

The State of South Carolina
In The Supreme Court

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S.C. SUPREME COURT

Appeal From Lexington County
Court of Common Pleas
For The 11Th Judicial Circuit
William A. Mc Kinnon Presiding Judge

Appellate Case No. 2019-000031

Andra B. Jamison
Pro se Litigant

Petitioner

V.

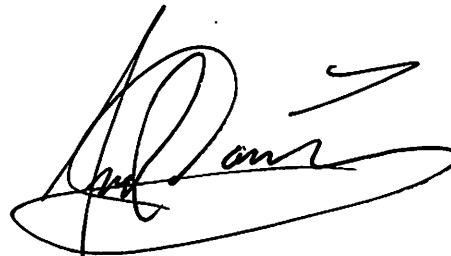
State Of South Carolina

Respondent

Supplemental Submission And
Amendment To Appendix for
Petition Of Writ of Certiorari

Now comes Petitioner Andra B. Jamison Pro se Litigant, providing a supplemental submission to and amending original appendix for Petition of Writ of Certiorari, which was filed in the above referenced court on 9TH of OCT 2019. All other properly admitted information remains the same. The Petitioner makes the following submission and amends his appendix with:

Pages 467-78 and pages 501-614 as per court order dated 26Th of May 2020.



4TH OF JUNE 2020

1 MR. WILLIAMS: Without objection.

2 (Witness leaves the witness stand.)

3 THE COURT: You may call your next witness,
4 Solicitor?

5 MR. MOBLEY: The State calls Detective Jason
6 Merrill.

7 JASON ROBERT MERRILL, being
8 first duly sworn, testifies as follows:

9 CLERK: State your full name on the record,
10 please.

11 THE WITNESS: My name is Jason Robert Merrill.

12 **DIRECT EXAMINATION**

13 BY MR. MOBLEY:

14 Q Detective Merrill, where are you currently
15 employed?

16 A I am currently employed with the Cayce Department
17 of Public Safety.

18 Q How long have you been employed there?

19 A Approximately five years.

20 Q And what is your current position there?

21 A I'm a detective and part of my duties as a
22 detective, I'm the evidence custodian.

23 Q When you state you are the evidence custodian, what
24 does that mean?

25 A It means I am responsible for storing and securing

1 evidence in any case that we have.

2 Q Now, I want to briefly go over your prior
3 employment history, as well as your training
4 qualifications. Can you provide the jury and the
5 Court with that information.

6 A Yes. I began my law enforcement career in 2001
7 after attending the University of South Carolina.
8 I started with the University of South Carolina
9 Police Department. I did attend the State Criminal
10 Justice Academy, graduated from there.

11 I received advanced training in many areas
12 pertaining to investigation and law enforcement.
13 In January of 2004, I left the U.S.C. Police
14 Department and took a job with Cayce.

15 Q Now, when you state that you are an evidence
16 custodian, can you tell us what are some of your
17 general duties in regards to that?

18 A Yes. Basically what it boils down to is officers,
19 patrol officers and other detectives, as they
20 develop evidence in cases, they turn it into me. I
21 secure it and make sure to take precautions to make
22 sure it doesn't get tampered with or lost or
23 anything along those lines, make sure it's readily
24 available for court for the case as it's
25 prosecuted.

1 Q Now, Detective Merrill, I want to you take you back
2 to the morning of August 1, 2008, late night
3 July 31, 2008. Was there any time some evidence
4 that was logged into the Cayce Police Department
5 concerning Mr. Andra Jamison?

6 A Yes. According to my recollection approximately
7 1:00 o'clock in the morning, a bicycle was turned
8 into the evidence room.

9 Q And who was that turned in by?

10 A I believe it was Officer Smith. I would have to
11 maybe look at the sheet to recall exactly, but I
12 believe it was Officer Smith.

13 Q To refresh your memory, I want to point you to
14 State's Exhibit Number 63 which has been admitted
15 into evidence. On that form does it mention --
16 what items are mentioned there?

17 A There's two items. Number item Number B. is an
18 in-car V.H.S. tape is what the sheet indicates, and
19 the second item would be under item Number C. It
20 indicates a bicycle, red in color, that was
21 submitted to evidence.

22 Q Now, of those two items, were you responsible for
23 securing and making sure those items were not
24 tampered with?

25 A Yes, I was.

1 Q Which of those items would that be?

2 A Both of those items.

3 Q Particularly did you have to secure the bicycle?

4 A Yes, that was secured. It was turned into the
5 evidence area of our department which is a secure
6 area. Only law enforcement personnel have access
7 to that area.

8 The next morning when I arrived at
9 headquarters for my duties, I secured that bicycle
10 in a more permanent storage location which is even
11 more secure. Only myself and another assistant
12 evidence custodian have access to it.

13 Q Has this bicycle been stored there ever since that
14 particular date?

15 A Yes, it has been in my custody and control since
16 that date, until the present.

17 Q I understand -- answer this. I apologize. Was the
18 bicycle ever brought to the Lexington County
19 courthouse?

20 A Yes, it was. On at least one prior occasion to
21 today, but it was in my care and custody the entire
22 time.

23 Q During the time it was in your care and custody,
24 had it ever been tampered with or altered or
25 amended or changed form in any type way at all?

1 A Not that I can account for. It seems to be in
2 substantially the same condition as it was when I
3 it came in the night of August 1st the best as I
4 can tell.

5 MR. MOBLEY: Your Honor, the State would move
6 to have the bicycle as a non-fungible item admitted into
7 evidence for view by the jury.

8 THE COURT: Mr. Williams.

9 MR. WILLIAMS: Your Honor, I don't think he
10 has completed the chain up until the day.

11 THE COURT: Step up here for me.

12 (Whereupon there is a bench conference off the
13 record in the presence of the jury but out of the
14 hearing of the jury.)

15 THE COURT: Solicitor, you may continue.

16 MR. MOBLEY: Thank you, Your Honor.

17 BY MR. MOBLEY:

18 Q Detective Merrill, you mentioned earlier that the
19 bicycle was brought on one prior occasion up here
20 before. Was that in your care and custody at the
21 time?

22 A Yes, it was. And after, when it was determined it
23 was not needed that day, it was brought back to
24 headquarters by myself and another detective, again
25 in my custody the whole time and placed back into

1 secure evidence.

2 Q Was it in substantially the same condition when you
3 left the courthouse as when you deposited it back
4 into Cayce Police Department?

5 A Yes, it appeared to be.

6 Q When it was brought up here, was it place into a
7 secure location?

8 A Yes, it was.

9 Q Where would that be?

10 A In the conference room slash file room for lack of
11 a better term where other law enforcement officers
12 awaiting to give testimony in cases are waiting,
13 and I was with it the whole time.

14 Q And during that particular time, were there any
15 other personnel, other than law enforcement, that
16 was there?

17 A Not that I was aware of, no.

18 Q Were you there to witness that the bicycle had not
19 been tampered with?

20 A Yes, I was.

21 Q The entire time?

22 A I believe so, yes. I may have stepped out to use
23 the rest room for a few minutes. When I came back,
24 it didn't appear to be tampered with. It was in
25 the same position as when I left it.

1 Q When you went to use the rest room, were other law
2 enforcement still there?

3 A Yes.

4 MR. MOBLEY: Your Honor, the State would move
5 to have the bicycle admitted into evidence.

6 MR. WILLIAMS: I do have one matter, Your
7 Honor, to take up outside the presence of the jury.

8 THE COURT: Please step to your jury room
9 momentarily. Please do not discuss the case during this
10 brief recess.

11 (The jury retires to the jury room.)

12 THE COURT: Yes, sir, Mr. Williams.

13 MR. WILLIAMS: It's very simple, Your Honor.
14 The defense was not notified that there was a bicycle
15 that we would be able to look at prior to its being
16 introduced here this morning. My simple request is that
17 we be allowed to look at the bicycle if we haven't been
18 able to see it yet.

19 THE COURT: He has to identify it also. He
20 has to identify the item as the bicycle that he
21 maintained custody of it prior to it being introduced
22 into the jury. If you would bring it in now and see if
23 he can identify it and then allow Mr. Williams the
24 opportunity to view the bicycle.

25 MR. MOBLEY: Your Honor, if the detective may

1 actually gain custody of it so it doesn't change custody
2 again and step off the stand and go retrieve it?

3 THE COURT: Yes, sir.

4 MR. MOBLEY: Thank you, Your Honor.

5 THE COURT: As long as I don't have to carry
6 it over here, Solicitor, that would be fine.

7 You didn't have any objection to that, of
8 course, Mr. Williams?

9 MR. WILLIAMS: No, sir. About you having to
10 carry it, Your Honor?

11 (Pause.)

12 MR. MOBLEY: Your Honor, if we may prop it up
13 against the stand here.

14 MR. WILLIAMS: This will take me two seconds.
15 I just want to look at it.

16 (Pause.)

17 MR. WILLIAMS: No problems now, Your Honor.

18 THE COURT: You need to ask him a question.
19 Leave it in here now. You need to ask him a question if
20 that is the bicycle he maintained custody of.

21 MR. MOBLEY: Yes, Your Honor. Before the
22 jury?

23 THE COURT: Both now and before the jury
24 because I don't want it to be two different answers.

25 MR. MOBLEY: Yes, Your Honor.

IN CAMERA EXAMINATION

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BY MR. MOBLEY:

Q Detective Merrill, the bicycle that you had come in contact with that night, do you mind describing the particular bicycle. And that's without even looking at what we have before us today.

A Yes. It appeared to be a red-framed, ten-speed type bicycle, commonly referred to as a ten-speed bicycle. I don't know if it exactly has ten speeds, but that's a common term used to describe a thin-tired bike, as opposed to a mountain bike type.

Q Was there any damage sustained to that particular item?

A Yes, there did appear to be.

THE COURT: Let me stop you a minute.

Solicitor, you can ask all that in front of the jury. Ask him if the item he just brought in, the bicycle, if it has been in his custody since 8/1/08.

BY MR. MOBLEY:

Q Is this the bicycle that was in your custody since that particular date?

A Yes.

Q It is?

A Yes.

1 THE COURT: Has it been marked?

2 MR. MOBLEY: No, it has not marked.

3 THE COURT: Mark it, Madame Court Reporter.

4 Do you have any objections, Mr. Williams?

5 MR. WILLIAMS: No, Your Honor.

6 (State's Exhibit Number 69 is marked for
7 identification.)

8 THE COURT: Bring us our jury, please.

9 (The jury returns to the courtroom.)

10 THE COURT: Our jury is back present in the
11 courtroom.

12 Solicitor, you may proceed.

13 MR. MOBLEY: Thank you, Your Honor.

14 **DIRECT EXAMINATION**

15 BY MR. MOBLEY:

16 Q Detective Merrill, the item that was deposited back
17 on August 1, 2008, can you describe that particular
18 item for the jury?

19 A Yes, it was a red-framed bicycle, what is commonly
20 referred to as a ten-speed type bicycle, as opposed
21 to a mountain type bicycle. It did have damage to
22 it.

