely.
Q. So you don't know all of the dynamics that were going on between Bob and Brandy that night, do you?
A. No.
Q. So you don't really know why Bob was perturbed, do you?
A. No.
Q. Bob didn't threaten her, correct?
A. Not verbally.

Q. He didn't make a scene?
A. No.
Q. He went outside and there was no scene outside; and she came back in, correct?
A. I don't know what happened outside.
Q. She never asked him to leave that you knew of, did she?
A. Not that I know of.
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Any redirect?
MS. SHEALY: No, Your Honor.
THE COURT: Thank you.
Ma'am, you may step down. Thank you.
THE WITNESS: Okay.
MS. SHEALY: And may she too be excused from her subpoena?
THE COURT: Any objection?
MR. LIZZI: No objection.
THE COURT: Ma'am, you are excused from your subpoenae. You have no further responsibility here. You are free to go. Have a nice day.
THE WITNESS: Thank you so much.
THE COURT: Call your next witness, please.
MS. SHEALY: Tim Kelley, Captain Tim Kelly.
(WHEREUPON, the witness was duly sworn.)
THE CLERK: And for the record please state your full

name spelling your last.

THE WITNESS: Timothy James Kelley. K-E-L-L-E-Y.

DIRECT EXAMINATION BY MS. SHEALY OF TIMOTHY KELLEY:

Q. Captain Kelley, would you please tell the jury where you are employed.

A. Travelers Rest Police Department.

Q. How long have you been with Travelers Rest?

A. Approximately 16 years.

Q. And can you give us the size of the Travelers Rest Police Department?

A. The city is about 5,000. The Department we have about 16 officers.

Q. In what capacity are you working there now?

A. I am a captain.

Q. Okay. Would you describe to the jury what a dash cam is.

A. A dash cam is an in-car video camera that records the officer's traffic stops or other incidents they we go out on.

Q. And when an officer comes back after their shift what do they do with their dash cam recordings?

A. They burn a copy of it and place it in the -- property in evidence.

Q. Do you in the course of your regularly conducted activity answer requests for dash cam videos?

A. Yes, all the time.

Q. And this is a regular practice you said for you?

A. Yes.
Q. Pursuant to our request did you get the recording from March 18th, 2012, a stop that occurred at 2:15 a.m.?
A. Yes.
Q. And was that a speeding violation on Robert McCaffrey?
A. Yes.
Q. And the Ticket Number 95841FS?
A. Yes.
Q. Would you tell the jury whether what I am handing to you is the original recording.
A. Yes, it is.
MS. SHEALY: Your Honor, at this time we would offer into evidence State's Exhibit 75.
THE COURT: Mr. Lizzi?
MR. LIZZI: Without objection, Your Honor. Your Honor, as I understand is that the redact- ---
MS. SHEALY: Do you want to -- do you want to ---
THE COURT: Hold on. Can y'all approach?
(WHEREUPON, bench conference 3/5/19, 11:18 a.m.)
MS. SHEALY: So no objection?
MR. LIZZI: Objection subject to redaction, Your Honor.
THE COURT: All right.
(WHEREUPON, State's Exhibit Number 75 was admitted into evidence.)
Q. Captain Kelly, Thank you very much. Thanks for driving

down here from Travelers Rest.

A. Thank you.

Q. Answer any questions the defense may have.

THE COURT: Cross-examination.

MR. LIZZI: None, Your Honor.

THE COURT: Sir, you may step down. Thank you.

THE WITNESS: Thank you.

MS. SHEALY: Your Honor, the next witness would be Madeline Page. And I think we have a motion that we need to deal with.

THE COURT: All right. Ladies and gentlemen, I am going to have to ask you to step to the jury room for just a minute. Do not discuss the case. I will get you back out here as quickly as possible.

(WHEREUPON, bench conference 3/5/19, 11:19 a.m.)

MS. SHEALY: Your Honor, for the record, what we did was there is conversation on the dash cam between the officer and his ride along that involved I think hearsay. So we have muted that part. And this is the redacted version.

THE COURT: All right. Do you need to see it, Mr. Lizzi, or hear it -- see it?

MR. LIZZI: Yes, Your Honor.

THE COURT: All right. Play the redacted version, please.

(WHEREUPON, publish portion of redacted version of exhibit.)

(WHEREUPON, Ms. Shealy leaves courtroom.)
(WHEREUPON, Ms. Shealy returns.)
THE COURT: All right. Anything else before I bring the jury back in?
MS. SHEALY: No, Your Honor, but may I go ahead and just put this into evidence at this point?
THE COURT: Yes.
MS. SHEALY: 75B.
THE COURT: Without objection so admitted.
(WHEREUPON, State's Exhibit 75B was admitted into evidence.)
THE COURT: Bring the jury, please, sir.
(WHEREUPON, jury enters 3/5/19, 11:29 a.m.)
THE BAILIFF: The jury is all present, Your Honor.
THE COURT: Very well. The State is recognized. Call your next witness, please.
MS. SHEALY: Thank you.
Madeline Page.
(WHEREUPON, the witness was duly sworn.)
THE CLERK: For the record please state your full name spelling your last.
THE WITNESS: My name is Madeline Nicole Page. M-A-D-E-L-I-N-E. Last name P-A-G-E.
DIRECT EXAMINATION BY MS. SHEALY OF MADELINE PAGE:
Q. Ms. Page, would you please tell the jury what area of the state do you live in.

A. I live in Taylors in Green- -- near Greenville, South Carolina.
Q. Okay. And back in March of 2012 where were you in school?
A. I was going to Greenville Technical College.
Q. Studying what?
A. Criminal justice.
Q. And as part of your program did you participate in a ride-along program?
A. Well, it was not a program. But I did ride along with different police departments.
Q. I think I misphrased that. So as a part of your program did you participate in some ride-alongs?
A. That was on a personal level. You had the choice to do it or not. But it helps you to determine if that is something you want to do in your professional life.
Q. Okay. And tell the jury what is meant by a ride-along.
A. A ride-along basically is you spend a certain amount of time to full 12-hour shift with an officer. You never get out of the car. You just observe how they do things. And it gives you a good idea if that is something you want to do later on.
Q. Okay. On March 17th of 2012 leading into the early morning hours of the 18th were you on a ride-along with Patrick Lavery?

A. Yes.
Q. Okay. And have you previously given a statement in this case?
A. Yes.
Q. Okay. And was that in March of 2012?
A. Yes, ma'am. On the 28th I believe.
Q. The 28th?
A. Uh-huh.
Q. Okay. So tell us at 2:15 on March 18th were you riding along when there was a stop of a vehicle?
A. Yes, ma'am.
Q. And do you remember what road you and Mr. Lavery were on when the stop was initiated?
A. I believe it is the Highway 25, the main road that goes through Travelers Rest.
Q. Okay. And what drew y'all's attention?
A. A vehicle speeding.
Q. Okay. Did Officer Lavery in fact stop the vehicle?
A. Yes, ma'am.
Q. Okay. And what did he have to do in order to stop it?
A. We had to turn around and speed up quite a good bit to be able to get to his vehicle.
Q. Okay. Have you had an opportunity to look at the dashcam from the stop of that vehicle that evening?
A. Yes, ma'am.

Q. And again that was March 18th at 2:15 a.m.; is that correct?
A. Yes, ma'am.
MS. SHEALY: Your Honor, at this time I would request being able to play State's Exhibit 75B which is already in evidence.
THE COURT: All right. Go ahead.
(WHEREUPON, publish State's Exhibit 75B.)
(WHEREUPON, pause publication.)
MS. SHEALY: Your Honor, with permission we will scoot ahead while there is no sound.
MR. LIZZI: No objection.
THE COURT: All right. Go ahead.
(WHEREUPON, resume publication.)
(WHEREUPON, end of publication.)
Q. Thank you, Ms. Page. I have no further questions. Please answer any if the defense has.
THE COURT: Cross-examination.
MR. LIZZI: No questions.
THE COURT: Ma'am, you may step down. Thank you.
MS. SHEALY: Your Honor, may we approach for a moment?
THE COURT: Yes.
(WHEREUPON, bench conference 3/5/19, 11:40 a.m.)
THE COURT: Ladies and gentlemen, what we are going to go at this point I am going to let you go ahead and go to lunch.

THE COURT: All right. Bring me the jury, please.
(WHEREUPON, break awaiting jury.)
(WHEREUPON, jury enters 1:19 p.m.)
THE BAILIFF: All jurors are present, Your Honor.
THE COURT: Very well. Mr. Foreman and ladies and gentlemen of the jury, I hope you all had a nice lunch and are ready to proceed here this afternoon.
At this time I am going to ask Mr. Perkins if you would stand to be sworn, please, sir.
THE WITNESS: Yes, sir.
(WHEREUPON, the witness was duly sworn.)
THE CLERK: For the record please state your full name, spelling your last.
THE WITNESS: James Perkins. P-E-R-K-I-N-S.

DIRECT EXAMINATION BY MS. SHEALY OF JAMES PERKINS:

Q. Mr. Perkins, would you please tell the jury where do you now live and where do you now work.
A. I am living in Charlotte, North Carolina. I am in sales.
Q. Okay. And previously you worked for Charleston County Sheriff's Office?
A. Yes, ma'am.
Q. In what capacity were you working there in 2012?
A. As a detective.
Q. And how long had you been with the County?
A. It was over 17 years.

Q. Seventeen years. If you would please could you tell us how you initially got involved in the investigation of the disappearance of Gayle McCaffrey.
A. I was on call and I received a call, a callout, that a complainant had made a complaint about a missing person being his wife.
Q. Okay. And what did you do as a result of getting that call?
A. I went to the address.
Q. Okay. And that was on Limestone ---
A. correct.
Q. --- Boulevard? And tell us what happened once you got there.
A. When I got there I met with the complainant which is the husband. And I greeted him. Told him who I was. And asked him if I could come in. And he said, no, not without a warrant.
Q. Okay. So what did you do at that point?
A. I asked him; I said, well, I need to speak with you, do you mind coming to the Sheriff's Office with me since you won't allow me to come inside of your house?
Q. Now first of all who made the complaint?
A. He did. The complainant. The husband.
Q. And could you tell the jury whether or not in your 17 years of experience with the County was that the typical

response of someone reporting a family member missing?
A. No, it isn't.
Q. At that point did you take Mr. McCaffrey to the Sheriff's Office?
A. I did.
Q. And when you transported him tell the jury whether you did or did not put him in handcuffs?
A. When I transported him because of the policy at the Department what I did I had a vehicle without a cage in it. So when we transport them we transport them in the passenger seat.

So I patted him down to make sure he didn't have any weapons to hurt me or himself. Handcuffed him. Put his hands behind his back and put him in the passenger seat. And then I transported him to the Charleston County Sheriff's Office.
Q. Prior to your going to the Sheriff's Office did you receive something from Chris Davis, the first patrol officer who reported?
A. I did.
Q. And what was that?
A. It was a note.
Q. Okay. And showing you what has been previously marked as State's Exhibit 63, could you tell the jury whether that is the note you received from Chris Davis?
A. It is

Q. Okay. Where did you take it?
A. I took it to -- put that in evidence. Gave it to forensic for them to place that in evidence.
Q. So let me back you up just a little bit. When you say you put it in forensics is that a department at the Sheriff's Office?
A. Yes. Yes, it is.
Q. Describe to the jury what the forensics unit does.
A. They pretty much collect any and all evidence, whether it be paper, chemical, biological, any kind of evidence that we deal with anything that could be evidential they collect it and they secure it for us.
Q. Now you told us that you were taking Mr. McCaffrey down to the Sheriff's Office. Is it customary in a missing person's case to interview family members?
A. Yes, it is.
Q. Tell the jury if you would what happened once you go to the Sheriff's Office.
A. When I got into the Sheriff's Office of course I took the handcuffs off because he was not in custody.
Q. Mr. Perkins, I'm going to need to ask you ---
A. You need me to speak up?
Q. Yes, can you speak up just a little bit?
A. I can. I apologize.
Q. No, it is not you. I am afraid it is me.

A. Okay. When I got to the Sheriff's Office I took the handcuffs off of him of course. He was seated. I asked him if he needed anything. At that time he said he did not. I then notified another deputy to assist me and I read him his Miranda warnings.
Q. Okay.
MR. LIZZI: Just note my previous objection.
THE COURT: So noted for the record. But the Court's rulings remain the same.
MS. SHEALY: And, Your Honor, this is State's Exhibit 107.
THE COURT: Okay.
Q. Mr. Perkins, if you would please, you have indicated that you read Mr. McCaffrey his Miranda warnings. The document that is on 107 is that a standard form you use?
A. Yes, it is.
Q. Okay. And would you please indicate to the jury by reading what you read to Mr. McCaffrey?
A. Okay. I had already -- read it myself -- I know I met him at the house. But I read it to him. Do you want me to read it?
Q. Yes.
A. Okay. Deputy Brinson and Detective Perkins have advised me that I am a member of the Charleston County Sheriff's Office and have further advised me -- and then I said, number

one, that I have the right to remain silent and do not have to answer any questions or give a statement and this fact cannot be used against me.

And after I asked him that, I asked him do you understand. And in order for me to go any further you have got to verbally acknowledge that you understand what I am saying to you. And after you acknowledge that you have to also put your initials on it.

And then I go and I say -- I'm sorry, then I go to the next one that if I -- that if -- that if I answer a question or give a statement anything I say can and will be used against you in a court of law.

And then the third, that you have the right to consult with a lawyer of your choice and answer questions or give a statement and also have him present while you are being questioned.

Then that if you wish to talk to or have them present and are unable to afford to hire a lawyer one will be appointed to represent you free of charge. And then if you decide to answer questions or give a statement without having a lawyer present and representing you, you have the right during the interview to stop answering questions and remain silent.

Q. Okay. After you have gone through each of those numbered statements you have indicated you have him initial ---

A. Correct

Q. --- by each of those? And then what -- do you gain his signature after that?
A. I do.
Q. And what is the language above his signature?
A. I fully understand each of these rights that have been explained to me. And he signed it.
Q. And the witnesses were whom?
A. Myself and Deputy Brinson.
Q. Then the next entry on your form says waiver of rights?
A. Correct.
Q. Could you read please to the jury what you advised him?
A. I fully understand these rights which have been explained to me and having these in mind I would like to waive these rights and answer questions. No threats, forced promises of any kind have been made to me by anyone to induce or cause me to waive these rights or answer any questions.
Q. And is there a signature line under that?
A. There is.
Q. And did Mr. McCaffrey indeed sign it?
A. He did.
Q. And the witnesses to the waiver of rights were who?
A. Myself and Deputy Brinson.
Q. Okay. Now you have told us you took him to an interview room. Can you describe the interview room to us?
A. The interview room is -- this room has -- it has a table

that you can write on along with three chairs. So four grown adults could stand in there. So it's -- I don't know what the ---

Q. Okay. That is fine. Now tell the jury if you would regarding that interview room whether there is something inside of the interview room that can cause difficulty in hearing what people are saying.

A. Yes, we had an air conditioning system that was somewhat loud.

Q. Okay. Now let me ask you if you are investigating a missing person why is it that you feel like you have to read the Miranda warnings to someone?

A. Because at this -- at this point we didn't -- we was unsure of what we had.

Q. Okay. So what time did you start interviewing Mr. McCaffrey?

A. About 9:09 p.m.

Q. And again, you said Lisa Branham was with you at that point?

A. Yes, ma'am.

Q. Now as you start interviewing him what else is going on regarding this investigation as you are talking to him?

A. Other detectives are coming to the Sheriff's Office to assist me with the missing person report that is being filed as trying to collect evidence or information. I have got

other detectives coming as well.
Q. Okay. Now showing you what has been marked previously as State's Exhibit 115. Do you recognize that as being the recording of Mr. McCaffrey?
A. Yes, ma'am.
Q. And tell the jury did other investigators come in and speak to him during this process as well?
A. Yes.
Q. And have you had the opportunity to look again at the statement since you have gotten back in town?
A. Yes, ma'am.
Q. You have told us about the difficulty in being able to hear. I am going to ask Mr. Cooper to play the beginning from that recording.
A. Okay.
Q. And the jury will get an opportunity to get a look at the room and also hear what you are talking about.
(WHEREUPON, start to publish video 3/5/19, 1:29 p.m.)
(WHEREUPON, stop publication 3/5/19, 1:29 p.m.)
MS. SHEALY: Your Honor, I'm sorry, at this point we would move in 115 I believe without any further objection.
THE COURT: Subject to previous objections so noted for the record. The court's rulings remain the same.
MS. SHEALY: Thank you.
(WHEREUPON, State's Exhibit Number 115 admitted into

evidence.)
(WHEREUPON, publish portion of State's Exhibit 115.)
Q. Tell us if you would when you complete an interview with someone do you make -- start working on your incident report and your report of the case?
A. Yes.
Q. Okay. And in doing that do you describe details of what Mr. McCaffrey said?
A. Yes.
Q. Now you have told us that other detectives were showing up at the time that you began interviewing him; is that correct?
A. Yes, ma'am.
Q. And at some point was a search warrant done for Mr. McCaffrey's house?
A. um
Q. Why was that necessary?
A. He -- when I approached and greeted him after making a complaint his response to me was I cannot come into the house unless I had a warrant. When he was the one that made the complaint ---
Q. Okay.
A. --- of his missing wife.
Q. So you asked other officers to gain a search warrant -- to get a search warrant?

A. Yes, ma'am.
Q. Or did you participate in that as well?
A. I did -- I did as well.
Q. Give the jury just a brief idea of what the process of getting a search warrant involves.
A. In order to get a warrant you have to first have probable cause. You have to type up a warrant. And then you have to take it to a magistrate's judge. The magistrate's judge reviews the warrant and then signs it. And then that gives you the authority to implement the search.
Q. And you told us a few minutes ago about the forensic unit at the Sheriff's Office. Do they then go and conduct the search?
A. Yes, ma'am.
Q. So if we could can we go over what Mr. McCaffrey told you. Would you advise the jury what did he say about how his house had been recently?
A. I'm sorry, could you ...?
Q. What did he -- well, just tell us what he told you when you were interviewing him. Did he indicate whether or not his family life had been calm or had been stressful?
A. He indicated it had been stressful. He and his wife were having marital problems. Indicated that he had been married 14 years and they had a boy and a girl. They had two kids. And they had -- also had some financial problems.

Q. Did he tell you anything about his employment?
A. He said that he had been odd end jobs that he used to work for. Government -- more contract type work. But lately he had been out of work.
Q. Okay. Now was that of any interest to you, his employment status?
A. Yes.
Q. Okay. And why was that interesting to you?
A. Because he had indicated they had -- potentially that he had -- he had indicated that he had saved approximately $110,000.
Q. What if anything did -- did he indicate to you where he had that $110,000?
A. He said he had it upstairs above the garage in a bedroom.
Q. Okay. And did he indicate to you whether it was in the bedroom or in another area within the bedroom?
A. He indicated -- he initially indicated that it was in the bedroom. But then as we continued to talk he indicated it in different locations within the bedroom but it was the bedroom of their daughter. So it was like a makeshift bedroom. It wasn't -- it was a like a room that they had made into a bedroom.
Q. Like a room over a garage?
A. Correct.
Q. Okay. And would you tell the jury whether he indicated

his wife knew he had $110,000?
A. He states that his wife did not.
Q. So having seen his house could you describe to the jury how lavish or -- how did the house appear?
A. It didn't -- it wasn't lavish at all. It was modest. It was modest.
Q. Now what did he indicate to you that he and his family had done the night before?
A. He had indicated that he along with his wife and an uncle had just had dinner and that after dinner that his kids had went to bed.
Q. And did he indicate to you what he did after dinner?
A. Yes.
Q. What did he tell you?
A. He indicated that he had went to the upstate because he needed to get some fresh air, he needed some time to think about things after having a little spat with his wife.
Q. Okay. Did he tell you anything about a girl?
A. Yes, he did.
Q. Okay. And what did he tell you was his reason to go to Travelers Rest?
A. He said he went up there to see what is deemed as a paramour by the name of Brandy.
Q. He said what? I'm sorry?
A. Went up there to see Brandy.

Q. Okay. Did he indicate to you what he was trying to figure out when he saw Brandy?
A. He indicated something to the effect of if it was worth it or not, if it was -- if it was going to be or if it wasn't. Something to that effect.
Q. If it was going to be or it wasn't?
A. Something to that effect.
Q. Okay. Where did he tell you that he hung out when he got up there?
A. The VFW.
Q. And how did he describe Brandy's behavior?
A. He said that she blew him off.
Q. Okay. Where did he indicate to you -- indicate to you that he went after the VFW?
A. He indicated after that he came home.
Q. Okay. Well, did he indicate to you whether he got stopped on the way home?
A. Yes, he said he was pulled over in the Travelers Rest area while on the way home.
Q. When he told you that he and his wife were having some difficulties did he indicate to you whether Gayle wanted to stay in the marriage or didn't want to stay in the marriage?
A. He did. He indicated that she always wanted to stay in the marriage and kept -- every time he would say that he didn't want to be in the marriage she would always somewhat

beg him to stay in it.
Q. Okay. And did he tell you what time he got home that morning of March 18th?
A. Yes, ma'am, he said 6:30 in the morning.
Q. and what did he tell you about Gayle when he got home?
A. When he got home he indicated that the house was -- that Gayle was not there, her vehicle was there, the keys to the vehicle, and the cell phone was there and the kids were there, but she was not.
Q. Did he indicate whether when he walked in and she wasn't there did he call the police at that point?
A. He did not.
Q. And what did he tell you that he later found?
A. After walking into the house he didn't say anything about finding anything other than the kids. And then hours later he indicated that he found a letter on the printer inside of the house.
Q. Do you remember how he referred to that?
A. He said he found the frickin letter on the frickin printer.
Q. Okay. And how did he say he reacted?
A. He said when he read the letter that he laid on the couch and cried.
Q. Did you ask him why he waited so long to call?
A. I did.

Q. And what did he say?
A. He said that he wanted to speak with his father.
Q. And what did he tell you his father said?
A. His father said contact an attorney, first.
Q. And that is what -- his initial phone call to his father?
A. Yes.
Q. What does his father do?
A. He father is a retired detective.
Q. As an investigator and a detective how did you react to his telling you that?
A. Well, I indicated to him I said well I am a cop and if I came home and my wife was missing the first thing I would have done was dial 911.
Q. Okay. Now did you inquire of Mr. McCaffrey whether he called any of Gayle's friends?
A. I did. And he said he did not.
Q. Okay. Did he say anything further; did he indicate whether he knew her friends?
A. He did not. I had to question him. And when I asked him I said did you know friends. He said I knew of them, I knew about the, from church and things of that nature.
Q. But he called no one?
A. No one.
Q. No friends?
A. No one.

Q. Okay. Now when you were talking to him about the safe that is mentioned in the note could you tell the jury if you would how did he describe the safe.
A. He said the safe was -- it was not extremely large but large enough to be -- to weigh from anywhere from two to three hundred pounds.
Q. Anywhere between three hundred to two hundred pounds?
A. Two to three hundred pounds, correct.
Q. And you told us that he indicated it was in the room in the attic area?
A. Correct.
MS. SHEALY: Your Honor, at this time I would offer State's Exhibit 31 without objection.
MR. LIZZI: No objection.
THE COURT: Thirty-one admitted without objection.
(WHEREUPON, State's Exhibit Number 31 was admitted into evidence.)
Q. Mr. Perkins, did you some time later go into the McCaffrey house?
A. I did.
Q. Okay. And could you tell us whether this is the staircase to that bedroom that you were talking about, State's 31?
A. Yes, ma'am.
Q. We are going to pull it up on the monitor. When you saw

the house did the staircase appear that way?
A. Yes.
Q. And is that the only entrance to that bedroom?
A. Yes.
Q. And so he said that his wife must have taken the ---
A. The safe.
Q. --- safe down this staircase?
A. Yes.
Q. Did he indicate to you whether he thought she would be able to carry it by herself?
A. I asked him that. And I said: Weighing that much could she carry it by herself?
And he said: I don't know; it said in the note some guy named Nikki.
Q. Okay. In the note it was Nikki?
A. (Nods.)
Q. And did you ask him if he had ever heard of a Nikki?
A. I did.
Q. And what did he say?
A. He said he did not.
Q. He said what?
A. He did not.
Q. Okay. Now do you ask Mr. McCaffrey to write a written statement?
A. I do.

MS. SHEALY: Your Honor, as I understand it, without any further objection I would offer State's Exhibit 108, the written statement.

(WHEREUPON, State's Exhibit Number 108 admitted into evidence.)

THE COURT: Can y'all approach a minute?

(WHEREUPON, bench conference 3/5/19, 1:42 p.m.)

Q. I am showing you State's 108. Could you read to the jury -- well, first of all let me ask you something. When you asked Mr. McCaffrey to write the statement did you indicate whether you wanted details in it?

A. Yes.

Q. And what was Mr. McCaffrey's response to that? If you remember.

A. I remember him being very -- I had indicated that I wanted you to give me a statement with any and everything that you can give us to help us find your missing wife, okay. And he was very nonchalant, to say the least, about it.

Q. Okay. Did he indicate whether he wanted to give details?

A. He did not.

Q. If you would please read Mr. McCaffrey's statement.

A. After dinner my wife and I had a small argument. At about 8:00 p.m. I went for a walk in the neighborhood. I came back to the house around 9:30, took a shower. I then stuck my head into our bedroom and my wife did not say anything to me

so I got dressed and went out again.

I arrived in Travelers Rest about 1:30 a.m. to talk to Brandy Lee. We did not talk. I left about 2:00 a.m. for Charleston -- or C-A-S is the abbreviation.

About -- about 2:15 I was pulled in town for speeding. After being issued a citation I returned home and found my wife gone. The kids were asleep. Still I looked around for my wife and signs. My wife and signs other -- oh, other -- oh, of her. I'm sorry. I then laid down for an hour or so until the kids got up.

Q. So he indicated that we got home at 6:30 ---

A. Yes.

Q. --- his wife was nowhere, his kids were home alone, ---

A. Yes.

Q. --- and he laid down for an hour?

A. Yes.

Q. What -- continue with the statement. Did you ask a question of him at that point?

A. I did.

Q. And what your question and what was his answer?

A. I said what time did you arrive home?

6:30 a.m.

Q. If you would continue, ---

A. What time did ---

Q. --- yeah.

A. What time did you notify law-enforcement officers?
I'm not sure. 4:00, 5:00. And then he put a question mark.
Did anything seem out of place in the house?
No, not at first.
Did you notice later -- what did you notice later?
The rings, phone on my -- on my counter.
Anything else you noticed?
No.
Do you have anything else -- did you have anything to do with her being missing?
No.
Q. Okay. Now did you then leave the interview room?
A. I did.
Q. Okay. And could you tell the jury then what detective came in after that.
A. Detective Brinson.
Q. Okay. And that is Sheri Brinson?
A. It is.
Q. Back in 2012 was she Cherry -- Sheri Church?
A. Correct.
Q. When you walk out you walk out to do what?
A. I walk out to secure a search warrant.
Q. And at this point what is going on at the Sheriff's Office?

A. Detective Brinson is still speaking with Mr. McCaffrey.
Q. Were you expecting another detective to come?
A. I was.
Q. And who was that?
A. That was Detective Colson.
Q. Now tell the jury if you will when you are working a missing person's case how valuable is that first 24 hours?
A. It is extremely valuable. Because we have someone we don't know where she is. The complainant is not giving us a lot of information, so we are trying to get any and all information that we can to locate her.

I mean the kids are asleep. She is gone. I mean we don't know where she had -- even the complainant is saying that he came home and she is gone. So we had pretty much any and everybody out.

Q. Okay. You told us that when he mentioned that he had a girlfriend in Travelers Rest he gave you her name?
A. Yes.
Q. And you told us that he mentioned in his written statement and I think in his interview as well that he got stopped in Travelers Rest?
A. Correct.
Q. So what did you do as a result of getting the name Brandy Lee?
A. Well, we did a -- we searched -- we did a search engine

on it using law enforcement resources. And we was able to locate a Brandy Lee meeting that description. He gave us the age. He gave her -- gave us her contact information as well where we was able to contact her.

Q. Okay. And but you didn't contact her -- did you contact her that night?

A. I did not.

Q. Okay. What about the speeding ticket did you have to figure out whether or not that was true as well?

A. I did.

Q. Now you have told us that y'all were working on the search warrant for the house?

A. Correct.

Q. And when someone goes missing does that get communicated to other agencies as well?

A. It does. It does.

Q. And in fact did that get done that evening?

A. It did.

Q. In that you did not have the names of her friends or coworkers what were you interested in trying to find out?

A. Siblings, family members, friends, or coworkers; anything that could help us come to some resolve as it relates to the missing person.

Q. Were y'all interested in talking to him?

A. Yes.

Q. And while you walk out and Detective Brinson comes in and then later Detective Colson, ultimately when the whole interview was done did y'all let Mr. McCaffrey go?
A. Yes.
Q. Now what about what he had told you and what he had told Mr. Colson and what he had told Sergeant Brinson led you to believe things needed to be investigated? What needed to be investigated?
A. He had indicated that -- one of the things that really stood out was initially when he said that she was missing and I said well where is she. And he said I don't know, she could be next-door. And I said did you go next-door? And he said, no.

To me being a husband that sends off a red flag.

Q. Okay. Well, let's take a look at that letter for a second. In looking at the letter the letter was typed to say -- could you read it right here starting with the word Nikki.
A. Nikki is going home in a couple of days and asked me to go with him.
Q. Okay. So nothing in here says I have left with Nikki; is that right?
A. (Shakes head.)

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

MS. SHEALY: Oh, I'm sorry.

Q. Is that correct?

A. That is correct.
THE WITNESS: I'm sorry.
Q. So when you saw the letter and you asked Mr. McCaffrey what efforts he has made to find his wife he said none?
A. None. That is exactly what he said.
Q. Now what was your understanding about who he had called in the family to let her know -- let them know she went missing?
A. He notified the aunt that was at least two to two-and-a-half hours away.
Q. Did he call her sisters who live in the same town?
A. He did not.
Q. And when I say the same town I mean Charleston.
A. Correct.
Q. What were you interested in looking into regarding a safe?
A. If there was a safe, if anyone knew of a safe, either the family members or whatever.
Q. Okay. And then regarding the name Nikki what were you interested in finding out about Nikki?
A. Who is this Nikki, where is this Nikki, is there a Nikki, what's the circumstances surrounding it.
Q. Okay. And if there was a Nikki did you want to find him?
A. I did.
Q. And regarding locating Brandy did you want her

interviewed?
A. I did.
Q. Okay. So describing the course of the investigation did you enlist the assistance of Greenville County?
A. We did.
Q. And what did you ask Greenville County to do for you?
A. Go locate Brandy and speak with her, interview her, get as much detail as you could as far as what transpired.
Q. Okay. And did they in fact do that for you?
A. They did.
Q. Do you recall how many different times Brandy was interviewed?
A. In total three.
Q. And regarding an extraction from a phone ---
A. Yes.
Q. --- was that gained from Brandy?
A. Yes. We -- we did that twice.
Q. Did ---
A. We call ---
Q. --- she make you ---
A. --- it dumping a phone.
Q. Oh, I'm sorry. Finish your sentence. I didn't -- I interrupted you.
A. We call it dumping a phone when you collect information from a phone.

Q. Did she require y'all to do an affidavit, go to a judge, ---
A. No.
Q. --- and send someone?
A. She did not. She was -- she said, yeah, go ahead.
Q. And regarding her vehicle that she showed up with at an interview was that searched by ---
A. Yes.
Q. And that was by someone from Greenville and your office?
A. Correct.
Q. Did she make you get a search warrant for that?
A. No, she didn't.
Q. When talking to Brandy when Mike Thompson interviewed her did the name Theresa Richardson come up?
A. It did.
Q. Okay. And was that someone y'all needed to track down?
A. It was.
Q. And did y'all in fact find her?
A. We did.
Q. Okay. Now tell the jury if you would where was Gayle employed.
A. She was employed at the Citadel.
Q. And you have told us that you are interested in seeing if there was -- if there really even was a Nikki; is that right?
A. That is correct.

Q. Could you tell the jury whether or not you spoke with her colleagues at the Citadel?
A. We did.
Q. And did any of them indicate whether there was a Nikki that they knew about at all?
MR. LIZZI: Your Honor, eliciting that is hearsay.
MR. LIZZI: Well, this is part of his investigation. I am not asking him specifically what they said but did it lead to ---
THE COURT: Can y'all approach?
(WHEREUPON, bench conference 3/5/19, 1:54 p.m.)
Q. Mr. Perkins, did you interview people at the Citadel?
A. We did.
Q. And after interviewing them did you have any lead on Nikki?
A. We did not.
Q. Also from the Citadel where there items of Gayle that you actually took from the Citadel?
A. We did.
Q. And what was the reason -- what did you take, first of all?
A. We took the computer, pretty much all of her personal items that were there. And it was a -- I think it was a laptop -- and I am not sure if it was a laptop. And a computer from the Citadel.

Q. Okay. Tell the jury why were you interested in looking at her computer?
A. We wanted to check any and all emails, any and all transactions, any -- everything that she had done up until the point that she went missing to attempt to locate her.
Q. Okay. And did that include an investigation into whether there was a Nikki that she had corresponded with?
A. Correct.
Q. Did you find any lead on a Nikki?
A. We did not.
Q. And you have told us about a search of the Limestone house. Were there additional search warrants to go back and find stuff there?
A. Yes.
Q. Were there a number of telephones taken from the home?
A. Yes.
Q. And were there telephones taken from Mr. McCaffrey's vehicle?
A. Yes.
Q. Now in addition to phone dumps and examinations of computers and talking with people what else did y'all do to look for Gayle?
A. We notified any and all agencies, be it statewide, neighboring agencies, let all of them know that we had a missing person. We also spoke with family members.

Q. And any success at all in locating her?
A. No.
Q. Were there also searches to see if her body had been discovered?
A. It was.
Q. And did members of the public and coworkers participate in that?
A. They did.
Q. Did Bob McCaffrey?
A. No, he didn't.
Q. Do you remember how many searches y'all engaged in?
A. Forty-two.
Q. That includes search warrants as well?
A. Correct.
Q. Now was there anything about Mr. McCaffrey's finances that you were interested in?
A. Yes.
Q. Why were you interested in his finances?
A. Because he had indicated that he had saved money after working off-end jobs and it was -- in the letter it had indicated and he also had indicated it was over $100,000. Approximately $110,000.
Q. So you wanted to take a look at what his finances were really like?
A. Yes.

Q. Who did you task with that; did you ask another detective to handle that?
A. I did.
Q. Who did you ask?
A. Detective Colson.
Q. Detective Colson. And you have told us that he said he had odd jobs and was laid off some. Who did he indicate would help them when they were in financial distress?
A. He indicated that one of her aunts and uncles would -- were assisting when they had financial reasons.
Q. Now when you have a missing person's case is there a way you monitor whether or not they have opened a bank account somewhere, gotten a credit card somewhere, etc., since the date they were missing?
A. Yes.
Q. Describe to the jury how you make that effort.
A. From that night she was flagged. So if she had opened any account, if she had applied for any jobs, if they did any kind of background check or anything we would have been notified.

If she had opened -- if she had even opened a water count or any kind of bill; cell phone, anything of that nature where it included her social security or anything of that nature we would have been notified.

Q. Okay. And to this day has there been any evidence that

she has opened an account anywhere, gotten a water account anywhere?
A. No.
Q. Now during the course of this investigation did you maintain contact with her family?
A. I did.
Q. And at some point do you as it relates to the letter do you retain the services of a linguist, an expert in use of language?
A. Yes, ma'am, Dr. Leonard.
Q. And where is he from?
A. He is out of New York.
Q. Regarding getting his services were there things that he wanted from y'all?
A. He indicated that in order to determine if the letter was authored by Gayle he needed to see writings or typings or the manner in which she articulates herself. so we did that.
Q. Okay. And when you said you did that, how did you try to find examples of her writings -- did you need writings from Bob as well?
A. We did.
Q. Okay. And so did that involve more search warrants?
A. It did.
Q. Who all did you reach out to in an effort to get the writings?

A. We have some from the job. We got some from family members. We got some from search warrants from the house. Cards, letters, things of that nature.
Q. Okay. And were you aware where -- excuse me, were you aware where the oldest child M.M. went to school?
A. No.
Q. You don't remember where she went to school?
A. I don't.
Q. Okay. The actions that you are telling us about, did that continue into 2013 ---
A. Yes.
Q. --- and into 2014?
A. It did.
Q. And did anyone report to you that they had seen her or heard from her?
A. No.
Q. When did you arrest Mr. McCaffrey on the obstruction charge? A. That was in 2014.
Q. Okay. And can you tell us why you arrested him at that point?
A. The purpose of that arrest was we utilize so many resources to look for the missing person and he -- he gave us information that lead us in a direction to where it hindered us from being able to locate her quickly. More so we were pretty much chasing our tail and was going in opposite

directions, if that makes sense.
Q. Okay. And regarding the document that he provided was there considerable effort on part of the police to examine this and determine whether it was actually written by Gayle or written by someone else?
A. Correct.
Q. Regarding the safe that weighed somewhere between 200 and 300 pounds panels did you believe that Mr. McCaffrey was telling the truth about that?
A. I did not.
Q. And of the fact that he said that living in a modest home, not fully employed, that he had saved $110,000 ---
A. Yes, ma'am.
Q. --- did you believe that he had told you truthfully about that?
A. No.
Q. What about the Nikki that is mentioned in the letter; on Gayle's phones on Gayle's computers, Gayle's friends, Gayle's colleagues, did anyone know Nikki?
A. No one knew of a Nikki.
Q. What about the fact that he got home at 6:30 and called the police at 5:15, did that factor into your opinion?
A. It did. That was -- that was very unique. That is not -- I don't think -- I know in all of my missing person's reports I have never had a time lapse of that magnitude of

reporting a missing person, more or less a spouse.

MS. SHEALY: I beg the court's indulgence just a moment.

THE COURT: Yes, ma'am.

(WHEREUPON, confer with co-counsel.)

Q. Mr. Perkins.

A. Yes.

Q. I am so used to calling you Detective Perkins. But Mr. Perkins, answer any questions the defense may have.

A. Yes, ma'am.

Q. Thank you.

THE COURT: Cross-examination.

MR. LIZZI: May it please the court.

CROSS-EXAMINATION BY MR. LIZZI OF JAMES PERKINS:

Q. Mr. Perkins, when you got to the house that night ---

A. Yes.

Q. --- your officers had already been there, correct?

A. An officer had been there.

Q. Okay. But that is from your same department, correct?

A. Yes. He is a deputy.

Q. Okay. And he had already gone in the house, correct?

A. I didn't know if he was going in the house.

Q. You didn't talk to him?

A. I did.

Q. Okay. He didn't tell you he had gone in the house?

A. I wanted to go in the house. I was doing the

investigation.
Q. Okay. But you came and at that time you come to the house after the officer is at the house and you kind of represent a deeper investigation, don't you; you are a detective?
A. Detectives we investigate. A deputy -- I am not demeaning them, but they are not -- they don't deal with missing person's cases at the level or in the manner in which investigators or detectives do. So I wanted to go inside and speak with them.
Q. And detectives investigate crimes, correct?
A. We investigate everything.
Q. Okay. But for most people they have a right at that point knowing that they just talked to an officer and the officer called out a detective they have absolute right to say, no, I would rather you get a search warrant; correct?
A. Yes, definitely you are correct.
Q. Okay. And that is not all that unusual for somebody to get -- have you get a search warrant, is it?
A. A missing person for me it is, yes.
Q. For you it is?
A. Well, for the -- I don't know anybody in my department that has ---
Q. Okay.
A. --- had a missing person's report and they requested

someone do a search warrant.
Q. But if the officer had gone in the house wouldn't appear that he was just trying to keep somebody out of the house, right?
A. I can't speak for him.
Q. And was there anybody else at the house at that time?
A. His -- his kids. His kids were there.
Q. And anybody else?
A. An aunt.
Q. Okay. And they are all there when you got there?
A. I didn't see them. I didn't -- I did not see them.
Q. But they were in -- at the house?
A. From what I was advised, yes.
Q. Okay. And who advised you of that?
A. Mr. McCaffrey.
Q. Okay. And now what was the officer's name that came there first?
A. Chris. I am having a hard time with his last name.
Q. Well, did he meet you there?
A. Yes.
Q. So he was at the house. Where was he at? In the house?
A. No, he was not.
Q. Okay. But he was still there?
A. Yes.
Q. He hadn't left?