23 Q From the date of August 1, 2008, up until this
24 time, has it been in your care or custody?

25 A Yes, it has.

1 Q It has. Has it been tampered with in any way that
2 you are aware of?

3 A No, not that I'm aware of.

4 Q Has it been secured during the entire time?

5 A Yes, it has.

6 Q That particular bicycle, you state there was some
7 damage?

8 A Yes, sir.

9 Q Let me ask you this. Is this the actual item that
10 you had in your care and custody the entire time?

11 A Yes, it is.

12 Q Has it been substantially changed in any way,
13 shape, form or matter?

14 A No, not that I can tell.

15 MR. MOBLEY: The State would move to have
16 State's Exhibit 69 admitted into evidence.

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: State's 69 is in evidence without
19 objection.

20 (State's Exhibit Number 69 is received into
21 evidence.)

22 BY MR. MOBLEY:

23 Q Now, Detective Merrill, we have the bicycle here
24 before you today. Has anything changed since you
25 brought it up here for this Court proceeding?

1 MR. WILLIAMS: Objection, asked and answered.

2 THE COURT: I will allow him to ask that
3 question.

4 A No, not that I can tell. I'm sure some of the
5 parts are a little bit loose, such as the bumper
6 and the rear rubber tire. I'm sure that has moved
7 somewhat a little bit, but it's essentially the
8 same as when I brought it up.

9 Q Thank you.

10 MR. MOBLEY: Nothing further for this witness,
11 Your Honor.

12 MR. WILLIAMS: May it please the Court.

13 THE COURT: Mr. Williams.

14 **CROSS EXAMINATION**

15 BY MR. WILLIAMS:

16 Q Detective, was any type of analysis done on the
17 bike, other than simply to secure the bike, put it
18 in the police department, and bring it up here?

19 A Not that I'm aware of, no.

20 Q Well, you would know; right?

21 A The only thing I can think of is I understand --
22 and this is purely an assumption on my part -- but
23 the M.A.I.T. team did take pictures and
24 measurements, possibly measurements. I know they
25 at least took pictures. I did bring it out of the

1 MR. MOBLEY: Nothing Your Honor.

2 THE COURT: Thank you. Thank you very much
3 for being with us this morning, Ms. Marzol.

4 (Witness leaves the witness stand.)

5 THE COURT: Solicitor, you may call your next
6 witness.

7 MR. MOBLEY: Your Honor, may we approach for a
8 moment?

9 THE COURT: Yes, sir.

10 (Whereupon there is a bench conference off the
11 record in the presence of the jury but out of the
12 hearing of the jury.)

13 THE COURT: Mr. Foreman, and ladies and
14 gentlemen of the jury, we are going to take a quick
15 recess, quick a 15-minute recess. That may be quick and
16 it may be slow.

17 During this recess do not discuss this case
18 with your fellow jurors. Remember to keep an open mind
19 until you have heard all the evidence and testimony in
20 the case.

21 Also the clerk is going to take your lunch
22 menus today and try to eat in. When you finish your
23 lunch, we will start right back, unless someone has a
24 commitment at lunchtime or wants to go out and play in
25 the rain or sit in traffic. I thought we would do it

1 like that to move along more efficiently. With that
2 being said, if you would go with your bailiff.

3 (The jury retires to the jury room.)

4 THE COURT: Anything further, Solicitor?

5 MR. MOBLEY: Nothing, Your Honor.

6 THE COURT: Mr. Williams.

7 MR. WILLIAMS: No, Your Honor. Your Honor, I
8 am going to release Ernestine from her subpoena. I had
9 her subpoenaed to get those documents.

10 THE COURT: Ernestine being Ms. McDaniel?

11 MR. WILLIAMS: Yes, sir.

12 THE COURT: Court will be in recess 15
13 minutes.

14 (Whereupon there is a recess.)

15 THE COURT: Anything before we bring in our
16 jury, Solicitor?

17 MR. MOBLEY: Nothing, Your Honor.

18 THE COURT: Mr. Williams?

19 MR. WILLIAMS: Nothing from the Defendant,
20 Your Honor.

21 (The jury returns to the courtroom.)

22 THE COURT: Our jury is back present in the
23 courtroom.

24 Solicitor, you may call your next witness.

25 MR. MOBLEY: Your Honor, the State calls

1 Sergeant Weaver.

2 DARWIN WEAVER, being
3 first duly sworn, testifies as follows:

4 CLERK: Have a seat, please, sir. One you are
5 seated, state your full name on the record, please.

6 THE WITNESS: My name is Darwin Weaver.

7 DIRECT EXAMINATION

8 BY MR. MOBLEY:

9 Q Sergeant Weaver, where are you currently employed?

10 A City of Cayce.

11 Q What is your position there?

12 A I'm an investigator for the City of Cayce. I've
13 been there 15 years.

14 Q Fifteen years. As an investigator what are some of
15 your duties there?

16 A In investigations I do crime scenes. I'm a
17 supervisor so I make schedules for the guys who
18 work for me. I'm the backup evidence custodian,
19 just general investigative duties. I handle
20 monthly reports, things like that.

21 Q When you state you are backup evidence custodian,
22 when are you tasked with that particular position?

23 A When the regular evidence custodian isn't there.

24 Q Who would the regular custodian be?

25 A Detective Merrill.

1 Q I want to jump back a little. Can you provide us
2 with a little bit of your employment history and
3 training.

4 A I started out in '94 in animal control with the
5 City of Cayce, was there for about eight months.
6 They sent me to the academy. I worked on the road
7 until 2000 when I went up for promotion. I got a
8 sergeant's position in 2000, was a patrol sergeant
9 from 2000 to 2007. In 2007 I was moved into the
10 investigative division. I have got all kinds of
11 classes.

12 Q Sergeant Weaver, I will take you back to the date
13 of August 1, 2008. Were you on duty that day?

14 A Yes.

15 Q When did you come in?

16 A I come in around 8:00 o'clock.

17 Q At 8:00 o'clock that morning.

18 A Yes, sir.

19 Q When you arrived there, what were some of your
20 first duties that you had to take care of?

21 A Usually when I come in first thing, I go over the
22 reports that came in that night, go through our law
23 track messages to see if we have been left messages
24 by other officers needing us to do anything.

25 At some point in time, I probably went into

1 the lab. I am also a marijuana analyst. So the
2 lab is where we keep our drug locker. I go in and
3 check that to make sure there is nothing that needs
4 to be tested for court. The other, our biological
5 evidence refrigerator, I check for that.

6 Q At times, Sergeant Weaver, do you have the
7 responsibility of delivering items to S.L.E.D.?

8 A At times, yes.

9 Q Only when there is a request?

10 A If there is evidence that needs to go out there and
11 the regular evidence custodian isn't able to go
12 there or something just needs to go on out to
13 S.L.E.D.

14 Q How would you know?

15 A Just like checking the law track, which is our
16 reporting system, the officers sending us messages
17 that they have submitted some type of evidence that
18 needs to go to S.L.E.D. or checking the log in the
19 lab to make sure there is nothing that needs to go
20 out there.

21 Q August 1, 2008, did you notice that something
22 needed to be taken to S.L.E.D.?

23 A Yes.

24 Q How did you know that, sir?

25 A I can't remember exactly how I knew it. I don't

1 remember whether I just checked the log itself or
2 whether they had sent me a message. I knew that we
3 had had an incident the night before and that there
4 was blood that needed to go to S.L.E.D.

5 Q So from there what did you do?

6 A Went into the lab. After I finished my stuff that
7 needed to be done that morning, went into the lab,
8 removed the evidence from the refrigerator,
9 transported it to S.L.E.D., and logged it in at
10 S.L.E.D.

11 Q The blood or the evidence that you are referring
12 to, who was that for?

13 A Mr. Andra Jamison was who it was for.

14 Q Was the blood properly labeled?

15 A To my knowledge, yes. The vial was inside a
16 secured bag. Sometimes, depending on how it is
17 wrapped, you may or may not be able to see exactly
18 everything on it.

19 Q So was it in a secure bag?

20 A Yes, it was in a secured bag.

21 Q Had it been tampered or opened or anything of that
22 nature?

23 A No.

24 Q Did anyone else have access to that refrigerator
25 that is not law enforcement?

1 A No, it's a refrigerator inside a secured lab that
2 only the officers have access to.

3 Q Now, you went into the refrigerator and you
4 obtained the blood; correct?

5 A That's correct.

6 Q Once you obtained that blood, what did you do?

7 A I signed the chain of custody that is with it
8 showing that I have taken it out to S.L.E.D. Once
9 I get to S.L.E.D., I have them sign that they have
10 received it, ending my chain of custody and
11 beginning their chain of custody.

12 Q I want to hand you a document listed as State's
13 Exhibit Number 60. Do you recognize what that
14 document is?

15 A Yes, sir, this is our chain of custody.

16 Q And do you see your name appear there anywhere?

17 A Yes, sir, it's signed under where I released it to
18 S.L.E.D.

19 Q Did you sign that?

20 A Yes, sir, I signed that.

21 Q What is the date on that?

22 A August 1, 2008.

23 MR. MOBLEY: Your Honor, this is just for
24 identification purposes only.

25 THE COURT: All right.

1 BY MR. MOBLEY:

2 Q Now, you have signed this form and you are
3 transporting the blood to S.L.E.D.; correct?

4 A Yes, sir.

5 Q You get to S.L.E.D. -- before you even get to
6 S.L.E.D., where do you store the blood while you
7 transport it there?

8 A As far as?

9 Q Is it in the car with you?

10 A Yes, it's in the car with me.

11 Q And you have ready access to it?

12 A Yes, sir, I usually put everything in the seat
13 beside me and take it straight over.

14 Q There was no one else there with you?

15 A No, sir, it was just me.

16 Q You arrive at S.L.E.D. What happens?

17 A When we get to S.L.E.D., we are required to log it
18 into their evidence. Again, I believe Selena was
19 the one who helped me that day. She signed that
20 she received it. I signed their paperwork, and
21 it's all transferred to them.

22 Q Now, I will refer you back to State's Exhibit
23 Number 60. Did you witness Ms. Kinard sign that
24 form?

25 A Yes, I did. I handed it to her and had her sign

1 it.

2 Q And the signature is located on State's Exhibit 60?

3 A Yes.

4 Q I want to hand you another form. Do you recognize
5 what this is?

6 A Yes, this is S.L.E.D.'s paperwork where they take
7 custody of the items, and we signed it into their
8 evidence.

9 Q Is that your signature there?

10 A Yes, it is.

11 Q Now, who is that for?

12 A This is for Andra Jamison.

13 Q Is there another signature there?

14 A Yes.

15 Q Let me see it a moment. Is there a sticker on the
16 third page that you can recognize?

17 A That's S.L.E.D.'s, I guess, bar coding and their
18 tracking stuff.

19 Q What is that number that is located there?

20 MR. WILLIAMS: Objection to publishing the
21 number. It's not in evidence.

22 MR. MOBLEY: Withdraw the question, Your
23 Honor.

24 THE COURT: All right.

25 MR. MOBLEY: Your Honor, the State would move

1 to have this next one listed as State's Exhibit Number
2 70.

3 THE COURT: State's 70 for identification
4 purposes only.

5 (State's Exhibit Number 70 is marked for
6 identification.)

7 BY MR. MOBLEY:

8 Q Once you get there and have Selena actually sign
9 that particular document?

10 A Yes, sir.

11 Q Is the evidence still in a secured bag at the time?

12 A Yes, sir, and I believe they secure it in another
13 bag.

14 Q Do you witness them secure it in another bag?

15 A Yes, sir. I have to sign where they secure it.

16 Q You were able to witness that?

17 A Yes, sir.

18 Q Who sealed that bag for security?

19 A The evidence custodian. They place it in their
20 evidence bag or whatever and seal it right there in
21 front of me and have me sign and date it.