A. Yes. He was on the property, but he wasn't at -- like in the house. Like the roadway. He wasn't -- do you understand what I am saying? He wasn't at like inside the house or anything. I didn't .....

Q. And did you secure the house right then and there; did you put up tape or secure the house and let nobody come in and out?

A. Oh, no, sir. No, sir. I -- when he advised that he wanted -- I wanted to come and he wasn't letting anybody come in without a warrant, what I -- I asked him if he would come with me to the Sheriff's Office.

Q. And he did?

A. Yes, he did.

Q. In fact, he went to the Sheriff's Office and he sat in an interview room and spoke to you from 9:09 p.m. until after 3:00 a.m.; is that correct?

A. That is incorrect. He did not speak to me.

Q. Speak to one of you -- your officers?

A. He spoke with someone, yes.

Q. Okay. And you did the tag team thing where one officer would come in and then another officer would talk to him and then you would leave the room and leave him by himself and then another officer would come in; one would talk to him friendly, one would just go back over statements; but how many different officers came in there and talked to him that night?

A. Including myself approximately at least three.
Q. Okay. And how many times did you go in there?
A. Go inside the room to speak with him?
Q. How many times did you interview him?
A. I would say twice.
Q. And you made a comment about his statements in there and what you categorized them as, okay, that is your opinion; correct?
A. What are you ...?
Q. When you said that you felt he was not -- he was not coming -- forthcoming -- it is all on tape, right; it is all -- what you said was your opinion as to that, correct?
A. According to my investigation ---
Q. No, according to your opinion. Because it is going to be on videotape and that is just your opinion, correct?
A. Okay, I mean if that is what you think ---
Q. The video speaks ---
A. That is my -- that is my expertise, sir. I have been doing it for 17 years.
Q. Video speaks for itself, correct?
A. Yes, sir. When you do something 17 years it is more than an opinion.
Q. The video speaks for itself? In fact, there were no other persons that you ever investigated in this case except my client; you never looked at any other persons or

possibilities in this case; is that correct?
A. We looked for Nikki.
Q. In the writings at her work and in -- at the house, correct, and you spoke to a couple of people?
A. We spoke to numerous people.
Q. Did you take fingerprints in the house?
A. I don't do that. That is for the forensics.
Q. Okay. But so we are clear, you were the lead detective on this case; correct?
A. Yes.
Q. Okay. The lead detective actually controls the investigation; is that correct?
A. That is not correct. We facilitate the investigation and don't lead. We don't -- we don't -- I can't tell people what to do. I have got people that I report to as well.
Q. But you instruct them what you want them?
A. But they do -- I am -- I was a detective. The forensics supervisor was a sergeant.
Q. But this is your investigation?
A. He's a sergeant.
Q. Okay, but you should know what happened in that house if you are investigating this crime, correct? You had access to all the records, access to all the materials, you brought the actual warrant for the arrest; correct?
A. Yes. For the arrest.

Q. So wouldn't you review all of these documents and review all the things that happened during this time so you knew what evidence was present when you brought a warrant for somebody to be arrested?
A. Yes.
Q. Okay. So I will ask you again. Besides fingerprinting the letter was anything else in that house fingerprinted?
A. I am not sure what was or what was not fingerprinted.
Q. How are you going to rule somebody out if you don't know if there's any other fingerprints in the house? Wouldn't you know as the lead detective if they found somebody else's fingerprints in that house?
A. If they would get the fingerprints then they would -- to run the prints, yes.
Q. But to rule people out it would have really helped to have fingerprints taken to make sure nobody else went into that house besides people that were know to the family; ---
A. Correct.
Q. --- is that correct?
A. That is correct.
Q. Okay. And the pictures that were taken, they came in and did the search warrant and moved things around; correct? When they came in they came in and did the search warrant and moved things and went and moved things around in the house; is that correct?

A. Are you asking me do they move things around when they do the search warrant?
Q. Did they in this case?
A. Not when that picture was taken they did not.
Q. Okay. That picture was taken before the house was touched?
A. Yes. We take pictures before -- before the search is done pictures are taken before any and all searches are done.
Q. So the safe. He told you the safe was in an attic door, correct?
A. Yeah, he said it was like a makeshift bedroom for his daughter.
Q. And there was little attic doors that were off to the side, small attic doors. And he said it was a safe that was stored in the attic, correct?
A. Like Smurf doors.
Q. Right
A. It was like a Smurf door. Correct.
Q. Small doors. And Mr. McCaffrey told you on most weeks he was gone four to five days each week, correct?
A. He said he was gone a lot.
Q. Okay.
A. He indicated that.
Q. So you don't know yourself if there was a safe or not, do you?

A. No, I do not know if there was a safe.
Q. Okay. And you do not know yourself if there was a safe if it could have been taken out of there at an earlier time, could have been a week before, could have been four days before; it could have been moved out of that -- out of that house, do you?
A. I'm sorry, I am not following you.
Q. You don't know if there was a safe if somebody could have taken it out when Mr. McCaffrey wasn't home; we don't know from the letter, we don't know from any of the evidence if there was a safe that it couldn't have been taken out on a different time?
A. I think Mr. McCaffrey would know.
Q. Well, Mr. McCaffrey is not there every day, is he?
A. Well, he was -- he was there the night -- the night in question.
Q. Okay. He told you it was a hidden safe from his wife, correct?
A. He indicated that ---
Q. Okay.
A. --- his wife didn't know about the safe.
Q. All right. So do you think that he would have gone up there every day and checked the missing -- the hidden safe?
A. If I had $110,000 I think if I traveled a lot I would check to make sure that my $110,000 was up there, pretty

consistently.
Q. And you -- he is 40 years old. He has worked on different jobs; he has worked as a contractor; and he has worked on people's houses. He has got paid money under the table you found out, correct?
A. That is correct.
Q. Okay. So you don't know for certain if there was money up there like he said that they kept for a nest egg; he told you that he had saved it because he had no retirement and no nest egg; correct?
A. Yes, sir, he indicated.
Q. And he told you that he hoped at some point to surprise his wife so she could open up a business that she wanted when they retired; is that correct?
A. That is correct.
Q. The evidence that you arrested him on in 2014, all of these statements were given to you in 2012, March of 2012; correct?
A. That is correct.
Q. Nothing was new in 2014?
A. No, sir, nothing was new.
Q. Okay. He told you he had -- he went to see a girlfriend, correct?
A. Correct.
Q. Told you he went to the VFW?

A. Correct.
Q. Told you he was in Travelers Rest? Told you he was in -- got a ticket in ---
A. Is that a question?
Q. --- Travelers Rest?
A. Yes.
Q. Okay. You tracked his phone, and the tracking of his phone coordinated with the times of him going up there, correct?
A. That is correct.
Q. And as well as coming back, correct?
A. That is correct.
Q. So he pretty much gave you the statements regarding what happened that night and all of those statements were given two years before you bring the charges against him?
A. Correct.
Q. Well, if you thought he was obstructing justice and it was impeding your investigation why wouldn't it be brought in 2012 or '13?
A. The investigation was an investigation that was still going. We were still trying to ascertain if there was or was not any -- we are still trying to ascertain where -- the whereabouts of Gayle. If Gayle was missing or if she was really running away with a Nikki.
So the investigation was continuing. And we was making

sure that we crossed every "T", dotted every "I" to make sure that we get everything that we needed to.

And we also attempted numerous times to get the complainant, the defendant, to come in and speak with us to assist us in that.

Q. But you had pretty much made clear from 2012 that you made him a person of interest and you were only targeting him; ---

A. No.

Q. --- is that not correct?

A. That is not correct, sir.

Q. Isn't a common misconception that you are supposed to wait 24 hours before you report a missing person; don't you hear that when you have been inves- -- when you have been investigating before the public's conception of it?

A. No.

Q. You have never had a person tell you that?

A. Not tell ---

Q. That they thought ---

A. Not tell ---

Q. --- they were suppose to wait ---

A. Not tell me ---

THE COURT: Hold on a minute. Hold on a minute. I don't need both of you talking at the same time, okay?

THE WITNESS: Yes, sir.

THE COURT: Mr. Lizzi, let him finish his answer.
MR. LIZZI: Okay.
THE COURT: Mr. Perkins, let him finish his question, okay?
THE WITNESS: Yes, sir.
THE COURT: Mr. Lizzi, you may continue?
Q. You have never had a person investigating a missing person's report tell you that they thought they were suppose to wait 24 hours?
A. Not personally tell me, no.
Q. Now you talked about this letter. And I just want to clear something up. Because it was my understanding when you were asked about the letter that Ms. McCaffrey didn't say that she was leaving; is that correct?
A. Do you mean by ...?
Q. By her letter.
A. Do you mean just moments ago?
Q. No, under direct testimony.
A. Moments ago?
Q. Yes.
A. Okay.
Q. Okay. So I want you to read this is State's Exhibit, ---
(WHEREUPON, confirmed with court reporter the exhibit number.)
Q. --- State's Exhibit Number 63. Showing to the witness at this point. And asking you to read right this portion with

Nikki and the next sentence.
A. Nikki is going home for a couple of days and he asked me to go with him. I am going. I am going to be happy.
Q. Okay. So she does say she is leaving?
A. I'm sorry?
Q. She does say she -- the letter does say she is leaving? This letter says -- says that she's leaving?
A. You can take it that way.
Q. Yeah.
A. I am going -- you can take it as I am leaving.
Q. Okay. Nikki is going in a couple of days and I am going. Sounds like she is leaving. Does that not to you?
A. (No answer by witness.)
Q. When y'all investigated the house and did the search warrant there was no sign of foul play whatsoever, correct?
A. No. No signs of foul play.
Q. You did a full investigation looking -- you took segments out of the bed, correct?
A. From what I was advised, from the forensics, yes.
Q. And you did all the things normal looking for any traces of blood or any type of -- any type of foul play, correct?
A. Correct.
Q. Did you see any signs of foul play?
A. No, sir.
Q. You took his vehicle in and searched his vehicle?

A. Yes, sir.
Q. And there was no signs of foul play in his vehicle or any kind of traces of anything unusual in his vehicle, correct?
A. That is correct.
Q. Now there was one thing in one of the vehicles, there was a couple of droplets of blood; correct?
A. That is correct.
Q. And when that was brought up Mr. McCaffrey came right down to the police station and executed the consent for a search and gave a DNA sample for himself as well as his daughter who had nose bleeds; is that correct?
A. That is correct.
Q. So he did cooperate after that initial night, he came down and gave you his DNA and gave you a search warrant for his daughter's DNA, correct?
A. That is correct.
Q. And it turned out to be the daughter's blood, correct?
A. That is correct.
Q. We talked about this interview room. The interview room has a small table and three chairs and a place for him to sit, correct? Was there two chairs for y'all and one for him?
A. That's three.
Q. Okay. And then you said it is big enough for four people to stand. It is not a very big room, is it?
A. It is not extremely big.

Q. And it had an air conditioner that was making a lot of noise?
A. It was.
Q. Okay.
A. Extremely loud.
Q. And he sat in there for all that time and cooperated, never asked to leave; correct?
A. He never asked me to leave, no.
Q. He told you he wanted and he hoped that his wife came back, correct?
A. He did indicate that.
Q. Now how long did you investigate missing persons as a detective?
A. We investigate pretty much anything. I can't -- I couldn't give you a time frame. But it has been a long -- I have investigated numerous missing persons.
Q. And has -- to your knowledge has there not been cases where persons who have been missing for an extended period of time and show back up?
A. Nothing that I have investigated, no, sir.
Q. Okay.
A. I think that longest -- to be clear, the longest I think I have ever had a missing person was about four days.
Q. Now but you are aware because y'all go to training and things like that, correct, when you were at the Sheriff's

Department?
A. When I was at the Sheriff's Office. Yes.
Q. And you are aware through your training that there's been cases where people have shown up after an extended period of time?
A. Yes.
Q. And that they have even changed identities and you are trained to try to look for that, correct?
A. Not changed identities. Maybe changed their hair.
Q. Okay.
A. Maybe dyed their hair. But not like ....
Q. He talked to his father and then you talked to Gayle's aunt, correct?
A. Yes.
Q. Okay. And that was the aunt that him and Gayle were close to because Gayle had actually lived with that aunt before, correct?
A. Yes.
Q. And he had her come down to help with the kids?
A. Correct.
Q. And by the time that y'all got involved they had notified the rest of the family, had they not? Before y'all got involved Mr. McCaffrey himself or through his -- the aunt had notified the family about her being ---
A. The aunt notified ---

Q. Yeah.
A. --- people. Mr. McCaffrey from my knowledge did not.
Q. But that was her ---
A. The aunt.
Q. --- family?
A. Correct.
Q. It was the aunt's family?
A. That is correct.
Q. Okay. Did you do anything to investigate the reports that you received that she may have been interested in another man?
A. Yes.
Q. Who did you interview?
A. We interviewed -- we went to -- to church. We interviewed people from the church. Interviewed people from her job. Spoke with family members. Any and all friends. Like I indicated earlier.
Q. And did any of that pan out?
A. It did not.
MR. LIZZI: Beg the court's indulgence.
THE COURT: Yes, sir.
MR. LIZZI: Nothing further.
THE COURT: Redirect.
MS. SHEALY: Yes, Your Honor.

REDIRECT EXAMINATION BY MS. SHEALY OF JAMES PERKINS:

Q. Okay. Let's clear a couple of things up. Regarding Mr. McCaffrey consenting to his buccal swab being taken, can you tell the jury whether there was a search warrant done for his buccal swab?
A. It was.
Q. Do you need to take a look at the search warrant?
(WHEREUPON, document provided to witness.)
Q. Is that a search warrant for his buccal swab?
A. It is.
Q. And would that have been somebody from the forensic unit that would have taken the swabbing?
A. Yes.
Q. They swabbed the cheek for the DNA?
A. That is correct.
Q. Do you recall that it was actually he consented for his child's DNA, not for himself?
A. Correct.
Q. And what did he tell you about whether anyone else knew about that safe?
A. Indicated no one knew about the safe.
Q. So when this letter reads when language about a safe that he says he is the only one who knew anything about it, you didn't think Gayle McCaffrey had been abducted, right?
A. No.
Q. And just to clarify something, this letter is a good-bye

letter; I think Mr. Lizzi misunderstood my questions. He is -- she is saying at the end, according to Mr. McCaffrey, tell the kids I love them and I will miss them; right?

A. That is right.

MR. LIZZI: Objection, Your Honor.

THE COURT: Grounds for the objection?

MR. LIZZI: Mischaracterizing. Said according to Mrs. McCaffrey. This -- the letter speaks for itself. She is indicated he authored it.

THE COURT: Sustained as to that ground.

Q. Who gave you -- who gave y'all the letter?

A. Mr. McCaffrey.

Q. Read the letter to us again if you would, Mr. Perkins.

A. Nikki is going -- that part or all of it?

Q. All of it.

A. Okay. Dear Bob, it is St. Patrick's Day and you are on your way out somewhere ignoring me again. You are right again, we are through. When you get back I will not be here. I found your safe. WTF, we live like -- like this and you have a hundred and ten thousand- -- ten thousand dollars in cash and coins ---

Q. Let me interrupt for a second. During your interview with Mr. McCaffrey was he using what we would call cuss words, profanity?

A. He was.

Q. Okay. Continue.
A. ... ten thousand in cash and coins and all that -- and all of the old money. I know why you'd never say anything to Nikki. I knew why you never say any -- this is ---
Q. Just read it the way it is written.
A. Okay.
Q. Read it the way it is written.
A. I know why you'd never say anything to Nikki. You -- you have known and what just waiting for someone to come along so I -- so you could leave us.

Oh, wait, you have now met someone. I hope you are happy. Nikki is going home in a couple of days and asked me to go with him. I am going. I am going to be happy.

M.M. told me that she wanted to go to be -- or go when I first asked if we were getting a divorce. I cannot do -- I cannot be a better -- you cannot be a better dad to the kids. Love you so much more than they love me. It hurts so bad. And before you hurt all of us I am making it easy for you. I am starting over again while how someone that worships me and care so deeply for me.

I will always love you and the kids and cherish the moments we had. I do not want to end up like my mom or sisters in loveness -- in loveless marriages and bitter, always trying and never really being happy.

I have tried to settle a few things with you. But since

you have only really helped me, you can see what it takes to keep a family together by yourself or with whatever ugly redneck bitch you want now.

If you were going to stay I would have forgotten about Nikki, but I can see you have -- you have no desire to stay and I am done suffering and trying and praying. I know this is not all your fault. But, like you said, I am done. You can -- you can tell everyone whatever you want. So I am sure you will.

If you look for me and find me because -- if you look for me and find me because I will sure will try. I will use guns. I will use the gun that was in the safe on you.

Tell the kids I love them and I wish them -- and I will miss them. Gayle.

Q. And you've advised us that as a part of your investigation - and Mr. Lizzi just asked you this - you talked to people from her church?

A. Yes.

Q. Did you learn whether or not she was active in a church?

A. Very active.

Q. You talked to people from her work?

A. Yes.

Q. Did anything that you learned throughout your investigation about the way that Gayle McCaffrey chose to live her life give you reason to believe that she left?

A. No.

MS. SHEALY: I have nothing further.

THE COURT: Any recross?

MR. LIZZI: Just briefly, Your Honor.

RECROSS-EXAMINATION BY MR. LIZZI OF JAMES PERKINS:

Q. Detective Perkins, I am going to let you ---

A. Mr. Perkins.

Q. Mr. Perkins. Sorry. I am going to show you a copy of your report written on 6/19/2014. And I want to -- so to refresh your memory if you can read that first paragraph in your report.

A. On March 29th, 2012, Chris Lizzi and advised him that I would conduct a buccal swab on both Bob McCaffrey and his daughter M.M. [redacted] to compare it to the evidence that will -- that would be collected. Bob agreed to sign a consent search waiver to allow us to do so on M.M. [redacted]. Investigator Kjellman collected a buccal swab on Bob and secured it and tested it at the South Carolina Law Enforcement Division also known as SLED.

So the consent was given as it relates to the daughter. But his we got his via a search warrant.

Q. But you never asked for to get the consent on Mr. McCaffrey before you got the search warrant, did you?

A. We -- did you say that we couldn't -- he had counsel. We couldn't.

Q. You never asked his attorney?
A. My captain did.
Q. You don't -- you just gave an opinion. And you said from your investigation and your opinion as to what happened with -- as to Ms. McCaffrey. You don't know of your own knowledge what happened with Ms. McCaffrey, do you?
A. I do not.
Q. Okay. And you never really looked anywhere else except Mr. McCaffrey?
A. That is -- we looked everywhere, sir.
MR. LIZZI: Nothing further.
THE COURT: All right. All right. Ladies and gentlemen, we are going to take a break right now. I am going to let you step to the jury room. Do not discuss the case at all. I will get you back out here in just a minute. Okay.
(WHEREUPON, jury exits 3/5/19, 2:39 p.m.)
THE COURT: Mr. Perkins, you can step down now.
THE WITNESS: Okay. Thank you, Judge.
(WHEREUPON, break 3/5/19, 2:40 p.m.)
(WHEREUPON, resume 3/5/19, 2:52 p.m.)
THE COURT: All right. Anything from the State before I bring the jury back in?
MS. SHEALY: No, Your Honor. I will advise you with our next witness I am going to play a part of his statement when the air conditioner was turned off.

THE COURT: Okay. And subject to prior objections.

Bring me the jury, please, ma'am.

(WHEREUPON, jury enters 3/5/19, 2:56 p.m.)

THE BAILIFF: The jury is all here, Your Honor.

THE COURT: Madam Solicitor, call your next witness, please.

MS. SHEALY: Thank you, Your Honor.

Rob Colson.

THE COURT: As he is coming in can the lawyers approach a minute, please?

(WHEREUPON, bench conference 3/5/19, 2:56 p.m.)

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name spelling your last.

THE WITNESS: It is Robert Colson. C-O-L-S-O-N.

DIRECT EXAMINATION BY MS. SHEALY OF ROBERT COLSON:

Q. Detective Colson, would you please tell the jury where you are currently employed.

A. For the Charleston County Sheriff's Office.

Q. And back in March of 2012 you were working there in what capacity?

A. I was a detective for the Sheriff's Office.

Q. Okay. Were you called out to the Sheriff's Department in the late night hours of March 18th spilling into the early morning hours of the 19th?

A. I was.
Q. And what was your understanding of why you were being called in?
A. Detective Perkins was calling me out to assist in a missing person case that had came on that night.
Q. Okay. Did you -- in what way did you participate once you got there?
A. Once I got there I talked to Detective Perkins and he kind of asked me to help him out and do some interviews. And so I just wanted to help interview Mr. McCaffrey.
Q. Was there someone already in the interview room with Mr. McCaffrey when you came in?
A. Yes, both Detective Brinson and Perkins had already interviewed him for a while, had been in and out of the room with him.
Q. Okay. And when you walked into the room could you -- do you remember whether or not Mr. McCaffrey was complaining about his -- the temperature in the room?
A. Yeah, after I came in and I sat down he said his back was sore and he was cold.
Q. What did you do as a result of that?
A. I had already shut off the air conditioner and it kind of warmed it up a little bit.
Q. Okay. And prior to your going in there had you been advised that he had already gotten his Miranda warnings?

A. Yes, that is correct.
Q. Was that interview taped?
A. Yes.
Q. And have you had the opportunity recently to review the interview?
A. I have.
MS. SHEALY: Your Honor, at this time we would request to play Mr. -- Detective Colson's interview of Bob McCaffrey.
THE COURT: Subject to defendant's prior objection. The court's ruling will remain the same.
MR. LIZZI: Yes, Your Honor.
MS. SHEALY: And, Your Honor, this is a bit lengthy. Do you mind if I sit while we are listening to it?
THE COURT: That is fine.
MS. SHEALY: Thank you.
THE COURT: Make sure the volume is appropriate, please.
MR. COOPER: Yes, sir. Sorry about that.
(WHEREUPON, publish portion of interview, Plaintiff Exhibit Number 115.)
(WHEREUPON, stop publication.)
Q. Mr. Colson -- I'm sorry, Detective Colson, after you walked out did this Detective Perkins come back in after that?
A. I believe I came back in.
Q. You came back in as well?
A. The second time, yes.

Q. Okay. Is that with ---
A. Just me, I think. And then after that Detective Perkins came in.
Q. After --
MS. SHEALY: Beg the court's indulgence for just a second.
THE COURT: All right.
(WHEREUPON, confer with co-counsel.)
MS. SHEALY: Okay. I'm sorry, I stopped it prematurely. We will finish with that.
(WHEREUPON, resume publication of video.)
(WHEREUPON, stop publication.)
Q. Detective Colson, we will stop it there now that that air conditioner is back on. What was your understanding of what Gayle McCaffrey's education was?
A. She had a master's.
Q. Okay. And you had the opportunity to look at the letter?
A. I did.
Q. Did anything jump out to you about the letter, knowing her education background?
MR. LIZZI: Objection, Your Honor.
THE COURT: Overruled.
A. Just the way it was written. Spaces, margins. Just the way it was put together. It didn't seem like anybody with being that type education would have written anything quite

like that.
Q. Okay. And the fact that that letter is typewritten was that of interest to you?
A. Yeah, we kind of ask like why didn't somebody just text or email. Even though it has been a while ---
Q. I'm sorry, I -- I couldn't ---
A. Why didn't they text or email it, why would somebody print it out and just leave it on the copier -- or the copier -- or the printer and walk away. It just kind of ---
Q. Because Mr. McCaffrey told you that is where he found it on the printer?
A. Yes. It was on the printer when he found it, which was kind of ---
Q. And I think you asked him about this, but was there anything interesting to you about the use of the tenses that he used?
A. Yeah, I questioned him in there about the -- a lot of past tenses, never was, had been. Everything was always in past.
Q. As it related to whom?
A. To Ms. McCaffrey.
Q. Now when he was telling you about the safe and it weighed 200 to 300 pounds was there something that you noted about his saying that she took it with her?
A. That she took the combination and all; is that the

question?
Q. Take -- that she took the safe itself.
A. She took the safe. If she already opened the safe then -- if she already opened the safe, she knew what was in it, why wouldn't she just take what was in it. Why would -- are you going to haul the safe out.
Q. Okay.
A. It didn't make ....
Q. And just to make sure the jury understood. He indicated that the combination for the safe was where?
A. It was in his droid phone underneath the safe.
Q. Underneath the safe.
A. Where he kept the combination.
Q. Okay. Now regarding your conversation with him about money and about the accumulation of $110,000, did that spark your interest and did you do some more investigating about that?
A. He said it was $110,000 in the safe. So we did a -- put a credit history just to see pretty much where the income was from, if anybody could amassed $110,000 money, free-floating money in the house.
Q. Okay. And did you learn of a mortgage on Paramount?
A. Yes, there was mortgage on Paramount on a house that they owned.
Q. Okay. Now the house that they were living in, what was

your understanding about that?
A. I believe it didn't have a mortgage. It was ---
Q. And do you know whose house that had been previously to Gayle's?
A. It was her mother's house. A family house.
Q. Did they have any loans on vehicles?
A. They had two car loans. Two brand new trucks -- a truck and a Jeep that were rather new I think.
Q. Okay. And did you find out anything about any education loans?
A. Just had some student loans.
Q. Regarding their child care and schooling for their children what was your understanding as to their financial obligations there?
A. They were paying both of those.
Q. Okay. Meaning that neither were in public school?
A. Yes, they weren't in public school and doing any type of assistance in any type of childcare.
Q. Were you aware of some expensive items in the home?
A. No. Just a large amount of weapons once we -- but ---
Q. A gun?
A. Yes.
Q. Okay. And what did Mr. McCaffrey tell you about the consistency of his employment; was he consistently employed or not consistently employed?

A. He said that he hadn't been really employed since January and that he was a contractor. That he didn't do -- that he hadn't really worked in the last several months. And he did government contract work on his own.
Q. There was some talk about a trip the following week that Gayle had arranged?
A. Yes.
Q. So Mr. McCaffrey acknowledged that she had done that?
A. That is correct.
Q. And just simply did he indicate whether she had ever behaved this way before?
A. He said it was un -- not -- it was uncharacteristic for her, that she never behaved this way. That she would have never left the kids.
Q. On a number of occasions did he tell you whether he thought he would ever see her again?
A. In the interview?
Q. In the interview.
A. In the interview, yeah, several times he said he would never see her again.
Q. And some of it was just a little more difficult to hear than others. Did he ever tell you whether or not Gayle had asked him to leave before?
A. He -- no, not that I heard of or remember anything ever -- her asking him to leave.

Q. And he told you that Gayle had actually texted Brandy?
A. That is correct.
Q. Did he give you any names of people that he might want to call to see if they knew where Gayle was?
A. He didn't give me any.
Q. Did he give you any leads as to maybe where to look or who to talk to?
A. No.
Q. In your role in this investigation was it significant that there had been 11 hours since he says he got to the house and when he called in the missing person's report?
A. Yes.
Q. Why is that significant?
A. Usually when -- it is important when somebody is missing to call -- call as soon as you can. If you come home and your kids aren't around or your wife is not around you kind of call right then and there. Start figuring out where they are at. Call your mom or dad. Call your sisters or brothers. Call your friends.

And if you can't get a hold of anybody quickly then you usually call the cops and usually we will get there and then we are going to do the same thing over again. We are going to go through everybody's books, everybody's lists, go talk to everybody. See if we can't find where this person is at.
Q. And the evening spilling into the early morning hours of

the next day that you got involved, was that the process that was beginning with the Sheriff's Office?

A. Yes.

MS. SHEALY: Beg the court's indulgence just a moment.

THE COURT: Yes, ma'am.

Q. Detective Colson, did you in fact get a search warrant in this case for AT&T records?

A. I did.

Q. And do you need to see a copy of the search warrant or do you remember the telephone number?

A. You might want to bring it to me.

Q. Let's see. Your affidavit is ---

A. That is my affidavit.

Q. --- right there. What was the telephone number that you were trying to get information on?

A. The 822 -- the 822-6694.

Q. Okay. And that was sent to AT&T?

A. That is correct.

Q. Do you not have -- do you -- do you wear glasses?

A. Yes, I do.

Q. Okay. And could you tell the jury, please, when that service began. Looking I think up here it will tell you the date of the service.

A. Customer since 3/2/12.

Q. So it is 3/2/2012?

A. March 2, '12, yes.
Q. And what was the -- who was the name of the account in and ---
A. Bob McCaffrey.
Q. --- what was the address?
A. I'm sorry. Bob McCaffrey, 4230 Paramount Drive.
Q. Okay.
A. North Charleston. That was the other property.
Q. The other property?
A. That is correct. It wasn't the home property.
Q. Not the one where he lived with his wife?
A. No, that is the one they were remodeling.
MS. SHEALY: I have no further questions. Please answer any that the defense may have.
THE COURT: Cross-examination.
MR. LIZZI: May it please the court.
CROSS-EXAMINATION BY MR. LIZZI OF ROBERT COLSON:
Q. Detective Colson, by the time that you started questioning Mr. McCaffrey that night he had been in there being questioned for almost three hours and forty minutes; is that correct?
A. That is correct on the time, yes.
Q. Okay. And as we say, you questioned him for another -- over an hour, right?
A. I would say, yes.

Q. And he complained several times about the temperature and being tired, but you never stopped; right, you didn't care if he was tired; you didn't care if he was hurting; you said I am hurting too?
A. Yes.
Q. Okay. Never offered him any food or anything else; I mean he had been in there for hours, correct?
A. Correct.
Q. And y'all kept on changing interviewers, correct?
A. Yes.
Q. And he went back and forth on your questioning. You said he made mention several times of, you know, the past tense. But he also told you he wanted to get his wife back, didn't he?
A. Yes.
Q. And he talked about he wanted it to be right?
A. Yes.
Q. And that the whole thing confused him, ---
A. Yes.
Q. --- correct?
A. Correct.
Q. Now you don't know if there was a safe or not, correct?
A. Correct.
Q. And you don't know if the safe was taken out of the house on a different day; it could have been taken out a week before

that; correct?
A. That's correct.
Q. And if somebody took it out of there they could have opened it without a combination, correct?
A. I don't know anything about locksmithing so.
Q. Okay. But it is possible?
A. I have watched a few movies.
Q. Okay. And we don't know when that money was found; it is referenced in the letter. It could have been found two weeks before that?
A. That's correct.
Q. Okay. They had been having problems for a while?
A. That is correct.
Q. And when you talked about this letter and you gave your opinion as to the education level of the person who authored this letter you don't have any special training in that, do you?
A. No. Twenty-five years of typing reports.
Q. And people type things ---
A. All day.
Q. And have you seen educated people misspell words and miss line things on reports?
A. Yes.
Q. He cooperated with you; he answered your questions, correct?

A. Yes.
Q. Now he told you that some of his wife's clothes were missing and she packed a bag. Did you go back and investigate that?
A. I did not, no.
Q. And do you know if anybody ever did?
A. You would have to ask them. I do not know. That wasn't my part.
Q. Missing persons, have you investigated very many missing person's cases?
A. I have been on a few of them, yes.
Q. And don't some people have an exception that you are supposed to wait 24 hours?
A. I have seen that before, yes.
Q. Okay. And just as you testified, people call the family first, right? He called his dad. He called his wife's aunt. And then they called the police.
It is not all that uncommon that people try to do self help before they figure out and call the police in; is that correct?
A. Correct.
Q. And monetarily Bob is 40 years old, correct; he was 40 years old at the time?
A. Monetarily?
Q. He is 40 years old?

A. Was he at the time, I guess.
Q. And he -- you talked about his work and what he did from January of that year. He had been out of work from January out of that year. But did you go back and look at all of the other years where he worked at and he did odd jobs and did construction work and government work -- you don't know if he could have had money put aside or not, do you?
A. That is correct.
Q. The house that they owned -- that they were fixin up, there was a lot of building supplies in there, correct?
A. If I recall correctly, yes.
Q. Okay.
A. It's been a long time.
Q. Okay. That's all right. And same thing with the house that they are at, they were doing renovations and repairs in there?
A. If you -- I don't ....
Q. Okay. You don't have a memory, that's fine.
A. That is -- okay.
Q. Okay. Bob McCaffrey from the beginning of your interview to the end sat and talked to you and cooperated with you?
A. Yes.
Q. At the end of the interview and after numerous hours he was -- left to go home, correct?
A. That is true.

DIRECT EXAMINATION BY MR. COOPER OF JASON RILEY:

Q. Good morning, Investigator Riley.

A. Good morning.

Q. Would you please tell the jury where you are currently employed?

A. I am currently employed with the Charleston County Sheriff's Office.

Q. And what is your position there?

A. Currently my position is with the Forensic Services Unit.

Q. How long have you been with the Forensic Services Unit?

A. Since August of 2011. So just over seven-and-a-half years.

Q. Were you in law enforcement prior to being with FSU?

A. I was. I have been in law enforcement a total of 19 years.

Q. Okay. And can you please explain to the jury what the purpose of the FSU is.

A. Well, Forensic Services Unit in a multifaceted unit. You are not only tasked with possibly callouts to locations where you investigate possible crime scene and gather evidence, document evidence, but you are also in charge of all the evidence that comes to the unit from any other deputy within the Sheriff's Office, whether it be Metro, Patrol Division, the Detective Division.

And you are in charge of the evidence that comes in,

making sure it is properly packaged correct, catalog. You index it. You place it in a storage location.

You are also in charge with or tasked with completing search warrants. There may be some things that are occurring at the evidence compound. There may be search warrants that are in relation to a call out at a different location than the Sheriff's Office.

You also deal with evidence that you may do further processing on. Some of those things might be trying to locate latent fingerprints, documenting tool marks identification. Also drug identification analysis.

Typically we used to do drug analysis for certain drugs like tetrahydrocannabinol. Other drugs we would package and present them to different labs throughout the state or our local area. Some of those labs would be the State Laboratory in Columbia, City of Charleston's drug lab at MUSC, North Charleston Police Department for the automated fingerprint identification system.

So typically it's a lot of different duties you do. Not only with going out to physically work a scene but also dealing with the evidence and the information that comes to the unit from other people.

Q. Focusing your attention to this case, how did you become involved?

A. I was the on-call forensic service investigator. My

supervisor Sergeant McManigal contacted me in reference to a missing person case; and he wanted me to come to the, at that time, 3505 Pine Haven Drive to the old Sheriff's Office headquarters to the Criminal Investigation Division office. And he just wanted me to come by and standby.

Q. And at some point y'all responded to 2829 Limestone Boulevard?

A. We did. So roughly after midnight we left the Sheriff's Office location, traveled over to 2829 Limestone Boulevard to execute a search warrant.

Q. Would you explain to the jury the process that FSU goes through when you are executing a search warrant?

A. Sure. Search warrants can be very broad in spectrum. They can be limited in spectrum. It depends on what affidavit that the Detective Division or someone else prepares. And it is signed off by a judge.

Typically with a search warrant is you have it on hand. You want to document what that document looks like. And then you want to document the location that you are at.

Sometimes you may use a telephone pole. You may use an intersection, a house number, a mailbox. And then you would typically photograph that location overall. Kind of a generic broad spectrum.

And then you would work your way in from the outside of the exterior to the inside. And once you are inside you would

typically do a broad overall documentation of what the scene looked like. And then you would bring that spectrum or that scope down to maybe a room by room, maybe the items in that room. And then you would further your investigation after you do your overalls of what particular things you are looking for.

Sometimes you identify the things you are looking for by using numbered or alphabet placard system. Sometimes you don't use that type of system. And you just kind of methodically go through your process depending upon what the search warrant would be telling you to do.

Q. Now you mentioned the scope of the search warrant that can be broad and narrow. Were you aware of the scope of that very first search warrant?

A. I was, yes, sir.

Q. What was that?

A. This first search warrant in reference to a missing or abducted person was to look for documentation, electronic documentation, cell phones, computers; things that may aid in figuring out what had transpired, where this person might be located, to kind of aid you in the next step of the investigation.

Q. And you mentioned y'all arrived at 2829 Limestone after midnight. Did you take pictures of the house?

A. Yes, sir, I did.

Q. And did you take pictures of subsequent search warrants at the house?
A. I did, yes, sir.
Q. Showing you State's Exhibit 1. It should pop up on the screen right in front of you. Is that the house at 2829 Limestone?
A. Yes, sir, it is.
Q. Now is that from a -- that is obviously in the daytime. Is that a subsequent search warrant?
A. This is from the search warrant that would have been later in the afternoon on the 19th.
Q. Because the very first time y'all arrived you said was just after midnight?
A. Just after midnight, yes, sir.
Q. Okay. And what was your role in that search warrant when you arrived on the scene?
A. Are you referring to the very first search warrant?
Q. Yes, sir.
A. Because I had my supervisor who was the on-call CID sergeant - he was also my supervisor in Forensics - he was on the scene. He was helping to dictate and direct me based upon what this limited search warrant was of what things he wanted me to document and photograph.
Q. And then showing you State's Exhibit 2, that is just another picture of the house?

A. Yes, sir.
Q. Okay. And then once you go inside the house do y'all collect certain items of evidence?
A. We will, yes, sir.
Q. What did y'all collect that night?
A. The first night we collected it was two cell phones, two laptops. There was a desktop computer. And there were some other electronic storage devices that were found inside of the vehicle. There was some paperwork documentation that was located in the house. There was a rental agreement, information for a cottage in North Carolina.
Q. Showing you State's Exhibit 3. Are those the two cell phones that you collected?
A. Yes, sir, they are.
Q. And where is that -- where is that located in the house, where that pictures is taken?
A. The living room with a den, on the coffee table.
Q. Okay. And then showing you State's Exhibit 4, is that a document that y'all -- did you collect that document?
A. We did.
Q. Okay. And then showing you State's Exhibit 5, what does this show us?
A. This is the laptop taken from the inside of that living room space. This particular laptop had a photograph on the keyboard.

Q. And I know that picture is upside down, but are you aware of who that individual was in that picture?
A. I was aware, yes.
Q. Who was that?
A. The missing person.
Q. And her name -- what was her name?
A. Gayle McCaffrey.
Q. And then showing you State's -- and y'all collected that laptop, right?
A. Yes, sir.
Q. And then showing you State's 6, what does this picture show us?
A. This is also in that same living room, den, space. There is a second laptop on the floor here (pointing) next to a printer. And to the right of that you have a computer tower for a desktop.
Q. And then you mentioned you collected some documents. Did you collect any documents from this picture?
A. Yes, we did. If you focus on the printer in the very corner there's some ---
Q. You can actually -- let me interrupt us. You can touch on the screen and draw on the screen.
A. Sure. This document here (pointing) on top of the printer was collected.
Q. Okay. And you collected that document?

A. Yes, sir, I did.
Q. If I were to show you that document would you recognize it?
A. Yes, sir.
(WHEREUPON, State's counselors confer.)
MR. COOPER: May I approach the witness?
THE COURT: Yes.
Q. Investigator Riley, I want to show you State's Exhibit 64. It is marked for ID purposes only. Do you recognize that document?
A. I do recognize this document.
Q. What is it?
A. This is a -- it is a total of four pages. It seems to be an information package for a vacation rental agreement through Cranmore Cottages out in Hendersonville, North Carolina.
Q. And you know it because you collected it?
A. Yes, sir.
MR. COOPER: Your Honor, at this time the State would offer what has been marked for ID purposes only as Exhibit 64 into evidence.
THE COURT: Any objection?
MR. LIZZI: No objection.
THE COURT: Without objection so admitted.
(WHEREUPON, State's Exhibit Number 64 was admitted into evidence.)

Q. Investigator Riley, what is the name of the company at the top of that document? On the first page.
A. The name of the cottage is Cranmore Cottages.
Q. Okay. And then on Page 2 does it give you the names of the people to be occupying the cottages?
A. It does. Under Line 22 it states a Robert McCaffrey and a Gayle McCaffrey.
Q. And then I think below that line does it tell you who the agent is supposed to deal with?
A. It's a Gayle McCaffrey.
Q. And then on Page 4 does it give you an arrival and a departure date?
A. It does. The stated arrival time is March the 23rd, 2012. The departure time of March the 25th, 2012. And there is also a date the reservation was made, which is March the 16th of 2012.
Q. Okay. Does it also list a rent total on there on that page?
A. It does. The total is $399.13.
Q. Does it seem to indicate that that payment was received?
A. It does indicate below that, rent total amount, there is a line where it says $399.13, in parentheses, received today.
Q. And then the name of the card on file?
A. The name was a Marjorie G., for Gayle, McCaffrey.
Q. And is there a signature at the bottom of that page?

A. There is a signature at the bottom right. A Marjorie McCaffrey. And the date on that is 3/17 of '12.
Q. March 17th of 2012?
A. Yes, sir.
Q. Okay. I will take that back.
(WHEREUPON, document returned to counsel.)
MR. COOPER: Thank you, sir.
I beg the court's indulgence.
Q. I wanted to draw your attention back to State's Exhibit 3. Those two phones, are you aware of what -- which phones they were that were collected? I've got a copy of your report if you need it.
A. I believe one was a Samsung cell phone and the other was a Droid -- Motorola Droid.
Q. Okay. And then I'm showing you State's Exhibit 5. Were you aware of what kind of laptop that was that was collected?
A. It was a Hewlett-Packard.
Q. And then State's Exhibit 6 are you aware what type of laptop and the desktop that you collected were?
A. Both of those were Dell.
Q. Okay. And then as part of this search did you also happen to search vehicles outside?
A. We did. There were two vehicles parked outside. Only one vehicle was documented with photographs in a greater detail. Some of the pictures you would see the other vehicle.

But there was a blue Dodge pickup truck, and that was photographed in a 360 type of environment. And also what was located on the interior of that vehicle was photographed.

Q. And then showing you State's Exhibit 7. Does that show the two vehicles?

A. Yes. You can make out just the corner of the one. But it does show you the pickup truck in the driveway.

Q. And I may have missed it. Were y'all able to get into the Jeep that night?

A. I don't know if the Jeep may have been locked or if we just decided not to go into the Jeep at that point in time.

Q. Were you aware of whose vehicle the Jeep was?

A. I was. It was the primary vehicle for a Gayle McCaffrey.

Q. And the blue truck was the primary vehicle for who?

A. A Robert Mr. McCaffrey.

Q. I'm showing you State's Exhibit 8. What is this showing us?

A. This is a photograph showing you the interior driver's side of that Dodge pickup truck.

Q. And if there a picture that was in the dash by the speedometer?

A. Yes.

Q. Can you circle that for the jury?

A. Yes, there's a picture located right here on the console dash (pointing).

Q. Okay. And then showing you State's Exhibit 9, what is this picture showing us?
A. This picture is showing also the interior of that Dodge pickup truck. This is the center console area (pointing). Kind of where you have that armrest and that console box. And on top of this you will see some -- there's paperwork there. There's music CD's there. And there is a uniform traffic citation, the offender's copy, laying on top.
Q. Was that a traffic citation from March 18th, 2012?
A. Yes, sir -- yes, sir, it is.
Q. Okay. It had Mr. McCaffrey's name on there?
A. Yes, it did.
Q. I'm showing you State's Exhibit 10. What is this picture showing us.
A. Again you are still in that center console area. I know the picture is kind of dark. There's a cell phone sitting right here (pointing). And then you have the documentation and the paperworks. You can see the ticket where it was sitting on the console here (pointing) in front of the cell phone.
Q. Now did you collect that cell phone?
A. That cell phone was collected, yes, sir.
Q. Do you remember what kind of cell phone that was?
A. That's a Motorola Verizon type cell phone.
Q. Okay. And then did you also collect I think a USB drive

from there as well?
A. There was a 512 megabyte flash drive that was collected also from that center console area.
Q. And then showing you State's Exhibit 11. What does this picture show us?
A. That is going to be the extended cab portion of the pickup truck. I believe from the passenger side entry door looking in across those rear bench seats.
Q. And then showing State's Exhibit 12, what is in this picture?
A. Again it is hard to pick out. This is going to be the truck seat. It is at the back of the truck seat. A lot of cars have these seat pockets that are on the back of car seats. Inside this seat pocket I documented some loose ammunition that was inside that seat pocket.
Q. Okay. I'm showing you State's Exhibit 13. Is this also in the backseat?
A. This is also a photograph of that back seat, that rear extended cab area of the truck.
Q. And then showing us State's 14, what is in this picture?
A. If you recall from the picture before this there was that soft-sided lunchbox. This is that same lunchbox. Just with the lid pulled open. Inside the lunchbox. Hard to make out in this picture; but there are two firearms, magazines, inside of that lunchbox.

Q. And then showing us State's Exhibit 15, what is this picture showing?
A. This is a picture of the rear of the truck. This particular truck had a cover on the top. It is like a Tahoe cover. A hard lid.
This is when the tailgate is down, showing you a picture of the view of the truck bed.
Q. Again, your goal with the vehicle as well as the house was documenting everything that night?
A. This was to document what was there at this particular time.
Q. And then did y'all return at another time for a short point at that residence?
A. Yes, sir, we did.
Q. When did y'all return?
A. That was later in the same day, but daylight. Roughly after 2:30 p.m.
Q. Was that a -- describe the scope of that second search warrant for the jury.
A. That second search warrant was a little bit broader. That allowed me access to actually document the entire interior of the home. We were also looking for firearms and things associated with firearms. Again still looking for electronics. Looking for other documentation. Also looking for things, clothing, mattresses, mattress -- mattress covers,

sheets, bedding; things of that nature.
Q. And, again, what was your role during the second search warrant?
A. Again, the role in the second search warrant -- because I was the primary forensic service callout investigator for the initial scene. Again, my supervisor was on the scene with me. I was there documenting, photographing, collecting, and preserving the evidence that was wanted to be collected from the scene.
Q. Okay. And then when you showed up later that afternoon did you go proceed around and do the pictures of the outside and the inside of the home?
A. Yes, that is correct. Not only did we have the extra aid of having the sunlight, we were also able to go ahead and document the entire premise, you know, from the entire exterior, of the outbuildings that were on the property, 360 view. And the vehicles, again, that were in the driveway with more detailed photograph of those vehicles that were in the driveway. Plus going back inside the house, you know, broadening out the photographic scope, documenting each and every room that was inside of the residence.
Q. I am showing you State's Exhibit 16. Is that a picture of the Jeep at the house when you came back with the second search warrant?
A. That is correct.

Q. Was the house vacant when y'all arrived?
A. When we came on the second search warrant on the 18th, that afternoon, there was no one in the house.
Q. And then were you able to get into the Jeep at this point?
A. Yes, sir.
Q. I'm showing you State's Exhibit 17. What does it show us?
A. This is the driver door of the Jeep opened.
Q. And then showing State's 18, what is this showing us?
A. This is going to be the driver steering wheel area of that Jeep. And if you look closely you will see there is some I guess disturbance on that steering wheel. That is -- that is processing powder on the steering wheel there.
Q. Describe that for the jury. What is processing powder, what do you use it for?
A. Okay. So basically when you are going to process something for what is called latent fingerprints there's three different types of fingerprints. Latent is the fingerprint that you are trying to bring back to a visual observation that you can collect it. There is also such a thing as the plastic impressions, patent prints.

So when you are processing for a latent print, something that you may not be able to see with the naked eye, sometimes you can tell there might be a disturbance or an indication

that proteins or amino acids or sweat was left somewhere. And you use a black powder, typically a black powder. There is also gray powders. There's white powders. But typically black is the go to powder.

And you would apply that with a brush very lightly almost dropping the powder onto the substance and then you gently agitate that powder and remove the excess powder. And that powder will stick to any of those ridges or details that may be left behind which may in turn be a latent fingerprint.

And you were document by photograph that area that you processed. And then you would lift that using a transparent tape, placing that over that area with the powder. Lifting that. Putting it onto a backer card and then indicate where you collected that print from.

Q. And then showing you State's 19, did y'all also process that area of the vehicle as well?

A. This area it is the center console instrument -- not really the instrument panel, but that center console and gearshift area this was also processed with that powder -- that black powder. Which you can clearly see on that tan beige surface.

Q. I'm showing State's 20. What does this picture show us?

A. This is just going to be a shot from that center console area looking back into the rear seat to the Jeep.

Q. And then after you finished the Jeep did you gain access

to the home?
A. We did go back into the home.
Q. Now you discussed processing of the Jeep. Did y'all do any fingerprint preprocessing of the doors of the entryways or of the house?
A. No, we did not.
Q. Why not?
A. Well, it wasn't on the search warrant to do fingerprints of the house. There was no sign of any kind of forced entry to the house. Even on the initial night we arrived at the home and someone was there or when we came back the second time when the house was vacant.
Q. And then showing you State's Exhibit 21. First of all, orient us to where we are inside of the home.
A. Okay. This is going to be a kind of a covered porch area off of that den living room. Which we see pictures of the den living rooms. So if you pass through from the front of the house into the living room den section. And then you would go out through a door onto this back porch.
Q. Okay. And then what is in this picture?
A. That is a large metal safe.
Q. And did y'all gain access to that safe?
A. We did.
Q. How did y'all gain access?
A. We utilized a locksmith for the safes.

Q. Okay. And then showing you State's 22, what did y'all locate inside of the safe?
A. Inside of the safe you had got a collection of our firearm. You know, both long weapons, cases that contain semi-automatic or handguns. There was also a little bit of ammunition I believe inside of this safe.
Q. And showing you State's Exhibit 23. Is that another shot of just inside of the same gun safe?
A. That is just another shot showing you a more close-up view maybe of the right side of the safe.
Q. I'm showing you State's 24. What is this showing us?
A. This is a shot of the den area of the house. This is going to be actually coming back in from that back porch. This is the door that leads out to that back porch area.
Q. And then showing you State's 25. Where are we now?
A. You are still in the den, but you are taking a shot looking across the den into the kitchen area.
Q. And that -- it's -- in the center of the picture the same area where y'all collected some of the computers the first night?
A. That is correct.
Q. I'm showing you State's 26. What is this picture showing?
A. It is a picture of the kitchen.
Q. And then showing State's 27. Still in the kitchen?

A. Still in the kitchen. A small counter top space between the range and the refrigerator.
Q. I am showing you State's 28.
A. Refrigerator.
Q. I am showing you State's 29.
A. It is going to inside of the pantry there in the kitchen.
Q. And then did you proceed into a room upstairs over the garage?
A. I did, yes, sir.
Q. At that time were you aware of the contents of the letter that was left?
A. I was.
Q. Were you aware of the statements by Mr. McCaffrey about a safe being upstairs in the attic?
A. Based upon what was in the letter yes, sir.
Q. Okay. Showing you State's Exhibit 30. What is this picture showing us?
A. That is -- it's a closet -- well, actually that is actually the doorway to the -- it is hard to make out the stairs here. But that is the doorway to the stairwell that leads up over to the FROG over the garage.
Q. And then showing you State's 31. Is this the stairway that goes to that upstairs room?
A. That is correct.
Q. Is that the only access point to get upstairs?

A. Yes, sir.
Q. And then we see a lot of items on the stairway. As part of your documenting in your search warrant are y'all moving things around or are you leaving them untouched?
A. No, during the initial overall documentation unless something is going to be detrimental for safety reasons we do not move anything. We want to progress through there and document the things as they are.
Q. And then you had to go upstairs to take pictures upstairs, right?
A. Yes, sir. There was a room above the garage.
Q. Did it seem likely to you that someone would be able to carry down a 350 pound safe down those stairs?
A. To me I would think not.
Q. I am showing you State's 32. That is just another shot of the stairway going upstairs?
A. Right, this is kind of bisecting the stairwell. This is the top half of that stairs? And you can see that room with this half wall as you go into that FROG space.
Q. I am showing you State's 33. What is this showing us?
A. This is when you are up into that FROG space. I guess it was utilized as a bedroom. You see some access points here (pointing) to some storage areas that are, you know, unoccupied space, non-heated or cooled space.
Q. I am showing you State's 34. What does this picture show

us?
A. It is another shot of that same room just from a different angle.
Q. Okay. And then State's 35, just another angle of the FROG?
A. All in your 360 views. It is just another angle from that same room.
Q. And then showing you State's 36?
A. And that is the final shot of that 360 movement inside of that same room above the garage.
Q. And is that another access door on the wall there?
A. Correct. There were two. There were two locations.
Q. I am showing you State's 37. What does this picture show us?
A. That is going to be one of the access points into that attic or storage space off of the FROG.
Q. Was this the doorway that was on the floor or the one that we just saw on the wall?
A. I believe this is the one from the floor.
Q. And then showing you State's Exhibit 38. Is this moving inside of that attic space?
A. It is. This is -- this is your first view once you get inside of that doorway space.
Q. Okay. And then in the left side of that picture what is that red item there?

A. It appears to be a soft -- a rigid, semi-rigid, soft-sided luggage case.

Q. I am showing you State's 39. Is this that other access door that we saw a few seconds ago?

A. This is the smaller access door that is higher up off of the floor.

Q. I am showing you State's Exhibit 40.

A. That is going to be the view once that door is open.

Q. Okay. And then showing you State's 41. What part of the house are we in now?

A. That is the dining room which is on the downstairs, first floor level, adjacent to the front door.

Q. Okay. And then showing you State's 42. Where are we in the house now?

A. This is down the hallway. This is a bedroom on the right side of the hallway as you are progressing down the hallway. The room across from this is going to be what we label as the master bedroom.

This is a guest room or another room across the hallway from that master.

Q. Okay. Under that TV is that a small safe?

A. There is a small safe that the TV is sitting on.

Q. Did y'all gain access to that safe?

A. We did.

Q. Did y'all locate anything in there?

A. It was empty.
Q. I am showing you State's 43. What is in this picture?
A. This is another shot of that same guest bedroom. And this darker object here is another one of those large metal safes.
Q. I am showing you State's 44. Is that the interior of that safe?
A. This is the interior of that safe inside of the bedroom.
Q. And what do we have inside of that safe?
A. It is basically and mostly it is just ammunition. Bulk ammunition.
Q. Did y'all find a lot of ammunition during your search of the house?
A. Yes, we did.
Q. A lot of firearms?
A. Yes, we did.
Q. I am showing you State's 45. What is this?
A. This is going to be a carrier for magazines. You can see the magazines there into the carrier.
Q. I am showing you State's 46.
A. Kind of like a briefcase or a storage box, also containing ammunition and shot shells.
Q. I am showing you State's 47.
A. Again another wooden box containing ammunition.
Q. I am showing you State's 48. What is in this picture?

A. This is going to be a combination lockbox, and inside it contained a firearm and two magazines and some loose ammunition.

Q. I am showing you States 49. Is this more ammunition that y'all located in the closet?

A. This is going to be in that closet of the guest bedroom as we peeled the layers down on the bottom right-hand portion of that, those metal ammo can boxes.

Q. And then showing you State's 50.

A. That is just an example of one of the ammo can boxes open to show it is full of loose ammunition.

Q. I know we have gone through a couple of pictures; but y'all found more ammunition than what we have shown today, correct?

A. Yes, sir.

Q. And then find multiple guns and lots of ammunition, is that expensive?

A. Yes, sir, it is.

MR. LIZZI: Objection. There is no foundation.

THE COURT: Sustained.

Q. I am showing you State's 51. Is this after y'all move into the master bedroom?

A. This is a photograph of the master bedroom. Primarily you are seeing the two, you know, bedside tables and the bed there.

Q. I am showing you State's 52. What is this a picture of?
A. This is going from the master bedroom into the closet space. The closet space is shared with the -- one of the closets is shared with the bathroom. This is a photograph partially of the closet.
Q. And did that appear to be female clothing?
A. It did, yes, sir.
Q. I am showing you State's 53. Is that the other side of that same closet?
A. Yes, sir, it is.
Q. Now during that search warrant did y'all happen to collect any, besides weapons and things like that, any other evidence?
A. We did.
Q. What did you collect?
A. We did collect a fitted mattress sheet from the laundry room. Also some sheets that were inside the dryer.
Q. Why did y'all collect those?
A. We had -- those are things that are documented on the search warrant to look for. And sometimes you collect things as a preservation of evidence. You don't always know what may they lead the investigation what direction you make go. You don't know what information you may learn from that piece. Sometimes that piece is never looked at again. But sometimes that may lead you to the next direction.

But you want to go ahead and if it is on the search warrant in this particular case and you find it in a location, go ahead and document it. Sometimes the discussion is made and between different forensic investigators or detectives and choose to take things.

Q. Okay. And then were you involved in another search of the residence?

A. Yes, sir, I was.

Q. When was that search?

A. The next search of the residence I was involved with was on March the 22nd.

Q. And so during that search what were y'all looking for; what was the scope of that search warrant?

A. This search was again -- this search was to go back and to do some more in-depth forensic investigations. This was to look for blood evidence, DNA evidence, to kind of go and process for those types of items.

And, again, you always do an overall photograph again and work your way back to that new piece of evidence or information you are looking for. But it was primarily to look for blood evidence, DNA evidence.

Q. And the scope and the number of search warrants develop as your investigation develops; is that correct?

A. That does happen, yes, sir.

Q. What did y'all collect during that third search of the

residence?
A. The third search we did some cuttings and some swabbing. We also took some of the bed coverings, pillowcases.
Q. And some of the cuttings and the swabbing, did you have items that you thought may have been blood?
A. Because we processed this bedroom primarily with other parts of the house with a chemical reagent called Blue Star, this is the type of reagent that will help to uncover invisible or not -- something you wouldn't see with the naked eye. It might be blood evidence that is left behind. And Blue Star is a type of reagent that does not damage the possible DNA that may be located in the possible samples.

It luminesses when it interacts with blood evidence. And that luminescence kind of hangs around long enough for you to try to document and photography.

You are working in a dark environment when you're using this. It does have indications on certain detergents. And things will cause it to have a very bright glow. So you have false positives with it.

But it allows you to indicate areas you may want to take a cutting from or maybe do a swabbing on the scene, maybe do a presumptive test while you are there. And I believe also on the search warrant we were also looking for items that we could use as standards, standards for DNA identification.
Q. Why is that important?

A. Well, if you have a missing party and the person has never had their DNA extracted into the database system you need to be able to develop what their DNA strand is going to be. So you try to find a standard, you know, from hairbrushes, from toothbrushes, where you can develop, you know, 100 percent accuracy this is the person's DNA that we are collecting from this so that if down the road there's investigations in recovered human remains and they want to try to determine if it's human remains of a particular missing person they can have that DNA in the database to be checked with the DNA that is newly recovered from a different scene from human remains.

Q. And did y'all collect toothbrushes from this search?

A. We did, yes, sir.

Q. Was a hairbrush also collected from her Jeep?

A. Yes, sir.

Q. And then the cuttings and swabbings we mentioned a minute ago, were those collected and sent off to be tested?

A. Yes.

Q. Were you aware of the results of those tests?

A. I was. Those went to the State laboratory with SLED in Columbia, their forensic laboratory, the cuttings and/or the swabs. I believe mostly it was cuttings that we sent to them. None of those came back as being human blood.

Q. Okay. And during around the same time period were you

involved in a more thorough search of Mr. McCaffrey's truck?
A. Yes, sir, I was.
Q. When was that?
A. That search began on March the 21st and lasted for several days. And that was done at the forensic service compound. His truck was brought to us at the forensic service compound.
Q. And did you also take pictures and document that search as well?
A. Yes, sir, I did.
Q. What items -- what type of items did you collect from that search?
A. Again, we -- digital photographs of the vehicle. There were some account documents in there, financial records. They were receipts. There were some other electronic devices. There was a hard drive. It was the loose ammunition. There was identification paperwork, a wallet. We collected some clothing from that. There was also some -- there was an edged bayonet style knife, a pocketknife. There was vacation brochures.
And we did latent prints on that vehicle. And also we did some blood swab collections from that vehicle.
Q. And did you collect -- the traffic ticket we saw earlier, did you collect that from this search?
A. Yes, sir, we did physically go ahead and take custody of

that uniform traffic citation, that blue copy.

MR. COOPER: Your Honor, may I approach the witness?

THE COURT: Yes.

Q. Investigator Riley, I think there are several items labeled in that container. Is the traffic ticket one of the items inside of that container?

A. Yes, sir, it is.

Q. Would you recognize it if you saw it again?

A. Yes, sir, I would.

Q. Can you see if you can find it in there and pull it out?

(WHEREUPON, for witness.)

Q. And did you locate it in there?

A. Yes, sir, I did.

Q. Is that the same traffic ticket that you collected back in 2012?

A. Yes, sir, it is.

Q. Okay.

MR. COOPER: Your Honor, at this time the State would offer what has already been marked for ID purposes only as State's 74 into evidence.

MR. LIZZI: That is the ticket?

MR. COOPER: Yes, sir.

MR. LIZZI: No objection.

THE COURT: Without objection. So admitted.

(WHEREUPON, State's Exhibit Number 74 was admitted into

evidence.)
Q. And then can you read the name on top of that ticket, Mr. -- or Investigator Riley?
A. The name states Robert. I can't quite make out the middle initial. Might be a W. And then Mr. McCaffrey, Junior.
Q. Okay. And it lists the jurisdiction of that traffic ticket?
A. It does. It lists the City of Travelers Rest.
Q. Does it list the time of the incident?
A. It does. Time of violation is listed as 02:15 or 2:15 a.m. in the morning.
Q. Doesn't it list the date?
A. The date is March the 18th of 2012.
Q. Okay. And then did you also locate -- I think you mentioned several financial documents. Any balance inquiries from Wells Fargo?
A. Yes, sir. There were -- there were two inside of a checkbook on the center console.
Q. They also -- would you recognize those if you saw them again?
A. Yes, sir, I would.
Q. Did they also be in that same envelope?
A. Yes, sir, they are indicated on the evidence label as being in this package.

Q. Okay. Can you see if you can retrieve them from that package, please. It should be marked for ID purposes only as State's 76 and 77.
A. I have located those two items.
Q. And they are marked as State's 76 and 77?
A. No, they are not.
Q. I am now showing you what has been properly marked as State's 76 and 77. Are those the balance receipts that you collected from the truck that day?
A. Yes, sir, they are.
MR. COOPER: Your Honor, at this time the State would offer Exhibit 76 and 77 into evidence.
MR. LIZZI: No objection, Your Honor.
THE COURT: Without objection so admitted.
(WHEREUPON, State's Exhibit Number 76 was admitted into evidence.)
(WHEREUPON, State's Exhibit Number 77 was admitted into evidence.)
Q. Looking at State's Exhibit Number 76 can you tell us the information on that receipt what is the date of the inquiry?
A. The date is March the 19th, 2012, at 1:18 p.m.
Q. What was the balance?
A. The balance shows it is $6,448.70.
Q. Okay. And then looking at State's 77 can you give us the same information?

A. The date on this one is also March the 19th, 2012. Listed again at 1:18 p.m. And the balance shows $4,314.23.
Q. And then also in the truck that day did you locate a retainer agreement between Mr. McCaffrey and Mr. Lizzi?
A. I did.
Q. And what was the date on that; was it March 19th, 2012?
A. Yes, sir, it was.
Q. Did you also locate in that vehicle a piece of cardboard with a phone number located on it?
A. Yes, sir, there was.
Q. May I approach the witness, Your Honor?
THE COURT: Yes.
Q. I am going to give you another evidence envelope. Multiple labels. Is that piece of cardboard with a phone number on it located in that envelope?
A. Yes, sir, it is.
Q. And is that the piece of cardboard that you collected from the truck that day?
A. Yes, sir.
MR. COOPER: Your Honor, we are just marking that piece of evidence as State's 79.
(WHEREUPON, State's Exhibit Number 79, cardboard, was marked for identification.)
MR. COOPER: And, Your Honor, at this time the State would offer what has been marked as Exhibit 79 into evidence.

MR. LIZZI: If I could see it, Your Honor.
(WHEREUPON, defense counsel reviews exhibit.)
MR. LIZZI: No objection.
THE COURT: Without objection so admitted.
MR. COOPER: Thank you, Your Honor.
(WHEREUPON, State's Exhibit Number 79 was admitted into evidence.)
Q. Investigator Riley, if you could read the name and the phone number listed on that piece of cardboard.
A. The phone number appears first on the top. And the area code 864 in parentheses, followed by 404-6123. Underneath that in cursive writing is the name I believe to say Brandy.
Q. Okay.
(WHEREUPON, document returned to State's counsel from witness.)
Q. Thank you. Now did you also -- were you also asked to do something to the letter that was found that Mr. McCaffrey provided to law enforcement?
A. Yes, I did.
Q. What were you asked to do with that letter?
A. This is the letter that was left detailing that Ms. McCaffrey was leaving Mr. McCaffrey. That document was a typed letter.
I processed this letter. This was a different type of processing technique. Instead of using a black powder to look

for latent fingerprints it was treated with ninhydrin heptane. ninhydrin is another chemical reagent we use that helps to attach to aminos, amino acids, sweats, that are secreted from the hands or fingerprints of the hands and left onto porous objects like paper, cardboard. This helps to bring those prints out. It kind of makes them look almost a pinkish purple look once they develop. It takes time. It takes heat and humidity for these to react. And that is the ninhydrin part.

The heptane part is something that -- premix and added by the manufacturer that helps to keep ink on a paper from running once it is sprayed.

So this document was treated with a ninhydrin heptane. At this particular time at the Sheriff's Office we did not have a ninhydrin chamber that helps keep a constant temperature or humidity. So this document was hung up on a clothesline inside of our secured forensic bay. And that is where it was allowed to develop over time.

Typically it takes maybe between 12, 24, 36 hours, for that -- any prints on there to become visible. And once they become visible then you would photo document the prints that you see.

If you have really good prints that show up you would use a scale and number and photo document the different areas on there that had a possible latent print.

Q. And then showing you State's Exhibit 54, is that a picture that you took while you were processing the letter?
A. Yes, this is going to be -- this was done on March the 22nd after that had had time to develop. You can see the -- that kind of purple pinkish indications. This is where that chemical was reacted with amino acids, salts, and fats, that are left, that are deposited on it when it was handled.
Q. And did you send any latent prints that you collected for to be analyzed?
A. Correct. This type of processing you would not put tape. There is nothing for that tape to lift off there. That is why you take the photographic evidence with a scale so that the person who is doing the automatic fingerprint information system will have a scale of one to one of that print so that they can put that into the automatic fingerprint information system.

Typically we will photograph it. We may send that CD of pictures first. Because that is a lot speedier process to send the actual disc of prints.

Later on the examiner - in this case it was North Charleston Forensic Services Department - they may request that we send them the actual document. And I believe the CD went first on March the 28th. And the later on April -- in early April we actually sent the actual document to them as well.

Q. Are you aware whose fingerprints were found on the letter?
A. Yes, the only fingerprints that were positively ID'd come back to Christopher Davis.
Q. And are you -- was he the responding officer that day?
A. He was the initial deputy that arrived on the 18th, early evening, to take the report of the missing person.
Q. Now were you involved in a search of the residence on Limestone in 2013?
A. Yes, sir, I was. September ---
Q. What -- I'm sorry, ---
A. It was in September.
Q. --- were you looking for at that time?
A. At this time we had -- I had received more information from the detectives. They were looking for documents, things that either Ms. McCaffrey or Mr. McCaffrey had written. You know, typed information written in how they would write a document, an article, a homework assignment; something along those lines.

But there was a person the Sheriff's Office was in contact with, a specialist, someone who could review those types of documents and understand how that particular person did their writings, their typed language.
Q. And did you locate any documents during that search of either Gayle or Bob McCaffrey?

A. I located some of both.
Q. Would you recognize the documents from Mr. McCaffrey that you collected?
A. I would, yes, sir.
Q. Investigator Riley, I am going to show you what has been marked for ID purposes only as State's 81. Are these the documents you collected from that search that day?
A. These were the documents collected on September the 12th ---
Q. And what do they appear to be?
A. It appears to be a typed resume listed with the header name of Robert W. McCaffrey, Junior. Several pages in length.
Q. And, Your Honor, at this time the State would offer Exhibit 81 into evidence.
THE COURT: Any objection?
MR. LIZZI: No objection, Your Honor.
THE COURT: Without objection so admitted.
MR. COOPER: Thank you, sir.
(WHEREUPON, State's Exhibit Number 81 was admitted into evidence.)
Q. And you also collected some of Gayle's as well?
A. Yes, sir, I did.
Q. Were you aware of the date in 2014 when Mr. McCaffrey was arrested?
A. June the 21st.

Q. Were you involved in any searches subsequent to his arrest?
A. Yes, sir, I was.
Q. What were you asked to search?
A. The vehicle that Mr. McCaffrey was in possession of when he was arrested. It was a pickup truck. That was brought to the Sheriff's Office forensic lab for a search warrant to be conducted on that truck.
Q. What did you collect in the search of that vehicle?
A. That vehicle, again, was overall photographic evidence of the vehicle looking for any other electronic devices, cell phones, any other ammunition, firearms, documentation.
Q. Okay. I am showing you State's -- court's indulgence for one second.
(WHEREUPON, counselors confer.)
Q. I am showing you State's 59. This will pop up in just one second.
(WHEREUPON, display on ELMO not working.)
Q. We will do it the old-fashioned way.
MR. COOPER: May I approach?
THE COURT: Yes.
Q. I am showing you what has been marked as State's 59. What does that picture show?
A. This is an AT&T cell phone.
Q. And that was collected from the 2014 search?

A. Correct. In the truck.
Q. Okay. Now this is the same truck as was searched in 2012 or was it a different one?
A. This is a different truck. It was another Dodge pickup truck. I believe it was the same year, 2012. Darker blue in color. Different then.
MR. COOPER: Beg the court's indulgence for one second.
Q. All right. I thank you for your time. If you will answer anything that Mr. Lizzi has for you.
THE COURT: Exhibit Number 64 was that admitted for ID only?
MR. COOPER: I believe I admitted it into evidence. If I didn't I would like to offer it at this time.
THE COURT REPORTER: It was admitted into evidence.
THE COURT: It was admitted?
THE COURT REPORTER: Yes, sir.
THE COURT: All right. And that was admitted without objection? All right. I just wanted to make sure.
Thank you.
All right. Cross-examination.

CROSS-EXAMINATION BY MR. LIZZI OF JASON RILEY:

Q. Officer Riley, I guess you did fingerprints of her car which hadn't left?
A. That is correct yes, sir.
Q. You did fingerprints of his vehicles, correct?

A. Yes, sir.
Q. But you didn't do fingerprints anywhere in the entire inside or outside of the house; is that correct?
A. Yes, sir, that is correct.
Q. Now you have been doing this a long time, correct?
A. I have now, yes, sir.
Q. And fingerprint to rule things out, correct?
A. Yes, sir.
Q. And find evidence hopefully?
A. Right, to help further things and also to either omit or cross people off of the list I guess.
Q. So if we don't fingerprint we have no idea whose fingerprints are in the house or on a door, correct?
A. Yes, sir, that is correct.
Q. You didn't fingerprint the computers?
A. That is correct. No, sir, we do not.
Q. You didn't fingerprint the printer?
A. That is correct.
Q. You fingerprinted the letter; and even though Mr. McCaffrey handed it to the officer is your understanding, correct?
A. I am not aware of how it was transferred.
Q. But the only person's fingerprints is on it is the officer's?
A. Yes, sir.

Q. You didn't find any blood?
A. That is correct.
Q. You didn't find any evidence of a struggle or any foul play?
A. Right.
Q. Now we saw the pictures of his car; and, you know, it didn't look like anybody tried to clean out that car at all prior to y'all getting there; correct?
A. That is correct, sir.
Q. Okay. It was fairly disgusting; but I mean it was -- it looked like everything was pretty much the way -- undisturbed, there was no evidence of cleaning or evidence of anything else being done to take evidence away, did it?
A. Like a typical work truck filled with, you know, typical clutter you might find in the vehicle; yes, sir.
Q. Okay. And you didn't find any blood in there, correct?
A. That is correct. There were indications of some blood, but it came back to be negative.
Q. Okay. And you didn't -- you found some evidence that -- you had a picture of a girl and you had the telephone number of a girl, correct?
A. Yes, sir.
Q. Don't think anybody was hiding any of that, correct?
A. No, sir.
Q. In fact, her picture was right on the dashboard; right?

A. There was a picture. I'm not sure who that was.
Q. Okay.
A. But it just was not Gayle McCaffrey.
Q. So and you have been out to crime scenes where people do a lot of cleaning before y'all get there, correct?
A. That has happened over time, yes, sir.
Q. In fact, while you are doing this process you look for cleaning products and you look for -- you look for signs of cleaning, correct?
A. Yes, sir, in your overall scope.
Q. You didn't find any of that?
A. No, sir.
Q. And you don't know for sure how big that safe was and if somebody could have carried it down those steps days earlier, weeks earlier; you don't know?
A. That is true. That is correct.
Q. And there's two attic spaces up there; and I think I remember it looks like that is where they stored suitcases, correct?
A. There was at least one suitcase in one of the attics, yes.
Q. Okay. So if somebody went up there to get a suitcase they would have went in that little attic space?
A. It appears to be, yes, sir.
Q. Okay. The odd thing, they never secured that house at

all; did they?
A. Are you referring to in between each of the subsequent search warrants?
Q. Yes.
A. Yes, sir, that is correct.
Q. In fact, they never secured his vehicle in between the time that he first reported this until the 21st when you executed a search warrant and searched it for two days?
A. Yes, sir, that is correct.
Q. And you took pictures of it that first night in your first search warrant, correct?
A. Yes, sir.
Q. And then you took pictures of it on the 21st, correct?
A. Yes, sir.
Q. And it didn't appear that anybody cleaned anything up from that time?
A. That is correct.
Q. Okay. Didn't appear like anybody was trying to remove anything or remove any evidence or remove anything out of that truck at all?
A. No, sir.
Q. There were sheets on the bed?
A. Yes, sir.
Q. We saw the pictures of the bed. There was -- there was blankets and sheets and everything on the bed, correct?

A. Yes, sir, and pillows.
Q. And there was some unfolded ones in the dryer?
A. That is correct.
Q. And you took those and processed those too?
A. The ones from the dryer?
Q. Yes.
A. Yes, sir, those were collected.
Q. And you didn't find anything on any of those?
A. I don't believe the ones from the dryer were actually processed.
Q. And I think you said there was no signs of forced entry is why you didn't do any fingerprints of the door. But people always don't come in through forced entry, people leave their doors open; correct?
A. That is correct.
Q. Did y'all take -- did y'all take the printer in part of your search warrant?
A. The printer was collected at a later time. It was done by a different investigator.
Q. Okay. But to your knowledge that wasn't -- that wasn't processed or -- that wasn't processed initially anyhow?
A. Not as far as physical evidence with the fingerprints, no, sir.
Q. When you went back in the house for the second time --
A. Okay, yes, sir.

Q. --- and then I think the third time -- when was the third time you went back there?
A. It was on March the 22nd.
Q. Okay. And did it seem like a whole lot had been changed on you then?
A. Not a lot had been changed, no, sir, not since the previous on the 18th.
Q. And it didn't appear like anybody was trying to cover anything up?
A. No, sir, not -- on any of the searches at the house the house pretty much was the same all the way through 2012. Now 2013 things had changed. But you are looking at a different time frame.
Q. And you went in 2013 I think to get some writing material?
A. Yes, sir, in September.
Q. You found his resumes?
A. Yes, sir, we did in the garage.
Q. Now these resumes that you found, they appeared just to have been left with his other things?
A. Yes, sir, they were in the garage.
THE COURT: What exhibit number is that, Mr. Lizzi.
MR. LIZZI: I am sorry, Your Honor. It appears to be Exhibit Number 81. The writing is not very well.
THE COURT: Mr. Cooper is shaking his head in the

affirmative.

MR. COOPER: Yes, sir, it is Exhibit 81.

THE COURT: Eighty-one.

MR. COOPER: Yes.

THE COURT: Thank you.

MR. LIZZI: I'm sorry.

THE COURT: How many pages are in that exhibit?

MR. LIZZI: That exhibit is a four ---

THE COURT: Four pages?

MR. LIZZI: It appears to be five pages, Your Honor.

THE COURT: Five pages, okay. Thank you.

Q. I want to show you on the second page where it talks about his work experience. And does that appear to be one of the pages you collected?

A. Yes, sir.

Q. And what does this say down as to the amount that he made at Baker Motors?

A. It states for Baker Motor Company in Charleston, South Carolina, as a superintendent, $150,000.

Q. And what does it say on the first one for the repair mess-hall building, 149?

A. Correct, this is the repair mess-hall building at Paris Island, South Carolina. He was a superintendent. It looks like the job entailed $4 million.

Q. Okay.

THE COURT: Hold on a minute, Mr. Lizzi.

(WHEREUPON, Court confers with court reporter.)

THE COURT: Mr. Lizzi, you indicated there were five pages in that exhibit number. Are those pages numbered at the bottom?

MR. LIZZI: No, they are not, Your Honor.

THE COURT: All right. Any objection to one of you all numbering these pages? Because if you are referring to Page 2 of that exhibit or whatever, I want it clear for my record.

MR. LIZZI: I will ---

MR. COOPER: The State has no objection to that.

THE COURT: All right.

(WHEREUPON, pause for exhibit pages to be numbered.)

THE COURT: Thank you all.

MR. LIZZI: Exhibit 81 has been modified to contain numbers at the bottom of each five pages, Your Honor, for the record.

THE COURT: Thank you.

Q. Did it appear when you were looking at the house that the house had had -- renovations were in progress?

A. Yes, sir.

MR. LIZZI: One moment, Your Honor.

THE COURT: Yes.

MR. LIZZI: Nothing further, Your Honor.

THE COURT: Any redirect?

MR. COOPER: Yes, Your Honor.

REDIRECT EXAMINATION BY MR. COOPER OF JASON RILEY:

Q. Investigator Riley, Mr. Lizzi talked to your fingerprints and whatnot. When the jeep was processed were you aware of any fingerprints that were collected from it?

A. There were some.

Q. Were you aware of any that matched to a Nikki?

A. No, there were none.

Q. Can you tell the jury is it possible to fingerprint an entire home?

A. It can be possible. It is a lengthy process, a messy process. But it can be done.

Q. In what kind of situation would you do that?

A. You might do that if you are investigating a death investigation type of scene, a forced entry type of scene, a scene that -- criminal sexual assault type of scene where there might have been forced entry. Or even if there wasn't forced entry that a criminal act had occurred inside of that residence or that business and you can delineate that there was an act that occurred inside of that business or that residence.

Q. And the main searches, the first two that we discussed at length, those were within two or three days of Mr. McCaffrey notifying law enforcement; right?