22 Q I want to hand you another document. Do you
23 recognize what that is?

24 A I believe this is S.L.E.D.'s chain of custody. It
25 has ended mine and begun theirs.

1 Q Is that your signature there?

2 A Yes, it is.

3 Q You signed that?

4 A Yes, sir.

5 MR. MOBLEY: Your Honor, the State would like
6 to this listed as State's Exhibit Number 71.

7 (State's Exhibit Number 71 is marked for
8 identification.)

9 THE COURT: Solicitor, would you hand me 70
10 and 71, Solicitor.

11 MR. MOBLEY: Yes, sir.

12 (Hands to Court.)

13 BY MR. MOBLEY:

14 Q So now you have witnessed the evidence being sealed
15 again?

16 A Yes, sir.

17 Q What happens next?

18 A I release everything to them and they have custody
19 of it from that point.

20 Q Do you come back in contact with the blood at all?

21 A No.

22 Q Do you have any contact with the Defendant after
23 that point?

24 A No, sir.

25 MR. MOBLEY: Thank you, Your Honor. Nothing

1 further for this witness.

2 THE COURT: Thank you. Mr. Williams.

3 CROSS EXAMINATION

4 BY MR. WILLIAMS:

5 Q Good morning, Sergeant, how are you?

6 A All right, sir. How are you?

7 Q Just fine. You had no involvement with this case
8 other than to run blood from Cayce Police
9 Department to S.L.E.D.?

10 A That's correct.

11 MR. WILLIAMS: That's all I have.

12 THE COURT: Thank you. Thank you very much,
13 Sergeant. You may step down.

14 THE WITNESS: Thank you, sir.

15 (Witness leaves the witness stand.)

16 THE COURT: Call your next witness, Solicitor.

17 MR. MOBLEY: The State calls Selena Kinard.

18 SELENA KINARD, being
19 first duly sworn, testifies as follows:

20 CLERK: State your full name on the record.

21 THE WITNESS: My name is Selena Kinard.

22 DIRECT EXAMINATION

23 BY MR. MOBLEY:

24 Q Good morning. Ms. Kinard.

25 A Good morning.

1 Q Do you mind telling us where you are currently
2 employed?

3 A I am employed with the South Carolina Law
4 Enforcement Division, also known as S.L.E.D.

5 Q How long have you been employed there?

6 A I have been there June 4th was two years.

7 Q Two years. What is your current position there?

8 A I am a forensic technician in the evidence control
9 department.

10 Q What exactly does a forensic technician do?

11 A In our department forensic technicians are
12 responsible for taking in evidence from officers
13 across the State and logging that evidence in and
14 ensuring that it's kept in a sealed evidence room.

15 Q Now, when you are accepting evidence from an
16 officer, can you briefly describe the procedure for
17 that.

18 A Yes, sir. What we do is the officer will come in.
19 They will have what we call log-in sheets. They
20 should have that information filled out and ready,
21 which includes who the investigating officer is,
22 what type of case it is, when the offense occurred,
23 subject, victim's names, just case information.

24 The second page is what we call the inventory
25 sheet which tells us what they are bringing into us

1 because we do work on a said-to-contain basis. So
2 what they put on that log-in sheet is what we go by
3 as what they are bringing us.

4 Q Once you accept some evidence from an officer, what
5 happens then?

6 A What we do is when the officers hands us the
7 evidence, in this particular case it was blood, so
8 that goes into what we call a heat-seal pouch. We
9 heat seal the top of the pouch. They sign and date
10 on that heat-seal pouch, and they initial and date
11 on the heat seal.

12 That just shows that it is sealed before they
13 leave our office, and we log it into our computer
14 system. Once that is done, I take it in my custody
15 because I logged it in, and at that time I put it
16 into the refrigerator that is in our evidence room.

17 Q I am going to take you back to August 1, 2008. Was
18 there some evidence deposited there by the Cayce
19 Police Department?

20 A Yes.

21 Q Who deposited it there?

22 A It was Darwin Weaver.

23 Q When Mr. Weaver came in, what transpired?

24 A He came in. He had log-in sheets and brought in
25 what he listed as a vial of blood for toxicology.

1 I logged that evidence in. He signed and sealed
2 the heat sealed pouch, and I stored it in the
3 toxicology refrigerator.

4 Q Now, when he logged in his evidence, did he provide
5 you with any documents to sign?

6 A No, we do not usually sign anything. What we do is
7 when the case is generated and a lab number is
8 generated, our system automatically generates a
9 receipt which has my signature on it.

10 He signs once I have logged in the evidence.
11 Everything is in the system. He signs a signature
12 pad. So his signature is at the bottom of the
13 receipt, along with mine, with the date and time
14 that he submitted the evidence.

15 Q I want to show you a document, State's Exhibit
16 Number 60.

17 A Okay.

18 Q Can you tell us what that document is at the top?

19 A This would be from the Cayce Police Department,
20 their evidence and property custody report. They
21 do have us sign -- or at that time he did have me
22 sign, print and sign on that page. I do apologize.

23 Q Is your signature there?

24 A Yes, it is. Most agencies, we don't have this. I
25 apologize for that. But, yes, my signature and my

1 printed name and signature is on here.

2 Q Is there a date located near your signature?

3 A Yes, it's August 1, 2008.

4 Q Thank you.

5 MR. MOBLEY: Your Honor, the State would move
6 to have State's Exhibit Number 60 admitted into
7 evidence.

8 MR. WILLIAMS: Your Honor, may we approach?

9 THE COURT: Yes, sir.

10 (Whereupon there is a bench conference off the
11 record in the presence of the jury but out of the
12 hearing of the jury.)

13 THE COURT: State's 60 is in evidence subject
14 to previous objections.

15 (State's Exhibit Number 60 is received into
16 evidence.)

17 BY MR. MOBLEY:

18 Q Ms. Kinard, looking at that document do you see the
19 name who is listed up there at the top?

20 A Yes. It says name of person from whom received?

21 Q Yes.

22 A Andra Jamison, Andra B. Jamison.

23 Q What item is indicated there?

24 A It says item Number A., quantity one, one vial of
25 subject's blood.

1 Q Thank you.

2 A You're welcome.

3 Q I want to hand to you a second document. It's
4 State's Exhibit Number 70. Can you look at that
5 document and tell us what it is.

6 A Yes, the top two pages are a copy of our receipt we
7 give the officers once the evidence is logged in.
8 The front page basically tells what he put on the
9 log-in sheet, who the investigating officer is,
10 their agency, what type of case it is. It has the
11 subject's name and the victim's name. On the
12 second page on this particular receipt, it has
13 Sergeant Weaver's signature, along with my
14 signature.

15 Q Is that your signature?

16 A Yes.

17 Q Is that an electronic signature that goes with your
18 proper proceeds and protocols at S.L.E.D.?

19 A Yes, that is correct. When I first started at
20 S.L.E.D., I was required to sign my name. That is
21 tracked throughout every case that I log in and
22 every time a receipt is generated, my signature
23 will be on that receipt.

24 Q That is for verification purposes?

25 A That's correct.

1 MR. MOBLEY: Your Honor, the State would move
2 to have State's 70 admitted into evidence.

3 THE COURT: Subject to previous objections?

4 MR. WILLIAMS: That's correct, Your Honor.

5 THE COURT: State's 70 is in evidence subject
6 to previous objections.

7 (State's Exhibit Number 70 is received into
8 evidence.)

9 BY MR. MOBLEY:

10 Q Ms. Kinard, do you mind looking at the third page
11 of that document?

12 A Okay.

13 Q Can you tell us what that describes there. What is
14 it?

15 A Yes, this is the actual log-in sheet that Sergeant
16 Weaver brought to me on August 1st, 2008, along
17 with the vial of blood. This was the information
18 that he had filled out. We do give back their
19 original paperwork. We do not keep any paperwork.
20 We scan it into our system. So this is the
21 original documentation that he brought to me.

22 Q What information is filled out there?

23 A At the top is the name of the investigating
24 officer, the agency, their phone number, fax
25 number, address, where they are located, their

1 particular case number that they use at their
2 agency, what type of case it was, the offense date,
3 what county it was in, and also lists subject's
4 name and the victim's name.

5 Q What subject name is listed there and the victim's
6 name?

7 A The subject is last name first, Jamison, first
8 name, Andra, middle initial B. It also lists his
9 sex and race. The victim, last name first is
10 Gamble, first name, Jesse, middle initial M.

11 Q There is a sticker, a yellow sticker, in the top
12 right-hand corner. Can you tell us what that is.

13 A Yes. Once we log in a case into our system and
14 after the officer has signed, the computer system
15 automatically generates what we call a lab number.
16 That is how -- that number is on the evidence
17 throughout the lab. That's how we track it. Once
18 it leaves us and goes to toxicology and comes back
19 to us, that type of thing. That's how it tracked.
20 It's a unique number by case.

21 Q A unique number?

22 A Uh-huh. (Indicating affirmative response).

23 Q I want to hand you another document, State's
24 Exhibit Number 71. Can you tell us what that is.

25 A Yes, this is our chain of custody. It is again

1 unique to each lab number.

2 Q What is the lab number that is indicated?

3 A L0811873.

4 Q Does your name appear on that document anywhere?

5 A Yes, it does.

6 Q Is it the normal policies and procedures of
7 S.L.E.D. to print out a document of that nature?

8 A Any time a case comes into S.L.E.D. and we log it
9 in and the officer signs and it generates that lab
10 number, that is when the chain of custody begins.
11 So from the moment that case was logged in, the
12 chain starts, and we can generate this from each
13 case.

14 Q So it essentially tracks where the evidence is
15 located and who has it?

16 A Yes.

17 Q On that form how long does it state that you had
18 it?

19 A On August 1, 2008, I took it from Sergeant Weaver
20 at 14:47, and on the same date at 15:06, I put it
21 into toxicology evidence intake storage, which is
22 our refrigerator.

23 Q When you place it into the storage area, is that a
24 secure area?

25 A Yes, it is. It is in our locked evidence room.

1 Q Does anyone else other than employees there have
2 access to it?

3 A No.

4 Q Whenever you log anything in or out, do you have a
5 tracking mechanism?

6 A Yes. Each time -- and in this case when I logged
7 this case in, it was automatically in my custody
8 because I logged it in. We have a pass word to get
9 into our computer system.

10 Once I had it in my custody and I was putting
11 up my evidence or storing it in this case in the
12 refrigerator, I had to actually scan it to the
13 refrigerator.

14 So that's why on the chain it says it was in
15 the evidence room, toxicology evidence intake
16 storage. Each location we have, we have to scan.
17 So if I took it back out of the refrigerator, I
18 would scan myself. We each have bar codes as well.
19 That's how it's tracked.

20 Q When you deposited the evidence into the
21 refrigerator, was it in substantially the same
22 condition as it was when you received it from
23 Sergeant Weaver?

24 A Well, after I packaged it.

25 Q After you packaged it?

1 A Right, right. He would have brought in -- I'm not
2 sure what he would have had it in. I can't
3 remember that. He may have had it in a plastic
4 bag, but once it came to me, I put it in a
5 heat-sealed pouch. He sealed it, signed it, dated
6 it. That's how it stayed. That's when I put it in
7 the refrigerator.