A. Yes, sir, that is correct.

Q. Showing you State's Exhibit 33, the letter that he provided law enforcement, did that give you any indication of a death in the letter?
A. No, it did not.
Q. Of an abduction?
A. No, sir.
Q. Of a sexual assault?
A. No, sir.
Q. Of anything that would lead you to fingerprint the entire house?
A. No, sir.
Q. Or a forced entry?
A. No, sir.
Q. And when you are going through an investigation you have got to go off of the information that you have at that time, correct?
A. That is correct.
Q. And that letter was part of that?
A. Yes, sir.
Q. Would an individual who does not have a prior criminal record would their fingerprints be in the database if it were searched when you talk about them analyzing fingerprints?
A. Only unless they are prior military, federal employment, or law enforcement.
Q. I am going to show you Pages 2 and 3 of Exhibit 81, the

resume. Those numbers that Mr. Lizzi read out to you, do they appear to be salary or the cost of a construction job?
A. I would interpret them as being the bid price to overall -- the awarded bid price for a job.
Q. And did you know him to be a contractor?
A. I did, yes, sir.
Q. Okay. So that would -- that would be reflective of a contractor's resume?
A. Yes, sir.
MR. COOPER: Beg the court's indulgence just one second.
Q. Investigator Riley, thank you for your time. I have no further questions.
THE COURT: Any further recross?
MR. LIZZI: Just a couple, Your Honor.

RECROSS-EXAMINATION BY MR. LIZZI OF JASON RILEY:

Q. I think you told me earlier or you testified earlier it wasn't your call on what got -- what got pictured or done at the scene, correct?
A. Well, initially on this scene there's kind of two parts to that story. It is primarily brand-new investigator just been cleared and cut loose from training. I happened to have the ability to have my immediate supervisor who had a lengthy time in forensics to be on the scene with me. He was kind of in charge of the investigation from the criminal investigative division and the forensic standpoint. He was helping to

direct based upon those search warrants, especially that initial first search warrant, what things he wanted to have photographed and documented.

Q. So you are looking for blood; you are looking for signs of foul play; so that tells me you are looking for more than just a missing person, correct?

A. That came on later, yes, sir. The initial search warrant was a missing person investigation, possible abduction; yes, sir.

Q. On day number and search warrant number two you are taking sheets, you are taking chunks of the bed; correct?

A. No cuttings were taken on the second search warrant, but there were the sheets ---

Q. Okay.

A. --- and things form the dryer collected.

Q. So you are already in looking for signs of this may not be just somebody who left?

A. That is possible. The search warrant had indicated specifically bedding, mattress covers, was listed on that second search warrant.

Q. And you are allowed to fingerprint at any time, correct?

A. Yes, sir.

Q. Okay. And fingerprints may not be on the database?

A. That is correct.

Q. But they can be used later to rule people out, correct?

A. You can do eliminations, yes, sir.
Q. Or if somebody subsequently gets arrested they would then be -- appear on a database and if it was run again, correct?
A. That is correct, yes, sir.
Q. So they are useful?
A. Yes, sir.
Q. Because you did the cars?
A. Correct.
Q. If you weren't worried about foul play why would you do the cars?
A. The cars were done. Fingerprints were explicitly listed on the search warrant for the cars.
Q. And you did I think it is called Blue Star?
A. Yes, sir. That is what we used.
Q. You did that on the second time, right?
A. It was the third one on March 22nd.
Q. Okay. Nothing further.
A. Thank you.
THE COURT: Sir, you may step down. Thank you.
MR. LIZZI: Thank you, Your Honor.
MR. COOPER: May he be excused from the subpoena?
THE COURT: Any objection?
MR. LIZZI: No objection.
THE COURT: Sir, you are excused from your subpoena. You have no further responsibility here. You are free to go.

Sergeant Paul McManigal.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: My name is Paul David McManigal. M-C-M-A-N-I-G-A-L.

DIRECT EXAMINATION BY MR. COOPER OF PAUL MCMANIGAL:

Q. Good morning, Sergeant McManigal. How are you?

A. I am doing well. How are you, sir?

Q. I am going well. Thank you. Can you please tell the jury where you are currently employed?

A. I am employed with the Charleston County Sheriff's Office.

Q. What is your position?

A. I'm sorry?

Q. What is your position?

A. Right now I am a computer forensic examiner assigned to the United States Secret Service Electronic Crimes Task Force.

Q. Can you kind of explain to the jury what your role is, what kind of things you are asked to do?

A. Being assigned to the United States Secret Service I operate for them to do computer forensic examinations on cell phones and computers and other electronic devices.

Q. How long have you been in that role?

A. Full time since 2015. I did it previously as collateral

duty since 2011.
Q. Back in March of 2012 what was your primary position?
A. In 2012 I was the supervisor of forensic services.
Q. What does that position entail?
A. That is the crime scene investigation unit. I was the supervisor at the unit since 2007.
Q. And that was your position when you became involved in this case?
A. That is correct.
Q. Will you describe for the jury how you became involved in this case.
A. I was called to execute a search warrant on the residence at 2829 Limestone Drive.
Q. Okay. And at that time were you aware what kind of case this was?
A. I was advised it was a missing person's case.
Q. Okay. And then for the search warrant of that residence what were you looking for?
A. Well, at that time we were looking for electronics, computers, and cell phones.
Q. What was the purpose of that?
A. There was a letter that was found at the residence and we were trying to confirm that this letter actually came from the residence.
Q. Okay. Were you also looking to confirm -- I am showing

you State's Exhibit 63. Would that be the letter that you were talking about?

A. This is the letter, yes.

Q. And does it contain a name Nikki?

A. It does.

Q. Were y'all also looking to see if there were any communications between Ms. McCaffrey and that person?

A. That is correct.

Q. And you mentioned it a little bit when you were talking about your role at the Secret Service. What exactly is meant by extraction?

A. We collect the data from the hard drive of the computer or from the cell phones or tablets, any electronic devices, and then we extract that data using forensic software which then parses out the data into information that we can read.

Q. And is that also sometimes referred to as dumping of a cell phone or a computer?

A. On a computer it is referred -- or a cell phone is referred to as dumping.

Q. And then depending on the make and model of the phone or the computer, the age, that kind of limits what kind of data you can get from those individual devices?

A. That is correct.

Q. And they why would it be important to locate the device that drafted that letter?

A. Well, the initial report was that Ms. McCaffrey was missing. What -- apparently ran away with this man named Nikki, according to the letter. And if we can confirm that information then we could close the case as a missing person, adult runaway.
Q. And then are you aware of several devices that were collected during that first search warrant?
A. That is correct.
Q. You were present during that first search warrant?
A. I was.
Q. And as sergeant were you directing the individuals on the scene?
A. That is correct.
Q. Of what to collect and what to take pictures of?
A. Primarily Investigator Riley was the lead investigator. And I directed him.
Q. And then you collected how many computers from the residence that night?
A. There were -- that night I would have to count.
Q. Would you like to see a copy of the report?
A. Yes, sir.
MR. COOPER: May I approach the witness?
THE COURT: Yes.
A. There was one HP Pavilion laptop, a Samsung cell phone, a Motorola Droid, Dell laptop, a Dell computer tower. And I

believe that was it from the residence.
Q. And did y'all collect another cell phone from the truck outside that night?
A. There was a truck in the driveway where we also collected a cell phone and a flash drive.
Q. And did you do extraction of -- or were extractions performed on each of those computers, each of those phones?
A. Yes, sir.
Q. Now in the extractions of those computers were you able to determine if the letter was drafted by any of those devices?
A. I was not able to locate any evidence of that letter on any of the devices.
Q. Was there any issue with the -- or component of the desktop computer that may have prevented that?
A. There was one computer, Dell B-110 that had -- it was a Linux operating system. Most of my software is geared toward Microsoft Windows. So I did have some difficulty extracting all of the data from that computer.
Q. And Linux is an operating system like Microsoft Windows or Apple OS?
A. That is correct, it is just another operating system.
Q. So you weren't able to fully search that computer?
A. That is correct.
Q. Based on the extractions of the phones and the computers

collected that night did you find any communication between Gayle McCaffrey and a Nikki?
A. No, there was no evidence anywhere. Unable to conduct targeted index searches based on the word lists created on the computers. There was no reference or any communication to Nikki.
Q. Would you -- based on the letter would you have expected to find something like that at the person's house?
MR. LIZZI: Objection to leading, Your Honor.
THE COURT: Go ahead. Overruled at this point.
MR. COOPER: Thank you, Your Honor.
Q. Would you have expected to find any evidence of that communication on the missing person's cell phone or home computer?
A. Absolutely.
Q. Now when you do your extractions or dumpings what format -- or how do you provide copies of those reports?
A. In the cases of cell phones the software I use creates a full report of all of the information on that cell phone which is exported as a PDF file, which I provide on a CD or a DVD if it is a large file.
In the cases of computer examinations I actually physically create the report in an HTML format which is kind of like a website. And I provide that on a CD or a DVD.
Q. And the CD's were all provided to my office as part of

discovery and things like that?
A. That is correct.
Q. And you would recognize copies of those CD's of your extractions if I showed them to you?
A. Yes. Sure.
Q. I am going to show you what has been marked for ID purposes only as State's 91. What does that appear to be?
A. That says a CD containing computer examination report for the HP Pavilion DD6.
Q. And does that CD appear to be what the label says it is?
A. Yes, it is.
Q. Okay. And that is one of the computers that was collected from the house that night?
A. That is correct.
Q. And is that one of the extractions that you did?
A. It is.
Q. Okay. If you want to can you load that in your computer and make sure it is the same and accurate report that you did back in 2012?
A. I have my copy open, sir.
Q. Okay.
MR. COOPER: Beg the court's indulgence.
Q. Sergeant McManigal, on that computer did you locate - excuse me - a copy of tax returns?
A. I'm sorry?

Q. Did you locate a copy of tax returns on that computer?
A. I did.
Q. If I were to show you a copy of those would you compare those to what is on your report?
A. I can.
Q. I am showing you what has been marked for ID purposes only as State's 92. What does that document appear to be?
A. This is tax return document that I located on that computer.
Q. And does it appear to be an accurate representation of what is on your report from that computer?
A. It does.
MR. COOPER: Your Honor, at this time the State's would offer Exhibit 92 into evidence.
THE COURT: Any objection?
MR. LIZZI: No, objection, Your Honor.
THE COURT: Without objection 92 is admitted.
(WHEREUPON, State's Exhibit Number 92 was admitted into evidence.)
MR. COOPER: May I publish to the jury?
THE COURT: Yes.
Q. Can you read the top line on that for us, Sergeant McManigal
A. This letter -- do you want the very top line or ---
Q. Yes, sir, the underlined. The very top.

A. 2011 tax return preparation engagement letter.
Q. And the name and the address listed in the top left corner?
A. It is Robert W. and M. Gayle McCaffrey, Jr., 2829 Limestone Boulevard, Charleston, South Carolina 29414.
Q. And then there are signatures at the bottom. What are the dates of those signatures?
A. March 17th, 2012.
Q. And the first might be hard to read. Can you read the second signature?
A. The second one appears to be Marjorie McCaffrey.
Q. Ms. McCaffrey was reported missing on March 18th?
A. That is correct.
Q. I am showing you State's 93 and 94. Did you happen to find these two pictures on that computer?
A. I did.
Q. Okay. Do they appear to be an accurate representation of what you found on that computer?
A. They are.
MR. COOPER: Your Honor, at this time the State would offer Exhibit 93 and 94 into evidence.
THE COURT: Any objection?
MR. LIZZI: No, objection, Your Honor.
THE COURT: Without objection. So admitted.
(WHEREUPON, State's Exhibit 93 was admitted into evidence.)

(WHEREUPON, State's Exhibit 94 was admitted into evidence.)
Q. I am showing you State's 93, the color photograph. Can you tell the jury when that was created on that computer?
A. The color photograph was created February 20th, 2012.
Q. I am showing you State's 94, the black and white photograph. Can ---
A. Black ---
Q. --- you tell us when that was created?
A. I'm sorry. Black and white was created March the 5th, 2012.
Q. And showing you State's -- what has already been admitted into evidence as State's 8. Can you tell if that is the same picture, that black and white, as what appears in the gauge cluster on the truck?
A. That appears to be the same photo.
Q. And that is the picture I think Investigator Riley took that night at the house?
A. That is correct.
Q. And then at some point at the house did you collect the printer or was the printer collected?
A. The printer was collected.
Q. Is there a way like you do an extraction on a computer to try to get information off of a printer or that printer, for example?
A. With modern printers sometimes it is possible. However,

with this style of printer at this point in time there was no data stored on the computer itself. It had memory that you could use to send files to, but once the computer is turned off the memory clears just like any RAM on any other computer.

Q. I will grab that CD back from you. Regarding the Samsung cell phone that was collected from the residence that night ---

A. Yes, sir.

Q. --- did you perform an extraction on that one?

A. I did, sir.

Q. Were there multiple extractions performed on the three phones found that night?

A. Yes, sir. Initially when the phones were collected our Metro Unit had a software that could do a basic triage dump is what we call it. It doesn't grab all of the data, but it gives us some information. So that was initially done by another officer in the Metro Unit.

And then a short time later -- or excuse me, a couple of years later, we got some better software that was able to extract most of the data from the phone. So we again got a new search warrant and extracted the data again in 2014.

And then I attended an advance mobile device examiners school with the Secret Service in 2016 at which time we got even better equipment and better software, so we ran another extraction on the phone to get more information.

Q. If I were to show you a copy of the CD from that most recent 2017 dump of the phone would you recognize it?
A. Yes, sir.
Q. Showing you State's eighty- -- what has been marked for ID purposes only as State's 83. Can you tell us what that is?
A. This says the most recent extraction for the Samsung Reality collected.
Q. Does that CD also appear to match the label?
A. It does.
Q. And that is the dump that you did?
A. That is correct.
Q. Okay. And if you will put that in as well. I have got some items from that report. Now the report -- the dumping that phone in 2017, does it have listed the phone number of that device on there?
A. Not directly.
Q. Okay.
A. There are ways to determine the phone number through the messages. For instance, if a message is sent from the phone it will list that the from number is a certain number.
Q. And then would you recognize a portion of a report ---
THE COURT: Hold on.
Q. --- if I was to show it to you?
A. That is correct.
THE COURT: Hold on a minute.

the expert?

MS. SHEALY: It was. I am just trying to make sure there was nothing I wanted to get in. I think I would actually like to get -- I would like to offer the writings from 3/2/12, 3/12/12, and 3/15/12 within the trial itself.

THE COURT: All right.

MS. SHEALY: Would you like to look at them?

MR. LIZZI: That is under Exhibit 106, and that would be under my same objection.

THE COURT: Yes, sir. So noted.

MR. LIZZI: Has the court reviewed that one?

MS. SHEALY: Do you want to look at this?

THE COURT: Let me see it, please, ma'am. Yes, I would.

MS. SHEALY: So the only one -- I am not going back as far as February, but these three.

THE COURT REPORTER: And this is not redacted, this is just 103?

MS. SHEALY: That is correct.

THE COURT: And these are being offered for?

MS. SHEALY: To show that Ms. McCaffrey was very involved in her child's education, she was the one communicating with the school.

THE COURT: Were these submitted to the expert as well?

MS. SHEALY: Yes.

THE COURT: Okay.

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, I hope you all had a nice lunch. I did receive your written note requesting permission for pads and pens.

I will tell you that I am not going to allow that. I am not going to allow you to do that. It is important during the course of this trial, as I instructed you at the beginning, to listen to, observe witnesses. Sometimes when people are taking notes they don't hear the next questions and the next response that is being said because they get so caught up in taking notes.

Each of these items of evidence that have been introduced during the course of this trial will be sent back with you when the case is given to you for your deliberation.

In addition, if at any point in time any of you all need to hear, rehear testimony, my court reporter will be here and can replay any and all testimony that may need to be heard by you all if need be; okay.

So having said that, at this time we are going to continue the court -- continue the trial. The State is recognized. You may continue, Mr. Cooper.

MR. LIZZI: Thank you, Your Honor. May it please the court.

RESUME DIRECT EXAMINATION BY MR. COOPER OF PAUL MCMANIGAL:

Q. Okay. Sergeant McManigal, before we broke for lunch I believe we were talking about cell phones you had collected

from the residence that night of the first search warrant. Was one of those phones you collected was it a Samsung?
A. Yes, sir.
Q. And then do you already have the CD of that dump?
A. Yes, sir.
Q. And then I think we also were talking about the most recent dump of 2017. Would you be able to tell what the phone number of that account was?
A. It is not directly extracted in the report. However, it can be derived from the multimedia messages.
Q. Okay. Showing you what has been already admitted into evidence as State's 82B. Are those some text messages from that phone?
A. They are.
Q. And can you tell with that document what the phone number belonging to that cell phone was?
A. The number the phone -- the text is from?
Q. The number for the phone that you get the extraction for.
A. It is not in this section, no.
Q. Would it help if you looked at a copy of the extraction for 2014 that you did?
A. Yes, sir, I believe it is actually listed in that one.
Q. Now does that appear to be an extraction for the same phone that we were just talking about?
A. That is correct.

Q. Okay. And then what -- what is the date of that extraction?
A. This one is dated April 30th, 2014.
Q. And then what is the phone number associated with that phone?
A. 843-514-9775.
Q. And then why wouldn't the phone number appear from one extraction to the most recent?
A. It is different software that I used. So the newer version of the software doesn't automatically extract the phone number. It is that you have to derive it from the multimedia messages.
Q. Now were you aware of who that phone number was associated with?
A. This phone number I believe is Gayle McCaffrey.
Q. And then looking at Exhibit 82B there is a text message I would like for you to read for the jury. Looking at -- looking at Line 81. Because I think it goes in reverse chronological order.
A. Line 81 of which section, sir?
Q. Line 81 of the text message, SMS messages.
A. Yes, sir.
Q. Can you tell is that a message received by the phone or sent from the phone?
A. It is in the inbox. So that means it is coming to the

phone from somewhere else.
Q. Can you tell who it is from?
A. It is from phone number 843-696-9793 which is listed to a contact named Bob.
Q. Okay. And the date and time that that message was received?
A. It was March 6th, 2012. The time is 3:04, but that is UTC time.
Q. And what does that mean?
A. UTC is universal time. It is the time at the timeline of zero. So in our section of the United States during daylight savings time we are in UTC minus five hours. And standard time we are UTC minus four hours. So in order to correct the time to our normal time we have to subtract four hours.
Q. Okay. And can you apply that subtraction to this date and time and give us the accurate date and time of the message?
A. It should be March the 5th, 2012, at 11:05 p.m.
Q. Okay. And if you could read that text message from Bob, please.
A. It says: Let me throw this into the mix. I seem to find myself living a life full of regrets. Mostly of things before you. Whenever things go a way other than the way I want or need, I feel like there were other things I could have done. Hence regrets. You will not forget what I have said and will

end up holding more things against me. Natural. And I understand this, but this will only make my problem worse. It seems to be a snowballing dilemma. Suggestions.

Q. Okay. Looking at the line above that, the Line 80, does that appear to be a response to Bob?

A. It is.

Q. And what time and day, applying that same subtraction, was that response sent?

A. That would be on March the 6th, 2012, at 6:18 a.m.

Q. Would you read that for us?

A. Just saw your text. You are going to believe what you want. But like I told you last night, I am different. I am not going to hold things against you. Or at least I'm going to try like heck not to. I want to work things out. Next to losing you everything else is unimportant.

Yes, some of the feel- -- some of the things you told me hurt. But at least you talked to me. That makes a huge difference to me. I hope you can get past having opened up to me. I love you and I will do whatever I can to help you out. Try trusting me for once. Living with regret is a hard place to live.

Q. And just to confirm, that was a message that was sent from the phone number associated with Gayle McCaffrey?

A. That is correct.

Q. And then right above that, Line 79, was there a response

from Bob?
A. There is.
Q. And the date and time for that one?
A. March the 6th, 2012, at 6:32 a.m.
Q. If you will read that for the jury, please.
A. It is not that hard when you keep it all in. It keeps a person thinking and prepared and aware. Sometimes it catches up to you and it is difficult to deal with. And other times it gets the best of you. I do not even want -- what to say anymore. And it is killing me. I just want to make things better, but feel like I will never be able to. I do love you, but I need to work this out if anything will ever be good again. Just remember, I am the one with the problems, not you. I hope you got some sleep and your day goes well. I will call you later. Love you.
Q. Okay. And then looking up at the top of the page at Line 73 does that appear to be a text message sent to Bob?
A. It is.
Q. The date and time of that one?
A. March the 8th, two thousand twelve -- or correction; March the 7th, 2012, at 11:54 p.m.
Q. Okay. And if you will read the content of that message for the jury.
A. Hey, not trying to bug you. And I hope you can get some sleep. Just wanted you to know that I love you and that I

really want us to work everything out. There is not a part of me that wants you to leave, and I am sorry you think that. I am sorry too about saying I didn't care about your problem. I did not mean it like that. I am just really worried about M.M. and meant that we had to focus on that.

I hate that we have said things in anger that we didn't really mean just cuz we were lashing out at each other. Anyway, good night. And I am looking forward to seeing you tomorrow.

Q. Okay. And right above that, Line 72, it appears to be a response from Bob to Gayle?

A. There is.

Q. And the date and time for that?

A. That would be March the 5th, 2012, at 11:00 p.m.

Q. Okay. If you will read that text, Line 72.

A. Nothing means more to me than M.M. but I may have to pull a Gayle just card and not forget what you said. Regardless of why, that was probably the most hurtful thing you could have said at the worst time.

Q. And going to Page 21 and Line 71 the text that was sent to Bob from Gayle's phone.

A. That is correct.

Q. The date and time on that one?

A. That would be March the 7th, 2012, at 11:30 p.m.

Q. Okay. And then if you will read the contents of that

message.
A. You can hold it against me if you want, but somewhere inside of you you know it is not what I meant. I have always cared about what is going on with you, good or bad. I was ticked off when I talked to you. You have said plenty of hurtful things to me the last ten days. I only hope that you do not really mean them. I honestly did not mean that. You are my life. I am sorry that somewhere along the way you have lost the ability to see that. And I really hope you find it again.
Q. And then Line 65 a message sent to Bob, what is the date and time on that one?
A. That is March the 7th, 2012, at 11:34 p.m.
Q. Okay. And what does it say?
A. That one says things will get better. I know it might not seem like it but I have faith in you and us. I think it will pull us out of this.
Q. And that was Gayle to Bob -- Gayle's phone to Bob?
A. That is correct.
Q. Okay. And then looking at Line 7 of the text message log, the text that was received from Bob's phone what date and time was that?
A. That is March the 17th at 10:00 p.m.
Q. Okay. And what does that say?
A. I will be back in the morning. I need to think tonight.

See you in the morning.
Q. Okay. And the next text received from Bob, Line 6, what date and time was that?
A. That was on March the 18th at 4:16 a.m. -- excuse me, 3:16 a.m.
Q. Okay. If you will read that for us.
A. You there? Call me. We need to talk.
Q. And that was at 3:16 that morning March 18th?
A. That is correct.
Q. And the number that was listed for Bob was that 696-9793?
A. That is correct.
Q. And in your extraction of that phone did you find any communication with any Nikki?
A. No, sir.
Q. No contact of Nikki?
A. No, sir.
Q. I am going to give you a new disk, Sergeant McManigal. And one of the phones that was plugged in that night that you had an extraction from was a Motorola Droid; is that correct?
A. Yes, sir.
Q. And that is another one that you -- that was done in 2012, 2014, and 2017?
A. Yes, sir.
Q. Okay. I am showing you what has been marked for ID purposes only as State's 84. Can you tell us what that

appears to be?
A. This is my examination report for the Motorola MD 870 Droid SU.
Q. And the CD matches up with the label?
A. That is correct.
Q. Okay.
A. And this belongs to the last extraction we did.
Q. Okay. And then ---
MR. COOPER: Beg the court's indulgence for one second.
Q. Will you tell us the phone number that is associated with that cell phone?
A. Phone number is 843-52 -- oh, excuse me; wrong number. One moment, please. The phone number is 843-696-9793.
Q. And that is the number that we saw as listed as Bob with Gayle's phone?
A. That is correct.
Q. And the number I think you started reading -- is your contact information at the top of the extraction reports?
A. It is.
Q. Phone number, email, your name?
A. Correct.
Q. Okay. Now this extraction only has about a day's worth of texts and calls; is that right?
A. That is correct.
Q. Is there a reason why a phone may not have a long history

of texting calls; are there a variety of reasons for that?
A. There are a variety of reasons. That it could be the make and manufacturer, the way the phone is designed, the way the software is designed, or it could be user interaction.
Q. Let me direct you to the contact section of that phone. It looks like Line 220 under contacts. Can you tell us the phone number that is listed in 220?
A. Contact 220 is a name, Mike Roberts, at Bonitz.
Q. Okay.
A. Phone number is 843-291-0159.
Q. Okay. And then content Line 315. What is the name listed for that contact?
A. The name is YDNARB at Brevard.
Q. What is YDNARB spelled backwards?
A. Brandy.
Q. What is the phone number listed for that contact?
A. 864-404-6123.
Q. I am going to show you what has already been put into evidence as State's 73 that was the summary of conversations from Brandy Styles' phone. Will you please read the phone number listed for her phone?
A. The phone number is 864-404-6123.
Q. Okay. And then the number she had listed for VW?
A. VW is 843-696-9793.
Q. Okay. And then in the list of calls, looking at calls on

Wednesday, March 21st, 2012, that number, will you read that phone number for us?

A. 843-291-0159.

Q. And that number appears multiple times on that date?

A. That does.

Q. And that is the number we just read as Mike Roberts on the 696 cell phone number? Line 220 I think it was.

A. That is correct.

Q. Okay. And the contact that was the YDNARB, Brandy spelled backwards, was the phone number associated with this phone?

A. That was 864-404-6123, which is on the top of this page.

Q. Okay. And then I will trade this with you again. In the days following the initial search at Limestone were you also provided with electronics from other sources, other searches?

A. I was.

Q. Were you provided a computer and an external hard drive from the Citadel?

A. I was

Q. And was it your understanding that those were from Ms. McCaffrey's office at the Citadel?

A. That is correct, that was Gayle's office computer and hard drive.

Q. And, again, you did extractions on that computer and that external hard drive?

A. I did.
Q. I am showing you what is for ID purposes only as State's 96. What does that appear to be?
A. This is a report for the computer from her office.
Q. And the CD matches that?
A. It does.
Q. Okay. If you want to pull that up. I want to go over a few items with you on that. On that extraction did you locate a document called pros and cons of your life?
A. I did.
Q. And this was Gayle's computer, right?
A. That is Gayle's computer.
Q. What was the creation date of that pros and cons document?
A. The creation date on that one was March the 8th, 2012.
Q. And showing you what has been marked as State's 97 does this appear to be the same document?
A. It is.
MR. COOPER: Your Honor, we would have this admitted into evidence.
THE COURT: Yes.
MR. COOPER: State's 97.
THE COURT: Subject to the objection.
MR. LIZZI: Thank you, Your Honor.
THE COURT: Over -- over defendant's objection.

(WHEREUPON, State's Exhibit 97 was admitted into evidence.)
Q. All right. Sergeant McManigal, if you could read for us the title of that document at the top?
A. It says pros and cons of your life.
Q. Okay. And on the pros side if you would read those out for us.
A. Wife that loves you, great kids, paid off house, a working wife that likes contributing, a good family, immediate and extended, talent in abundance, a support system.
Q. And the cons?
A. Another woman you have feels for. No job.
Q. Okay. And again the date that that was created?
A. That was March the 8th, 2012.
Q. I want to go over a couple of emails with you. One second. Court's indulgence.
Is there an email that appears on March 14th entitled applications?
A. Yes.
Q. I am going to show you what has been marked as State's 98. Does that appear to be the same email?
A. One moment, please. Yes, it is.
MR. COOPER: Your Honor, at this time the State would offer Exhibit 98 into evidence.
THE COURT: All right. Subject to defendant's objection

MR. LIZZI: Yes, sir.

THE COURT: --- it is overruled.

MR. COOPER: Thank you, Judge.

(WHEREUPON, State's Exhibit Number 98 was admitted into evidence.)

Q. Sergeant McManigal, if you would read who this email is from to the jury, please.

A. It is from Gayle McCaffrey.

Q. Okay. And then who is it to?

A. Bob McCaffrey at YMail.com

Q. And the date and time?

A. March the 14th at 7:03 p.m. UTC. Which, again, would be 3:03 p.m.

Q. And if you will read that for us, please, sir.

A. Hey, I sent several job descriptions over to you today. I do not mind doing the application paperwork if you like any of them, but I do not know exactly what you are looking for as far as work goes.

Also I think I will need more information if you want me to fill out paperwork; addresses for the companies you've worked for, contact phone numbers, which companies you are okay with them contacting, salaries, etc.

I will talk to you later. Just wanted to let you know. Love you. Gayle McCaffrey.

Q. That is the signature line at the bottom, correct?

A. Yes.
Q. Did you find an email from March 16th I believe titled no subject -- no subject, dash, eight?
A. Yes, sir.
Q. I will show you State's 124.
A. Yes, sir.
Q. Is that the email that is located under that name?
A. That is the email.
Q. Okay.
MR. COOPER: Your Honor, at this time the State would offer 124 into evidence.
MR. LIZZI: Same objection.
THE COURT: Let me see that. I thought that one was without objection.
(WHEREUPON, document presented to the Court.)
(WHEREUPON, court reporter confers with the Court.)
MR. LIZZI: This one is without objection.
MR. COOPER: Okay.
THE COURT Without objection.
MR. COOPER: Thank you.
Q. Sergeant McManigal, who is this email from?
A. It is from Gayle McCaffrey.
Q. And it is -- who is it to?
A. And it is to Bob McCaffrey at YMail.com and Gayle McCaffrey.

Q. And then the date and time it was sent?
A. March the 16th, 7:00 p.m. UTC. Which would be 3:00 p.m.
Q. And that appears to be a link to Cranmore Cottages?
A. That is.
Q. And then did you find an email sent on March 1st, 2012, entitled SMIME.TXT?
A. I did.
Q. I am showing you State's 129. Would that be the same email?
A. It is.
Q. Okay.
MR. COOPER: Your Honor, at this time the State would offer 129 into evidence. That may be in.
THE COURT: That one is without objection as well.
MR. LIZZI: Yes.
(WHEREUPON, State's Exhibit 129 was previously admitted into evidence.)
Q. And are you aware of -- some of the documents that you located on the extractions were since the forensic linguist?
A. I was aware.
Q. Okay. And then in addition to a computer that was collected from the Citadel you also examined an external hard drive; is that correct?
A. That is correct.
Q. Let me show you what has been marked for ID purposes only

as State's 100. Does this appear to be an extraction of that hard drive?
A. It does.
Q. And then on that hard drive did you happen to find a letter from Ms. McCaffrey in Human Resources back from 2011?
A. I'm sorry, could you say that again?
Q. A letter from Ms. McCaffrey to Human Resources in February of 2011?
A. I did.
Q. I am showing you State's 101. Is this that same email?
A. It is.
Q. Or sorry, letter. I apologize.
A. It is the same letter.
MR. COOPER: And I think that has already been admitted without objection.
(WHEREUPON, court reporter confirms 101 has been admitted.)
Q. And then did you also find a copy of a resume for Robert McCaffrey?
A. I did.
Q. I am going to show you State's 120. Does that appear to be that same resume?
A. It is.
MR. COOPER: I think 120 had also been admitted over -- without objection.
Q. Now you are not aware which of the specific writings from

the devices were sent to the forensic linguist, are you?
A. No, I don't.
Q. And then in your searches of that Gateway computer and that hard drive that we just pulled a few document from, did you find any communications with a Nikki?
A. No, sir.
Q. Okay. And now focusing your attention back to the search warrants at Limestone, did you return later that day for a second search warrant of the house?
A. I did.
Q. On March 19th, 2012?
A. I did, sir.
Q. What was the scope and the focus of that search warrant at the house?
A. We were expanding our search beyond just electronic devices to any other possible evidence.
Q. Okay. And then that -- y'all took photos of the interior and the exterior of the house and went through the house, correct?
A. That is correct.
Q. Did you locate a gun safe on the porch?
A. I did.
Q. And did you -- you were the one that personally inventoried and collected those firearms?
A. I did.

Q. Then did y'all find more firearms throughout the house?
A. Yes, we did.
Q. How many total firearms did y'all find in the house?
A. We collected 25.
Q. And then I am going to show you ---
MR. COOPER: Beg the court's indulgence for just one second.
Q. State's Exhibit 44. So I think it is the safe from the spare bedroom. That safe is full of ammunition?
A. It is.
Q. Did y'all collect all of the ammunition that was inside of the house?
A. We did not collect the ammunition. Just the firearms.
Q. Why is that?
A. Firearms we kept for security. The ammunition, that is not dangerous without firearms.
Q. Okay. And then did you return for another search of Limestone under that week?
A. I did.
Q. Why were there a variety of different searches at the house and other places?
A. It was an evolving investigation. Originally we were called to a missing person report and we were trying to establish that it was in fact a missing person and trying to locate that missing person.

As the investigation expanded we realized we needed to consider other possibilities, so we started looking for blood and DNA evidence as well.

Q. And I think you returned back on March 21st to the Limestone residence?

A. March 22nd I returned.

Q. March 22nd. And then you ---

A. Correct, March 21st.

Q. Okay.

A. I apologize.

Q. Then during that search were you -- were you the one in the process of looking for DNA and blood and spraying the luminal, I think it was?

A. I did, sir. I sprayed luminal.

Q. Can you explain that process a little bit for the jury?

A. Luminal is a chemical we use to find trace amounts of blood. It will glow in the dark when it finds a trace amount of blood.

Q. Okay. And ultimately did y'all find any blood during that search?

A. Well, we did end up collecting some blood swabs from the areas that were sprayed. Primarily inside of the vehicle.

Q. And then as the investigation continued are you aware of when the defendant was arrested?

A. I am not.

Q. Were you asked to do subsequent searches of phones and devices that were found with him in his vehicle after he was arrested?
A. I was.
Q. And that would have been in June 2014? June, July, 2014?
A. In June of 2014.
Q. And then you -- were you asked to do an extraction on an Apple iPhone?
A. I was.
Q. I am going to show you State's 114 for ID purposes only. Does that appear to be the extraction from that iPhone 2014?
A. It is.
Q. And the CD inside is also correct with the label?
A. It is correct.
Q. I am showing you what has been marked for ID purposes only as State's 113. Do those appear to be a portion of text messages from the extraction of that cell phone?
A. It is.
Q. And does it appear to be an accurate representation of what was found on that phone during your extraction?
A. It is.

MR. COOPER: Your Honor, at this time the State would offer Exhibit 113 into evidence.

THE COURT: Over defendant's objection.

(WHEREUPON, State's Exhibit 113 was admitted into evidence.)

Q. Are you aware this was the iPhone that was found on Mr. McCaffrey's person when he was arrested?
A. Yes, sir.
Q. Looking at the top of Exhibit 113, a text message, sent from the phone June 11th, 2014, can you tell us what that message says?
A. It says sometimes all I wish is someone would come rescue me, give me a reason to live again. I fucked up and I have to live with it.
Q. Now at the top it says recovery. Can you kind of explain to the jury what that means?
A. So if a text message is deleted occasionally depending on the make and model of the phone we can actually recover the deleted text. In this case a text was deleted. It is listed as recovered because -- because the text was deleted some of the identified information was tripped off of it. So we recovered the message but not the full contents.
Q. And so for example we can't see who it was sent to?
A. That is correct.
Q. And then were you asked to do an extraction of another cell phone that was found shortly after his arrest in 2014?
A. Yes, sir.
Q. There were -- were there actually several cell phones that were sent to you to be extracted from his arrest?
A. Yes, sir.

Q. I am showing you what has been marked for ID purposes only as State's 88. What does that appear to be?
A. This is my extraction report on a ZTE cell phone.
Q. Okay. And then can you tell the jury what the phone number associated with that cell phone is?
A. This phone number is 843-822-6694.
Q. And then showing again State's 73. Does that appear to be the phone number listed for Mr. Valentine at the top?
A. It is.
Q. Okay. And then I am going to inquire about a few contacts on that 822 phone number. Looking at Line 24 of the contacts what is the name and phone number listed there?
A. Twenty-four on the contacts from the ZTE phone is Mike. The phone number is 843-291-0159.
Q. Okay. And looking up at Contact 22, what is the name and the phone number listed on that contact?
A. That is Lizzi, Christopher. The phone number is 843-810-0334.
Q. And then looking at Line 12, the name and number of that contact, please?
A. That is Brandy. The phone number is 864-404-6123.
Q. Okay. And then were you also asked to get an extraction from one of the computers that was found subsequent to this 2014 arrest?
A. Yes, sir.

Q. I am showing you what has been marked for ID purposes only as State's 122. What does that appear to be?
A. This is a copy of a report for a Dell Precision 2400.
Q. Okay. I am going to ask you about two emails on this one. Did you locate an email entitled 134BERWICK on May 6th of 2014?
A. Can you give me that description of the email again, sir?
Q. It is subject 134BEREWICK on May 6th, 2014.
A. Yes, sir.
Q. Okay. Showing you State's 130. Does this appear to be that email?
A. It is.
Q. Okay. I think that has already been admitted.
And then one final email. The name was RE, with a colon afterwards, on March 21st, 2014.
(WHEREUPON, pause for witness.)
Q. There are a variety of emails on that computer, aren't there?
A. Yes. I'm sorry. I apologize.
Q. No, you're ....
A. Yes, sir.
Q. Showing you State's 131. Does it appear -- does that appear to be the same email?
A. Yes, sir, it is.
Q. Okay. And you don't need to read it. But the content of

it does it appear to be about construction?
A. Yes, sir.
Q. And then showing you 130 does it also appear to be about construction?
A. It is.
Q. Okay. And are you aware of some of the emails that you retrieved through the extraction were sent for -- to the forensic linguist as well?
A. I was not aware.
Q. Okay.
A. I should clarify that. I was aware that some of the contents were sent to a linguist, but I didn't know which ones.
Q. Just not which ones?
A. Right.
MR. COOPER: Beg the court's indulgence just one second.
Q. Sergeant McManigal, before I finish I want to go back to one of the phones you collected that night which I will be showing you again for ID State's 84. It is a Droid. And that -- is that the phone that we associated -- the number associated with Bob as 696-9793?
A. Yes, sir.
Q. Does that extraction have a timeline feature on it?
A. It does.
Q. Will you explain to the jury what a timeline feature is?

A. When I do the cell phone extraction the software I use separates everything into categories, whether it be a text message or a photograph that was taken or a phone call that was received.

In this case I conducted a timeline which takes everything that the phone did and puts it into chronological order regardless of what category it resides in.

MR. COOPER: Beg the court's indulgence for just one second. Looking at Line 251 of that timeline. Would you tell the jury what that appears to be.

A. Line 251 is an outgoing text message.

Q. And is that to the number we identified earlier as being Ms. McCaffrey's?

A. It is.

Q. And then the date and time of that message?

A. That would be March 18th at 3:17 a.m.

Q. And again if you will read for the jury that message.

A. It says: You there? Call me. We need to talk.

Q. And what is the very next activity on the time line?

A. There is an outgoing call.

Q. At what time?

A. At March 18th at 8:00 a.m. -- 8:26 a.m.

Q. And to -- what contact was it to?

A. Contact name was listed as parents.

Q. If you will read the phone number for us.

A. It is 252-473-6693.
Q. And the duration of that phone call?
A. Forty-four minutes and twenty seconds.
Q. And so in your comprehensive timeline there was no activity between that last text to Ms. McCaffrey's phone and then five and some odd hours later the call to his parents for forty-five minutes at 8:30?
A. That is correct.
Q. And then, Sergeant McManigal, one thing I wanted to ask you; pursuant to a request were you asked to search the different phones of Mr. McCaffrey for any code or combination or note entitled safe?
A. Yes, sir.
Q. Did you locate anything that was a code or a combination or a letter entitled safe?
A. No, sir.
Q. And it actually may have been this phone. What was the only things you found that contained the word safe?
A. There was a contact for a Greg Safety. And then there was another contact for Safeway.
Q. And then pursuant to a request from my office did you follow-up on those phone numbers, did they appear to be with the contacts listed?
A. They were.
Q. And so other than that you found no combination or code

to a safe?
A. That is correct.
Q. On any of the devices that you searched, no communication between Gayle McCaffrey, a Nikki?
A. That is correct.
Q. Just to clarify, the two contacts you mentioned, I forget the individual's name, with the Safe Bennett and then the Safeway, was the -- it appeared to be a person and then a phone number to a Safeway?
A. That is correct. The Safeway actually came up to a specific location with the Safeway Store. And the Greg Safety was a person.
Q. Okay. At this time, Sergeant McManigal, I have no further questions. I appreciate your time. Answer anything the defense may have for you.
THE COURT: Cross-examination.
MR. LIZZI: May it please the court.
THE COURT: Yes, sir.
CROSS-EXAMINATION BY MR. LIZZI OF PAUL MCMANIGAL:
Q. Sergeant McManigal, how are you doing today?
A. Doing well, sir. How are you?
Q. Good. You basically analyzed the information to dump it out -- out of the phones, correct?
A. That is correct.
Q. But back in March of 2012 you wore a couple of hats,

correct?
A. Yes, sir.
Q. Okay. This was an evolving area in your -- in the Sheriff's Department, the computers stuff?
A. Yes, sir.
Q. And your primary job was crime scene?
A. Yes, sir.
Q. And you were the supervisor of the crime scene?
A. Yes, sir.
Q. And you are the guy who kind of directed everybody what to do?
A. Yes, sir.
Q. And you directed them to take fingerprints of both vehicles?
A. Yes, sir.
Q. You directed them to take fingerprints of a letter?
A. Yes, sir.
Q. But you didn't direct them to take fingerprints of the door coming into the house?
A. We did process a door in the house, sir.
Q. You processed the door -- is there a report to that?
A. Yes, sir.
(WHEREUPON, document provided to witness.)
A. And I apologize. It was not documented in the report.
Q. Okay. And Officer Riley -- or I don't know if he has a

designation. He was doing the work for you, correct?
A. Yes, sir.
Q. And if he said that y'all didn't do it, he more likely remembered what was being done?
A. Probably, sir; yes, sir.
Q. Okay. And you didn't process for fingerprint any of the computers?
A. No, sir.
Q. Any of the things in the house?
A. No, sir.
Q. You didn't do the printer?
A. Correct.
Q. Okay. Now we have a letter that is supposed to be dealt with from a printer in the house?
A. Yes, sir.
Q. Okay. Did you do forensics to make sure it came off of that printer?
A. There is nothing we could have done to determine that.
Q. There is no signature from each printer that would show up as any abnormalities or any kind of signature that a printer will provide that it came off of a separate printer?
A. Not that I am aware of, sir.
Q. And you didn't find any evidence that the letter came off of any computers in the house?
A. That is correct.

Q. You didn't find it on any of the phones?
A. That is correct.
Q. Because I think even back in 2011 there was technology that you could share to a printer. Did that printer have that capability?
A. I don't recall.
Q. You took it into -- as evidence, right?
A. Yes, sir.
Q. Do you know what model it was?
A. One moment, please. I do not have an evidence list at this moment. I do not know what model it was.
Q. And let's get into you came back -- you came back to the house on a second search with your team, correct?
A. Yes, sir.
Q. And you didn't find any blood in the house?
A. No, sir.
Q. No evidence of any foul play?
A. Correct.
Q. Okay. You did find I guess a couple of spots of blood in one of the vehicles that belonged to one of the children, correct?
A. That is correct.
Q. Did you see any scene -- any evidence that the scene was tampered with?
A. No, sir.

Q. And the computers. Okay. You took stuff off of her computer down at her work, you saw the pros and cons items that you took off of the computer?
A. Yes, sir.
Q. Well, was there any evidence that that was ever sent to anybody? It wasn't listed down as an email or you didn't find it as an email being sent to anybody, did you?
A. That is correct.
Q. So that would have just been on her computer for her to read?
A. Yes, sir.
Q. Okay. So there is no evidence that she sent that to her husband?
A. That is correct.
Q. Now you took his phone. And I am talking about Exhibit -- State's Exhibit Number 113 at this point. And you read this into the record. This was taken off of a phone that he owned in June of 2014, correct?
A. Yes, sir.
Q. And you couldn't recover the data on that phone as to who the communications was with?
A. That is correct.
Q. You don't know if that was some new girlfriend or some relationship he was -- that he was breaking up in or -- you don't know what it means?

A. I don't know who it came from, sir. That is correct.
Q. Okay. And you don't know what content it is in?
A. That's correct.
Q. Just fragment of a message that was found on his phone some three years later?
A. Yes, sir.
Q. And there is a message, Exhibit 129. And I think you testified that you recovered this from her computer; is that correct?
A. That is correct.
Q. And would you read the paragraph there.
A. It says: Thanks, John. I am really trying, and it does make him mad when I mention her. It is really hard. I never thought he would put me in this position. The really scary thing is that on Sunday he has to leave to go back out of town to work where she lives. How do I trust him that nothing is going to happen. You know what I really hate is that he has turned me into the stupid, sad psycho. I want to just let it go. But how? I can't figure it out. It seems like it is constantly in my face that he needed someone else besides me. Her. Did I mention sad, stupid, psycho?
Q. And what is the date of that letter?
A. This is March 1st 2012.
Q. To who?
A. It is from Gayle McCaffrey to John O'Brien.

Q. Okay. Now your software on your phone dumps, it doesn't recover all deleted messages; correct?
A. It depends on the circumstances.
Q. So it is kind of hit and miss?
A. Yes, sir.
Q. Does it find missing pictures?
A. Sometimes.
Q. But that is a hit and miss?
A. Yes, sir. It depends on the circumstances.
Q. So like if his wife found and deleted pictures from it, they may be there and they may not be?
A. That is correct.
Q. Same thing if she went and deleted a contact, it may be there and it may not be?
A. That is correct.
Q. In March 22nd I think that was that second or third search?
A. March 22nd that would be the third search. I'm sorry, March 21st.
Q. And by that time y'all were treating it beyond a missing persons, correct?
A. Yes, sir.
Q. But you still hadn't secured the scene, correct?
A. As far as ---
Q. The scene was never secured, never taped off, and was

just left open?
A. We didn't leave it open. We left it secured and in Mr. McCaffrey's hands.
MR. LIZZI: Nothing further.
THE COURT: Any redirect?
MR. COOPER: Yes, sir.
REDIRECT EXAMINATION BY MR. COOPER OF PAUL MCMANIGAL:
Q. Regarding the second search warrant after y'all left that night, going back into March 19th, that afternoon, did you -- you personally responded to that search warrant?
A. Yes, sir.
Q. How did -- was the house locked and vacant when you arrived?
A. Yes, sir.
Q. How did you gain access to the house?
A. I had to get a ladder from the backyard and crawl up into the attic vent, through the attic vent at the top of the side of the house to get in through the attic, go through the attic door and unlock the house from the inside.
Q. So it wasn't unlocked and unsecured when you found it that day?
A. No, sir.
Q. And then Mr. Lizzi asked you about fingerprinting and processing and things like that. Will you remind the jury when you first responded to Limestone what was your

understanding of what kind of case this was?
A. My understanding was that it was a missing person, a woman had run away from home, and we were tasked with finding her.
Q. Were you aware at that point of a letter that was supposedly left behind?
A. Yes, sir.
Q. I am showing you State's 63. Is that that letter?
A. This is.
Q. And is there anything in that letter that indicates an abduction?
A. No, it is about voluntary.
Q. Does it indicate anything other than supposedly one spouse left another spouse for somebody else?
A. It does not indicate anything other.
Q. Okay. And then so when you first arrived to do a search warrant at the house; as Mr. Lizzi says, since there is no evidence of foul play, what is there to process?
A. Based on the evidence we had we tried to verify the information that we were given.
Q. But without evidence of foul play or evidence of a crime or something like that being committed you don't have anything to process? You don't process for fingerprints or things like that?
A. That is correct.

Q. And with the subjects involved being Mr. McCaffrey and then Ms. McCaffrey would you expect to find their fingerprints at their house?
A. Absolutely.
Q. On the printer?
A. Yes, sir.
Q. On the computers?
A. Yes, sir.
Q. On the doors?
A. Yes, sir.
Q. And the vehicles?
A. Yes, sir.
Q. Their DNA as well?
A. Yes, sir.
Q. Was it only after some of the things in the letter didn't check out that you expanded the searches -- the search warrants?
A. That is correct.
Q. That because some of the things in the letter you couldn't verify, the investigation changed?
A. Yes, sir. Primarily the supposed relationship with Nikki. There was actually no evidence of Nikki on any of the devices.
Q. Y'all saw nothing that indicated the existence of anybody named Nikki?

A. Absolutely nothing.
Q. And no evidence of all of any kind of combination or anything that would give somebody a code to a safe?
A. That is correct.
MR. COOPER: Beg the court's indulgence.
Sergeant McManigal, thank you for your time. I have no further questions.
THE COURT: Any recross?
MR. LIZZI: May it please the court.

RECROSS-EXAMINATION BY MR. LIZZI OF PAUL MCMANIGAL:

Q. I am just a little confused. Why are we fingerprinting the cars and fingerprinting all of that if we don't think there is a crime?
A. We do not fingerprint the common areas of the residence.
Q. Didn't fingerprint the printer or the computer?
A. Correct.
Q. And we had a note involved, correct?
A. Correct. They were inside of the residence.
Q. Okay. And we could have rolled out or we could have found out if an unknown party was in there and touched those items, correct?
A. It would be possible, yes, sir.
Q. And by the 22nd we were processing a house with your special - I forget the name of that ---
A. Luminal.

Q. Looking for blood, right?
A. Yes, sir.
Q. Still didn't look for any fingerprints?
A. That is correct.
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Sir, you may step down. Thank you.
MR. COOPER: May he be excused from the subpoena, Your Honor?
THE COURT: Any objection?
MR. LIZZI: No objection.
THE COURT: Sir, you are excused from your subpoena. You have no further responsibility here. Have a nice day.
THE WITNESS: Thank you, Your Honor.
MS. SHEALY: Can we approach for just a second.
(WHEREUPON, bench conference 3/6/19, 2:48 p.m.)
THE COURT: Ladies and gentlemen, we are going to take a break right now. I am going to ask you to step to the jury room. Do not discuss the case. I will get you back out here as quickly as possible.
(WHEREUPON, jury exits 3/6/19, 2:49 p.m.)
THE COURT: Anything before we take a break?
MR. COOPER: Not from the State.
MR. LIZZI: None from the defense, Your Honor.
THE COURT: We will stand down a few minutes.
(WHEREUPON, break 3/6/19, 2:49 p.m.)

(WHEREUPON, resume and jury enters 3/6/19, 3:05 p.m.)

THE COURT: All right. Call your next witness, please.

MR. COOPER: Thank you, Judge. Before we do I just want to place on the record where the defense has stipulated that Exhibits 121 and 132 come into evidence. They are just text messages between Ms. Linda Torporek and Mr. McCaffrey.

THE COURT: Is that right, Mr. Lizzi?

MR. LIZZI: That is correct, Your Honor.

THE COURT: All right. Exhibits 121 and 132 are stipulated as to the admission into evidence.

MR. COOPER: Yes, Your Honor.

(WHEREUPON, State's Exhibit Number 121 was admitted into evidence.)

(WHEREUPON, State's Exhibit Number 132 was admitted into evidence.)

MR. COOPER: The State would call James Game.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: All right. James Game. J-A-M-E-S. Last name Game, G-A-M-E.

DIRECT EXAMINATION BY MR. COOPER OF JAMES GAME:

Q. Good afternoon, Mr. Game.

A. Good afternoon.

Q. Do you live here in Charleston?

A. I do.
Q. What do you do for a living?
A. I am the interim chief financial officer at James Island Public Service District.
Q. Okay. And how long have you been there?
A. Eight years.
Q. Okay. And then who is Mary Game?
A. Mary Game is my ex-wife.
Q. Back in 2012 were you married to her?
A. I was.
Q. Where did she work?
A. She works at the Citadel.
Q. Through her did you get into contact with a Gayle McCaffrey?
A. I did.
Q. Do you remember when that was?
A. I do not.
Q. Do you remember why you got in touch with her?
A. She -- I think Mary offered my services to do their tax return.
Q. And you would do tax returns for them?
A. Right. In 2011 I had left the CPA firm and I was doing tax returns, yes.
Q. Did you assist them in preparing the 2011 tax returns?
A. I did.

Q. Would that have been in March of 2012?
A. Right.
Q. How were you corresponding with Ms. McCaffrey?
A. Either by email or text.
Q. Do you remember when you were -- the last few times you texted her about the tax returns?
A. It was on March 17th.
Q. Was that a Saturday?
A. That was a Saturday, right.
Q. And then showing you what have already been admitted into evidence as State's 92.
A. Okay.
Q. Are those the tax returns that you were helping Ms. McCaffrey with?
A. 2011. It appears so.
Q. Do you see the signatures of her and her husband on there?
A. I do.
Q. And what is the date?
A. 3/17/12.
Q. And then you were communicating solely with Ms. McCaffrey about the tax returns?
A. Correct.
MR. COOPER: Beg the court's indulgence for one second.
Q. In your communication on the 17th did it center around

you needing more information to fill out the tax returns?
A. Yes, it did.
Q. And were y'all exchanging the signed document that evening?
A. It was ---
Q. Did she send that signed document to you?
A. Right, she emailed that back to me.
Q. On the evening of Saturday, March 17th, ---
A. Right.
Q. --- 2012?
A. Correct.
Q. At this time I have no further questions for you. Please answer anything Mr. Lizzi has. Thank you.
THE COURT: Cross-examination.
CROSS-EXAMINATION BY MR. LIZZI OF JAMES GAME:
Q. Mr. Game.
A. Yes, sir.
Q. You didn't talk to her on the phone that day, correct?
A. I did not.
Q. And had you done their taxes before?
A. I had not.
Q. Okay. And did you meet with her personally or just correspond?
A. Just correspondence by email or text.
Q. Okay. And she was just sending you the information you

needed and you were going to prepare the taxes?
A. Correct.
Q. Thank you very much.
A. All right. Thank you.
THE COURT: Any redirect?
MR. COOPER: Beg the court's indulgence just one second. Just briefly, Your Honor.
REDIRECT EXAMINATION BY MR. COOPER OF JAMES GAME:
Q. Where did you get the contact information form Ms. McCaffrey -- for Ms. McCaffrey?
A. Mary. Mary Game.
Q. And then what was your phone number at the time; do you remember?
A. I would assume it is the correct same phone number that I had.
Q. What is that?
A. I can't -- I can't be sure. 843-670-6936.
MR. COOPER: Beg the court's indulgence. I have no further questions for you, sir. Thank you for you time.
THE COURT: Sir, you may step down. Thank you.
THE WITNESS: Just leave this document here?
THE COURT: Yes, sir.
MR. COOPER: May he be excused from his subpoena?
THE COURT: Any objection?

MR. LIZZI: No objection.

THE COURT: Without objection, sir, you are excused from your subpoena. You have no further responsibility here. Have a nice day.

THE WITNESS: All right. Thank you.

THE COURT: Next witness, please.

MS. SHEALY: Mark Christenberry.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last name.

THE WITNESS: Mark Christenberry.

C-H-R-I-S-T-E-N-B-E-R-R-Y.

DIRECT EXAMINATION BY MS. SHEALY OF MARK CHRISTENBERRY:

Q. Thank you, Mr. Christenberry. Tell the jury please, if you would, where do you work?

A. I work at the Citadel.

Q. And in what capacity do you work there?

A. I work in facilities and engineering and building maintenance.

Q. I'm sorry?

A. And building maintenance.

Q. Building maintenance?

A. Yes.

Q. Is this actually your second time being employed at the Citadel?

A. It is.
Q. The first time that you worked there how long did you work?
A. Approximately 11 years.
Q. And during that time period were you a coworker with Gayle McCaffrey?
A. I was.
Q. Would you describe -- how would you describe Ms. McCaffrey as a coworker?
A. Very friendly, caring, very confident.
Q. Did you in fact live near the McCaffrey's?
A. Yes.
Q. And after you left the Citadel for a new job did you learn of an opening back at the Citadel?
A. Yes, I did.
Q. Were you interested in that position?
A. Yes.
Q. And could you tell the jury did you have any discussions with Gayle McCaffrey about applying for that position?
A. Yes, we talked and she actually was the one that made me aware of the position coming open again. It was the same position I vacated a few years prior. And I applied. And they did an interview.
Q. And after you get interviewed at the Citadel and if they are interested in hiring you or in your case rehiring you, do

you have to fill out some background paperwork?
A. Yes, you do.
Q. How was that communicated to you?
A. Just to make it easy Gayle said she would bring the paperwork home for me to sign and since I lived so close I could just stop by, sign the paperwork authorizing a background check, and then she would drop it out at the Citadel the following work week.
Q. So she offered to do that for you?
A. Correct.
Q. And in fact, on March 17th of 2012 did you go by the McCaffrey house?
A. I did.
Q. And did you complete the paperwork while you were there?
A. I did.
Q. Who was home when you went there?
A. Gayle was. And I don't know if the children were there or not. I don't recall.
Q. Now showing you what has been previously marked as State's Exhibit 4 could you tell the jury what that is a photograph of?
A. This is the paperwork authorizing a background check for pre-employment.
Q. And does that form reflect that you in fact completed it while you were at Gayle's house?

A. Yes, it does.
Q. And what was she going to do with that for you?
A. She was going to take that and give it to Human Resources so they could do a background check on me.
Q. And she was going to take that Monday, March 19th?
A. Yes.
Q. How frequently would you see Gayle when she was at work?
A. Virtually every day.
Q. Okay. And knowing Gayle would you expect her to voluntarily leave her family?
MR. LIZZI: Objection, Your Honor.
THE COURT: Sustained.
MS. SHEALY: May we approach, Your Honor?
THE COURT: Yes.
(WHEREUPON, bench conference 3/6/19, 3:15 p.m.)
Q. Mr. Christenberry, did you socialize with Gayle McCaffrey or her family; did you ever see them socially?
A. Yes, we had had dinners together. With other groups as well.
Q. Okay. And could you describe for the jury in being a coworker of hers tell us whether or not y'all had any conversation about your families while y'all were at work?
A. Yeah, we discussed families.
Q. And did you ever see Gayle McCaffrey with her children?
A. Yes.

Q. Could you describe how she appeared when she was with her children?
A. Happy.
Q. Okay. And were you familiar with her workspace at her office?
A. Yes.
Q. Were there photographs of her children on the desk?
A. Honestly, I can't recall.
Q. Okay. But having known her of the 11 years you worked at the Citadel the first time how many of those years would you and Gayle have worked together?
A. I am not exactly sure when she hired on. She came as a temporary I believe. And I think it was a couple of years on the end of that 11. And then there was a three-year span. And but so I don't -- several years. I don't recall exactly when she came there.
Q. Okay. Well, let me ask you this about -- everybody has different personalities. Regarding her personality did that include the use of profanity?
A. No.
Q. And did you believe she was close with her children?
A. Yes.
Q. Did you know her sisters or know that she had sisters?
A. I knew that she had sisters. I don't -- I am not really sure if we met prior.

Q. And when you work in that building can you kind of describe the building that you both worked in; is it a very large building?
A. It is not a large building. There's probably eight to ten offices scattered throughout.
Q. When you heard that she had disappeared did -- how did you react to that?
A. I was shocked.
Q. Did you have any reason to believe that she would have left voluntarily?
MR. LIZZI: Objection, Your Honor.
THE COURT: Can the lawyers approach?
(WHEREUPON, bench conference 3/6/19, 3:18 p.m.)
Q. Mr. Christenberry, would you tell the jury please if you would did Gayle McCaffrey ever indicate to you that she wanted to leave Charleston?
A. No. Never.
Q. Did she ever indicate to you that she wanted to leave her family?
A. No.
Q. And when she didn't show up on Monday were you surprised?
A. Well, I was not working at the time.
Q. Oh, that's right. I'm sorry. I'm sorry. I will withdraw that question. You are correct.
Please answer any questions the defense may have.

THE COURT: Cross-examination.

MR. LIZZI: May it please the court.

THE COURT: Yes.

CROSS-EXAMINATION BY MR. LIZZI OF MARK CHRISTENBERRY:

Q. Sir, you saw her and her husband together; correct?

A. Correct.

Q. And they seemed like a happy family?

A. Correct.

Q. And you saw Mr. McCaffrey get along with his children, correct?

A. Yes.

Q. And was he gone very often with -- at working or -- do you know how often he went away?

A. I would not know.

Q. And during this time that you were kind of separated from the Citadel did you see the family very much?

A. A couple of times.

Q. But during that -- there is like a three-year span?

A. Yes.

Q. And so the socialization really kind of broke off a lot when you weren't working there?

A. It did. It thinned down.

Q. Okay. And how long before you stopped by their house that day had it been since you had actually see them?

A. Been a while. But I would say several months.

Q. And would it be safe to say there is probably several months between that one and the one before?
A. Yes.
Q. Okay. So you weren't real familiar with the day-to-day family life going on at the time?
A. No, I was not.
Q. Okay.
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Any redirect?
MS. SHEALY: No, Your Honor. We would ask that he be excused.
THE COURT: Sir, you may step down. You are excused. You have no further obligation under your subpoena here. Have a nice day.
MS. SHEALY: Leah Schonfeld.
(WHEREUPON, the witness was duly sworn.)
THE CLERK: For the record please state your full name, spelling your last.
THE WITNESS: My name is Leah Schonfeld. S-C-H-O-N-F-E-L-D.

DIRECT EXAMINATION BY MS. SHEALY OF LEAH SCHONFELD:

Q. Good afternoon. Would you tell the jury please where you are employed?
A. I am at the Citadel.
Q. And in what capacity do you work there?

A. I am the chief human resources officer.
Q. Pursuant to my request did you pull your records and do a chart for me of Ms. McCaffrey's salary progression since she started working at the Citadel?
A. Yes, I did.
Q. And showing you what has been marked as ID as State's Exhibit 104, could you tell the jury what that is reflective of?
A. So this is an outline of Gayle's time with us and kind of her progression in employment. She began in ---
Q. Wait just one second.
A. Okay.
MS. SHEALY: Before you do that, Your Honor, at this time I would move 104 into evidence.
THE COURT: Any objection?
MR. LIZZI: None, Your Honor.
THE COURT: Without objection so admitted.
(WHEREUPON, State's Exhibit Number 104 was admitted into evidence.)
Q. And I am going to put it up ---
A. Okay.
Q. --- so that you can see it on your monitor.
A. Oh, great.
Q. Okay. If you would please advise the jury of her progression once she started at the Citadel.

A. So Gayle was initially hired in July of 2004 - you will see at the bottom there - as an hourly, temporary employee in our Telecommunications Department.

She quickly moved up in January of the next year into a full-time position where she was working as a kind of a data entry clerk in our facilities and engineering area.

In April of 2005 she started overseeing more of the fiscal responsibilities, overseeing some more financial responsibilities, and facilities and engineering and was kind of reassigned to look at that.

There were -- you will notice as a state employee we get cost of living adjustments occasionally. So July 1st cost of living on here reflect that.

In December of 2005 -- in December of 2005, that timeframe, Gayle received her bachelor's degree. And during that time the Citadel was awarding employee's additional skills increases for continuing their education. And obviously we saw it as a proactive way to keep her on board.

And then we have had performance increases throughout her time with us. So you see that reflected in 2006 along with one in 2007.

The next additional skills came in 2007 because she received her master's degree, as Gayle continued to kind of grow in the role with us, continuing to build her education and experience.

And then in August of 2008 she was promoted as like the business manager for that department in Facilities, meaning that she was kind of the HR liaison as well as the finance liaison for budget and personnel issues going on in the department.

She received some additional duties the next year. And then her last promotion came in June of 2011 where she was promoted to the director of Facilities Finance overseeing all of the financial -- all of the financial matters in Facilities and Engineering.

Q. Okay. So when she started as an hourly temp she was making what per hour?

A. Nine dollars an hour.

Q. And when -- in March of 2012 what had her salary increased to?

A. In May - I'm sorry, which one?

Q. Well, in March is when she went missing; so what was her salary in March of 2012?

A. It was at the 50,904.

Q. Now did you ultimately have to terminate her officially?

A. Yes.

Q. And when was that done?

A. We officially terminated on the May 15th date. But in our files it was April 30th. We sometimes have to carry it out a little bit further. And in this case we carried it out

a little bit further because we had an employee that nominated her for our employee of the year and so we had to pay out that -- she was a finalist in that. And we did give her a bonus in that effort. So she was paid out a little bit more money on the 15th paycheck.

And we also tried to carry out some of her health insurance coverage through that time.

Q. Okay. So that last larger increase that occurred in June of 2011 what percentage of a pay increase was that for her?

A. It was 20 percent.

Q. Twenty percent pay increase. And when you said that you were trying to extend her time there, tell the jury if you would who from her family was contacting you about her benefit's status and keeping the children on insurance?

A. Her sister, Debbie Pearson.

Q. I have no further questions. Please answer any that the defense may have.

THE COURT: Cross-examination.

MR. LIZZI: None, Your Honor.

THE COURT: Ma'am, you may step down. Thank you.

(WHEREUPON, witness steps down.)

MS. SHEALY: Carla McIntyre.

THE COURT: Are you asking that this witness (Mr. Christenberry) be excused?

MS. SHEALY: I am, Your Honor. Thank you.

MR. LIZZI: Ma'am, ---

MR. LIZZI: No objection, Your Honor.

THE COURT: Any objection?

MR. LIZZI: No objection.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Carla Mcintyre. M-C-I-N-T-Y-R-E.

DIRECT EXAMINATION BY MS. SHEALY OF CARLA MCINTYRE:

Q. Ms. McIntyre, would you tell the jury where you work?

A. I work at the Citadel.

Q. And how long have you worked there?

A. Since August of '94.

Q. Okay. And what do you do there?

A. I am a construction management accountant in the Facilities and Engineering.

Q. Did you previously work with Gayle McCaffrey's mother?

A. I did. We worked in the Treasurer's Office together.

Q. And did you know Gayle McCaffrey?

A. Yes, ma'am, I met her -- the first time I met her was through her mother when she came in to see her mother.

Q. And then did she become employed at the Citadel?

A. She did. She -- I'm sorry.

Q. Go ahead. I'm sorry.

A. I was just going to say she did. She started as a temp

in the Physical Plant, and then I hired her as my assistant.
Q. So you were her supervisor at that point?
A. At that point, yes, ma'am.
Q. Could you describe Ms. McCaffrey and how she progressed at her work there?
A. She ---
Q. Was there much advancement?
A. Yes, ma'am. She started, like I said, as a temp. And then she came on full time with me. And then she progressed to the back to be an accounting tech for the back for the Physical Plant. Then she then progressed to that supervisor role. And eventually she ended up being my supervisor.
Q. Okay. So it started off pretty much with you being her supervisor, and then she became yours?
A. Correct.
Q. Would you describe for the jury how frequently you would see Gayle McCaffrey?
A. I saw her every day at work since she started in the Physical Plant.
Q. And so we are talking about a time period of approximately how many years?
A. She started for me in 2005. I am not sure of the exact date she started in the Physical Plant.
Q. So seven years?
A. Yes, ma'am.

Q. And were your offices or your workspace areas close to each other?
A. Yes, ma'am.
Q. Would you describe for the jury whether or not y'all enjoyed a personal relationship as well as a professional one.
A. Yes, we did. We had -- we had -- have daughters the same age. And her daughter would come over and spend the night with us. And my daughter went over there and tried to spend the night with them, but she got scared and I had to go get her so.
Q. Oh, goodness. So as a part of your relationship on a personal level did y'all discuss your private lives as well?
A. Yes, ma'am.
Q. Did you know Q.M. in addition to Matt?
A. Yes, ma'am.
Q. And back in 2012 was Q.M. four years old?
A. Yes, ma'am.
Q. And M.M. was 10?
A. Ten or eleven, yes, ma'am.
Q. How frequently would Gayle talk about her children?
A. All the time.
Q. And did y'all ever do things outside of the office socially as well?
A. Yes, ma'am. Her and M.M. came over and -- her daughter. I don't know if I should say her name. I am sorry.

Her and her daughter came over and went swimming with my daughter and I in my pool in my neighborhood. We also did a couple of dinners together. She cooked a steak dinner at her house.

Q. And when she did that were her children present as well?

A. Yes. For the steak dinner?

Q. For the steak dinner.

A. Yes, ma'am.

Q. Okay. Could you describe for the jury from having such close contact with her her apparent level of devotion to her children.

A. Absolutely devoted to her children. She was 100 percent a good mother.

Q. Was there an occasion that she did something for Bob at the Citadel?

A. Yes, ma'am, she gave Bob a birthday party for his 40th birthday.

Q. And were you invited, and did you go?

A. Yes, ma'am, my daughter and I both went.

Q. Tell the jury if you would if you and Gayle did anything socially after work together, just the two of you.

A. Just the two of us would have just -- no, I don't think we ever did anything just the two of us. It was usually with the girls.

Q. Okay. And what kind of stuff would y'all do with -- when

you say the girls you mean your child ---
A. My daughter ---
Q. --- and her child?
A. --- and her daughter, yes, ma'am.
Q. Did you and Gayle ever go out drinking?
A. No, no, no. No.
Q. And were you aware whether or not she was involved with her church?
A. Absolutely. She was a devoted Christian that religiously went to her church. She was in the -- she did the bells. She was in the choir. She went on Wednesday nights as well as Sundays.
Q. Okay.
A. She was very active.
Q. Did there come a time period where Gayle appeared upset about something?
A. Yes, ma'am.
Q. And can you tell us about when that was, if she -- she went missing in March of 2012 on March 18th, if that helps you at all in the timeline.
A. Yes, ma'am. I want to say it was a few weeks before that. Maybe a month. I am divorced. And she came to me and asked me about divorce procedures and how it affected my daughter. And my response was if you can make your marriage work, make your marriage work, because it is not good for the

kids.
Q. Okay. And did she ever express to you her intent regarding her marriage and whether she wanted it to work or not?
A. Yes, ma'am, she definitely wanted her marriage to work.
Q. Now did she ever indicate to you that she had a crush on anybody?
A. Yes, ma'am, she did.
Q. And who was the crush on?
A. It was the choir director.
Q. Do you know what his name is?
A. No, ma'am.
Q. Okay. And that would have been at First Baptist ---
A. Yes, ma'am.
Q. --- where she went? Could you describe to the jury did she indicate she had a relationship with him?
A. She said that she had feelings for someone at church and that she had not acted on those feelings but she did have these feelings and she didn't like having these feelings because she felt like she was, um ....
Q. Being bad?
A. Being bad. Yeah. Betraying her husband.
Q. If you would, describe to the jury did she dress provocatively, modestly; how did she dress?
A. Very modestly.

Q. And would you describe her personality to them?
A. Yes, ma'am. Gayle was a very shy, reserved person, a little mousey. Until you got to know her she really wouldn't let herself be herself. She kind of kept her guard up I think.
Q. Now did you have contact with her as you typically did on that Friday, March 16th?
A. Yes, ma'am.
Q. Okay. And could you tell the jury whether she indicated to you what her plans for the weekend were?
A. Yes, ma'am, she had -- I don't remember who she got the recipe from. I think it might have been one of her aunts. She wanted to cook Bob a nice St. Patrick's Day dinner. And so she was excited about that. And tried to prepare this dish that she had never made.
Q. Okay. And did she indicate anything to you about an upcoming trip?
A. Yes, ma'am. The following weekend she had scheduled or reserved a place in the mountains. And the intent was to try and bring her and Bob back together and work on the marriage.
And at that point she was certain that they were both ready to do this, and so she was very excited.
Q. She felt optimistic on that Friday?
A. Yes, ma'am. About the following, yeah.
Q. About the next weekend?

A. Yes, ma'am.
Q. Have you ever been into their home?
A. Yes, ma'am.
Q. And regarding their financial situation could you describe to the jury whether or not she appeared to be a lavish spender or not?
A. She was not a lavish spender. She was pretty preserved in where she spent her money. She tried to bring her lunch.
Q. What about her clothing, did it look overly expensive?
A. No, ma'am. No, ma'am.
Q. You have told us about the crush on the choir director.
A. Yes, ma'am.
Q. Did she ever mention anyone named Nikki to you?
A. No, ma'am.
Q. And do you recall whether after she went missing the police came to ask you if you knew someone named Nikki?
A. I remember them asking me. But I didn't. I don't know anyone ---
Q. She never mentioned a Nikki?
A. No, ma'am.
Q. How did you learn that she had gone missing?
A. I received a call from her sister Helen asking me and asked if I had heard from her or knew where she was. Sunday night.
Q. Did you ever hear from Bob McCaffrey?

A. No, ma'am.
Q. And showing you what has been marked as State's Exhibit 63. Have you had the opportunity to read this before?
A. Yes, ma'am.
Q. Could you tell the jury whether the language of this note ---
MR. LIZZI: Objection, Your Honor.
THE COURT: Finish the question first, please.
Q. Could you tell the jury whether the language of this note is the way that Gayle spoke?
THE COURT: Hold on a minute.
MR. LIZZI: Objection, Your Honor. She is no expert as to subject matter.
THE COURT: Can y'all approach a minute, please.
(WHEREUPON, bench conference 3/6/19, 3:39 p.m.)
Q. Have you ever received an email from Gayle McCaffrey that used language like the language in this ---
A. No, ma'am.
Q. --- letter?
A. No, ma'am.
Q. And could you tell the jury whether or not in speaking with Gayle for seven years weekly, daily, has she ever used language like the language in that letter?
A. No, ma'am.
Q. Thank you. I have no further questions.

THE COURT: Cross-examination.

MR. LIZZI: May it please the court.

THE COURT: Yes, sir.

CROSS-EXAMINATION BY MR. LIZZI OF CARLA MCINTYRE:

Q. How much contact have you had with her and her husband?

A. I'm sorry, how much contact ...?

Q. With her husband.

A. I saw him the day we were at the pool he came by. I saw him at the birthday party. He would come by work. Many times.

Q. Now I heard you reference the steak dinner and a couple of things. Now you have known each other for at this point for seven years. How many times did you socialize with her in the year -- out of the office in the year before this happened?

A. In the year before?

Q. Yes.

A. I do not know, sir.

Q. Less than -- less than five?

A. Yes, sir. I would say less than five.

Q. Okay. And her and Bob were having problems?

A. Yes, sir.

Q. She told you that she had feelings for somebody else?

A. Yes, sir.

Q. She told you how mad she was and hurt she was about this

other woman?
A. Yes, sir.
Q. And at the beginning of March, a couple of weeks before that, I mean she was just beside herself; correct?
A. She was very upset, yes, sir.
Q. And she was teetering on if she should leave the marriage or not?
A. Yes, sir. She was trying to decide whether they could work on the marriage and make the marriage work. And that is what she wanted.
Q. And this other woman being there or not was a critical factor in that, correct?
A. Yes, sir.
Q. And if the other woman didn't go away she pretty much indicated she couldn't deal with it?
A. Yes, sir, I don't think many woman would want to be with a husband who is not being faithful.
Q. And you don't know what interaction went on between them on the 16th or 17th, correct?
A. No, sir, I do not.
Q. Have you ever seen Bob being mean to her?
A. Physically mean, no, sir. I have seen him kind of verbally not talk nice to her.
Q. And she is not one -- I mean she was very professional at work, correct?

A. Yes, sir.
Q. In fact, you are at the Citadel and there is a really high standard of conduct there?
A. Yes, sir.
Q. Okay. And, in fact, though it may be a military college and we have got a lot of young men and women there, pretty much in the faculty in the -- in the work area part, foul language is not something that you see very often?
A. No, sir, it is not.
Q. And it is not condoned?
A. No, sir. But there are people -- I work in the Physical Plant in the construction management area. So in our area there is probably more language than would be on other areas of campus. But she never once, that I heard, cuss.
Q. You -- you don't hear it among the management, correct?
A. Among the management, no, sir.
Q. Okay. And when she told you about having feelings for this other person it was only at the same time she started talking to you about the divorce issue, correct, a couple of weeks before this?
A. I am not exactly sure the time line of when we spoke of those two items. I think it was -- I am not sure, sir.
And may I say something about the cussing and management?
Q. Yes.
A. I just want to say that it's -- when I said management I

meant the top leaders like the VP's and -- that is what I meant by ....

Q. But it is not one of those things that is going to be looked at favorably if you are trying to get promoted or move up?

A. Depends on who you do it in front of. I guess that's ....

MR. LIZZI: Nothing further, Your Honor.

THE COURT: Any redirect?

MS. SHEALY: Just briefly.

REDIRECT EXAMINATION BY MS. SHEALY OF CARLA MCINTYRE:

Q. In the weeks that were leading up to her disappearance and focusing on that Friday could you tell the jury whether or not she indicated she wanted her marriage to end or did she want it to work?

A. She indicated very much she wanted her marriage to work.

Q. I have no further questions. Thank you very much.

MS. SHEALY: We would ask that she be excused from her subpoena.

THE COURT: Well, hold on a minute. Mr. Lizzi, any other questions?

MR. LIZZI: Yes, briefly.

RECROSS-EXAMINATION BY MR. LIZZI OF CARLA MCINTYRE:

Q. Do you think she would have tolerated if she found out that Bob was still seeing and left their house that day after

making her that -- making him that special dinner she would have tolerated him going to see another woman?
A. I'm sorry, repeat the question.
Q. Do you think that Gayle would have tolerated, after she made that special dinner and was trying to make things work and made these reservations, to find out that he still was going to ---
MS. SHEALY: Objection, Your Honor.
THE COURT: Can you let him finish his question, please?
MS. SHEALY: Yes, sir.
THE COURT: Finish your question. Before you answer the question let me rule on the objection, okay?
THE WITNESS: Yes, sir.
THE COURT: Go ahead, sir.
Q. That she would have tolerated him going to see another woman that same night?
MS. SHEALY: Objection.
THE COURT: Sustained.
THE WITNESS: That means answer?
THE COURT: That means don't answer.
THE WITNESS: Okay.
Q. What do you think Gayle McCaffrey's reaction would have been to her husband leaving on the same night she cooked him that special dinner?
MS. SHEALY: Objection.

THE COURT: Sustained.

MR. LIZZI: Nothing further, Your Honor.

THE COURT: Can y'all approach a minute, please.

(WHEREUPON, bench conference 3/6/19, 3:37 p.m.)

THE COURT: Ma'am, now you may step down. Thank you.

THE WITNESS: Yes, sir. Thank you.

MS. SHEALY: Christine Simmons.

THE COURT: And I am assuming you are asking that this young lady be excused?

MS. SHEALY: I am.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: Ma'am, you are excused. You have no further responsibility here. Have a nice day.

THE WITNESS: Thank you, sir.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Christine Simmons. S-I-M-M-O-N-S.

DIRECT EXAMINATION BY MS. SHEALY OF CHRISTINE SIMMONS:

Q. Ms. Simmons, you work at the Citadel?

A. Yes.

Q. What do you do there?

A. I am a work order clerk?

Q. Work order clerk?

A. Uh-huh.
Q. What ---
THE COURT: Is that a yes?
MS. SHEALY: I'm sorry.
THE COURT: Ma'am, when a question is asked of you --
THE WITNESS: Yes.
THE COURT: --- if it involves a yes or a no response ---
THE WITNESS: Uh-huh.
THE COURT: --- please give that to me so my record is clear, okay, instead of an uh-huh or huh-uh. Okay?
THE WITNESS: Okay.
THE COURT: Thank you, ma'am.
All right. Go ahead, Ms. Shealy.
MS. SHEALY: Okay.
Q. How long have you worked at the Citadel?
A. Fourteen years.
Q. And as a work order clerk does -- what does that mean? Tell the jury what you do.
A. Well, I do work for the cadets. If anything goes wrong in the room or whatever I would call in that technician to take care of the work.
Q. You knew Gayle McCaffrey?
A. Yes.
Q. And how long had you known her?
A. Fourteen years.