8 Q You did not tamper with it or do anything to change
9 it characteristics?

10 A No, sir.

11 MR. MOBLEY: Nothing further for this witness.

12 CROSS EXAMINATION

13 BY MR. WILLIAMS:

14 Q Are you an agent with S.L.E.D. or are you called --
15 what is your title, I guess I should ask?

16 A Forensic technician.

17 Q Your last name is?

18 A Kinard.

19 Q Kinard?

20 A K-I-N-A-R-D.

21 Q Ms. Kinard, in terms of this particular case that
22 we are talking about, these items which you have
23 documented, you are, correct me if I'm wrong,
24 merely the person at S.L.E.D. who received one --
25 one -- vial of blood from the Cayce Police

1 Department in reference to Andra Jamison?

2 A That is correct. That is what was documented on
3 the log-in sheets by the officer.

4 Q And did you have any other association with this
5 case?

6 A No, I did not. According to my chain, I did not.

7 Q And did you perform any type of analysis on the
8 second blood vial which was drawn?

9 A No, sir.

10 Q Do you have any notation on any of the paperwork
11 that you have that there was a second vial of blood
12 which was drawn?

13 A Not on my paperwork. The paperwork that I have
14 strictly says that I have -- what the officer wrote
15 was one vial of blood.

16 Q And you were not involved in the drawing of the
17 blood, the transporting of the blood, up until the
18 time you got it in your possession at S.L.E.D. the
19 next day?

20 A That is correct.

21 Q So you can't attest to what happened, what the
22 situation was with the blood, prior to you
23 receiving it?

24 A No, I cannot.

25 MR. WILLIAMS: That's all the questions I

1 have, Your Honor.

2 THE COURT: Redirect, Solicitor?

3 MR. MOBLEY: Nothing, Your Honor.

4 THE COURT: Thank you very much, Ms. Kinard.

5 You may step down. May she be excused? Any objection
6 from the State?

7 MR. MOBLEY: No, Your Honor.

8 THE COURT: Defense?

9 MR. WILLIAMS: No, Your Honor.

10 (Witness leaves the witness stand.)

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

13 MR. MOBLEY: The State calls Amy Stephens.

14 AMY STEPHENS, being
15 first duly sworn, testifies as follows:

16 CLERK: Have a seat and state your full name
17 on the record.

18 THE WITNESS: My name is Amy Stephens,
19 S-T-E-P-H-E-N-S.

20 DIRECT EXAMINATION

21 BY MR. MOBLEY:

22 Q Good morning, Ms. Stephens?

23 A Good morning.

24 Q Where are you currently employed?

25 A I am employed with the South Carolina Law

1 Enforcement Division, also knowns as S.L.E.D.

2 Q How long have you been with S.L.E.D.?

3 A I have been with S.L.E.D. since March of 2006.

4 Q What position are you in at S.L.E.D.?

5 A I am a forensic technician in the evidence control
6 department.

7 Q What does that entail?

8 A We log in the evidence that the agencies throughout
9 the State of South Carolina bring into us. We log
10 them into the computer system, which assigns it a
11 lab number. We then put that evidence into our
12 evidence room. We also will retrieve that evidence
13 to give to our analysts or other technicians for
14 analysis.

15 Q Is there a tracking system that S.L.E.D. has when
16 evidence is logged in?

17 A Yes. We have a chain of custody that is generated
18 when the evidence is logged into our computer
19 system. The computer system assigns it a lab
20 number and an item number.

21 Q That is for all evidence that comes into S.L.E.D.?

22 A Yes.

23 Q I want to take you back to August 1st, 2008. There
24 was some evidence that was logged into S.L.E.D.?

25 A Yes.

1 Q By the Cayce Police Department. Did you have to
2 handle it at any time?

3 A I did.

4 Q And what exactly would be your duties with that
5 particular evidence that day?

6 A This particular case, which was S.L.E.D.
7 Number L0811873, I retrieved from our toxicology
8 intake refrigerator and transferred the evidence to
9 forensic technician, Brandon Williams.

10 Q Now, when you received the actual evidence, was it
11 sealed?

12 A To my knowledge, yes. There was no notes made in
13 the case.

14 Q If it was tampered with, would there be a note?

15 A There would be.

16 Q And there was not one made on this particular item?

17 A No.

18 Q If a note was there, what would happen to that
19 particular evidence?

20 A We would send it all the way up to toxicology, but
21 we would let the analyst know.

22 Q That was not the case in this one?

23 A No.

24 Q So before you delivered it to Brandon Williams, you
25 did not see any tampering; correct?

- 1 A No.
- 2 Q Was it in substantially the same condition when you
3 received it as to when you actually gave it to
4 Mr. Williams?
- 5 A Yes, it was.
- 6 Q I want to hand you a document. It's State's
7 Exhibit Number 71. What is that document?
- 8 A This is a verified S.L.E.D. chain of custody.
- 9 Q Is that kept in the regular course of business
10 there at S.L.E.D.?
- 11 A Yes, it is.
- 12 Q What does it do?
- 13 A It tracks or lists every person that has contact
14 with the evidence itself and also lists where we
15 put the evidence each time a piece of evidence is
16 transferred to a person or to a location.
- 17 Q Now, the lab number that you read out earlier, is
18 that the same lab number that appears on that
19 document?
- 20 A Yes, it is.
- 21 Q On that document how many times does your name
22 appear?
- 23 A Once.
- 24 Q What time does it appear?
- 25 A At 15:50 p.m.

1 Q And then from there?

2 A I gave it to Brandon Williams at 15:53.

3 Q Once you gave it to Mr. Williams, what else did you
4 do in regards to this evidence?

5 A That was it.

6 Q You had no other contact with the evidence at all?

7 A No, I did not.

8 Q Did you have contact with Mr. Andra Jamison?

9 A No, I did not.

10 MR. MOBLEY: Nothing further for this witness,
11 Your Honor.

12 THE COURT: Thank you, Solicitor.
13 Mr. Williams.

14 MR. WILLIAMS: Thank you Your Honor.

15 CROSS EXAMINATION

16 BY MR. WILLIAMS:

17 Q Ms. Stephens, good to see you again.

18 A You too.

19 Q In terms of your involvement with this case, you
20 simply received a vial of blood in the intake
21 storage and gave it to Brandon Landrum, who is
22 another forensic tech?

23 A I actually give it to Brandon Williams.

24 Q Williams, I'm sorry.

25 A That's all I did.

1 Q That's all you did?

2 A Yes, sir.

3 Q You have no knowledge about how the blood was
4 drawn, how the blood was maintained?

5 A No.

6 Q You don't have any knowledge about the second vial
7 of blood that was taken?

8 A No.

9 Q And you have no notation about the second vial of
10 blood?

11 A No.

12 MR. WILLIAMS: That's all the questions we
13 have, Your Honor.

14 THE COURT: Redirect?

15 MR. MOBLEY: None, Your Honor.

16 THE COURT: Thank you. Thank you for being
17 with us this morning, Officer Stephens. You may step
18 down. May she be excused? Any objection from the
19 State?

20 MR. MOBLEY: None, Your Honor.

21 THE COURT: Defense?

22 MR. WILLIAMS: None from the defense, Your
23 Honor.

24 (Witness leaves the witness stand.)

25 MR. MOBLEY: The State calls Brandon Williams.

1 BRANDON WILLIAMS, being
2 first duly sworn, testifies as follows:

3 CLERK: State your name on the record.

4 THE WITNESS: My name is Brandon Williams.

5 **DIRECT EXAMINATION**

6 BY MR. MOBLEY:

7 Q Good morning, Mr. Williams.

8 A Good morning.

9 Q Where are you currently employed?

10 A South Carolina Law Enforcement Division.

11 Q And how long have you been employed there?

12 A Three and a half years.

13 Q What is your current position there?

14 A A forensic technician.

15 Q What does a forensic technician do?

16 A I'm in the toxicology department. We transport
17 evidence for the analysts, and we help out the
18 analysts whenever need.

19 Q You intake evidence, you stated?

20 A No.

21 Q I'm sorry?

22 A I transport evidence from log-in up to my
23 department.

24 Q When you transport evidence, what does that entail?

25 A I receive it from one of the girls at log-in, and I

- 1 take it and place it into our walk-in refrigerator.
- 2 Q Now, where is your walk-in refrigerator located?
- 3 A On the fourth floor.
- 4 Q Is intake on the fourth floor?
- 5 A No, sir.
- 6 Q You have to go downstairs to get the actual
- 7 evidence?
- 8 A Yes, sir.
- 9 Q That's what happens most of the time, correct?
- 10 A Yes, sir.
- 11 Q You are picking up the evidence for toxicologist
- 12 typically?
- 13 A Yes, sir.
- 14 Q Can you tell us the procedure of when you actually
- 15 receive evidence from intake. What happens? What
- 16 do you do?
- 17 A It's scanned into my custody. Then I scan it into
- 18 our refrigerator. I actually physically take it
- 19 and place it into our refrigerator.
- 20 Q Is there a unique number that is being tracked at
- 21 that time?
- 22 A It has a S.L.E.D. number.
- 23 Q And that tracks the progress of the evidence from
- 24 place to place?
- 25 A Yes, sir.

- 1 Q Is there a chain of custody that can be followed
2 using that particular number?
- 3 A Yes, sir.
- 4 Q I want to take you back to August 1, 2008. Did you
5 come into contact with some evidence for Mr. Andra
6 Jamison?
- 7 A Yes, sir.
- 8 Q How do you know?
- 9 A I have a chain of custody.
- 10 Q You have a chain of custody?
- 11 A Yes, sir.
- 12 Q What is the number that is associated with the
13 chain of custody for Mr. Andra Jamison?
- 14 A L07811873.
- 15 Q Once you picked up the evidence from intake, did
16 you see that it was tampered with in any way?
- 17 A No, sir.
- 18 Q Was it in substantially the same condition as when
19 you received it as when you took to the fourth
20 floor?
- 21 A Yes, sir.
- 22 Q Did you tamper with it in any way?
- 23 A No, sir.
- 24 Q If it had been tampered with, would there have been
25 some type of indicator there?

- 1 A I would be able to notice that it was tampered
2 with, and I would let someone know.
- 3 Q Was that evidence sealed in some type of container?
- 4 A A heat-seal pouch.
- 5 Q I want to hand you a document and it State's
6 Exhibit Number 71. Do you recognize what that
7 document is?
- 8 A Yes, sir.
- 9 Q What is it?
- 10 A It is a chain of custody from S.L.E.D.
- 11 Q The number that you spoke of earlier, does that
12 number appear on that document?
- 13 A Yes, sir.
- 14 Q What is that number?
- 15 A L0811873.
- 16 Q Is it the same one you spoke of earlier?
- 17 A Yes, sir.
- 18 Q On that document as well, does your name appear at
19 all?
- 20 A Yes, sir.
- 21 Q Where does it appear?
- 22 A It appears after I received it from Amy Stephens.
- 23 Q What time is that?
- 24 A 3:53 p.m.
- 25 Q The date?