Q. Fourteen years?
A. Yes.
Q. Tell the jury whether you developed a friendship with her.
A. I did.
Q. And it is hard for us to picture the building that you work in. But the areas that you worked and she worked, were they close together in that facility?
A. Yes.
Q. Would you see her typically Monday through Friday?
A. Yes.
Q. And did you have the type of relationship that you would talk daily?
A. Yes.
Q. Did you also get emails from her?
A. Not so much emails, no.
Q. Because y'all were so close ---
A. Yes.
Q. --- right there together? Okay. Tell us what Gayle was like. Describe her.
A. Well, she was quiet. She was hard working. The guys liked her a lot. They would come in and joke with her in the mornings. She was funny. She had a little sense of humor going. And that is how we became friends. She was just so nice.

Q. Did y'all discuss your private lives together, personal lives?
A. Yes.
Q. And could you tell the jury whether Gayle ever mentioned her children?
A. Oh, yeah, she talked about them daily.
Q. Did you feel like you knew M.M. and Q.M. ?
A. Yes.
Q. Tell the jury whether she would talk about Bob.
A. Oh, yeah, Bob also.
Q. Bob ---
A. Yes.
Q. --- a lot? Okay.
A. Bob. Bob. Bob.
Q. Bob. Bob. Bob. Did you go to the birthday party she gave for Bob at the Citadel?
A. Yes.
Q. And closer to the time that she went missing could you describe to the jury whether her mood changed in any way?
A. Oh, yeah, she became sad.
Q. And was that in contrast to how she had behaved previously?
A. Well, she was pretty happy before. But she -- she became very sad. I would see her in the mornings and she wouldn't talk very much. Once in a while she would burst out and start

crying.
Q. And was that unlike how she was ---
A. Yeah.
Q. --- usually?
A. Yes.
Q. At some point did you learn that she learned that Bob had a girlfriend?
A. Yes.
Q. And could you tell the jury whether you and she would have conversations about that?
A. Yeah, sometimes -- she told me that -- yeah, she would talk with me. And she was so afraid of losing Bob and she ---
MR. LIZZI: Objection, Your Honor.
A. --- said ---
THE COURT: Hold on a minute.
MR. LIZZI: Hearsay.
THE COURT: Overruled.
Q. You can go ahead and answer that question. You were saying she was so afraid of ...?
A. Losing him. And I would ask her, I said why do you think that. And she said, oh, because he's downsizing the car and he doesn't seem to pay too much attention, and he is not home that much and ....
Q. So what was your understanding for the school week for the children and the workweek for Gayle, was Bob in town or

out of town, as you understood it?
A. Well, I think he was out of town during that period. He had to -- working somewhere else.
Q. Tell the jury if you would was Gayle done with the marriage and wanted to move on, or did she want to save it?
A. Oh, no, ---
MR. LIZZI: Objection.
A. --- she really ---
MR. LIZZI: Objection.
A. --- tried to save it.
THE COURT: Can y'all approach, please.
(WHEREUPON, bench conference 3/6/19, 3:54 p.m.)
Q. Okay. So leading up to the weekend that she went missing were you with her that Friday the 10th?
A. Yes.
Q. And was she doing something at work planning for a trip?
A. Oh, yeah, was planning a trip to I think it was North Carolina. A cabin or something. She was real excited about it.
Q. Okay. And were you near her computer when she was doing it; did she have you look at anything?
A. Yeah, she called me in and she says, Chris, look, this is the room -- no, she asked me which room should she choose. And I chose a room. And she said, no, that is not romantic enough.

Q. Not romantic enough? Did you know what her plans for that weekend were; not the weekend of the trip but the weekend of the 16th, 17th?
A. She was planning on a dinner. She wanted to cook a dinner.
Q. Okay. And tell the jury how did you learn that she was missing?
A. Carla called me.
Q. Carla McIntyre?
A. Yes.
Q. And have you heard from Gayle or ---
A. No.
Q. --- or seen Gayle since March 16th of 2012?
A. No. No, I did not.
Q. Now tell us a little bit about her use of language. Was she a cusser?
A. Well, she -- no, I am the cus-- ooh.
Q. You are the one who cusses? Would you describe for the jury if you said a word ---
A. Oh, my gosh.
Q. --- what was Gayles' reaction?
A. Oh, Chris. You know, she was constantly saying that; oh, Chris.
Q. Okay. Now you have had the opportunity to see the letter in question, State's 63; is that right?

A. Yes.
Q. And based on your conversations with Gayle could you tell the jury whether or not that was the way she talked?
MR. LIZZI: Your Honor, same objection.
THE COURT: Well ---
MS. SHEALY: Just I am talking about the letter as a whole.
A. Oh, no.
Q. I didn't want you to go ---
A. No.
Q. --- line by line.
A. No, no. No.
Q. When you saw this -- well, let me just ask it again then. Is this the way she talked?
A. No. No. She did not.
Q. And there's some reference in there to -- well, let me see what it is.
A. It's ---
Q. Let me hold it for a second.
A. Okay.
Q. Not that we have to say that in court, but you see the reference ---
A. Yes.
Q. --- to WTF?
A. Yes. Yes. No. No.

Q. Did you ever year Gayle say that?
A. Never. And to abbreviate it was -- is even funnier.
Q. And whatever -- what about referring to somebody as an ugly redneck bitch, ---
A. Oh, no.
Q. --- would you ever hear Gayle talk like that?
A. No. Never.
Q. Okay.
MS. SHEALY: I have no further questions. Please answer any the defense may have.
THE COURT: Cross-examination.
CROSS-EXAMINATION BY MR. LIZZI OF CHRISTINE SIMMONS:
Q. Hi, Ms. Simmons. How are you?
A. Fine.
Q. Thank you for being here today. Did you ever socialize with Gayle outside of work?
A. Yes.
Q. What kind of stuff did you do?
A. We would go -- once we went to lunch. Go to dinner.
Q. How often did you go to dinner?
A. Just one time out to dinner.
Q. Okay. And that was how long did you know her?
A. Well, I would say 14 years. But it is less than 14 because she have been missing.
Q. Okay. But you went -- y'all only went out one time to

dinner during that time?
A. Well -- yeah, just once to dinner.
Q. Have you ever been to her house?
A. Yeah. But I wasn't -- I didn't go inside the house.
Q. Okay. And even though you may use some of those words, curse words were not really something that was liked at the Citadel in the ---
A. Right.
Q. And she would kind of correct you when you said that, right?
A. Yeah.
Q. And she was very professional in her job, correct?
A. Yes.
Q. And when she -- did she express -- did she ever express to you -- you said she was sad?
A. Yeah.
Q. And she wasn't herself?
A. Uh-huh.
THE COURT: Is that a yes?
THE WITNESS: Yes.
Q. And when you said she cried -- she started crying was that more than one time?
A. Well, I saw her cry I would say maybe three times through the years.
Q. Was it close to this time that you saw her crying?

A. Yes.
Q. Did she ever talk to you about getting divorced?
A. No.
Q. Did she ever talk to you about having problems with Bob?
A. Well, in the last stages. But, no, she was pretty happy with Bob.
Q. You said that the guys would come in to the office in the morning?
A. Uh-huh.
Q. Who were they?
A. The workers. The electricians, plumbers. You know, -- well, they had to come in to pick up the work orders.
Q. Did they come in to her; did they have -- meeting up with her?
A. Well, no, they would just come in the office in general. Take the work orders. We were sitting right there and they would joke with us.
Q. Did any of them -- was she very friendly with them?
A. No. I mean she was friendly. You know, you are in the office so you are friendly. Yes.
Q. Okay. Do the same ones come in every day?
A. Yes.
Q. Now is there a high turnover down there in workers?
A. No
Q. No?

A. No.
Q. Now what is your job exactly; what do you do?
A. Work order clerk. If anything goes wrong with a room or in the classrooms or there are some people that stay -- live on campus, I would call that particular technician to take care of it.
Q. Do they all work for the Citadel?
A. Yes.
Q. And it was part of the Physical Plant?
A. Yes.
Q. They only come up in the morning; did any of them ever come up during the day; did they come up during the daytime too?
A. No. Because they would more or less be out working.
Q. Okay. And was any one of them got kind of flirty or anything like that with Gayle?
A. Oh, no.
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Any redirect?
MS. SHEALY: Just briefly.

REDIRECT EXAMINATION BY MS. SHEALY OF CHRISTINE SIMMONS:

Q. Was Gayle a flirt?
A. No.
Q. Did y'all have any missing workers from the Citadel at the same time Gayle went missing?

A. No.
Q. Any cadets run off with anybody that anybody heard of?
A. No.
Q. I have no further questions. Thank you.
A. Okay.
THE COURT: Mr. Lizzi, anything else?
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Ma'am, you may step down. Thank you.
THE WITNESS: Okay.
MS. SHEALY: Mary Game.
MR. LIZZI: Your Honor, I think we didn't release the last witness.
(WHEREUPON, the witness was duly sworn.)
THE CLERK: For the record please state your full name, spelling your last.
THE WITNESS: My name is Mary Rockwell Game. G-A-M-E.
DIRECT EXAMINATION BY MS. SHEALY OF MARY GAME:
Q. Ms. Game, where do you work?
A. I work at the Citadel.
Q. And how long have you worked there?
A. I have been there ten years.
Q. Okay. Tell us where Gayle McCaffrey worked in relationship to where you did, physically.
A. Physically we were in one building with multiple offices. But we could see through each other's doorways. I was right

next to her.
Q. Okay. And if you would tell the jury whether you developed a friendship with Gayle McCaffrey.
A. We did. I've worked with her for three years. Then definitely in the last year that we worked together we had become friends. We realized that we grew up less than a mile from each other. We had mutual friends. And the children and being married. We definitely had a lot in common.
Q. Okay. And if you would, would you describe Gayle to us.
A. Gayle was very kind, loving. She loved her family. She loved her husband. She loved her routine with her family and her sisters. She was very excited to be active with them, with her sisters or her nephews or anything that was on the weekends. Her church community and the school that the children went to very active in the events.
So she was very busy. But loved all of it and just loved being a part of the many events that they had going on.
Q. Okay. And in your relationship with her did she tell you what was going on with the kids, what was going on at school, at church, etc.?
A. Yes. Daily. We would just catch up in the mornings and throughout the day just talk about what was going on with the kids. Especially the kids. She was very much involved in where they needed to be, coordinated where they needed to be every day all day.

Q. Okay. Was there an occasion in February when you learned that something was bothering Gayle? February of 2012, I'm sorry.
A. Yes. I had come to work that morning. She was in her office with Carla McIntyre. And she was upset. And I went into the office and she proceeded to tell me what she had already told Carla that she had discovered that Bob wasn't -- was communicating with another woman on text.
Q. Okay. And was -- had she been tearful at work before this day?
A. No.
Q. Tell us how Gayle reacted to the news that Bob had another woman in his life; could you describe her as what she intended to do with her marriage, what she indicated she intended to do?
A. She was just very much determined to figure it out and to make it work to bring their family together again as they had had for years. It was definitely not going to be the end. She was going to figure out how to make her and Bob work again and to be a married couple again.
She was in shock and just wanted to know what was going on. She was just confused for a while. And then but was determined to make it -- make it right again.
Q. Now separate from that did she have a crush on somebody?
A. She mentioned she did have a crush on somebody.

Q. Okay. And who did she tell you the guy that she had a crush on was?
A. She just mentioned that she had a crush on the choir director at the church.
Q. Did you have any reason to believe or did she indicate that she was -- had represented that to him or was trying to start a relationship or anything?
A. Oh, no, not at all. There was never any intention to mention, especially to him, about it. And she just admired him.
Q. And when you say admired him, did she think he was good looking?
A. Right. She has got -- like a school girl has a crush kind of thing.
Q. Now would you and Gayle frequently go to lunch together?
A. Yes. Yes.
Q. And in discussing with the jury, you know, how Gayle appeared, how she dressed, what her financial habits tended to be, were ya'll coming down to Slightly North of Broad to eat lunch?
A. Oh, no, we went to the fast food -- usually right around the Citadel on Springs Street. We would do Taco Bell or McDonald's. You know, just something around. Quick. Definitely not anything more than $10 ---
Q. Okay.

A. --- was a very ---
Q. Now regarding the weekend that she went missing, were you around her that Friday the 16th?
A. Yes, at work.
Q. And tell us what you remember Gayle indicated that she intended to do that weekend.
A. Oh, that weekend she asked us all for recipes. She wanted to make Bob a special meal for an Irish meal. She said that she -- he liked that sort of thing. And she was excited to make him a special dinner. And she was wanting to make it special for them, for the family.
Q. Had anything happened that day that changed her mood to being so happy?
A. Yes, that morning Bob had arrived first -- before work had arrived home. And that wasn't the plan. And I guess normally he -- normally he arrives in the after- -- in the evenings. But she was so excited Friday morning that he arrived. And she felt that that was an indicator that he was wanting to work on the marriage.
Q. And were you aware that she had booked a cottage or a mountain house for them for the following weekend?
A. Yes. She called me into her office that afternoon, Friday afternoon, and said come around I want to show you my -- the computer. And she showed me all the pictures of this cabin that she had booked. And she was really excited

about the wine and cheese basket that was going to be waiting for them.

And she -- and she stood there and looked right at me and said I am going to make this work. We are going to -- we are going to make this work.

Q. Now did you ever in your conversations with Gayle did she ever mention somebody named Nikki?

A. No.

Q. And did the police come to see you to ask you about that once she went missing?

A. Yes.

Q. How did you learn that she was missing?

A. Carla McIntyre called me Sunday night to ask me if I knew anything, if I had seen her or talked to her or knew where she was.

A. And on that Monday the 19th did you hope to see her?

A. Yes. Because she always arrived to work before us. And I walked in and her door was shut. And she was not there.

Q. Now your husband was -- is James Game; is ---

A. Yes.

Q. --- that right?

A. Yes.

Q. Did you hook him up with Gayle so that he could do their taxes?

A. Yes.

Q. Have you heard from, gotten a letter from, a text, seen Gayle McCaffrey since March 16th?
A. No.
Q. Answer -- oh, let me ask you one other thing. Regarding State's Exhibit 63, have you previously seen that letter?
A. Yes.
Q. Could you describe for the jury whether or not this is the way Gayle talked?
A. Absolutely not. No. There's ---
MR. LIZZI: Same objections.
THE COURT: Can y'all approach a minute, please.
(WHEREUPON, bench conference 3/6/19, 4:11 p.m.)
THE COURT: Sustained objection as to how the question was asked.
Q. Let me ask that question differently. Could you tell the jury whether or not you ever heard Gayle speak in that way?
A. No, she had never spoken -- this is not the way that Gayle speaks.
Q. And did you ever receive emails from her?
A. At work numerous emails. I worked for her, so yes.
Q. Could you tell the jury whether or not that is the way that Gayle wrote?
A. She did not write this way at all. The phrases are not anything that she would use.
MR. LIZZI: Objection, Your Honor.

THE COURT: Sustained.
Q. Okay, so regarding the emails that you had received, were they written in a way that is similar to that note?
A. No.
Q. Okay. I have no further questions. Please answer ---
THE COURT: Cross-examination.
CROSS-EXAMINATION BY MR. LIZZI OF MARY GAME:
Q. Hello, Ms. Game. Now y'all went out for lunches, correct?
A. Yes.
Q. Did y'all go out at night?
A. No.
Q. Did y'all socialize at night?
A. No.
Q. Have you ever been to her home?
A. No.
Q. When Bob came to the office he was always quiet?
A. I only say Bob once. And, yes, he was very quiet.
Q. And you had only met him one time?
A. As far as I can recall, correct.
Q. And was Gayle -- did she act sad a lot during that last month?
A. Yes.
Q. And when she had this talk about the choir director did she seem kind of excited like a schoolgirl?

A. Um, I wouldn't use the word excited. She just mentioned that she -- I mean it was like a school girl, yes. I mean she had no intention of doing anything about it. Because, yes, I mean she ....

Q. But she told her husband -- she told you she told her husband about it, right?

A. Correct.

Q. And I think you said she told you about her finding out about Bob, this girl -- seeing some -- talking to some girl, correct?

A. Correct.

Q. She said he got mad because she deleted some stuff off of his phone?

A. What she told us is that she had gone through -- that he would get mad if she ever looked at his phone or would go through the phone. And that, yes, that she found pictures of a girl and she deleted the pictures.

Q. So off of his phone?

A. It was my understanding it was off of an email. The pictures were.

Q. Do you know what timeframe that was?

A. I do -- I do not.

Q. And when she initially talked about this other woman she got real distraught?

A. Correct.

Q. And you don't know the inner workings of their marriage, correct; you are not saying you know the inner workings of their marriage?
A. Correct.
Q. Okay. And when you talk about that letter, that is just not a way that you have ever seen her write, correct?
A. Correct.
Q. But you don't have any expertise in that or anything?
A. Absolutely not.
Q. And I am referring to exhibit -- State's Exhibit Number 63.

MR. LIZZI: I have nothing further, Your Honor.

THE COURT: Any redirect?

MS. SHEALY: I have nothing further. We would ask that she be excused, Your Honor.

MR. LIZZI: No objection.

THE COURT: Ma'am, you may step down. Thank you. You are free to go. You have no further responsibility under your subpoena. Have a nice day.

MS. SHEALY: David Templeton.

THE COURT: As he is coming in can the lawyers approach, please.

(WHEREUPON, bench conference 3/6/19, 4:16 p.m.)

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please your full name,

spelling your last.

THE WITNESS: Okay. My name is David Templeton. Last name is spelled T-E-M-P-L-E-T-O-N.

DIRECT EXAMINATION BY MS. SHEALY OF DAVID TEMPLETON:

Q. Mr. Templeton, tell the jury please how long have you lived in Charleston.

A. Since 2008.

Q. And where are you currently employed?

A. The College of Charleston.

Q. What do you do there?

A. I am a professor of voice in the music department.

Q. Okay. And are you married?

A. Yes, I am.

Q. Tell the jury how long you have been married?

A. Twenty-five years on March 19th.

Q. Okay. Do you have children?

A. Three.

Q. And do you have additional employment?

A. Yes, I am the minister of music at First Baptist Church, Charleston.

Q. And what does that include?

A. I direct the choir, the handbells. I oversee the children's and the youth music. And -- anything with music at First Baptist I am involved in.

Q. Okay. And how long have you been doing that?

A. It kind of runs together. I think it is seven years, eight years. It must be eight. 2011 I am thinking.
Q. Did you know Gayle McCaffrey?
A. I did.
Q. And how is it that you knew her?
A. She was in my adult choir and she rang handbells in the handbell choir.
Q. So tell us how that works at First Baptist. When do you have -- or back -- let's focus our attention back to 2012.
A. 2012. Sure.
Q. When do you have choir practice and when do you have handbell practice?
A. Choir practice is Wednesdays at 6:30. Tonight. And handbells at that time were separate and they met on Thursdays I think at 7:00.
Q. If you could describe for us how often would you see Gayle at church.
A. Gayle was there pretty much if the doors were open at First Baptist she was at church. So I would see her Wednesday night at church choir. I would see her Thursday night at handbells. And then of course Sunday. I would see here coming and going with the kids, as she got into all of the programs at First Baptist as well.
Q. Okay. So for those of us who aren't Baptist, ---
A. Sure.

Q. --- Wednesdays nights at First Baptist is there a choir practice and then there are -- are there activities for children on Wednesday ---

A. Yes, it starts around 5:00 I think with dinner that is served. It is cooked and they have a meal. And there are children's activities. The youth meets. There is a bible study that is going on. It kind of overlaps with choir. And so we end up finishing up around eight o'clock at First Baptist on Wednesdays.

Q. Okay. If you would describe Gayle to us.

A. Gayle was very quiet and shy. Seemed to be a really attentive mother. She was always looking after M.M. and Q.M. . Would see the kids come into the choir room after church on Sunday to see Mommy. You know, that kind of stuff.

Q. How would you describe the relationship you had with Gayle; was it a personal friendship, or was it something different?

A. I really can't say that I knew Gayle very well. She was very quiet. I have a choir of - depending on what Sunday; it is a volunteer choir - so somewhere between 25 and 35 any Sunday. I know she sat in the alto section. She was a good musician. She rang handbells. But she was a member of both of those choirs. But that is really it.

Q. And were you aware in 2012 that Gayle had a crush on you?

A. No.

Q. How did you learn that she had a crush on you?
A. You told me.
Q. And was that a surprise to you?
A. Yes.
Q. Would you tell the jury whether she ever made an overture towards to you.
A. Gayle hardly spoke to me, she was so shy. If I may, one of the things that Gayle did and something I remember Gayle to this day about is when we would go from the choir room which is behind the sanctuary at First Baptist into practice in the sanctuary. Sometimes if it is a piece that requires a little more coordination and a member of the choir that are a little concerned I will -- we will go in and practice in the sanctuary with the organ, etc., etc.

And that is something that actually as I thought about it, Gayle didn't ask me that. I think her friend Donna said, you know, well, Gayle would like to do this. So that is how often I really spoke to Gayle. But she suggested that we go in and practice in the sanctuary.

Q. But she didn't say it directly to you?
A. I don't believe so. You know, it has been -- it has been seven years. But I don't recall ever having a full conversation with Gayle.
Q. And do you remember the last time that you saw her?
A. Yes. Well, yes and no. I remember the Wednesday night

before she disappeared. As the choir director my vantage point is I stand and I see my choir in front of me. So to my left I have the bases, the altos, the soprano, and the tenors. So I have a unique perspective in the fact that I can see the countenance on everyone's face when we are practicing.

And I remember Wednesday -- I don't remember the dates. But that Wednesday before her disappearance, before St. Patrick's Day, I remember looking up and going, oh, something is up with Gayle because she was just a mess. Teary and just totally kind of in pieces.

And I didn't really have the relationship to speak with her about that. I remember going holy smokes something is up here. And, I don't know; being a guy I am not going to go up and ask a woman, hey, are you okay. I kind of let the ladies handle that in the choir.

Q. Okay.

A. But I was -- it was -- that is what I remember. So it sticks with me. I may have seen her the following night at bells. I probably did. But I don't -- I don't remember a specific ---

Q. No specific?

A. --- like I do on that Wednesday night.

Q. Have you seen her since March 17th of 2012?

A. No, I have not.

Q. Please answer any questions of the defense.

A. Okay.

THE COURT: Cross-examination.

CROSS-EXAMINATION BY MR. LIZZI OF DAVID TEMPLETON:

Q. Get you out of here quick so you don't miss practice.

A. Thank you.

Q. The last time you saw -- you remember seeing her stuck in your head because she was real emotional?

A. She was. She was just kind of red in the face and, you know, just kind of looked like she had been crying and teary and ---

Q. Distraught?

A. Yes, I would say so.

Q. Nothing further.

A. Okay.

THE COURT: Any redirect?

MS. SHEALY: No, Your Honor. We would ask that he be excused.

THE COURT: Sir, you may step down. You are free to go. You have no further responsibility here under your subpoena. Have a nice evening.

THE WITNESS: Great. Thank you.

MS. SHEALY: Robin Riggs.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Robin Riggs. R-I-G-G-S.

DIRECT EXAMINATION BY MS. SHEALY OF ROBIN RIGGS:

Q. Ms. Riggs, would you please tell the jury were you previously employed at First Baptist Church?

A. Yes, I was.

Q. And in what capacity did you work there?

A. I was the lower school administrator.

Q. And how long did you work there?

A. I was there for 17 years. Three of those I was a teacher before I became an administrator.

Q. Could you tell the jury whether M.M. was a student at First Baptist?

A. Yes, she was.

Q. And in dealing with her do you know how -- did she start there in first grade, or do you remember?

A. I can't remember back that far.

Q. Okay.

A. It might have been -- I know she left -- I don't -- I'm not sure.

Q. Okay.

A. I can't -- I guess I can't answer that.

Q. That's okay. Regarding M.M. being a student there can you tell the jury whether or not you had contact with Gayle McCaffrey?

A. Yes, I did.

Q. And would you describe what type of contact you had with Gayle and how often you would see her?
A. Well, most of the mothers I would see pretty much, I don't know, several times a week. Some dropped off. We didn't -- a lot of parents brought their children to school, so I would see them.
I would see Gayle some after school. There were school functions that she attended. She -- so I can't say every -- every week I saw her every day; but I saw her frequently.
Q. Okay. And how frequently did you see Bob McCaffrey?
A. Bob, I knew him and I saw him. Although, even with all husbands or dads, I didn't see them as frequently as the wives. So I -- you know, most dads I didn't know as well or see as often. At that point. I think times have changed. But at that time.
Q. Okay. And pursuant to a request from the Charleston County Sheriff's Office did you provide some writing that were in M.M.'s records from her teacher's files, etc., to the Sheriff's Office?
A. I think I did. I know that they requested some different information. I think maybe some attendance things, report cards. And I think they wanted some notes maybe that the parents had sent to the teachers. And the teachers copied those and they were given to the police or whoever needed them.

Q. Okay. And showing you what has been marked as State's Exhibit 106. And I know you said you provided attendance records, etc.?
A. Yes.
Q. But as to the writings. Who is Ms. Glenn?
A. She was our history teacher.
Q. Okay.
A. For fifth grade.
Q. And who is Ms. -- what is that, Krouse?
A. Ms. Krouse.
Q. Who is she?
A. She was her math teacher.
Q. Okay. Regarding notes that Gayle had written to the teacher could you tell the Court whether these reflect notes to the teacher from Gayle.
A. They seem to be. I can't say that I saw her read these. But these were copied from the teachers when I asked for information, any notes or things like this; and they copied these and gave them to me to provide.
Q. Okay. And in relationship to that, each note that is written is it signed by someone?
A. It is signed by Gayle McCaffrey.
Q. Okay. And when she would sign a note to the teachers what did she also include?
A. She included her work number and her cell number.

Q. Okay. So just giving us a short example of the type of notes that Gayle would write, could you --

MS. SHEALY: Oh, I'm sorry, Your Honor, at this time I would move in State's Exhibit 106.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: So admitted without objection.

(WHEREUPON, State's Exhibit 106 was admitted into evidence.)

Q. So just giving us an example of the note that Gayle wrote, on March 2nd of 2012, could you read that note to us.

A. It says: Dear Mr. Krouse, I hope you are doing well. We are going out of town today, so Bob will pick up M.M. between 1:30 and 1:45. Please let me know if you have any questions. Sincerely, Gayle McCaffrey. 953-6327, 514-9775.

Q. Okay. And then regarding March 12th.

A. Dear Ms. Glenn, M.M. did not pack her pink slip today. I did not know about it and we -- I do know about it and we have talked about it. She will bring it home tomorrow, but we wanted you to know we did talk about it. Please call me if you want to call. Sincerely, Gayle McCaffrey. 953-637- -- 27, 514-9775.

Q. Okay. And on March 15th?

A. Okay. Dear Ms. Glenn, M.M. says that she received a second pink slip for the ten facts. She cannot seem to find it. If you can use this note to replace it, that is fine.

Otherwise, how do we take care of this? Can you send another one home for me to sign? Sorry about her losing it. Sincerely, Gayle McCaffrey. Once again the two phone numbers.

Q. The two phone numbers. Very good. I have no further questions. Please answer any that the defense may have.

THE COURT: Cross-examination.

CROSS-EXAMINATION BY MR. LIZZI OF ROBIN RIGGS:

Q. Mr. McCaffrey came in to pick up his daughter sometimes?

A. Absolutely. Yes.

Q. And she seemed excited to see him?

A. As much as children do when they are leaving school. Absolutely. They like to see anybody that is taking them out of school.

Q. And did you ever see them happy together?

A. At times, yes. Like at little plays or different things like that at school.

Q. Did they both seem to be involved with their kids?

A. Yes, I would have to say. And they both worked. And, you know, there are parents who don't work who seem a lot involved. But, yes, I do.

MR. LIZZI: Nothing further.

THE COURT: Any redirect?

MS. SHEALY: No, Your Honor. We would ask that she be excused from her subpoena.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: Ma'am, you may step down. You are excused from here. You have no further responsibilities under your subpoena. Have a nice afternoon.

THE WITNESS: Thank you.

THE COURT: Call your next witness, please.

MS. SHEALY: Marshall Blalock.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Okay. Robert Marshall Blalock. B-L-A-L-O-C-K.

DIRECT EXAMINATION BY MS. SHEALY OF ROBERT MARSHALL BLALOCK:

Q. Would you tell the jury please where you are employed?

A. I am the pastor of the First Baptist Church in Charleston.

Q. And how long have you been the pastor there?

A. Twenty-one years.

Q. Did you know Gayle McCaffrey?

A. Yes.

Q. And did you also know her mother and her two sisters?

A. Yes.

Q. Do you know Bob McCaffrey?

A. Yes.

Q. And how did you know him?

A. When I first came as pastor in 1997 the -- their family had been in our church a long time. And so I met Bob then. I had known them years earlier. But I met Bob then. And he did some -- he did some work for the church in a couple of places.

And he -- and then of course his relationship with Gayle, we knew him through Gayle so.

Q. Now was he an attendee of your church?

A. Yeah, I would say an attendee. He came when there were special events with the children and things of that nature.

Q. Okay. But not an every Sunday type of thing?

A. No.

Q. And when you say that he did some jobs, did you enlist his help to help the family out?

A. When -- when I first came there one of our members who is now deceased was a really kind man who knew the family and he said that it would be helpful if we were to ask him to do some of this work that needed to be done. He did a good job. And so it worked out. I think it was it helped them but it helped the church too.

Q. Okay. Very good. And could you describe Gayle's level of participation at the church?

A. Gayle was very active. She sang in the choir. She played handbells. She actually also for a season helped lead the Sunday school program. And so she was very active in Sunday school. Was very busy with that.

And of course she had the children in church. Every time she was there the children were there with her. And it was -- it was apparent that was important to her to have them there too.

Q. Now pursuant to my request did you check to see if you had any type of email from Gayle McCaffrey?

A. Yes, ---

Q. And ---

A. --- I received an email from her I think it was March 7th or 8th, 2012.

Q. Okay. And did you then provide it to me?

A. Yes, I did.

Q. Showing you what has been marked as State's Exhibit 105B.

MS. SHEALY: Your Honor, I believe this is already in pursuant to an earlier matter.

THE COURT: Mr. Lizzi?

MR. LIZZI: Yes, Your Honor.

THE COURT: All right. Yes, ma'am, it is.

Q. Would you indicate the date and tell the jury please what the email read?

A. Thursday, March 8th, 2012, 2:46 p.m., Gayle sent an email to me and said, Marshall, my husband and I are going through a rough patch right now. I was wondering if you could recommend a good marriage counselor for us. Thanks, Gayle.

And I responded 14 minutes later and told her we were

praying for her and gave her the name of a marriage counselor. One minute later she responded back saying: Thank you. Your prayers are greatly appreciated.

Q. Thank you. I have no further questions. Answer any the defense may have.

THE COURT: Cross-examination.

MR. LIZZI: May it please the court.

THE COURT: Yes, sir.

CROSS-EXAMINATION BY MR. LIZZI OF ROBERT MARSHALL BLALOCK:

Q. Pastor, you were just shown this email that you got on March 8th, correct?

A. That is correct.

Q. And you got a response back thanking you?

A. Uh-huh.

Q. Did you ever hear of anything, if they followed up on that at all?

A. I am not aware of that.

Q. Okay. And it indicated to you as pastor they were having troubles at the time, correct?

A. That is -- the email conversation we had was the only conversation I had with her about that.

Q. Did you see any difference in her demeanor during that period of time?

A. I -- I didn't notice anything unusual, honestly, during that stretch. I didn't have her in like a Sunday school class

where we were there together a whole lot. So I would have seen her -- she would have been in choir. I would have seen her walking through.

She didn't indicate -- and it was one of those things -- she was kind of a private person. We didn't have a lot of conversations about this kind of thing. But it was apparent that she -- she did have concern and she shared it with me by email.

Q. So she wasn't one to confide in you or anything like that?

A. Not -- not in the -- some folks really want to talk to their pastor and spent a lot of time. She was more reticent about that, yes.

MR. LIZZI: Nothing further, Your Honor.

THE COURT: Any redirect?

MS. SHEALY: No, Your Honor. And we would ask that he be excused.

THE COURT: Sir, you may step down.

THE WITNESS: Thank you.

THE COURT: You are free to go. You have no further responsibility under your subpoena. Have a nice day.

MS. SHEALY: Debbie Mack.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Deborah Cox Mack. M-A-C-K.

DIRECT EXAMINATION BY MS. SHEALY OF DEBORAH MACK:

Q. Mrs. Mack, if you would please tell the jury first where to you go to church.

A. I go to First Baptist Church of Charleston.

Q. And how long have you gone to First Baptist?

A. Forty-six years.

Q. Where do you work?

A. First Baptist School.

Q. And how long have you worked there?

A. Thirty-six years.

Q. You stick with something when you start?

A. I do.

Q. In what capacity do you work at the First Baptist School?

A. I am the director of admissions.

Q. Okay. Did you know Gayle McCaffrey?

A. Yes, I do.

Q. And how long did you know her?

A. Since she first moved to Charleston with her mother and sisters when she was about five or six years old.

Q. Have you been involved with youth choir at First Baptist?

A. I directed it until probably about nine years ago.

Q. And was Gayle in fact in your youth choir?

A. Yes, she was.

Q. Now were you good friends with one of her relatives?

A. I was close friends since college with her aunt, Cathy Gillespie.
Q. Cathy Gillespie. Were you around Bob much?
A. Occasionally.
Q. And would he attend with Gayle and the children?
A. Not often.
Q. Before he went missing how often would you see Gayle?
A. I would see her on Mon- -- on Sundays, on Wednesdays, and during the week at school if she had to bring something to M.M. or -- you know, she came for a conference or something like that.
Q. So -- I'm sorry, say that -- say that again to me. You would see her ---
A. I would -- I would see her every Sunday and every Wednesday. I would see her during the week if she ever brought anything to M.M. or was there for any event at school.
Q. Okay. And do you remember when the last time you saw her at the school was; was she bringing something to M.M.?
A. She brought lunch to M.M. and she was there for a conference.
Q. And when was that in relationship ---
A. The week before she disappeared.
Q. The week before she -- do you remember what she brought M.M.?

A. She brought M.M. Chick-fil-A.
Q. Okay. Now you told us you were the youth choir director until when?
A. Until about nine years ago.
Q. And did you attend church on Wednesdays as well?
A. Yes.
Q. Would you see Gayle there?
A. Yes. We were in choir together.
Q. And would you see the children there?
A. Yes.
Q. Could you describe the level of attentiveness Gayle showed towards her children?
A. She was very attentive to her children. She was -- she always had them at church. They were always clean, well kept -- very loving to her children.
Q. Now pursuant to my request did you check to see if you had any emails from Gayle?
A. Yes.
Q. And did you in fact provide those to me?
A. Yes, I did.
Q. Showing you what has been previously marked as State's Exhibit 103 for ID, are those the emails that you provided to me?
A. Yes, they are.
MS. SHEALY: And, Your Honor, at this time I would move

those into evidence.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: Without objection so admitted.

(WHEREUPON, State's Exhibit 103 was admitted into evidence.)

Q. Do you remember when the last time you saw Gayle was?

A. The Wednesday night before she disappeared.

Q. Have you heard from her, had any contact with her since then?

A. No.

Q. I have no further questions. Please answer any that -- oh, I'm -- no, I'm sorry. I'm sorry.

Have I shown you a letter previously?

A. Yes.

Q. And within your relationship that you had with Gayle for -- how many years would you say that you had been friends with Gayle?

A. Well, all of her adult life.

Q. Okay.

A. And as a teenager I was a part of her life.

Q. When you would talk with Gayle could you tell the jury whether or not this letter is similar to the way she spoke with you?

A. No.

THE COURT: Exhibit what number?

MS. SHEALY: That is Exhibit 63.

THE COURT: Thank you.

MS. SHEALY: I'm sorry.

THE COURT: That's okay.

A. No, it is not.

Q. Thank you. I have no further questions. Answer any the defense may have.

THE COURT: Cross-examination.

MR. LIZZI: May it please the court.

THE COURT: Yes, sir.

CROSS-EXAMINATION BY MR. LIZZI OF DEBORAH MACK:

Q. You don't know, ma'am, for sure if Gayle wrote that letter or not?

A. No. But it does not sound like anything I have ever read that she has written or any conversation I've had with her.

Q. Stuff she's -- and emails she has written about church and about church, correct?

A. And about her mother.

Q. Okay. And you've met Bob?

A. Yes.

Q. They seem like a happy family?

A. At different times they seem to be very attentive and caring for each other. I -- really he would be out of town a lot working over the years. Like I said, he very rarely -- or only occasionally came to events at church or school.

Q. On the Wednesday before she went missing what was her demeanor that night; you're in the choir with her, correct?
A. I am. And we would talk sometimes before choir. She was -- seemed to be somewhat distressed, emotional.
Q. And outside of the school and outside of the church you didn't socialize with her there?
A. I would be with her at different events that would involve their family. I would be -- have been at baby showers and bridal showers for the family and ---
Q. You have been at her house?
A. Yes.
Q. Okay. How many times?
A. More than a dozen.
Q. And that was the house from her mother's house?
A. Yes.
Q. And was Bob there when you came?
A. Once or twice.
Q. And you didn't see any conflict between her and Bob while you were there?
A. No. There really usually was not a lot of interaction between the two when other people -- you know, when we would be there visiting or whatever.
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Any redirect?
MS. SHEALY: No, Your Honor.

THE COURT: Ma'am, you may step down.

MS. SHEALY: May she be excused from her subpoena as well?

THE COURT: Any objection?

MR. LIZZI: No objection.

THE COURT: Ma'am, you have no further obligations under your subpoena. You are free to go. Have a nice night.

THE WITNESS: Thank you.

MS. SHEALY: Donna Parrish.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Donna J. Parrish. P-A-R-R-I-S-H.

DIRECT EXAMINATION BY MS. SHEALY OF DONNA PARRISH:

Q. Ms. Parrish, do you live here in Charleston?

A. Yes, I do.

Q. And how long have you lived here?

A. Forty-nine or fifty years.

Q. Are you currently working or retired?

A. I am retired.

Q. And you are retired from where?

A. The Citadel.

Q. How long did you work there?

A. About 21 or 22 years.

Q. And are you married?

A. Yes, I am.
Q. What does your husband do?
A. He is a project manager in the Physical Plant at the Medical University.
Q. And how long has he worked there?
A. Forty something years.
Q. Do you go to First Baptist downtown?
A. Yes, I do.
Q. And how long have you gone there?
A. Around 50 years.
Q. Did you know Gayle McCaffrey?
A. Yes, I did.
Q. And how long did you know her?
A. Well, I watched her grow up in the church. I didn't really know her that well as a child, but we became friends as adults. And so I would say probably ten years as an adult.
Q. A ten-year friendship?
A. Yes, as an adult.
Q. Do you know her other family members?
A. Yes, I do.
Q. Do you know her children?
A. Yes.
Q. And did you know Bob?
A. Yes.
Q. Her sisters?