1 A August 1, 2008.

2 Q Does your name appear anywhere else on that
3 document?

4 A Yes, it does.

5 Q Where is that?

6 A September 3rd, 2008.

7 Q What is significant about that date?

8 A After all analysis is completed, we take it and we
9 put it in another bin and hold it for six months.

10 Q After six months what happens to it?

11 A It's destroyed.

12 Q It's destroyed?

13 A Uh-huh. (Indicating affirmative response.)

14 Q So the date your name appears earlier there, where
15 are you taking that vial of blood to for the
16 analysis? Before the analysis occurs, what is that
17 date?

18 A August 1st.

19 Q And then you take it to where?

20 A To the refrigerator.

21 Q And on that form where does it show it goes from
22 the refrigerator where?

23 A To Brandon Landrum.

24 Q Okay. At any point did you come back in contact
25 after the disposal of the blood with the Defendant

1 or any other evidence in regards to this case?

2 A No, sir.

3 MR. MOBLEY: Nothing further for this witness,
4 Your Honor.

5 THE COURT: Thank you, Solicitor.
6 Mr. Williams.

7 CROSS EXAMINATION

8 BY MR. WILLIAMS:

9 Q Mr. Williams.

10 A Hey.

11 Q Good to see you again.

12 A You too.

13 Q Your involvement with this case, do you have any
14 independent recall of these events or are you
15 simply saying what you've- got on your chain?

16 A What I have on my chain.

17 Q Because it's hard to recall something like this
18 from a long time ago, right?

19 A Yes, sir.

20 Q What you basically have you are going by some typed
21 information that you had in regards to your chain;
22 is that correct?

23 A Yes, sir.

24 Q Let me ask you, do you have any knowledge about any
25 second vial of blood?

1 A No, sir.

2 Q And you don't have anything typed out for you to
3 indicate anything about a second vial of blood?

4 A No, sir.

5 Q You weren't involved in any way with the drawing of
6 the blood or the maintaining of the blood until you
7 got to S.L.E.D.?

8 A That's correct.

9 Q The only thing you did, you take whatever you had
10 in your evidence bag and took it to the
11 toxicologist who happens to have the same first
12 name as you, Brandon Landrum?

13 A Yes, sir.

14 MR. WILLIAMS: That's all I have, Your Honor.

15 THE COURT: Redirect, Solicitor?

16 MR. MOBLEY: Nothing, Your Honor.

17 THE COURT: Thank you. Thank you very much,

18 Mr. Williams. Any objections to Mr. Williams being
19 excused, Solicitor.

20 MR. MOBLEY: None, Your Honor.

21 MR. WILLIAMS: No objection.

22 THE COURT: You may be excused.

23 (Witness leaves the witness stand.)

24 THE COURT: Solicitor, you may call your next
25 witness.

1 MR. MOBLEY: The State calls Brandon Landrum.

2 BRANDON JAMEL LANDRUM, being
3 first duly sworn, testifies as follows:

4 CLERK: Once you are seated, state your full
5 name on the record, please.

6 THE WITNESS: Brandon Jamel Landrum.

7 DIRECT EXAMINATION

8 BY MR. MOBLEY:

9 Q Good morning, Mr. Landrum.

10 A Good morning.

11 Q Where are you currently employed?

12 A The South Carolina Law Enforcement Division also
13 known as S.L.E.D.

14 Q How long have you been employed there?

15 A A little over five years.

16 Q Do you mind giving us a little of your educational
17 background, please.

18 A I have a B.S. degree in Biology with a minor in
19 Chemistry from Winthrop University. Upon
20 completion of my degree at Winthrop, I went to
21 Carolina's Medical College in Charlotte, North
22 Carolina where I received my certification as a
23 medical technologist. Upon completion there I also
24 became board certified through the American Society
25 of Clinical Pathology.

1 Q What is your current position at S.L.E.D.?

2 A I'm a forensic toxicologist.

3 Q What exactly does a forensic toxicologist do?

4 A A forensic toxicologist is a scientist who applies
5 science to law. What we do is we take and we
6 analyze biological and known biological samples
7 such as blood, urine, tissue, samples for the
8 presence or absence of alcohol, drugs and poisons.

9 Then we take those results and find
10 interpretation results for courts of law for
11 coroners and whoever might need the interpretation
12 of what those results might be.

13 Q You stated that you were in the toxicology
14 department?

15 A Correct.

16 Q How long have you been in that particular
17 department?

18 A A little over five years.

19 Q Have you held any other positions within S.L.E.D.?

20 A Since being hired on at S.L.E.D., I have been a
21 forensic toxicologist, which is my main job. I am
22 also part of the weapons and mass destruction
23 response team where we have a mobile lab unit that
24 goes out and analyzes any types of powders,
25 chemicals that might be suspected threats.

1 Q You have described some of your responsibilities as
2 a forensic toxicologist. Can you tell us what the
3 toxicology department at S.L.E.D. is actually
4 responsible for.

5 A The toxicology department, basically we have
6 samples submitted to us, and our job is to analyze
7 those samples for the presence or absence of drugs,
8 poisons, alcohol, and then provide those results
9 out to coroners, police departments for the legal
10 aspects and for a court of law. We also provide
11 interpretation of results for those cases.

12 Q I may have missed it earlier. You stated -- well,
13 are you certified as a forensic toxicologist?

14 A Yes. Upon getting hired on at S.L.E.D., we have to
15 go through a rigorous training protocol or
16 procedure. It's about a year and a half program to
17 get trained up. What that includes is both oral,
18 written and hands-on or practical tests --

19 Part of that is we have to analyze a thousand
20 samples of previously reported blood samples from
21 other analysts that have already signed reports and
22 sent them out. Our results have to be within
23 5 percent of what the analyst found.

24 We also have oral tests, as well as written
25 exams. While being at S.L.E.D., I also attended

1 the Borkenstein School of Alcohol and Highway
2 Safety at Indiana University in Indiana, which
3 basically we went over the alcohol effects, how it
4 affects people with different levels and things
5 like that.

6 I have also attended what we call wet labs,
7 which is basically where you take volunteers as far
8 as sober people, and you dose them at different
9 levels. Then you watch to see their responses to
10 divided attention tasks.

11 Part of that was I attended some of the
12 classes where they had officers and troopers who
13 weren't privy to watching the people get dosed.
14 Then they take those people and they have the
15 officers conduct field sobriety tests on those
16 people.

17 You watch how they performed under these
18 different levels. They dose people from about a
19 .05 all the way up to about .1. That is about the
20 highest they dose people up to. You don't want to
21 get people too drunk that they are falling over and
22 endangering themselves.

23 Q Now, Mr. Landrum, have you ever been qualified as
24 an expert witness in court before?

25 A Yes, I have.

1 Q And what fields were you qualified as an expert in?

2 A Qualified in the field of forensic toxicology. I
3 guess what that includes is both alcohol and drug
4 analysis and the interpretation of those results.

5 Q Do you know approximately how many times you have
6 been qualified as an expert witness before?

7 A Going on about 15 times.

8 Q Fifteen times?

9 A Yes.

10 MR. MOBLEY: Your Honor, at this time the
11 State would move that this witness be qualified as an
12 expert witness in forensic toxicology. He is going to
13 testify to the impairing effects of alcohol and/or drugs
14 and the ability to interpret results doing an analysis.

15 THE COURT: All right, Solicitor.

16 Mr. Williams.

17 MR. WILLIAMS: Could I question the expert?

18 THE COURT: Yes, sir, you may question him as
19 to his qualifications.

20 VOIR DIRE EXAMINATION

21 BY MR. WILLIAMS:

22 Q Good morning.

23 A Good morning.

24 Q It's my understanding your education is from
25 Winthrop in chemistry?

1 A It's a biology degree with a minor in chemistry.

2 Q Have you taken any classes or have you gotten any
3 degrees from medical school?

4 A Not from medical school, no. I have not gone to
5 any medical schools.

6 Q Those times that you have testified to, you said
7 you have testified 15 times, as what type of
8 expert?

9 A A forensic toxicologist.

10 Q And in terms of what other education you have other
11 than chemistry -- other than chemistry -- what
12 other classes have you taken involving the human
13 body and the reaction of the human body to drugs?

14 A Part of getting certified as a medical technologist
15 is in that course, it covers your blood bank and
16 your clinical chemistry, clinical hematology, all
17 the times we have to document, say, when we draw
18 blood and send it to the lab and have it analyzed.

19 Also included in that course for the training
20 is a toxicology course where we learn about the
21 effects of drugs and how they affect the human
22 body. So that's part of the training to become a
23 medical technologist.

24 Then upon getting hired on with S.L.E.D., we
25 also went through in-house training where we

1 learned about the effects of alcohol on a human
2 body, but also going to the Borkenstein School on
3 Alcohol and Highway Safety in Indiana where we also
4 learned about the effects of alcohol on the human
5 body.

6 Q When did you go to this Borkenstein school?

7 A 2007.

8 Q Did you receive a degree from it?

9 A I received a certification, yes, I did.

10 Q And how long were you there?

11 A We were there for -- I think it was a week. It's a
12 week course where you go every day from 8:30 to 5.

13 Q Like an extended seminar?

14 A It's a course provided where you actually get, I
15 believe, some college credits from it.

16 Q Did you receive any specialized treatment (sic)
17 about how various human beings would differ in
18 regards to reaction to alcohol, depending on how
19 much they weighed, what their sex was, if they had
20 diseases, if they had whatever? Did you receive
21 any specialized training on that?

22 A That was covered through the in-house training. I
23 also attended a course provided by the Department
24 of Public Safety. Actually, I guess, it's the
25 police academy now where they do the drug

1 recognition and evaluator school. I attended that.

2 It's where they also actually had videotapes
3 of people under the influence of different drugs,
4 as well as alcohol, and observed those people under
5 those influences trying to perform divided
6 attention tasks, as well as just sitting there, I
7 guess, sitting there waiting and answering
8 questions.

9 Q And were you tested so that you would know the
10 difference between -- by looking at the individual
11 whether or not he was on alcohol or on drugs? Were
12 you tested in regards to that?

13 A No.

14 MR. WILLIAMS: We would object to his
15 qualifications, Your Honor, as being a true forensic
16 toxicologist.

17 THE COURT: Thank you.

18 Mr. Foreman, ladies and gentlemen of the jury,
19 normally a person cannot give opinion testimony.
20 Normally when a person testifies, they must testify as
21 to what they either saw, heard or sensed by smell or
22 something of that nature.

23 However, there is an exception when someone is
24 qualified because of education or experience or training
25 or background. They are permitted to give their

1 opinions in certain areas if the Court qualifies them
2 that way.

3 This witness, Agent Brandon Landrum, will be
4 qualified in the area of forensic toxicology, both
5 alcohol and drug analysis, the analysis of blood for the
6 presence of alcohol and/or drugs and also the effects to
7 give opinion testimony in that area. That does not mean
8 that you must accept the opinion, but it is evidence for
9 you the jury to use in any way that you see fit.

10 Solicitor, you may continue.

11 MR. MOBLEY: Thank you, Your Honor.

12 **DIRECT EXAMINATION**

13 BY MR. MOBLEY:

14 Q Mr. Landrum, are you familiar with the procedure in
15 which evidence is received into S.L.E.D.?

16 A Yes, I am.

17 Q Now, was a specimen submitted for this particular
18 case of Andra Jamison to S.L.E.D. for analysis?

19 A Yes, there was.

20 Q And what is the procedure by which you would know
21 that?

22 A The protocol for not just our department but
23 building wide protocol is that an officer from an
24 outside agency would bring in evidence into our
25 log-in department. Then it gets logged in. The

1 officers places the evidence into what we call a
2 heat-seal pouch or tamper-evident pouch.

3 Then it is heat sealed, and then the officer
4 put his initials and date across the seal. That's
5 to show that it's a tamper-evident bag. If anybody
6 tampers with it, they have to basically cut into it
7 or there would be some way to tell the evidence has
8 been tampered with.

9 Q Now, in this particular case, was such a bag
10 received by you?

11 A Yes, there was.

12 Q Do you have possession of that bag?

13 A Yes, I do.

14 Q May I see it.

15 A (Witness complies.)

16 Q Mr. Landrum, when you received this bag, did it --
17 what was located in that bag?

18 A Tubes of blood was what was in the bag, one vial of
19 blood.

20 Q And how do you know one vial of blood was located
21 in that bag?

22 A On the evidence property bag, it actually says one
23 vial of blood. That's the main way I know.

24 Q Now, looking at those markings on that bag, can you
25 tell me what that is.

1 A On this bigger bag or the actual smaller one?

2 Q The larger bag.

3 A This is what we call our tamper-evident or
4 heat-seal pouch. Basically when the officer brings
5 it in, he will place the evidence in here. He will
6 heat seal it and initial and date it. Every time
7 that someone goes into that bag, they have to cut
8 and they heat seal it again and put the date and
9 the initials.

10 It shows that, I think, D.J.W. put the first
11 heat seal on 08/01/08 is when this was done. Then
12 on 08/05/08, I cut into the bag and start my
13 analysis. It looks like three other times I cut
14 into the bag and then heat sealed it.

15 Q Now, when you received that bag, was there any
16 indication that that bag had been tampered with in
17 any shape, form or fashion?

18 A No. There wasn't.

19 Q How would it be indicated if something had been
20 tampered with there?

21 A Basically it's a clear sort of thick bag. So
22 basically that's the only way to get into. You
23 will have to cut or put a hole there, and there is
24 no cuts, tears or holes in the bag when I receive
25 it.

1 Q Now, I want to show you a document. We are looking
2 at State's Exhibit Number 71. What is that
3 document?

4 A It is a chain of custody from S.L.E.D.

5 Q Is that always utilized at S.L.E.D.?

6 A Yes.

7 Q And what is it used for?

8 A It basically shows who, from the time a sample is
9 brought into S.L.E.D., who it's brought in by, who
10 receives it, and everybody that touches the bag or
11 everybody that takes custody of the bag and
12 transports it, would have to take custody of the
13 bag into their custody and then it would be
14 transported.

15 So it shows that on 8/01 Selena had custody
16 of it, and then it went into the intake storage
17 fridge on 8/01. Then Amy Stephens then transferred
18 the evidence from 8/01/08 to Brandon Williams on
19 8/01. From there Brandon William brought it up to
20 our -- we have a walk-in refrigerator which only
21 the staff in the toxicology department has access
22 to.

23 It shows that he transferred evidence from his
24 custody into that refrigerator on our fourth floor,
25 and then on 8/4/08, I then took custody of the

1 evidence into my custody.

2 Then on 9/2/08 is when I transferred the
3 evidence from my custody into what I have -- kind
4 of a hold bin when I am finished with the case. We
5 have to hold evidence for a 160 days.

6 Then the evidence gets disposed of unless
7 requested by somebody that they need it for some
8 other reason, and we will hold onto it longer. So
9 I transferred it into my hold bin on 9/02/08.

10 Then 9/3/08 Brandon Williams took custody of
11 that hold bin and put it into the hold bin in the
12 refrigerator, and then on 3/3/09, the evidence was
13 disposed of.

14 Q Now, looking at that form, the chain of custody
15 there, which is State's Exhibit Number 71, and
16 comparing that to your bag that is located there,
17 does those dates and times mesh up with one
18 another?

19 A Yeah. It looks like on 8/4/08 at 19:03, that's
20 roughly 7:00 o'clock, regular time,
21 7:00 o'clock p.m. So I took custody out of the
22 evidence out of the refrigerator, but I didn't
23 start doing my analysis on it until 8/5, which was
24 the following day. That's when I actually cut into
25 the bag, on 8/5.

1 Then on 9/2 is the last seal on the bag and
2 initial date. That shows when I -- what we have to
3 do is we have to take a scalpel and take the label
4 off the tube of blood and put it into this
5 heat-seal pouch and keep it with our record for
6 that case jacket.

7 Then the tube of blood gets heat sealed into a
8 separate evidence tamper pack with its lab number,
9 initials, and all on that. Then that goes to the
10 hold bin. That shows on 9/2/08 was the last time I
11 actually cut into the bag and dealt with the
12 evidence.

13 Q So by looking at both the document and the bag
14 itself, was the evidence submitted and analyzed
15 through your department by the normal procedure and
16 policies at S.L.E.D.?

17 A Yes, it was.

18 MR. MOBLEY: Your Honor, first, the State
19 would move to have State's Exhibit Number 71 admitted
20 into evidence.

21 THE COURT: And that is subject to previous
22 objection?

23 MR. WILLIAMS: It would be, Your Honor.

24 THE COURT: State's 71 is in evidence subject
25 to previous objection.

1 (State's Exhibit Number 71 is received into
2 evidence.)

3 MR. MOBLEY: Secondly, Your Honor, the State
4 would move to have the bag itself marked as State's
5 Exhibit number 72 and moved into evidence.

6 MR. WILLIAMS: Again, subject to previous
7 objection.

8 THE COURT: State's 72 is in evidence subject
9 to previous objection.

10 (State's Exhibit Number 72 is received into
11 evidence.)

12 BY MR. MOBLEY:

13 Q I hand you back State's Exhibit Number 71 and 72.
14 At some point -- well, can you look at that bag.
15 Is there a smaller container in it?

16 A Yes, there is a smaller evidence pouch. It says
17 agency is from Cayce and has suspect, Jamison. It
18 says the victim is unknown. The date and time of
19 recovery is 8/01. It says one vial of subject's
20 blood. It shows that I cut into this bag on
21 8/5/08 where I have my initials and the date I cut
22 into that heat-sealed pouch.

23 Q When you cut into that bag, what happened next?

24 A Once I cut into that bag, then I take the sample,
25 and I do the blood alcohol analysis on it basically

1 to determine if any alcohol is present and if so
2 what level of alcohol is present in the sample.
3 Then also if further testing needs to be done, also
4 do further testing on it, for instance, like drug
5 screens or further testing past drug screens.

6 Q For this particular evidence, did you perform any
7 type of analysis on this specimen?

8 A Yes, I performed a blood alcohol analysis on this
9 specimen, as well as a drug screen on this sample.

10 Q What is the procedure about performing those type
11 of analyses that you did that day? What do they
12 entail?

13 A Basically with the blood alcohol analysis, what we
14 do is we take a portion of the tube, from the tube
15 of blood, and we put it into what is called a
16 heat-sealed vial.

17 We put it into the vial and put a septum on
18 it, like a rubber stopper, and crimp it down tight.
19 It gets put onto the instrument where it's run, and
20 then we get our results back from the
21 instrumentation.

22 Then with this being that this case was logged
23 in as a felony D.U.I., then we also perform -- I
24 also performed a drug screen on this case where we
25 allocate another sample from that tube and

1 performed the drug screen. The drug screen, what a
2 drug screen basically entails is your more popular
3 abused drugs is what our drug screens include.

4 Q So you did an alcohol and drug screen on this
5 particular specimen?

6 A Yes, I did.

7 Q Did you receive any results -- don't publish what
8 they were -- but did you receive any results from
9 that analysis?

10 A Yes, I did.

11 Q What I want to do is hand you a document, and I
12 want you to tell me what that document is.

13 A This is our report that we send out to the officer
14 or whoever submitted the sample stating what our
15 results were, what we found in the specimen or
16 sample.

17 Q Does your signature appear anywhere on that
18 document?

19 A Yes, it's on the second page.

20 Q Does Mr. Jamison's name appear anywhere on that
21 document?

22 A Yes, it's under -- it's on the right-hand side
23 toward the top. It says subject. I cannot
24 pronounce the first name B. Jamison. Then down
25 where we actually type in what the tube of blood --

1 what we received and how it was actually labeled.
2 The tube of blood was actually labeled Jamison,
3 A-N-D-R-A., B. is actually how it was labeled.

4 MR. MOBLEY: Your Honor, the State would move
5 to have this document listed as State's Exhibit
6 Number 73 and admitted into evidence.

7 MR. WILLIAMS: Subject to those prior
8 objections.

9 THE COURT: State's 73 is in evidence subject
10 to previous objections.

11 (State's Exhibit Number 73 is received into
12 evidence.)

13 BY MR. MOBLEY:

14 Q Mr. Landrum, I am going to hand you back State's
15 Exhibit Number 73. Now, that is a form that is
16 utilized when you do a blood analysis?

17 A Yes. Every time we do any type of analysis on any
18 sample, we prepare a report that gets sent out.
19 This one falls in line with what our normal reports
20 look like.

21 Q Looking at that particular report, that is one that
22 was generated based off your information that you
23 received in this case; correct?

24 A Correct.

25 Q If you look at that document, are there any results

1 in regards to ethanol or alcohol that are there?

2 A Yes. Ethanol that was found in this sample is
3 0.225 percent weight per volume.

4 Q If you could can you tell us what is the difference
5 between the word ethanol and alcohol, if there is a
6 difference.

7 A Alcohol is basically a broad name for a chemical.
8 Alcohol can include methanol, isopropanol, ethanol.
9 Ethanol is actual the drinking alcohol. It's
10 basically what you have in your beers, wines. It's
11 your ethanol. So that's basically the difference
12 is ethanol is a type of alcohol.

13 Q Now, what were those results again?

14 A 0.225 percent weight per volume of ethanol.

15 Q So this test was specific to ethanol or alcohol,
16 the general term alcohol; correct?

17 A Yes.

18 Q Did you pick up any drugs in this particular blood
19 sample?

20 A No, I performed a drug screen and it came back
21 negative for amphetamines, benzodiazepines,
22 methamphetamine, oxycodone, cannabinoids, which is
23 components of marijuana, and it came back negative
24 also for cocaine and opiates.

25 Q So alcohol or ethanol was the only thing that was

1 present in Mr. Jamison's blood at the time?

2 A Yes, yes.

3 Q I want to ask you, can you describe to the jury the
4 effect of ethanol and the general term of alcohol
5 on individuals as far as their faculties?

6 A Ethanol is a central nervous system depressant. It
7 will cause a lot of your cognitive, as well as
8 other motor skills, to be delayed or slowed down.
9 Some effects that you can see is you will have
10 delayed reaction time. It will take you longer to
11 perceive something and then react to it.

12 You will have double vision from it. You have
13 slurred speech. Your inhibitions are going to be
14 alleviated. Basically things that you normally
15 wouldn't do, some people tend to do just because
16 that part of the brain is suppressed a little bit.

17 Some of the other things you have from ethanol
18 being a central nervous system depressant is you
19 have sedation, sleepiness, drowsiness. At high
20 enough levels, you can actually have loss of
21 consciousness. You can actually go into a coma,
22 and real high level, you can actually die from
23 alcohol poisoning.