A. Yes.
Q. Had you known her mother?
A. Yes.
Q. And tell the jury if there were any activities that you and Gayle participated in together.
A. At church?
Q. Yes.
A. So we were in the sanctuary choir together. We usually sat beside each other for that. We were in the adult handbell choir. And our handbell positions were right next to each other. And we were in the same Sunday school class. And she usually sat by me there. And we were also in a handbell trio with one other church member. Sometimes we would ring a handbell piece in church as a handbell trio.
Q. Okay. Did y'all do anything together outside of church activities?
A. Yes. Sometimes we would go out and eat after we would have handbell rehearsal. Occasionally we would go out to eat after church on Sunday. And we had -- there was a handbell workshop that we would go to every year out of town. And so we would usually go together for that.
Q. Did you consider her a personal friend?
A. Yes, I did.
Q. And the last handbell workshop that y'all went to together was when; do you remember?

A. It was near the end of February of 2012.
Q. Now you mentioned that y'all were in the various choirs together in Sunday school. Could you tell us whether that was regular attendance by Gayle or if she only came sporadically?
A. No, she -- she was a regular attender. She was there all the time. She rarely missed.
Q. As it relates to your handbell choir was there something she did about the shirts y'all wore?
A. Yes, she designed a logo for our shirts. And then she arranged for the Citadel to embroider the logo on our shirts for us.
Q. If you would, describe Gayle with her children.
A. Where ever you saw Gayle you generally saw her children. She was usually real involved in their activities. I had M.M. ---
Q. Was M.M. involved in any type of choir at the church -- I am sorry to have interrupted you.
A. Okay. Yeah, I was going to say M.M. was in my children's choir and very often Gayle would volunteer to help with that choir.
Q. And that is on Wednesday nights?
A. That was on Wednesday nights.
Q. What about Q.M. was he old enough to be involved in the any activities?
A. He -- I'm not sure if he came to activities. But I know

when he was young she dropped out of the adult handbell choir for a while because she felt like he was too young, you know, for her to leave him.

Q. To leave him at home?

A. Uh-huh. Yeah.

Q. Did anything of significance happen near the time of her disappearance that you were aware of?

A. Yes. So, as I said, she was in my Sunday school class. And so we were sitting in Sunday school waiting for the lesson to begin. And she was sitting right by me. And I looked over at her and she was crying. And I asked her what was wrong. And I learned that -- she said that Bob was involved with someone. And she continued to cry. And she told me that she -- that Gayle had been planning a weekend getaway with him.

Q. In an effort to do what?

A. To try to save their marriage.

Q. Did you ever -- now so you saw her on Sundays, Wednesdays, Thursdays; is that correct?

A. Yes.

Q. Did you ever hear her mention someone named Nikki?

A. No.

Q. Now how -- do you know Helen and Debbie, her sisters?

A. Yes.

Q. And I ask you regarding your observations of their

marriage do they seem to be in happy marriages?
A. Yes, they seem to be in happy marriages with loving and supportive husbands, from what I can tell.
Q. Could you tell us what Gayle's level of enjoyment with her job appeared to be?
A. Gayle loved her job and she took great pride in her job. And she always seemed to be trying to better herself. She really liked what she was doing.
Q. Pursuant to my request did you provide us with a number of emails between you and Gayle?
A. Yes, I did.
Q. Showing you what has been marked as State's Exhibit 102, are those the emails that you provided?
A. These look like the ones, yes.
Q. Okay.
MS. SHEALY: Your Honor, at this time I would move into evidence State's Exhibit 102.
THE COURT: Any objection?
MR. LIZZI: Your Honor, I think we had stipulated to for the use of the expert witnesses.
MS. SHEALY: That is correct.
THE COURT: Correct. So admitted.
(WHEREUPON, State's Exhibit 102 again admitted into evidence.)
Q. Now showing you State's Exhibit 63, you have had an opportunity to look at this letter?

A. Yes.
Q. And can you count the number of conversations you and Gayle have ever had?
A. No.
Q. Could you tell the jury, if you would, does this letter sound like Gayle McCaffrey?
MR. LIZZI: Objection, Your Honor.
A. No.
MS. SHEALY: Hold ---
THE COURT: Objection.
MS. SHEALY: --- just a second.
THE WITNESS: I'm sorry.
THE COURT: Rephrase your question, please.
MS. SHEALY: May we approach just a second?
THE COURT: Yes.
(WHEREUPON, bench conference 3/6/19, 4:57 p.m.)
Q. In all of the conversations you have had with Gayle McCaffrey ---
A. Okay.
Q. --- could you tell the jury whether or not you have ever heard her sound like that?
A. No.
Q. And in all the emails that y'all have shared did she ever -- did her emails ever look like that?
A. No.

Q. And did the language ever look like that?
A. No.
Q. I have no further -- hold on just one second. Let me make sure I have no further questions.
Was there any upcoming event involving M.M. near the time of her disappearance?
A. Well, yes. M.M. was supposed to -- she was scheduled to sing a solo in church. I think it was maybe early April.
Q. Okay.
A. So she was supposed to sing a solo in church.
Q. And was that a date that you had already made aware to Gayle and to other members of the choir?
A. Yes.
Q. And have you heard or seen from Gayle McCaffrey since March of 2012?
A. I have not.
Q. Please answer any questions the defense may have. Thank you.
THE WITNESS: Thank you.
THE COURT: Cross-examination.
MR. LIZZI: May it please the court.
THE COURT: Yes, sir.
CROSS-EXAMINATION BY MR. LIZZI OF DONNA PARRISH:
Q. You were Gayle's friend?
A. Yes.

Q. And it upsets you that she is not around?
A. Yes.
Q. And the prosecution went over that letter with you before and told you how important that letter was, correct?
A. Yes.
Q. Told you it was one of the most important things in her case, correct?
A. Correct.
THE COURT: What is the exhibit number? I ought to know it by now.
MR. LIZZI: I know. I should have ---
THE COURT: But I want it clear for the record.
MR. LIZZI: I am going to write it on my hand.
MR. LIZZI: Exhibit 63.
THE COURT: Exhibit 63, for the record. Thank you.
Q. And Gayle was upset; was that when you talked about that and her plan -- was that the last time you saw her at practice, or when was that?
A. I can't remember if it was the Sunday before she disappeared or the one before that.
Q. Okay.
A. It's been seven years. I just I can't remember which Sunday before.
Q. I understand. You'd never seen Bob be mean to her, did you?

A. I did not.
Q. Okay. And she didn't seem happy at the time, did she?
A. No.
MR. LIZZI: Nothing further.
THE COURT: Any re- --
MS. SHEALY: Just one follow-up -- just one quick follow-up.

REDIRECT EXAMINATION BY MS. SHEALY OF DONNA PARRISH:

Q. Mr. Lizzi asked you -- well, let me ask you this: How often did you see Bob?
A. Almost never. Not very often.
Q. I have no further questions. Thank you.
THE COURT: Mr. Lizzi, anything else?
MR. LIZZI: Nothing, Your Honor.
THE COURT: Ma'am, you may step down. Thank you.
MS. SHEALY: And we would ask that she be excused from her subpoena.
MR. LIZZI: No objection.
THE COURT: You are excused from your subpoena. You have no further obligation here. Have a nice day
THE WITNESS: Thank you.
MS. SHEALY: And, Your Honor, we just have one email that I understand Mr. Lizzi will stipulate that we would like to move into evidence, State's 133.
MR. LIZZI: Stipulating for the purpose of the expert

witness, Your Honor.

THE COURT: All right. So admitted for that purpose.

(WHEREUPON, State's Exhibit 133 was admitted into evidence.)

MS. SHEALY: And this would be a great stopping place for us, 5:00.

THE COURT: Can y'all approach?

(WHEREUPON, bench conference 3/6/19, 5:01 p.m.)

THE COURT: All right. Ladies and gentlemen, I believe this is a good stopping point for the day. I am going to let you go home at this point. I am going to ask that you be back here tomorrow morning at ten o'clock. Ten o'clock. There is something we have got to deal with before y'all get here tomorrow morning. We will be here before y'all are here, working on some issues, okay.

So rather than have you wait for an extended period I am going to ask you to be here at 10:00. We should be ready to go at that point.

Do not discuss this case at all. Do not do any independent investigation. As I have said from the outset, you are going to decide this case based solely upon the evidence and the testimony that is presented in this courtroom.

You all have a nice night. I will see you tomorrow morning at ten o'clock.

(WHEREUPON, jury exits 3/6/19, 5:03 p.m.)

your expert. And once I look at the PowerPoint I will make a decision.

MR. COOPER: Yes, sir. Thank you, Judge.

THE COURT: Anything else?

MR. LIZZI: Nothing else, Your Honor.

THE COURT: All right. Do we have all the jurors?

THE BAILIFF: We are missing one.

THE COURT: All right. We will stand down for just a minute. If you need to go to the restroom now is the time to do so.

(WHEREUPON, break 3/7/19, 9:58 a.m.)

(WHEREUPON, resume 3/7/19, 10:03 a.m.)

THE COURT: All right. Bring me the jury, please.

(WHEREUPON, jury enters 3/7/19, 10:05 a.m.)

THE COURT: At this time I am going to recognize the State. Call your next witness, please.

MS. SHEALY: Thank you, Your Honor. Jennifer Beard.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record please state your full name, spelling your last.

THE WITNESS: Jennifer Dawn Beard. B-E-A-R-D.

DIRECT EXAMINATION BY MS. SHEALY OF JENNIFER BEARD:

Q. Ms. Beard, tell the jury where you work.

A. I work for the Charleston County Sheriff's Office.

Q. And how long have you worked there?

A. I have worked at the Sheriff's Office since 2003.
Q. Okay. And currently what is your position?
A. I am an admin specialist.
Q. And included in your duties there do you run credit checks on individuals for the County?
A. Yes, ma'am.
Q. Will you tell the jury whether you have been tasked with running credit reports on Marjorie Gayle McCaffrey?
A. Yes.
Q. And when does that, the running of those reports began?
A. In 2012.
Q. And how many have you run?
A. A total of 12 times.
Q. Now regarding credit reports can you give the jury an idea of what kind of information shows up on credit reports?
A. It shows their name, any name they have been known of, addresses. It shows their date of birth, their social security number, employment, and also any collections or accounts they have open.
Q. Okay. Could you tell the jury since March of 2012 has any new address shown up for Gayle McCaffrey?
A. No.
Q. Has she opened any bank account?
A. No.
Q. Has she taken out any loans?

A. No.
Q. Has there been any activity on her credit report since March of 2012?
A. No.
Q. I have no further questions. Please answer any the defense may have.
THE COURT: Mr. Lizzi.
MR. LIZZI: May it please the court.
CROSS-EXAMINATION BY MR. LIZZI OF JENNIFER BEARD:
Q. Good morning, ma'am.
A. Good morning.
Q. And the credit reports that you have written -- that you ran, these are done under her Social Security number?
A. That is correct.
Q. And under her name?
A. That is correct.
Q. And that doesn't mean that it couldn't identify for her under a different social security number or a different name?
A. Not to my knowledge, no.
Q. You wouldn't have any idea if it was?
A. No.
MR. LIZZI: Nothing further.
THE COURT: Any redirect?
MS. SHEALY: No, Your Honor.
THE COURT: You may step down. Thank you.

MS. SHEALY: She may be excused from her subpoena?

THE COURT: Any objection?

MR. LIZZI: No objection.

THE COURT: Ma'am, you are excused from your subpoena. You have no further responsibility. Have a nice day.

THE WITNESS: Thank you.

THE COURT: Call your next witnesses.

MR. COOPER: At this time the State would call Dr. Robert Leonard.

(WHEREUPON, the witness was duly sworn.)

THE CLERK: For the record state your full name, spelling your last.

THE WITNESS: Robert Leonard. L-E-O-N-A-R-D.

DIRECT EXAMINATION BY MR. COOPER OF ROBERT LEONARD:

Q. Good morning, Dr. Leonard. Will you please tell the jury where you are employed.

A. I am a professor at Hofstra University on Long Island near New York. I also have a consulting company.

And I am the director of a graduate program in linguistics/forensic linguistics that the State of New York, the regents of the State of New York, have granted us the power to grant degrees in.

I am also the director of an institute for forensic linguistics threat assessment and strategic analysis that does outside projects and also the forensic linguistics capital

case innocence project which seeks to re-examine forensic evidence that is language based that has resulted in people being put on death row.

Q. Let me ask you real quick, can you explain to the jury what is meant by linguistics and forensic linguistics?

A. Linguistics is the field, the science, that deals with the detailed analysis of human language in all its aspects. For example, right now I am making noises because I am pumping air from my lungs and it is going past this voice box and everything, this musical instrument we call our head, and it is making noises that you folks are seeing as having meaning.

Now how that happens, if you think about it, is a tremendous mystery. As one famous linguist once said, there are few things in the world more different than thoughts and sound.

So my PhD from Columbia is actually in semantics. And then the other aspect is in what is called sociolinguistics which is the fact-based evidence-driven study of how we actually interact using language day to day; what kind of variation there is, whether we are in a more or less formal situation, if we are speaking to family, if we are speaking to enemies, if we are speaking to friends. And this is all studied to an inch of our lives with dozens, hundreds, of scientific journals that are peer reviewed.

In virtually any major university you can get a PhD in

linguistics, and major in linguistics. And there are all sorts of applications of linguistics, especially these days to computer, how do we actually interact with computers.

Q. What is meant by forensic linguistics?

A. Forensic linguistics is the application of this field of linguistics to issues of the law. And if you think about the law, there is very little in it that is not language. Testimony is in language. Confessions is in. Even if I were a forensic chemist I would be testifying through language. Interrogations, interviews, statutes, pattern jury instructions, trademarks, patterns; these are all language. And now we are trying to bring the full force of our science to ameliorate and to assist triers of fact and other investigators to what is going on with the language there.

Q. Will you describe for the jury a little bit about your educational background?

A. Sure. I have a bachelor's from Columbia College in New York. In sociology I was Phi Beta Kappa. I graduated with honors. I received a full fellowship from Columbia through to my PhD. So I got an MA and MPhil and a PhD in linguistics from Columbia. As I say, I was a faculty fellow.

Then I received a Fulbright fellowship for my doctoral dissertation research which took me to Africa for several years where I did field work on the northern coastal dialects of the Bantu language Swahili.

Swahili is my specialty language. It is a fabulous language. It has 15 noun classes that -- it is like Spanish having 15 genders. And every time you go 100 miles everything changes in this tremendous kaleidoscope. And I fell madly in love with it. And I was supposed to be there one year; and I stayed around six, seven.

Q. What kind of training have you received in the field of linguistics?

A. I was very lucky to be trained by two giants in the field of both semantics - that is how do we understand how language communicates and does not communicate language - and in the sociolinguistics. William Labov, who is the founder of a field with the odd name of variantist sociolinguistics, prepared me for my fieldwork.

The first thing I did -- as I say, we are always evidence-based and fact driven. So one of the things that Labov said is we have to stop just taking concepts and assuming they are true; we have to test them. So we have to go into the field. Go into the corn fields. Go into the street corners. And interview people and get them to talk to us in their normal speech and their vernacular, the language that you argue with your little brother over breakfast in, not the language of education. Because that is your real language. So he developed ways of doing this.

And, for example, my first assignment was to go into an

economically depressed area. So out of Detroit. With a tape recorder and wait until I attracted the attention of street gangs and then elicit fight stories from them. I try not to do that with my students these days. When I look back at it. But it worked very well. And there were techniques that Labov had developed that really ingratiated ourselves into any speech community. And then I replicated that in East Africa, in London, Thailand.

Q. Now as a forensic linguist can you describe for the jury the types of things you were hired to do, the types of organizations you have worked for?

A. Yes. As a matter of fact I have a slide, the first slide of the PowerPoint.

Q. You prepared a PowerPoint for your presentation today?

A. That is correct.

MR. COOPER: May I approach the witness, Your Honor?

THE COURT: Yes.

Q. Let me give you a control so you can control that.

A. Thank you.

Q. If you will put that up on the screen for us, please.

A. As I said, there is very little in the law that is not language. So you see on the right -- I will just let you read it for a bit. I was -- after a murder trial I was recruited to Quantico by the FBI Behavorial Analysis Unit, the people of criminal minds. My FBI partner, the guy who recruited me, is

actually the technical adviser for that TV show. And he and I trained his agents, foreign agents, allied agents.

And I also worked specifically on the communicated threat assessment database trying to improve it using linguistics. And since then I have worked for, as I write there, the FBI, in other manifestations, police, counterterrorism, intelligence agencies, internationally, including the UK's MI5 and MI6 who asked me to develop a program to train their agents in the run-up to the London Olympics.

And I thought it was not a very good idea to take one of the biggest terrorism targets and put it on top of the other big terrorism target, that is the Olympics in London; but that is what happened. And the government knew that they needed to up their game a little bit in threat assessment and forensic linguistics, so they hired me. I took my FBI partner and we did multi-day training. And I like to joke, since nothing happened untoward in the Olympics I like to take full credit for that.

Q. What kind of things were you asked to look at or compare as part of your job?

A. Well, it depends. I mean it is a very multifaceted job. As well as working for the Joint Terrorism Task Force I trained New York homicide detectives. I have worked for the Department of Justice, the Joint Terrorism Task Force, Hate Crimes Task Force.

I was also Apple's linguist against both Microsoft and Amazon in their fight to retain a trademark, trademark APP Store actually.

And Facebook, that was another authorship case where someone said that he owned half of Facebook and here were the emails to prove it back from when they were all at Harvard.

And the Prime Minister of Canada in a civil case.

Q. Will you describe for the jury what kind of publications you have authored or been involved in?

A. A couple of recent ones are the chapter in the Handbook of Behavioral Criminology on Forensic Linguistics which specifically addresses authorship. And also a law review article for the Hofstra Law Review on the multi-faceted applications of forensic linguistics illustrating with several recent cases of authorship and other kinds of cases.

Q. Have you ever been qualified as an expert in a court of law in the area of linguistics?

A. Yeah. So in thirteen states and six federal districts. But some of those states a number of times. So I guess around, I don't know, twenty-something times.

In those state courts, that's on the PowerPoint. And US District Courts. And I also testified as a linguistic expert before World Bank tribunals in Washington DC and in Paris.

Q. And then have you lectured on the topic of linguistics?

A. Yes, I lecture internationally throughout Europe, the UK

to police, judges. In the United States, again, police, counterterrorism, threat assessment, professionals, judges.

MR. COOPER: Your Honor, at this time the State would offer Dr. Robert Leonard as an expert in the field of linguistics.

THE COURT: Mr. Lizzi, any voir dire from you?

MR. LIZZI: No objection.

THE COURT: Any objection?

MR. LIZZI: No objection, Your Honor.

THE COURT: All right. Ladies and gentlemen, let me give you a brief instruction before we go any further.

Normally when a person testifies they cannot -- they cannot give opinion testimony. Normally when a person testifies they must testify as to things they saw, heard, or sensed by smell or something of that nature. However, there is an exception when an individual is qualified as an expert because of education and/or experience.

Individuals that are qualified as such are allowed to give their opinion in certain areas if they are qualified to do so. This individual is being qualified as an expert in the field of linguistics to give opinion testimony in that area.

That does not mean that you must accept his opinion. But it is evidence for you to use in any way that you see fit and give it the weight and credibility that you believe is appropriate.

Mr. Cooper, you may continue.

MR. COOPER: Thank you, Your Honor.

Q. Dr. Leonard, were you hired initially by the Sheriff's Office in 2013 in this case?

A. That is correct.

Q. What were you asked by the Sheriff's Office to do?

A. I was asked to analyze a farewell letter, I guess I call it, or the farewell note that -- and that just to explore who might have written it.

Q. Let me show you what has already been admitted into evidence as State's 63. Would this have been the letter that you were asked to examine?

A. That is correct.

Q. And then in your line of work what do you call that document?

A. The questioned or Q-document.

Q. Okay. And once the Sheriff's Office hired you what did you tell them that you needed?

A. I said that they needed to give me known documents, which we call the K-documents, that were known to have been written by anyone they thought perhaps had authored this.

Q. And then you were provided several years ago documents by the Sheriff's Office?

A. Correct.

Q. And then more recently were you provided with additional

documents by my office?
A. That is correct.
MR. COOPER: And, Your Honor, at this time I believe we -- the defense is and the State have stipulated that Exhibit 112 can come in without objection.
MR. LIZZI: That is correct, Your Honor.
THE COURT: All right, 112 admitted without objection.
(WHEREUPON, State's Exhibit Number 112 was admitted into evidence.)
Q. And so, Dr. Leonard, over the course of the last few years you have examined a variety of documents of writings of Mr. Bob McCaffrey and Ms. Gayle McCaffrey in making your conclusion, correct?
A. That is correct.
Q. Okay.
A. And I have a slide on that.
Q. Please. If you will explain for the jury your process in analyzing the document and the writings that you were provided.
A. Right, in its most basic form since the questioned document is the document at issue I examined -- or carefully the questioned document to see if there were any noteworthy - and I will be very unscientific here - quirks, odd uses, something that might be idiosyncratic or that established a pattern that I might then look for in the known documents to

see if I could find that there.

And these are the text messages from Bob, emails from Bob, the police statement, the -- and then Craigslist, the ads -- or communications I should say. And an ad. Then text messages from Gayle's phone and from other places like that.

Q. And so a variety of different documents?

A. That is correct.

Q. And this would tend to represent the volume of documents you received?

A. Yes.

Q. Will you -- let's go into your analysis, if you will.

THE COURT: Hold on a minute. Mr. -- hold on a minute. Mr. Cooper, those documents that you held up ---

MR. COOPER: Yes, sir.

THE COURT: --- have they already been admitted into evidence?

MR. COOPER: Yes, sir, they have.

THE COURT: All right, for the record I want referenced what documents you are holding up ---

MR. COOPER: Yes, sir.

THE COURT: --- if you have those exhibit numbers.

MR. COOPER: Yes, sir. Exhibit 112, Exhibit 71, Exhibit 82A, Exhibit 97, Exhibit 81, Exhibit 105A, Exhibit 106, Exhibit 113. I do apologize they are not in numerical order.

THE COURT: That is okay.

MR. COOPER: Exhibit 132, Exhibit 129, Exhibit 120, Exhibit 133, Exhibit 101, Exhibit 102, and Exhibit 103.

THE COURT: Thank you.

MR. COOPER: Yes, Your Honor.

Q. Dr. Leonard, when you are examining a document or you are asked to examine it would you kind of explain for the jury how you reach your conclusion; is it based on hypothesis -- like will you explain how you do that?

A. Yes. I was trained at Columbia that the way science progresses is by creating competing hypotheses and then seeing which hypothesis best explains the non-randomness of the data.

Language adheres to patterns. We don't just open our mouth. It may feel that way that we open our mouths and just speak. Which is another amazing thing about language. But bullets don't randomly fly out of guns and chemicals don't randomly form concentrations in human bodies. Things adhere to patterns. There's gravity, etc.

So how do we best explain the non-randomness of the data? So we present different hypotheses and we go step by step in science from that.

So the Copernican notion of the solar system was an advance over the old one that said that the sun actually went around the Earth because you couldn't explain the way the planets worked. But the new one that the Earth goes around the sun, the one that we all learned, that explained how the

planets worked, the non-randomness of the planetary distribution.

So, sorry, but that is what my professor always used when he would explain why it was so important to operate according to hypotheses that explain the nonrandom distribution.

So here we have the language patterns of Q-document are better explained as being examples of what is in the writings of Bob or the writings of Gayle.

Q. And so you were tasked with -- you looked for similarities between the writings of Bob in the Q-document and the writings of Gayle in the Q-document?

A. That is correct.

Q. Can you go through your analysis with the jury?

A. Certainly. So the first set of things that at least at first I thought might be noteworthy, features I actually found in both Bob's and Gayle's known writings, as well as the "Q".

Q. Let me pause you for one second. Just so -- we see the initial "K" by the names of Bob and Gayle. Can you explain what that means?

A. Sorry. Yes. So the "Q" is this document (pointing), the note, the goodbye note.

THE COURT: Exhibit 63.

A. Exhibit ---

THE COURT: Doctor, if you would when you are referring to specific documents there are State's exhibit numbers on

them. So my record is clear, please -- it is on the back of that particular. I want to make sure that the record is clear on what you are referring to, okay?

THE WITNESS: Yes.

THE COURT: Thank you.

THE WITNESS: Certainly, Your Honor. Thank you. I didn't see the number.

THE COURT: That is why I told you it was on the back.

THE WITNESS: Thank you very much.

THE COURT: Thank you.

(WHEREUPON, court reporter confers with the court regarding exhibits.)

(WHEREUPON, bench conference with attorneys.)

MR. COOPER: And, Your Honor, if I can just correct one thing for the record. When I was reading a list of documents that were provided to Dr. Leonard and used by Dr. Leonard I referenced 82A and 105A. I misspoke. I meant 82B and 105B.

THE COURT: All right. Very well. Thank you.

MR. COOPER: Yes, Your Honor.

Q. All right. Dr. Leonard, if you would continue, please.

A. So the "Q" is State's Exhibit 63, which is called on the back of it the Typed Dear Bob note that I was calling a farewell note.

So I am about to show a few features that occur on State's Exhibit 63 and also within the known writings of Bob

and the known writings of Gayle.

So, for example, the use of "also" in -- at the end of clauses or sentences which very often by other people, people say "too". They are here "also". That's fine "also". I am starting over "also", as opposed to I am starting over "too". They're here "too". That is fine "too". He leaves that day, so I think I will pass "also". I think I will pass "too".

Which, as I say, I thought might be a discriminator; but it turned out to be used by both the known documents of Gayle and Bob.

The next one, a sentence fragment as a summative modifier, which means -- well, look, you can see the example: I do not want to end up like my mom or sisters. And then referring to mom or sisters; summarizing the mom or sisters in loveless marriages and bitter, always trying and never really being happy.

And then in Q-Bob, known documents of Bob: Don't cut yourself short. You are you. And I have the "you" underlined. And the "mom or sisters" underlined. Modifying "you". Someone who deserved happiness.

My kids are the victim. Punished by politicians. What about the politicians? With an agenda. And these things are not full sentences. So I thought that was of interest.

And here in Gayle we have a similar situation: Also I think I will need more information if you want me to fill out

paperwork.

So it is not actually the last thing; but addresses, etc., refer to the more information.

Q. And did you also find one more similarity that both Bob and Gayle exhibited in their known writings?

A. Yes. At first I thought that missing words might be useful, but it turns out that both Bob and Gayle leave words out. And that is very common. We all do in texting. But some people don't. Some people never do; they go back and make sure whatever mode of communication they are using there are no words missing. So ---

Q. And then did you find features that were exhibited by only one set of known documents?

A. Yes. So now here are features that are shared by Bob's known writing and State's Exhibit 63: I have tried to.

Now "I have tried to" is hardly a very rare way of speaking. However, in all of the data in this whole data set Gayle never uses "I have tried to". We do have it in Exhibit 63. And we have it twice in Bob's writing. And we have quite a bit of Gayle's writing, but she never uses it.

So this is a similarity. Which if it were the only one, of course it would mean nothing. But we look for strings of features.

Similarly with suffering. Both the "Q" and K-Bob use suffering. Again, "suffering" is not a totally rare thing to

say. But Gayle doesn't have it in any of the writings that I examined.

Q. And while certain words and certain phrases may not be rare or unusual, the fact that they are exhibited in one set of known documents and not the other is that important to your analysis?

A. Eventually when we look at the whole dataset and the patterns that we find them on.

Q. Okay.

A. Similarly, "over an amount". As opposed to say, "more than an amount".

In the "Q", Exhibit 63: We live like this and you have over 110,000.

Over 40, over an hour, over 20, in writings of Bob; but never in the writings of Gayle.

End up, as opposed to perhaps wind up: I do not want to end up like my mom or sisters.

We saw that sentence already. And now, one, two, three, four, five times we find it in the writings of Bob; but never in the writings of Gayle.

What it takes, whatever it takes. Again, not a totally rare phrase. But we find it only in the "Q" and K-Bob and never in K-Gayle.

This is of more interest. This is: I have tried to, and then something, but since, then something, something. A

three-part compound. I have it opened up in the next slide.
Q. So we have moved on from you find similar words or phrases that are exhibited by the set of Bob's known documents to maybe how sentences are constructed?
A. Both. Because here we have both the phrase: I have tried to and but since. And we have these structuring a sentence. This type of sentence construction. Which, again, we don't find in Gayle's writing.

So there are three pieces here: I have tried to settle a few things for you. I have tried to get some of the others to do the same. But since you have not really helped me. But since chases are generally part of area infiltration.

Chases being the -- well, they are chases in plumbing and construction.

You can see what it takes. They don't want to do.

So I have tried to do "X", but since "Y". You can see what it takes. They don't want to do.

Absolute parallel structure even though different context.
Q. And did you find additional things that were exhibited by the Q-document and the known writings of Bob?
A. I did. In the next slide we have what we call an M-dash. M-dash was called an M-dash because in type when they were setting type in the old days the dash was as long as the letter M as in Mary. Then there were N-dashes as as long as

the letter N, Nancy and then hyphens. And so that is just the label we use for those dashes.

In a lot of word-processing programs if you have -- if you put two dashes together it will automatically turn into an M-dash. So they are used very often to set off things from the rest of the sentence. And that is what we see here. Even though they are not actually M-dashes, they are dashes or M-dashes.

Q. Did you notice dashes or a feature like that in Gayle's documents?

A. No. When Gayle sets an aside she does it always with parentheses. And she has quite a few.

Q. And now when you are showing us these examples they are examples of things you found in documents known by Bob, meaning you didn't find those examples in the documents known by Gayle?

A. That is correct.

Q. Which set of documents, those known by Bob or those known by Gayle did you have more for?

A. More what? I'm sorry.

Q. More of the volume of documents.

A. Oh.

Q. Was it greater for the known of Bob or from the known of Gayle?

A. Of Gayle, I believe.

So here we have: I found your safe, dash, WTF, dash, we live like this, etc.

Hate to ask, dash, APU, dash.

Q. What does APU mean?

A. To the best of my knowledge that would mean as per usual here.

If you were. Say. Just interested. Possible. If someone has interest.

And, again, Gayle does this a lot too; but she always uses parentheses. Always. She never uses dashes.

MR. COOPER: Beg the court's indulgence for one second. Let me see if I can find ....

If you can switch the projector real quick for me. I want to show -- showing from Exhibit 102. I think it is Page 67 of 102.

Q. In this bottom email, Dr. Leonard, does that appear to be an email from Gayle McCaffrey?

A. It does.

Q. When you were talking about the asides and that Gayle uses parentheses, do you see that example in that letter?

A. Yes.

Q. And you can draw on the screen if that will help identify that for the jury. And so when one does an aside like that you can uses dashes or parentheses?

A. Right. And Gayle always uses dashes. And I think if we

move up there's another one. This is Page 80 of that?
Q. No, that is Page 67.
A. Oh, okay. There was -- there are three on I think it is Page 80.
Q. You noticed multiple occasions of Gayle using those parentheses?
A. Yes. Yes.
Q. Okay. All right. Thank you, Dr. Leonard. If you want to continue with your explanation.
A. Thank you. So in the next slide we see the top two sentences again, but as in another guise. Which is they use, for want of a better term, internet initialism slang: WTF, what the -- you know. And APU. Which I never find Gayle using them at all, let alone set off by dashes.

Another example sentence type that I found in K-Bob and twice in the State's Exhibit 63 is an extended compound sentence. Something and something and something. I -- but I can see you have no desire to stay and I am done suffering and trying and praying. We live like this and you have over $110,000 in cash and the coins and all the old money.

And in K-Bob: She is gone and I have to move on and help the kids and try to help myself and I guess I will get that fresh start after all.

But we never find it in Gayle's.

Q. What is another way to craft a sentence like that; is it

using commas?
A. Certainly. You can use commas. You can break it into other sentences. This is pretty distinctive.
Q. Okay.
A. Now we come to the two sentences, one in the "Q" and one in K-Bob. And you are going to have to stay with me on this one because this one is pretty complicated.

So just beginning, take the classic phrase, he put on -- ignoring what is in the data: He put on his shoes and socks. Okay. The grass hurt his feet so he put on his shoes and socks.

Now clearly he doesn't put on his shoes first. He puts his socks on. But the important thing here is that the shoes are going to protect him so he put on his shoes and socks. We could say he put on his socks and shoes. But the important thing is shoes. So this kind of construction where what typically comes first in time doesn't come first in the sentence. Okay.

One way this is expressed is with but: Put on your shoes but before that put on your socks. Okay. So these two sentences are the same kind of thing but instead of "but" they both say "and". "But" would make a lot more sense.

It hurts so bad and before you hurt all of us I am making it easy for you by my leaving. I brought it to Greenville a while back and before I took it back. It really should be

"but before". You see?

I mean "and" is okay, but "but" would be better. So we have this "and" instead of "but" in the first place.

Okay, now let's look at how unique -- or how noteworthy, I should say, these sentences actually are. If you look at the middle there, both sentences are instances of what rhetoriticians call hysteron proteron which describes a -- rhetorical devices are things that people have used since the ancient Greeks to study how arguments are made in language, how speeches are made.

I was involved in a first degree murder case once in Pennsylvania where my discovery of a previously undescribed rhetorical device allowed the police to get a search warrant for the main suspect's writings because the judge was satisfied that two apparently disparate letters were actually potentially written by the same person.

In one we had: I would have liked to have found out. She made sure my fiancé found out. And in the second letter she wanted to break it off - meaning a love affair - she wanted to break it off so I broke her neck.

So this ironic repetition of find out, find out, break, break, was the link.

So rhetorical devices are ways that, as I say, people who study the way language is structured, not linguists so much as rhetoriticians, categorize things.

And this is an example of the one called hysteron proteron which describes the situation in which the writer reverses the expected or the logical - that is the time - situation of two elements in order to place emphasis on the first element. And a classic example is: I die. I faint. I fail.

Clearly he dies after he faints and fails. He put on his shoes and socks, again.

And another classic one: Then came the thunder and the lightening.

But of course the lightening comes before the thunder.

So now let's look at the examples again: It hurts so bad but before you hurt all of us I am making it easy for you.

Well, I have it broken down in the next slide, actually. So if we rearrange the order of the classes, those parts of the sentence, to show what actually is going to happen in time, we see that the original emphasizes the hurting of us all.

So we see in Q: It hurts so bad and before you hurt all of us I am making it easy for you by leaving.

Temporally, time wise, if we rearrange it: It hurts so back but I am making it easy for you by my leaving before you would get to hurt us all.

See?

And that is what ---

Q. So it is not -- so in this example you have highlighted it could have been said "but before" instead of "and before"?
A. Yes.
Q. And then also it is the way that the sentence after the words in red is structured backwards, if you will?
A. That is correct. Backwards in time. So now look at the one from Bob. He is saying: I brought it to Greenville a while before and - or but - before I took it back to Charlotte again I thought I would check back with you.

So if you rearrange that: I brought it to Greenville a while back. I thought I would check with you before I took it to Charlotte again.

So this is a pretty complicated sentence. And we also have that distinction of "but" and "and".
Q. And in the beginning you talked about examples you saw of: "I have tried to" and "suffering", not necessarily rare.

Would this be a more rare instance?
A. Yes. It is not that no one ever uses this, but it is noteworthy when we find in State's Exhibit 63, which is a single page, we find an example of this and we find it in the writings of Bob McCaffrey.
Q. And you never found any kind of either using of "and" before or construction like this in the known documents of Gayle?
A. That is correct.

Q. And, again, you had more documents of Gayle's than you had of Bob's?
A. I do believe.
Q. Okay.
A. I realize that there is some repetition of emails in that package of data from Gayle. But there is still quite a bit.
Lastly, two sentences that end with exclamation marks in a row: I am going, in the "Q". I am going to be happy.
And you read Bob's: Bad way. Favor. Now. Straw. Yes. Cash. Sealed. Voila.
But never in Gayle's.
Q. Let me ask you this, Dr. Leonard. Were there instances of things that occurred in the Q-document, State's Exhibit 63, that you found in documents of Gayle but you did not find in documents of Bob's?
A. Nothing noteworthy. Nothing that seemed idiosyncratic or interesting.
Q. How do you ---
A. Certainly there must be overlaps where she uses the "D", and we find that in the "Q" also. But nothing like the examples I am giving.
Q. What do you determine -- or how do you determine when an occurrence or multiple occurrences are noteworthy?
A. Well, first in this case since we were only looking at the two sets of known documents I look for any similarities.

But one of the things we do is we use a program that automatically finds overlaps of words. For example, suffering or the other examples that I showed you in the first place, just some words.

And then we do a deep dive and I look at the sentence structures. Which are much more interesting, of course, and more idiosyncratic to the particular people.

Q. Now in your field when you are hired or brought in are you usually called upon to determine who an author of a document is?

A. Well, that is the investigative aim. But I never identify a single person as the only possible author of a document in the world, because there are -- just like with DNA actually people misunderstand DNA. It has been explained to me by scientists of the human geno project that they do not actually identify a particular individual. Those findings get misinterpreted and they have had some wild false positives. People have interpreted it to mean it is John Smith and it turned out not the John Smith, he was in Brazil or something that day.

And of course I am making that example up. But you see the idea. So all I am doing is looking at patterns, looking at similarities, and then finding where do we find them in the known documents.

And what I have just shown you is these similarities and

these patterns that I find in the "Q", but not in Gayle's but I do find them in Bob's.

Q. And did prior to when you got into the field or before you were in the field did linguists tend to give percentages on who may be an author and things like that?

A. Yes, sir, I remember one linguist saying that the probability was bordering on certainty that so and so wrote the document. And my training has always been, as I was saying, in testing competing hypotheses to explain the non randomness in the data. So that is what I have done. That is what I have done here.

So when I look at the -- all of the data, I look at the non randomness; that is the patterns, the similarities, the overlaps between the "Q" and K-Bob, K-Gayle. We find more and more interesting in K-Bob.

Q. And so in trying to explain that nonrandom distribution of data will you tell the jury in your professional opinion what conclusion did you reach?

A. Well, as I say, the -- there is a consistency of features that exists between the linguistic patterns in the "Q" documents, State's Exhibit 63, and the linguistic patterns in the known documents of Bob that does not exist between the "Q" and the known documents of Gayle.

So the superior hypothesis is between the two of them the language patterns of the Q-document are better explained as

being instances of Bob's known rather than Gayle's known.

MR. COOPER: Beg the court's indulgence for just one second.

Q. Dr. Leonard, I thank you. Actually ---

MR. COOPER: I'm sorry. Beg the court's indulgence.

Your Honor, may we approach?

THE COURT: Yes.

(WHEREUPON, bench conference 3/7/19, 10:53 a.m.)

MR. COOPER: Thank you, Judge.

Dr. Leonard, I thank you for your time. If you will answer any questions the defense may have for you.

THE COURT: All right. Cross-examination.

MR. LIZZI: May it please the court.

CROSS-EXAMINATION BY MR. LIZZI OF ROBERT LEONARD:

Q. How are you today, Dr. Leonard?

A. Very good. How are you, sir?

Q. I hope you have a good trip down here.

A. I did.

Q. I would like to say that it would be warmer for you down here, but sorry to say it wasn't.

A. It is still 30 degrees warmer than it is in New York.

Q. I guess we will get it started off with something that struck me when I was listening to you. This isn't DNA science, correct?

A. What do you mean?

Q. Your field isn't DNA science; it is not scientific evidence to the point where you can repeat it with multiple persons repeating the same hypothesis?
A. Oh, no, you are 100 percent wrong. You certainly can. Also the kind of analysis I do as we see is totally transparent. Any other linguist can come to the data and see exactly what I am doing. And if they say that I have missed something, then I have missed something. If they say that my interpretation is incorrect, then that is possible.

There are people who have computer programs that are black boxes. We don't know how they work. The data goes in and then a result comes out. But we can't replicate it because we don't know what is in the black box. But this is not black box at all.
Q. They use programs, correct; they use programs that repeat the same process over and over?
A. Actually, no. They -- sometimes in black -- well, number one, we don't know what they do because they are black boxes. But the very essence of -- computer programs sometimes sort of, to say casually, run away with themselves and come out with results. But the reason codes are not visible to the operators. And that is not a good way of operating.