24 Q Does alcohol act as a depressant for everyone?

25 A Yes, it does.

1 Q It does. When it acts as a depressant, what is
2 that affect on someone's cognitive skills?

3 A Basically ethanol, you are going to see the main
4 effects when you start going to divided attention
5 tasks, multitasking. Simple tasks at low levels
6 you probably won't see any outwardly signs, but
7 when you get higher levels and you start doing more
8 complex tasks, such as driving a car, doing some
9 different hands-on tests that require you do
10 several things at once, then your ability to do
11 those is going to be inhibited. You will not be
12 able to do those properly.

13 Q Every individual is different, correct?

14 A Correct.

15 Q How would alcohol, how would the effects of
16 alcohol, treat each individual differently? Well,
17 let me ask you this. What factors would help to
18 determine someone's blood alcohol level?

19 A Basically things that can determine what someone's
20 blood alcohol level might be basically is how many
21 drinks they have had to drink. Because depending
22 on the weight, if someone weighs more than another
23 person, it will take a person who weighs more, more
24 drinks to reach that same level, ethanol
25 concentration, as it would the person who doesn't

1 weigh at much.

2 Some of the other things that could come into
3 factor is whether someone has something to eat or
4 not. If you have food on your stomach, that can
5 delay some of the absorption of ethanol into the
6 system.

7 Q Is absorption a very important part of alcohol
8 concentration itself?

9 A Yes. Because absorption, basically it's absorbed
10 mainly from the gastrointestinal tract, but some of
11 it is actually absorbed from the stomach -- well,
12 not so much absorbed from the stomach, but if you
13 have food on your stomach, then the body is going
14 to be trying to break down the food a little bit
15 more, and it will take a little bit longer for the
16 alcohol to actually be released from the stomach
17 and be absorbed by the gastrointestinal tract into
18 the blood stream.

19 Q Does metabolism have anything to do with the
20 alcohol absorption at all?

21 A Yes, everybody is going to metabolize ethanol down
22 to where it can be discarded by the body.

23 Metabolism, the average -- there is a range for
24 what everybody sort of eliminates ethanol in a
25 specific period of time.

1 The range is .01 to .02 you eliminate ethanol
2 from the blood per hour. The average person is
3 about a .015 percent is how much ethanol they
4 metabolize or get rid out of the blood system per
5 hour.

6 Q Mr. Landrum, exactly how much alcohol would someone
7 have to consume to reach a 0.225 percent blood
8 alcohol level?

9 A For basically an average 150-pound male to reach a
10 .025, it's about one 12-ounce domestic beer, which
11 is about 4 percent ethanol in it. So that is for
12 .025. So basically it would take roughly about ten
13 beers within an hour for the person to achieve that
14 level.

15 Because with absorption and metabolism, once
16 you reach absorption and you start metabolizing,
17 then you have to drink a beer every hour to keep
18 that same level. You have drink about ten beers
19 within an hour to reach that level, and then you
20 have to drink a beer each hour to keep that level
21 for an extended period.

22 Q Based on your training and your experience with
23 these matters, are you able to predict what effect
24 as 0.225 blood alcohol level would have on
25 Mr. Jamison that night?

1 A With a .225 percent ethanol level, you definitely
2 are going to have -- your divided attention tasking
3 is going to be impaired, basically to be able to
4 drive down the road, stay within the two lines on
5 the road, watch the rear view mirrors, watch the
6 side view mirrors, keep a constant speed, as well
7 as watching everything going on around you. That's
8 when you are impaired. Your reaction time will be
9 delayed.

10 Basically if you are driving down the road and
11 you see a dog or something run across the road, it
12 will take you longer to perceive that coming across
13 the road, then for your mind to perceive it, and
14 for you to actually put on brakes to stop.

15 You are also going to have -- you can have, at
16 levels as far as .15, you start seeing double
17 vision. A .08 or a .1 is usually where you have
18 some of your slurred speech actually starting to
19 show, as well as your .2s, and as you get a little
20 bit higher, you also start having your staggering
21 gait, basically having trouble walking a straight
22 line and things of that situation.

23 Q Now, when is the first noticeable time when
24 someone, an average person, would begin to feel the
25 effects? At what blood alcohol level would they

1 begin to feel the effects of alcohol according to
2 the American Medical Association?

3 A A .05 percent ethanol level is what the American
4 Medical Association has said is where you can
5 actually start seeing your fine motor skills and
6 things like that start to be impaired. Then, of
7 course, as you increase the alcohol level, you are
8 also going to have that increase as your alcohol
9 level gets increased.

10 Q Now, based off the results you received in this
11 particular case on Mr. Andra Jamison at 0.225, is
12 it your opinion that Mr. Jamison was too impaired
13 to be behind the wheel that night?

14 A Yes. With a .225 percent, he would not have been
15 able to safely operate a motor vehicle.

16 MR. MOBLEY: Nothing further for this witness,
17 Your Honor.

18 MR. WILLIAMS: May it please the Court.

19 THE COURT: I think I will take a break,
20 Mr. Williams, prior to cross examination. How long are
21 you going to be?

22 MR. WILLIAMS: I think it will be about 15, 20
23 minutes.

24 THE COURT: I think will I take a break.

25 Mr. Foreman, and ladies and gentlemen of the

1 jury, if you will please step to your jury room. Do not
2 discuss this case during this recess. Thank you very
3 much.

4 (The jury retires to the jury room.)

5 THE COURT: You may certainly step down during
6 the recess and refresh yourself. You are subject to
7 cross examination, perhaps redirect, so you may not
8 discuss your testimony with anyone.

9 Court will be in recess 15 minutes. Thank
10 you. Thank you very much.

11 (Whereupon there is a recess.)

12 THE COURT: Anything from the State before we
13 bring in our jury?

14 MR. MOBLEY: None, Your Honor.

15 THE COURT: Defense?

16 MR. WILLIAMS: Nothing from the defense, Your
17 Honor.

18 (The jury returns to the courtroom.)

19 THE COURT: Our jury is back present in the
20 courtroom.

21 We are continuing the trial of the case by the
22 cross examination of Mr. Landrum by Mr. Williams. If
23 you would please give the parties your complete and
24 undivided attention.

25 Mr. Williams.

1 CROSS EXAMINATION

2 BY MR. WILLIAMS:

3 Q Good morning, Mr. Landrum.

4 A Good morning.

5 Q Mr. Landrum, if I could I would like to ask you a
6 couple of questions about one of the things which
7 you touched on when you were giving your testimony
8 as being a forensic toxicologist, and that is you
9 were talking about elimination of alcohol?

10 A Correct.

11 Q And what was the amount that you said would be
12 eliminated per hour?

13 A There is a range. It's .01 percent to a
14 .015 percent -- I'm sorry -- to .02 percent is the
15 range that people eliminate ethanol from the body
16 per hour, the average being about .15 percent.
17 It's the average of the population.

18 Q So if you had a reading at any point in time which
19 was a .225 -- is that what you said the reading was
20 here?

21 A Yes, sir.

22 Q A .225. What was the time that you have recorded
23 as being when the blood was drawn?

24 A (Pause.) The actual label from the hospital was
25 labeled 01:52, so 1:52 a.m.

1 Q Approximately 2:00 o'clock in the morning?

2 A Approximately, yes, sir.

3 Q So -- and I don't want to put words in your mouth.

4 I want you to tell me what is correct.

5 A Okay.

6 Q What you are saying is when you analyzed that blood
7 is that if the sample is correct, if the blood was
8 accurate, if it was drawn properly, all the things
9 you have to do in advance before you get there,
10 that at 2:00 o'clock or approximately 2:00 o'clock
11 when the blood was drawn, the blood sample would
12 have recorded a .225 then, if you had analyzed it
13 then?

14 A Correct.

15 Q By your other testimony, you said that it
16 eliminates, for every hour, it would eliminate
17 .01 percent?

18 A It would eliminate .01 to .02 percent. That is
19 also assuming that the person is on an empty
20 stomach. When you have food on the stomach, that
21 delays absorption and the elimination rate. On a
22 empty stomach that's what the rate would be if
23 there was no food in the system. A .01 to .02 is
24 the range of elimination.

25 Q I think you picked an average. You said .015 is

1 the average?

2 A Yes.

3 Q What should the reading have been at 3:00 o'clock
4 based on what you just testified to, what the blood
5 alcohol level should have been?

6 A Assuming, once again, the person is in the
7 elimination phase, they are on an empty stomach,
8 then there would be -- they could have, basically
9 subtracting an hour later, it could have been a
10 .215 to a .205. That's assuming that the person is
11 on an empty stomach and they are in the elimination
12 phase.

13 Q I will ask you to do the math one more time then
14 for one more time.

15 A Okay.

16 Q At 4:00 o'clock in the morning, which would be two
17 hours removed from the time which you have
18 testified to.

19 A Okay.

20 Q What should the average -- what should the blood
21 have been?

22 A Once again, assuming that the person is in the
23 elimination phase and they are on an empty stomach,
24 it could have been a .205 to a .195 is what it
25 could have been, the, range.

1 That's from taking the .01, multiply it by two
2 hours is .02. You subtract that from the .225 --
3 I'm sorry, I did the .015. But if you do the .02
4 times four and subtract the .04 from .225, it
5 actually would have been a .185.

6 Q So it would be .185 is the low amount?

7 A Yes, sir.

8 Q If you would, would you go through your testimony
9 in regards to what items or factors or observations
10 you would expect to see on a person who had -- you
11 went through a list of things like .05 -- no, .005?

12 A No, .05.

13 Q .05?

14 A Yes.

15 Q What would you expect to see on that person?

16 A That's when you start having your increased
17 talkativeness. You start having your fine motor
18 skills start to be impaired is basically what you
19 would start seeing at .05.

20 Q What would you expect to see at .10?

21 A At .10 you can start to see some of your delayed
22 reaction time. If you are doing divided attention
23 tasks, you might start seeing your delayed reaction
24 time. Your multitasking will be impaired. Once
25 again, your fine motor skills will be more impaired

1 because you have a higher amount of ethanol.

2 You can actually start seeing some double
3 vision starting to occur, as well as you can start
4 having -- start seeing some of the slurred speech
5 possibly.

6 Q Let me take you to a .15.

7 A Okay. A .15, all those that I have just mentioned
8 would have been increased. You also start seeing
9 some of your stumbling, what we call your gait will
10 be sort of -- your walking will start to be
11 impaired. Once again, divided attention tasks and
12 pretty much all those other things that I have
13 mentioned before will start to be even more
14 impaired.

15 Q One last one, a .20?

16 A At .20 you can actually start seeing some signs of
17 drowsiness, sedation starting to show-up. Your
18 slurred speech will even be more. You will also
19 start having your vision, when it comes to being at
20 night, being able to adjust to dark and light, that
21 will be delayed to adjust from dark to light.

22 That's one of the other things you start
23 seeing at a .2 is your vision will start having
24 some problems with adjusting from the light when
25 you are at night, from the light hitting you to

1 going back to dark or vice-versa.

2 Q Now, let me ask you some questions dealing with the
3 testing that you do. The type of machine that you
4 use is what?