I have been involved with a lot of computer programs dealing with forensic linguistics as well.
Q. And this is what we call more of a subjective science

than an objective science, like, you know, when we say that all of my arm hurts and they take an x-ray and they can't find anything, that is a subjective injury that has to be determined by the doctor with other circumstances and two different doctors may differ on what they find; correct?

A. I have no idea. I don't know ---

Q. But ---

A. --- what you mean. Because there is no obvious injury, people have to infer why the pain is there; is that what you mean?

Q. Well, there is an inference that is drawn by the doctor's experiences and doctor's experiences; and doctor's levels of knowledge are different?

A. Yeah, well, that has nothing to do with the present case because the data are very very clear.

Q. Well, you did an analysis of this case I think three times. I think you did three -- two preliminary reports, correct?

A. That could be. We didn't have all of the data yet.

Q. But you came to -- you came to conclusions very similar to this with very limited data; was that not correct?

A. Yeah. But those data were sufficient too. But it was very good when a couple of weeks ago I was able to get all of these more writings of Gayle. Notice that most of the similarities I find were in Bob's writings, which I had

already had if I remember correctly.
Q. So you got hired in 2013 and now you received the bulk of the documents and the bulk of the things you are testifying here today you received just recently, correct?
A. Just to Gayle's writings, if I remember correctly.
Q. But you drew very similar conclusions from a very limited amount of documents in the beginning?
A. Well, again, they were sufficient.
Q. And we are looking for repetitions, correct? Is that one of the things we are looking for?
A. What do you mean?
Q. Repetitions in language patterns?
A. Could you be a little more clear?
Q. Well, one of the things I think you talked about is how you looked through -- you looked through a document and you looked for certain markers or ques. And certain repetition in certain types of markers. And in doing that you have to have -- you have to be mixing apples with apples and oranges with oranges instead of apples and oranges; correct? Most of the writings that you got from Gayle are writings that came from her work and from emails to colleagues and friends under good circumstances; correct?
A. Well, if you want to include the momma having cancer under good circumstances.
Q. But they were done to specific -- the same type of

authorship -- a lot of them was her work documents?
A. Also -- actually the great amount was to her friend that she was in choir and bell ringing with and all of the should they buy T-shirts and could somebody pick up my daughter and did the pastor agree to be our adviser yet, and like that. So they weren't just work emails. Actually there were pretty few work emails.
Q. We -- people communicate in different manners under different circumstances, correct?
A. True.
Q. And they communicate to different persons in a -- in different manners, correct?
A. Possible.
Q. And I think there is -- there is a term or -- if you change codes or you change ---
A. Code switching.
Q. Code switching. That is the term. So how you may communicate to your spouse under certain circumstances and how you communicate to a coworker may be completely different?
A. Yes, and that is what I said at the outset of this when I was explaining sociolinguistics.
Q. And how you communicate by text message and how you communicate by email is different, correct?
A. Yes. But sometimes those are pretty predictable.
Q. But we set out in an email we are not expecting an

interruption or a reply in the middle; we are trying to convey a complete thought when we are conveying an email, correct?
A. And what is your point?
Q. And when we are doing a text message it may be different?
A. Yes.
Q. And we also have to take into account auto correction and speaking into a cell phone for text messages, correct?
A. Yes.
Q. And all of those things come into play?
A. Well, not in these data.
Q. Not in this data?
A. No.
Q. Wasn't a lot of the things that you analyzed and showed with Mr. McCaffrey his text messages?
A. Would have been self corrections? Would have been auto correct? To have the word "suffering" instead of some other word or "end up"? That is not how auto correct works. Auto correct is a vein of our existence. Because nowadays I have to also know what program somebody is using before I can seize upon features. But that is not the case with these data.
Q. And emotional states have a lot to do with how -- in our code switching or how we speak, correct?
A. Is that a question?
Q. Yes.
A. Yes.

Q. So it would help to have more information -- which you ask for more information. But you were hired by the Sheriff's Office and they asked you to come up with a ---

A. Hypothesis.

Q. --- hypothesis in the assistance of their case; correct?

A. Yeah, this is slightly different than what you were saying before; right. You were saying that we have emotional circumstances might change the way somebody wrote.

Q. Okay.

A. So that would mean that we would have an hypothesis that if Gayle had written the Q-document, Exhibit 63, she would have used the hyperon rhetorical device because she was upset. Is that where you are going? It doesn't make a lot of sense.

Q. No, sir, I asked you a completely different question.

A. But that was the question now. But the question just before you were saying that people speak differently when they have different emotional feelings.

Q. Yes, that is correct.

A. And I was trying to answer that.

Q. Okay. Well, I -- if you would just stop me if you are not finished answering. I will let you have enough time to answer, and we will move on from there. Okay.

So we will go back to my question after that. You were hired by law enforcement to assist them in their case?

A. That is correct.

Q. And they gave you Exhibit Number 63 to try to come up with the authorship? Or to try to assist them in the authorship or eliminating authorship?
A. Could you be more specific?
Q. They gave you that document and they gave you two persons in the entire planet ---
A. Right. Very true.
Q. -- and said find us data regarding these two people that will assist us on this document?
A. Between the two ---
Q. Yes.
A. --- what do the data point to as the potential author, correct.
Q. And they slanted you or kind of gave you what their opinion was as to where they wanted your hypothesis to end up, correct?
A. No.
Q. So they didn't tell you who -- what they thought happened ---
A. Sure.
Q. --- and ---
A. But that has no effect on me.
Q. Okay.
A. I have given people bad news in so many cases that -- when they come to me and say can you demonstrate that this is

that; and when I do the analysis I say I am sorry, I am not going to be helpful to your case, get the best deal you can or something like that. So that is routine in my business.

Q. And acronyms and things like WTF that is like one of the most popular in the English language, is it not?

A. What's -- what's that based on, your statement like that?

Q. Well ---

A. I never ---

Q. How common do you ---

THE COURT: Hold on a minute. Hold on a minute.

MR. LIZZI: Okay.

THE COURT: Both of you can't talk at the same time. All right.

Q. How common is that for -- that acronym?

A. Compared to what? Compared to Gayle's known writings it doesn't occur at all. Which was the point of the investigation. Of course people use it.

Q. I am asking you as someone who deals with this in your field ---

A. Yes.

Q. --- how common is that term used?

A. Compared to what?

Q. Compared to other text message acronyms is it not one of the most popular that is used in the English language?

A. Compared to all other acronyms?

Q. Yes.
A. I doubt it. Because it is inherently negative in a way. I think LOL is probably far more common. APU is almost never -- I mean I didn't know what it was at first. And I don't know anybody who did know just off - not nobody, but I mean when I asked around nobody knew what APU was. So APU is pretty rare.
Q. And how many times did you see APU?
A. Where?
Q. In these documents?
A. Once.
Q. Okay. So we don't know if that was a typo?
A. A typo?
Q. Well, you didn't know what it was?
A. A typo?
Q. You are assuming what it was now?
A. Yes, I am assuming that the words and the symbols that I see on the screen have meaning. That is a good assumption usually.
Q. You found many common factors, correct? You found commonality in their writing?
A. I found features that existed in State's Exhibit 63 and in Bob's writing that did not occur in Gayle's writing, if that is what you mean.
Q. And you found features in there that were in Gayle's

writing?
A. Yes. That were in all three, the "Q", Bob, and Gayle. As I reported.
Q. And but you didn't report as to how common those features would be as to the general population?
A. Which features?
Q. The ones that were overlapping.
A. Between Bob and "Q" or between everybody -- among everybody?
Q. Between everybody. Because here we have you are here saying we have got these common overlapping things but we should just discount all of that and just -- and just leave that and go. Because here we have a husband and wife that know each other, who talk to each other, who know each other's diction, and we want -- and you want to just kind of gloss over the similarities?
A. No. As a matter of fact, this "also" instead of "too", remember, at the end of sentences, I found that pretty interesting.

And it is not surprising when we find husbands and wives communicating the same, because they have to work it out. This is a concept that we use all the time in authorship analysis called community of practice.

I will give you an example. I did an investigation for the federal government one time. Letters were being sent from

some government office that weren't supposed to be being sent. And they had a suspect. And I compared the questioned documents and the suspect's writings. And there were all of these odd correspondences. And I said, oh, this must be the guy.

But before I put in my report I said I want also samples of everybody who works in his office and I want everybody who - whatever it was, a postal inspector in Cleveland - samples from them. And when I looked at that, everybody used that.

So it turned out that other features then showed that that suspect was the probable author. But community of practice is something we look for every time. So the point is it is not surprising when things are the same among husbands and wives, it is surprising when they are not the same.

Q. Do you have a copy of your preliminary report with you?

A. No. In front of me do you mean?

Q. Yes.

A. No, I don't. I don't have anything but Exhibit 63.

Q. Okay. I am going to show you Page 6 of your preliminary report. Can you read to the jury what documents you used on that preliminary report?

A. Sure. Farewell note, Exhibit 63, Bob's text message, Bob's email from phone, final version of Bob's resume, Bob's statement to the police, Craigslist kitchen ad, Gayle's text

message, and Gayle's email.

Had almost nothing on Gayle by then.

Q. Okay.

A. And that was why the conclusions was much less strong too.

Q. But you came to the same conclusion?

A. Well, no, not exactly. The conclusion I am coming to is bolstered by these data. At that time I said between the two of them I suppose it is Bob but I would need more from Gayle. And I got more from Gayle.

Q. But the type of documents you got from Gayle were completely different than the type of documents you got from Bob; you got Bob's resume, which we can't rule out that his wife helped him do?

A. Well, there's two versions of it actually. But I didn't use the resume, so it is a moot point.

Q. And ---

A. You notice I didn't find any features in the resume that I used in the list of features that are the same between K-Bob and "Q".

Q. You used text messages. You used emails. There wasn't professional letters and documents -- you didn't have the same type of documents from Gayle as you had from Bob?

A. At that point, no.

Q. Still not?

A. What?
Q. You still don't.
A. How is that?
Q. When you look at the documents -- let me look at ---
A. Do you mean the fact that Bob is talking and plumbing and construction and still uses the same kinds of features that we find in the Q-document and Gayle doesn't talk about construction and plumbing?
Q. This is part of your PowerPoint. And on your PowerPoint you had writings to Donna, writings to Gayle, email -- emails with Donna. But on Bob you have his police statement, you have text messages, you have Craigslist statements ---
A. Craigslist is more like emails, isn't it?
Q. Well, is it?
A. Sure. Because it -- they're -- it is communications back and forth. But carry on.
Q. Okay. You are communicating with a stranger, correct?
A. I thought your question was is it like emails. People write emails to strangers.
Q. But it is a different type of situation, correct?
A. So just to cut to the chase, are you trying to say that because these documents are not absolutely identical in genre we should discount all of the similarities that I just went through?
THE COURT: Hold on a minute. Ladies and gentlemen, I am

going to ask y'all to step to the jury room for just a minute. Do not discuss the case. I will get y'all back out here in just a second.

(WHEREUPON, jury exits 3/7/19, 11:16 a.m.)

THE COURT: All right. No one has objected to this at this point, but the process goes like this. You ask the questions. Doctor, you answer them to the best of your ability. You are not supposed to be asking questions back ---

THE WITNESS: I apologize, Your Honor.

THE COURT: --- to Mr. Lizzi. It is apparent based upon a lot of your responses that you want more information from Mr. Lizzi to form your answer, okay.

But it is improper for you from the witness stand to ask him questions. The questions go from him to you; and you answer them to the best of your ability, okay.

If you need more information you can certainly answer it, one, to the best of your ability based upon the way the question is asked. And you can certainly say but if I had more information pertaining to such and such it might be a different answer.

I am not telling you how to answer his questions. That if for you do to. But is improper for you on a continuous basis to keep asking him questions. It just doesn't work like that. Does that make sense?

THE WITNESS: It does, Your Honor. May I ask him to

expand on his questions? Because sometimes there is so little information there I don't know exactly what he's asking.

THE COURT: Well, I will allow you to do that; but I am just not going to -- y'all are like carrying on a conversation here when the process is getting kind of out of whack, so to speak; okay.

THE WITNESS: Very good.

THE COURT: I just want -- and Mr. Lizzi, I am not sure where you are coming up with your questions. I know you have done your job in what you want to get at, but -- I am not telling you how to ask him questions at all.

MR. LIZZI: I understand, Your Honor.

THE COURT: But I just I want to cut off this back and forth of Mr. Lizzi asking questions and then you turning around and asking him a question.

THE WITNESS: Very good.

THE COURT: Fair enough?

THE WITNESS: Understood, Your Honor. Thank you.

THE COURT: All right. How much longer have you got on cross-examination? And I am not going to -- I am not trying to pin you down on that. I am just wondering whether or not -- since I have sent the jury out I guarantee all of them are going to the restroom.

MR. LIZZI: I probably ---

THE COURT: So if I were to say right now bring the jury

back I guarantee you they are not ready because they are going to the restroom.

MR. LIZZI: We can probably just take a restroom break. THI

Doctor, I will allow you to step down from the witness stand, but do not discuss your testimony at all with anyone. When you come back in I will just have you sit back on the witness stand and I will bring the jury back in, okay?

THE WITNESS: Very good. Thank you, Your Honor.

THE COURT: We will stand down for just a minute.

(WHEREUPON, break was had 3/7/19, 11:18 a.m.)

(WHEREUPON, resume from break 3/7/19, 11:28 a.m.)

THE COURT: I asked -- or instructed you when we broke not to discuss your testimony with anyone. Did you comply with the Court's instructions?

THE WITNESS: I did comply.

THE COURT: All right. Very well.

Bring me the jury, please, sir.

(WHEREUPON, jury enters 3/7/19, 11:30 a.m.)

Q. Doctor, you are asking this jury to and I guess you are trying to get the jury to believe that every person's forensic linguist is going to look at the same data and come up with the same conclusion; is that what you are asking them to do; are you saying that your conclusions on this are basically repeatable by every linguist who will sit in that chair?

A. Well, those are two different things. But what I

actually said was it is replicable. I did not say that every forensic in the world would come up with exactly the same analysis.

And what I actually said was if someone were to point out to me, you know, you missed this or you missed that, then that is it. Because it is totally transparent what I do. Totally replicable.

Q. And you had a voluminous amount of documents sent to you at the end, correct; mostly Gayle's; you said that in the last couple of months you got a whole bunch of documents? And couldn't you find similarities in most writings if you have enough of somebody's writings it would be -- it would be -- show up in a pattern; so if you looked at enough writings you could find certain words or certain patterns of words that are in a known document you are looking at, so if I -- my -- my goal is that I am going to find these three words in a row if I look through enough documents from this person I am going to find these three words in a row; because this is the English language; we all go to school; we all learn certain parts of grammar, correct?

A. Parts of what?

Q. Grammar.

A. Yes. So therefore, what? I'm sorry.

Q. You are going to find certain grammatical consistencies in word patterns and if you look hard enough in most writings

from anybody and I take a document and like Exhibit Number 63 and you take enough of my writings, take enough things I do, we could go back and find those same word patterns or places where I have done things to come back and say that I had written something consistent to that pattern before on things like "and", things like "also" because we have the same schooling -- basically the same schooling that we grew up with, you know, not perfectly in this country but, you know, we kind of are supposed to be going from the same rulebook as the grammar; correct?

A. I think there's a bunch of different parts in that, the question. Would you like to just ask me what question you are asking me right now?

Q. Most people in the United States go to school and they learn grammar, correct? I mean we all go -- did you go -- did you go -- you went -- you went to grammar school, correct?

A. Yes.

Q. Okay. You were -- in your early formation you went and they taught you the basics and when you went to high school they taught you more, correct?

A. Correct.

Q. And you went off and learned more in college?

A. Yes.

Q. But we all work with the same framework and the same set of rules as to how we are supposed to write the English

language?
A. So standard English that we were taught in schools has, as we all know, quite a different grammar than we actually use. So I am not sure that I ....
Q. But you are going to find similarities in how a common mass of people write things because we all learn from the basic core same system?
A. Is that a question?
Q. Yes. Is that not true?
A. If I had a thousand pages of Gayle we might find "suffering" in there; is that what you mean?
Q. You are going to find -- but things like "ands" and connectors and run-on sentences?
A. Maybe.
Q. You are going to find something if you have enough writings?
A. Notice that the "also" examples instead of "too", those are pretty idiosyncratic. I would say that according to standard grammar that probably wasn't correct. So I am not sure how that interacts with what you are asking me.
Q. And that could be just like when people say "okay" at the end of a sentence when they are asking for ---
A. Tag questions.
Q. And people in the same household picked up the same words, correct?

A. That is what I was saying about the "also". Even though I found it idiosyncratic a bit, we found it in both Gayle's and Bob's. But it was the other stuff that we didn't find in both Gayle and Bob's.

Q. But if you look -- but the type of documents, and that is what we were -- I was showing you before. But the type of documents that you looked at between the two of them, they weren't the same kind of documents; they were different types of situations and different types of mediums; is that correct?

A. Some were. Some weren't.

MR. LIZZI: Nothing further.

THE COURT: Any redirect?

MR. COOPER: Yes, Your Honor.

REDIRECT EXAMINATION BY MR. COOPER OF ROBERT LEONARD:

Q. Dr. Leonard, you were provided with text messages attributed to Bob McCaffrey, correct?

A. Correct.

Q. And emails from Bob McCaffrey?

A. Correct.

Q. Were you provided emails and texts from Gayle McCaffrey?

A. Yes.

Q. When the Sheriff's Office initially hired you they provided you with a set of documents?

A. Correct.

Q. And there were a certain number of Bob's and there were a

few of Gayle's, right?
A. Correct.
Q. And did you ask for more of Gayle's?
A. Yes.
Q. And earlier this year did the State provide you volumes of emails that were attributed to Gayle McCaffrey?
A. Correct.
Q. Did we provide you anything related to Bob McCaffrey?
A. No.
Q. What did that do to your conclusion?
A. Well, it solidified my conclusion because now I could say that the links I was finding between Bob and the "Q" were not in Gayle's -- when I only had a couple of things of Gayle's it was much harder to make any conclusion because I just didn't have the data.
Q. And Mr. Lizzi asked if you had enough writings you could find and I think tried to make the point that if you had enough pages you could find anything. In all of the writings of Gayle's you found that she used the word "also" and you found the sentence fragments; but in the very few documents of Bob's, that is where you found not only the word choice but the sentence structure you explained to us?
A. Correct, and that ---
Q. And that rhetorical phrase that I will not be able to repeat, the historical proto -- I am not going to be able to

say it correctly; but you found that as well?
A. Yes. And we also find alternations. We find in K-Bob and "Q" putting asides in dashes, set apart by dashes. And in Gayle by parentheses.
So one might predict that no matter how many pages of Gayle's she might always use parenthesis. We just don't know.
Q. And again in your professional opinion and your experience based on all of the documents you received, what was your conclusion?
A. That the superior hypothesis was there was a higher consistency between the "Q" and K-Bob than Gayle.
MR. COOPER: No further questions, Judge.
Thank you, Dr. Leonard.
THE COURT: Any recross?
RECROSS-EXAMINATION BY MR. LIZZI OF ROBERT LEONARD:
Q. And that conclusion you came up with was what the Sheriff's Department initially hired you to find, correct?
A. Do you mean is that the point of the investigation?
Q. Yes.
A. That is the point of the investigation ---
MR. LIZZI: Nothing further.
A. --- whether Bob or Gayle were more likely to have written the State's Exhibit 63.
THE COURT: Doctor, you may step down. Thank you.
THE WITNESS: Thank you, Your Honor.

MS. SHEALY: Your Honor, we would call Helen Banach.
(WHEREUPON, the witness was duly sworn.)
THE CLERK: For the record please state your full name, spelling your last.
THE WITNESS: Helen Broom Banach. B-A-N-A-C-H.
DIRECT EXAMINATION BY MS. SHEALY OF HELEN BANACH:
Q. Helen, I can already tell you might need to speak up a little bit louder for us if you could.
A. Okay.
Q. Okay. Tell the jury how are you related to Gayle McCaffrey?
A. I am her sister.
Q. And would you tell the jury if you would a little about your family growing up; how many children were in your family?
A. There were three of us. Three girls. We lived with my father until I was 13. And then my parents got divorced.
My older sister was a year older than I am. And Gayle was eight years younger than I am and nine younger than Debbie. So she was much younger than we were.
Once the divorce went through it was just the four of us, my mother and the three girls. And we were a very close knit family. We did everything together.
Q. Growing up what church did you and your mom and Debbie and Gayle go to?
A. First Baptist.

Q. And are you married?
A. I am.
Q. And how long have you been married?
A. Twenty-nine years.
Q. Would you describe yourself as -- let's see. I am looking for the language. Hold on one second. Well, are you in a loveless marriage?
A. Not at all.
Q. Are you bitter?
A. I certainly hope not. I don't feel bitter.
Q. Are you always trying and never really being happy?
A. Not at all. I am very happy.
MR. LIZZI: Objection, Your Honor. Leading.
THE COURT: I will allow it right now.
Q. Now pursuant to my request did you give me some photos of Gayle?
A. I did.
MS. SHEALY: And, Your Honor, I believe without objection I would offer State's 126, 128, and I believe that is 125.
THE COURT: Any objection?
MR. LIZZI: Without objection, Your Honor.
THE COURT: Without objection so admitted.
(WHEREUPON, State's Exhibit Number 126 was admitted into evidence.)
(WHEREUPON, State's Exhibit Number 128 was admitted into

evidence.)
(WHEREUPON, State's Exhibit Number 125 was admitted into evidence.)
Q. And showing you 128 who is that a picture of?
A. This is me, Debbie, and Gayle. It was two weeks before she went missing. We went to the circus and -- went mainly for the children. But we found out it was Gayle's first time to ever go to a circus. And it was much more fun to watch her reaction than the children's. She was completely enthralled by it all.
Q. What about the red noses?
A. When Gayle got there she was upset. She was crying. And Debbie's husband brought these noses over and we put them on and it made her laugh.
Q. Okay. Showing you State's 126 what is that a picture of?
A. That is Gayle and my father. And it was when she was much younger.
Q. Okay. Is your father seated in the courtroom?
A. He is.
Q. And has he been seated there all week?
A. He has.
Q. Showing you State's 127.
A. This is -- this is Gayle and her daughter M.M. when she was about three years old.
THE COURT: Ms. Shealy, you said 127. I thought you said

125, 126, and 128.

MS. SHEALY: Oh, let me just make sure.

I have 126, 128, 125, and 127.

THE COURT: I didn't hear 127. Is that in?

THE COURT REPORTER: It is not.

MS. SHEALY: Your Honor, we would offer 127 then at this time.

THE COURT: Any objection?

MR. LIZZI: No objection.

THE COURT: All right. Without objection so admitted. Thank you.

(WHEREUPON, State's Exhibit Number 127 was admitted into evidence.)

A. The last picture is Gayle and both of the children, [redacted] and [redacted].

Q. And that is State's 125. Is your sister Debbie in the courtroom?

A. Yes.

Q. And she's on --

MS. SHEALY: Can you just raise your hand, Debbie?

MS. DEBBIE PEARSON: (Complied.)

Q. Who is the gentleman with the blue shirt on by your father?

A. That is ---

Q. I can't tell if they are on the same row or not from

here.
A. That is her husband Jimmy.
Q. Debbie and Jimmy have been together for a long time?
A. Twenty-nine years. We got married the same year.
Q. Tell this jury is Debbie Pearson bitter?
A. Nope.
MR. LIZZI: Objection, Your Honor.
THE COURT: Sustained.
Q. How old is your dad?
A. Eighty-one.
Q. And will you tell the jury if you would where did Gayle go to high school?
A. She went to Middleton High School.
Q. Where did she go to college?
A. She went to Clemson for a little while and then got pregnant with M.M. and had to drop out. And then she finished at Southern Wesleyan which is a program for adults that are working full-time and they go to school at night.
She got her bachelor's degree there. And then she went back and got her master's there, all while she was working full-time.
Q. And when you said she got pregnant with M.M. was she married at the time?
A. Oh, yes.
Q. Okay.

A. They had been married for a couple of years.
Q. And do you remember when it was that they got married?
A. 1998.
Q. Did they marry at First Baptist Church?
A. They did.
Q. Okay. Now the Limestone Boulevard house where Gayle was living at the time this happened, whose house had that been?
A. That was our mother's house.
Q. And your mother is deceased?
A. She is.
Q. When did your mother die?
A. She died in 2010.
Q. Did Gayle and Bob live in that house while your mother was still alive?
A. They did. When Gayle was going to Clemson Bob had moved in with my mother so that they could have the money for her school and save up on some money instead of paying rent. And then when Gayle got pregnant with M.M. . And they were there until my mother died.
Q. When your mother died who did that house go to?
A. It went to Gayle.
Q. Would you tell the jury ---
A. Can I know expound on that?
Q. Sure. Go ahead.
A. I was my mother's executor. And she took me aside before

she died and she insisted that Gayle -- that only Gayle's name be on the house when she died. And when I asked her why she ---

Q. Well, let's -- we are not going to be able to go into any hearsay.

A. Okay. All right.

Q. Okay. So let me -- sorry, but let me ---

A. But it was just in Gayle's name.

Q. And has that house sold since this event occurred?

A. It has not. We actually are just now have it on the market. We had to wait for her to be declared dead before we could do anything ---

MR. LIZZI: Objection, Your Honor.

THE COURT: Grounds for your objection? Sir?

(WHEREUPON, bench conference 3/7/19, 11:48 a.m.)

Q. Could you tell the jury if you would regarding that house was there any mortgage on it when Gayle went missing?

A. No.

Q. So no money on that house ---

A. No money owed.

Q. Owed on that house?

A. That is correct.

Q. And over the years of Gayle and Bob's marriage could you describe to the jury whether your family assisted them in any way?

A. We did. They had bought a small house in North Charleston and Bob was renovating that house. And they were supposed to move into it at some point. And several times my mother loaned him money to continue the renovations because they just weren't getting finished.

Bob was frequently -- he would do a contracting job for eight months or a year. And then that would be over. And until he could get his next job friends and usually family would come up with some kind of contracting job for him to do; renovate a bathroom, a kitchen, to keep him busy and to keep a second paycheck coming in.

Q. Now you have mentioned the house that they were renovating. Was that on Paramount?

A. It is.

Q. And what area of Charleston is that in?

A. It is North Charleston over by Dorchester Road and 526.

Q. Between February 14th and March 17th of 2012 could you tell the jury whether there was any furniture in the house?

A. There was not. They had had a fire in the house, and the floorboards had been pulled up. So it was just joists. You couldn't even go into the house really.

Q. Now focusing your attention to the winter and early spring of 2012 would you describe to the jury how frequently did you talk to Gayle?

A. Every couple of days.

Q. Okay. And could you describe the closeness of your family, that being the Pearson's, your family, the Gillespie's -- who are the Gillespie's; who are Cathy and Joe Gillespie?
A. They are my aunt and uncle. Gayle's aunt and uncle.
Q. And how are they related?
A. My mother is Cathy Gillespie's sister.
Q. Okay. Who is Betty Miller?
A. She is my mother's other sister. And we were all very close. Debbie and I frequently went down to the Citadel and had lunch with Gayle. We did things together over the weekends. We would go out to dinner. We would go out in Debbie's boat. We talked all the time and were very close.
Q. And regarding Betty Miller her husband is Sid; is that correct?
A. It is.
Q. Where did they live?
A. They lived in Easley, South Carolina, which is up near Greenville.
Q. And do you know about how long it takes to get to Easley?
A. About three hours I think.
Q. How close did Cathy and Joe Gillespie live to Bob and Gayle?
A. In the same neighborhood about one block away.
Q. How far away did you live from Gayle?
A. We lived in Summerville. We were about 20, 25 minutes

away.
Q. And how close did Debbie Pearson and her husband live to Gayle?
A. They live in Mt. Pleasant. There again about 20, 25 minutes away.
Q. Do you ever travel with Gayle?
A. We did. When my mother was diagnosed with Stage IV breast-cancer we asked her where she wanted to go. And she wanted to go to Costa Rica. And for the first time the three girls and my mother we went just the four of us to Costa Rica for a week to celebrate my mother's life.
Q. As your sister, who knew her forever; would you describe Gayle to us?
A. I know so many people have told you how sweet she was. And I know it is hard to believe that anyone is that sweet. But she really was. From the time she was a child she was quiet and gentle and timid and just sweet.

She would never do anyone that would hurt anyone. She would never do anything that would put out anyone else, you know, that would bother anyone else.

If she ever got upset with us and would come to talk to us about it, it would always be prefaced with an apology: I'm so sorry I have to say something about this but.

She did so well in school. And she did so well at work. I know you saw some of the presentation that the Citadel lady

did. She moved up quite quickly. And every time they would ask her to apply for a job she would call and say I can't do this, I can't hire and fire people, I can't discipline people. And she was so concerned about it. And Debbie and I would tell her, yes, you can; yes, you can. And she did great and the people at the Citadel loved her so.

Q. Okay. How about describe for us -- first of all, do you have children?

A. I do. I have one son.

Q. And does Debbie have children?

A. She has three. But now she has five.

Q. Because she has Q.M. and M.M.?

A. That's right.

Q. Would y'all as a family with all of the cousins do things together?

A. We would. As a matter of fact M.M. and Q.M. went on many vacations with us. And they still do. And, yes, as families we would rent beach houses. We would rent mountain cabins. We would do lots of things together.

Q. You told us about how timid she is. Did she ever go through a wild phase?

A. The only crazy thing I ever remember her doing, she worked at a pet store and she got kicked out of her apartment because she would take rescued animals home that the pet store wouldn't take and the apartment complex had to go into her

apartment one time and they found a whole room full of cages and aquariums and rescued animals and she got kicked out of her apartment. And that is the only time I remember her ever doing anything ---

Q. Getting into trouble?

A. --- crazy.

Q. We have heard plenty about her church activities ---

A. Yes.

Q. --- and her work. So as her sister could you tell us when she wasn't at work or if she wasn't at a church activity what kind of activities did she enjoy?

A. Gayle loved to read. She went through probably three books a week. Loved to read. She would go early to work and sit in her car and read. And at lunch she would go out and sit in the car and read. And any time I went to her house she would be outside watching the kids play with a book in her lap.

Q. Tell us how did you find out that Gayle was missing?

A. Got a phone call from my aunt on Sunday late afternoon.

Q. And that was which aunt?

A. Aunt Betty, the one from Greenville.

Q. Any call from Bob McCaffrey?

A. No.

Q. And pursuant to the phone call from your Aunt Betty -- first of all tell the jury was there anything about the fact

that she was calling you that seemed strange to you?
A. It did seem strange that she was even there when my other aunt was a block away and Debbie and I were both within 30 minutes away.
Q. What did you ask to do that night?
A. When my aunt called and started reading the letter to me I immediately told her to stop because I knew that there was no way that this was true.

I hung up the phone and I sat there and kind of freaked out for about 30 minutes because my mind couldn't wrap around what was happening and what this might mean. And at some point it hit me that I was never going to see my sister again. And I called Betty back. And I asked if I could come over.

And she said, no, Bob doesn't want you or Debbie over here. And then I asked her to call the police. And she told me that I was overreacting. She told me to calm down. And I said if you don't call the police I will.
Q. So you said that to Betty. What time are we talking about?
A. It was probably about five o'clock in the afternoon.
Q. After you said that, what was -- what did you start doing in relationship to Gayle?
A. I called my sister to see if she knew, if she had any clue of what was going on. And then I started calling Gayle's coworkers and friends.

Because I figured if by some reason she had taken off from the house because she was upset that she would definitely go somewhere that -- to someone that she knew and loved or she would let them know.

Gayle would never just disappear. She would never leave the children. And so I called everybody I could think of.

Q. When you called those people, her friends and her coworkers, and did anybody say, oh, yeah, Bob has already called us?

A. No.

Q. And what did you do that Monday?

A. I went to the Citadel Monday morning. Everyone was telling me I was overreacting. So I thought, fine, I will give this a chance, I know that there is no way this is true.

But I went to the Citadel to see if she showed up for work Monday morning. And I sat there until everybody else came in. And then I went into the office and I said is Gayle here. And they said no.

I also called a lady that I know at First Baptist. Gayle had never told me who she had the crush on. But I had an idea because I had sung with the choir and I had seen the shy way that she would look at him.

So I called my friend at the church and I said did David show up for church on Sunday morning. And she said of course he did. Okay.

Q. Did you know from Gayle that Bob had a girlfriend?
A. I did.
Q. And how did you learn that?
A. About the middle of February Gayle called me and asked if she could bring the kids over and for me not to ask any questions. And I said of course. So she dropped the kids off. She was upset and she left. She came back about 45 minutes. And I said -- she was still upset. And I said just stop and talk to me, come have some dinner, let's talk.

And she told me that she had found text messages between Bob and a girl that were very explicit. And he was -- had dropped the kids off with me. She was going to go to Brevard and confront Bob. And then while she was on the road he called her and said I am coming home to talk.

So we kept the kids overnight so that they could talk and work things out.
Q. Okay. Now did Gayle indicate to you what her intention was regarding the marriage?
A. Absolutely. She never had a doubt that she could keep the marriage together. My husband and I had been through a similar situation and she asked me how did you make him stay. And I said you can't make him stay, he has to want to stay.

But I was the only one she was going to tell about it because she didn't want the rest of the family to hate him when it was over. That is what she said.

Q. Now you said that your Aunt Betty read the letter to you or part of the letter to you that evening on the phone?
A. That's right.
Q. State's Exhibit 63. Having known Gayle forever did you ever hear her talk like that letter?
A. Not at all. I have never heard Gayle say a cuss word ever. Even when she was angry and upset. Which she was frequently with us since we were her sisters.

I have never known her to use shorten phrases like WTF. When she would write a text message she would spell everything out. She didn't use punctuation in capitals.

This -- this is disjointed. It is nothing like what she would write.
Q. Now that March 17th before obviously you find out that she is missing the next day, did you and Debbie plan an outing that day?
A. We did. We were going out on Debbie's boat. It was the first nice day of the year. It was actually warm. And we had talked to Gayle the night before and asked her if she and the kids wanted to come. Bob didn't usually go with us. He didn't like the water very much. And she said that she was -- had a special evening planning where she was going to cook and Cathy and Joe, our aunt and uncle, were coming over to eat for St. Patrick's Day.

We actually called her while we were out on the boat that

day and yelled and screamed with miss you and wish you were here. And that was the last time we talked to her.

Q. I have no further questions. Please answer any the defense may have.

THE COURT: Cross-examination.

CROSS-EXAMINATION BY MR. LIZZI OF HELEN BANACH:

Q. Gayle lived up with Sid and Betty quite a bit, correct?

A. At least for a couple of years while she was going to Clemson.

Q. And she became really really close with Betty?

A. She did.

Q. And Sid?

A. And Sid.

Q. And Bob would go up on the weekends to their house and stay and be with your sister?

A. Yes.

Q. So there was a special closeness that was there with that part of your family and your sister's family?

A. Yes, there was.

Q. And Bob talked to them a lot even at that time because he was up there working on the Gillespie's house, correct?

A. Yes.

Q. So it couldn't have been a complete surprise that Bob would call Betty?

A. I -- yes, I think it was. If he was -- the reason Betty

said she was there was to help with the children because Gayle had left. If you need help with the children you have three wonderful people right there in town. You don't need to call someone from three hours away that has to be at work. She was a professor at a college. She had to be at work the next day.

Q. But you never got along with Bob as well as Helen and her husband?

A. I am Helen.

Q. Oh, not Helen. I'm sorry, Betty.

A. Yes.

Q. I apologize.

A. No, I got along just fine with Bob. We considered him our brother. We loved him. We treated him like a brother. And Bob and I got along much better than Debbie and Bob did. Because I am married to a New Jersey boy, and I am not quite as black and white as the rest of my family is. So he and I got along very well except for a few times when I thought he was doing something wrong.

Q. And he took good -- he took care of the house when your mom was there while he was staying there and he was remodeling that house?

A. He was. My mother was paying him to remodel the house, yes.

Q. And he did a pretty good job of it?

A. For the most part. We had to put in about $10,000 to

finish everything up when we finally got control of the house, yes.

Q. And when all of this went down he left the house and he cooperated with everything?

A. I don't know what you mean by cooperating with everything.

Q. On getting the house switched over to -- so that the family could have the house?

A. No. Actually I waited until the very last day before I went to the courthouse steps to pay the taxes. It was the only thing owed. We gave him every opportunity to pay those taxes, and when he didn't we thought it was stupid to lose the house over $1,200. So we paid the taxes.

And then we had to go to court to get control of the house. It was the only court hearing he showed up at was to fight us getting control of the house. And when we went in, we were finally able to get into the house almost a year and a half, two years after this happened. There was rotting food in the house. The electric and water had been turned off for a long time. It was a mess.

Q. Bob hadn't been in the house since about a month after this happened, was he?

A. That was his choice. But we weren't allowed to go into it.

Q. Now you said that your sister came to you because you had

marital problems also?
A. Yes.
Q. And that was kind of recent as to -- a fairly recent event at that point?
A. It was probably six years before Gayle died.
Q. And you shared problems in your marriage with her, obviously.
A. I did.
Q. Now you'd never seen Bob hit your sister or physically do anything to your sister?
A. No.
Q. For the most part besides the infidelity he was a pretty good husband?
A. He seemed to be. He wasn't around a lot. But when he was there he seemed to be a good husband and father.
Q. And you talked about his work. He was in the construction business. He would get a big job and then that would expire and then he would not have a job ---
A. That's right.
Q. And then he would get another big job and it was just kind of a seesaw, right?
A. It is. My husband owns a construction company. So, yes, I know that is typical.
Q. And right there in the end of 2008, 2009, the bottom fell out and a lot of people were out of work?

A. Right.
Q. But Bob was a hard worker; he took whatever odd jobs; it wasn't below him to take odd jobs and do what he could?
A. That is true.
Q. And pretty much tried to provide the best he could for his family?
A. I -- as far as I know.
Q. And there is a big age difference and you and your sister Debbie were a lot closer and did more things together?
A. As children, yes.
Q. And even as adults some because you lived up in Summerville and they lived West Ashley and you did -- and you still did more things with Debbie?
A. No, I probably did more things with Gayle. But I had just moved back a couple of years before. My husband was in the Navy and we traveled all over the world. So before that I would say Debbie and Gayle were closer because they lived in the same town.
Q. And after this happened did you have very many opportunities to talk to Bob?
A. None. He never would speak one word to us after that. We tried.
Q. Now your sister did have -- I know you said she's timid. But she did have a backbone?
A. A small one.

Q. She would stick up for herself?
A. When necessary.
Q. And she would -- if somebody made her mad, if you made her mad, she would let you know?
A. She would. But in an apologetic way. It was never cursing and storming around. It was still quiet and timid.
Q. But you didn't know what happened in their house when they had arguments or things like that, just ---
A. All I know is what she told me. And she told me a lot.
Q. Okay.
MR. LIZZI: Nothing further, Your Honor.
THE COURT: Any redirect?
MR. LIZZI: No, Your Honor. Thank you.
THE COURT: Ma'am, you may step down. Thank you.
MS. SHEALY: May we approach, Your Honor?
THE COURT: Yes.
(WHEREUPON, bench conference, 3/7/19, 12:12 p.m.)
THE COURT: All right. Ladies and gentlemen, what we are going to do right now is I am going to let you go to lunch. I am going to ask you to be back here at 1:30. Be back here at 1:30.
Do not discuss the case at all. Do not do any independent investigation. As I have told you from the outset you are to decide this case based solely upon the evidence and testimony presented in this courtroom. Have a nice lunch. I