5 A It's headspace gas chromatography, which is the
6 gold standard in the forensic society to use.

7 Q And how do you physically go through and take your
8 sample and perform your test on your machine?

9 A Okay. What we do we allocate out a sample from the
10 test tube of blood. We take the sample or a
11 portion of the blood, we place it into what we call
12 a G.C. valve or headspace G.C. valve, and we also
13 put an internal standard in that.

14 We put a rubber stopper or septum on top of
15 that and crimp it down to make sure it's sealed.
16 Then it's put onto the instrument with standards
17 before and after the sample that were known
18 certified standards. We actually use a .08
19 standard is our certified standard from an outside
20 manufacturer to show that the instrument is
21 actually working properly.

22 We put it on the instrument and the instrument
23 then -- the way a headspace gas chromatographer
24 works, it uses Henry's law, which basically says
25 that the amount of substance or whatever you are

1 looking for that is in a liquid portion, when you
2 put it in the closed vial and you put it under
3 specific pressure and you heat it up.

4 Then any volatile, which ethanol or alcohol is
5 a volatile compound, it will be proportional to
6 what is in the head space or the airspace above
7 that liquid.

8 So then once the sample is put on the
9 instrument, it is heated up and put under that
10 pressure. So then a needle injects into the air
11 space of that, and it gives us the reading of what
12 the amount of -- in this case ethanol -- was in
13 that blood sample.

14 Q The amount of sample that you use that you put in
15 this tube is how much?

16 A Two hundred microliters.

17 Q How big is 200 microliters?

18 A Depending on what you use, it's about four drops to
19 20 drops of blood. It depends on how big the drops
20 are, but most of the time it's about four drops of
21 blood.

22 That is concurrent with the way we set up the
23 instrument. We have to calibrate the instrument to
24 run as we take the certified standards we use. We
25 use several different levels of ethanol levels.

1 We take the same 200 microliters of those
2 certified standards that are known and certified to
3 be those specific levels, and we put our internal
4 standards with that 200 microliters and heat the
5 vial, heat seal it, and we run it and it calibrates
6 the instrument.

7 That's how we know when we take our sample
8 when we run it. That's why we also run certified
9 standards before and after our samples to show that
10 we run .08s as our standard.

11 So before that sample it should read the .08,
12 and then after that sample it should be a .08.
13 That's the way we know our instrument is actually
14 working properly.

15 Q In that you take approximately four drops of blood
16 from the tube, how many samples could you run from
17 the vial of blood that you have?

18 A It depends on how much blood is actually provided
19 in the tube.

20 Q How much blood was in the tube?

21 A That I cannot remember off the top of my head. I
22 do know that after doing my testing, there was
23 insufficient testing for further analysis, which
24 basically means in these type of cases where it's a
25 speculated felony D.U.I. case, I think on the

1 request form that was submitted to us, they
2 submitted it for us to do an alcohol analysis, drug
3 screen, and also suspected barbiturates, which is a
4 drug, as well as -- one second -- barbiturates and
5 stimulants or drugs that they wanted to us to look
6 for as well.

7 Our drug screen does not cover barbiturates,
8 and it doesn't always cover all the stimulants that
9 are out there in the market. So we were not able
10 to perform a general one to look for any other
11 drug, as far as prescription drugs and things that
12 aren't covered under our drug screen.

13 That is where insufficient sample for analysis
14 comes from. I just know that there was not enough
15 to do further testing. I'm not sure how much blood
16 was submitted.

17 I know it had to be -- you figure 400
18 microliters total, which is almost half a mill was
19 used for the blood alcohol analysis. Because we
20 run the samples in duplicate.

21 We run them back to back, and they have to
22 agree within 5 percent. That's how we know that
23 that sample, the number we got, is actually
24 correct. Then we also run a drug screen, and that
25 requires another a mill of blood.

1 So really I know I used at least a mill and a
2 half of blood. So depending on how much blood was
3 submitted, I didn't have enough to perform it. I
4 might have had a minimum of 1.5 mills of blood
5 submitted to me.

6 Q Please tell the jury how much 1.5 mills of blood
7 is.

8 A It's 1.5 mills.

9 Q Can you describe it in anything which they could
10 see in their mind's eye? Could we pour it into a
11 cup. Could you pour into a cup?

12 A It's going to be less than a cup. I'm trying to
13 find something. Basically if you had a tube about
14 that big around (indicating), and it was about --
15 it would be about that much blood filled in that
16 tube of blood. Without having an exact measurement
17 or exact way to measure out 1.5 mills of blood,
18 it's hard to demonstrate.

19 Q So it wouldn't have been a full vial of blood by
20 any stretch of the imagination?

21 A No, it wouldn't.

22 Q It wouldn't even be a half a vial of blood, would
23 it?

24 A Depending on what size vial of blood you have.
25 Test tubes come in different vials. You can get

1 them from five mills to ten mills. If it was a
2 five mill or ten mill tube of blood, then 1.5 mills
3 isn't half of that.

4 Q Do you show what size container you received?

5 A I do not have that, no, sir.

6 Q Now, in terms of your involvement with this case,
7 the only thing you know is that you received a vial
8 of blood from what location?

9 A What do you mean by what location?

10 Q Where did you get it at S.L.E.D.?

11 A It was in the tox refrigerator is where I received
12 it from.

13 Q You took it out on what date?

14 A I took it out on 8/4/08.

15 Q When did you perform the analysis on it?

16 A 8/5/08.

17 Q So you took it out. Where did you put it when you
18 took it out?

19 A As far as?

20 Q To store it.

21 A When I take it out of the refrigerator, I pipe it
22 out for my analysis, I seal it, and then I put it
23 back in our walk-in refrigerator on my shelf that
24 is labeled with my initials for where I have my
25 evidence.

1 Q Do you leave your sample out that you have drawn
2 out of it? You have indicated --

3 A I've got you. Basically when I pipe it out, the
4 sample, I heat seal it, I crimp it, and it goes
5 directly onto the instrument. So I mean from the
6 time I piped it out, to sealing it and putting it
7 on the instrument, that's where it was. It ran on
8 the instrument. Once I got my results, I took it
9 off the instrument.

10 Q Are you saying that you put it on the instrument on
11 8/4?

12 A No, not 8/4. 8/4 is when I originally took the
13 evidence into my custody, looked at it to make sure
14 it had not been tampered with, and then I placed it
15 back in the refrigerator. Then on 8/5 is when I
16 did my analysis.

17 Q You took it out of the refrigerator again and did
18 your analysis?

19 A Correct.

20 Q Does any of your paperwork indicate what happened
21 to a second vial of blood which was drawn?

22 A I do not have any paperwork that indicates what
23 happens to a second vial of blood, not that I have
24 in front of me.

25 Q You were not involved in the drawing of the blood,

1 the transporting of the blood, preservation of the
2 blood, except for the limited period of time which
3 you had it in your possession?

4 A Correct. Once it comes into S.L.E.D.'s lab, it's
5 kept in the refrigerated unit.

6 Q Did it have anticoagulate in it when you received
7 it?

8 A Yes, sir, it would have because it would have been
9 a gray top tube. A gray top tube of blood has
10 anticoagulants which keeps the blood from clotting
11 and also has antimicrobial which keeps anything
12 from growing.

13 Q Did you note that it was a gray top tube?

14 A I didn't specifically note that it was a gray top
15 tube, but any time it's not a gray top tube --
16 because gray top tubes is the standard that we
17 analyze samples. So if it wasn't a gray top tube,
18 then I would have had to notate that it would have
19 been something other than a gray top tube.

20 Q What is the other color top tube that someone would
21 draw blood from, red?

22 A We get from red tops, green tops, purple tops.
23 They all have -- in the hospital the different tops
24 have different reasons for different testing.
25 That's why there is the different versions.

1 Q And the only type of blood that you can test
2 working for S.L.E.D. would be one that was in a
3 gray top tube because of the anticoagulants?

4 A We prefer to have gray top tubes. We can test any
5 color top tube. When it comes to a red top tube,
6 they don't have any anticoagulants in them or any
7 antimicrobials. A gray top tube is a sterile tube
8 that comes with a seal on it.

9 Basically if we had a sample that was a red
10 top tube, we would analyze that sample, and then we
11 have to do a correction factor for it being serum
12 due to the fact that red top tubes can clot due to
13 not having anticoagulants.

14 So we have to take our result and do a
15 conversion factor from it being serum slash plasma,
16 which is what you have when blood clots. The
17 liquid portion that you have left is serum, and
18 then we have to do that conversion so that it would
19 correlate to what the whole blood sample would be
20 or a blood sample in a gray top tube would be.

21 Q Because the kind you are supposed to test is whole
22 blood; is that correct?

23 A Like I said, we can test any type of blood, but
24 according to the State statute, the results have to
25 be reported in whole blood. That's why we have to

1 do the correction factor for whole blood.

2 Q When you were talking about drawing that sample,
3 putting it in another tube, crimping the top, and
4 heating the item, you talked about the theorem?

5 A Henry's law.

6 Q Henry's law. What you are talking about is you are
7 sticking a needle inside of it, and you are
8 retrieving vapor, air, or what is it you are
9 retrieving?

10 A You are retrieving the headspace. So basically
11 it's the air sample that is provided. When you
12 heat a volatile, then basically some of it will
13 stay in that liquid portion and some of it --
14 basically a proportional you will have in this case
15 .225 alcohol concentration. So that much alcohol
16 will stay in the liquid.

17 It will be proportional. You will have that
18 amount of molecules in the blood, and you will have
19 that same amount of molecules in the air space or
20 headspace. So the needle draws an air sample from
21 that headspace, and it injects it onto the
22 instrument.

23 Then it flows through the column. It comes
24 out and does a reading based off how much ethanol
25 or whatever, in this case ethanol, how much ethanol

1 was actually present in that sample.

2 Q When you say it does a reading, you are actually
3 shooting some sort of beam of light and it's
4 reading off the air some sort of percentage?

5 A What it's actually doing is you inject the sample
6 or the air sample onto the column. It's heated up
7 and goes into the column. The column interacts.
8 It's sort of like you think about a race track.

9 You have all the cars on the race track. All
10 the cars, depending -- they are all on the same
11 track, but depending on the wear of the tires, how
12 long the tires have been going, they separate
13 differently based on how they interact with the
14 track.

15 So just like the column is based off the
16 compound and how the compound interacts with the
17 column, and it separates based off of -- we look
18 for ethanol, isopropanol, methanol, acetaldehyde
19 and acetone. We look for all those different
20 components.

21 They separate based off of their -- the way
22 they interact with the column based off their
23 chemical composition. Then it comes off the
24 column, and then it goes through a flame where --
25 it's a flame ionization detector.

1 The flame ionizes the compound as it comes off
2 the column, and the detector reads that, and then
3 the internal standard comes last off the column.
4 What it does is it takes the amount of ionization
5 detected from the compound and relates it to the
6 amount of concentration of the internal standard
7 there, and that's how it comes up with how much is
8 actually there.

9 The reason we are able to use the internal
10 standard is that's what the instrument was
11 calibrated off of was the internal standard known
12 to the standards that I mentioned before.

13 When we calibrate an instrument, we go from
14 0.01 percent known ethanol standard, all the way up
15 to .4 alcohol concentration. We have five points
16 which we use: .01, a .025, a .05, .08 and a .4 are
17 calibration points on there.

18 That's how we know that whenever we get a
19 reading, it relates it to the amount of internal
20 standard which is always constant. It's always the
21 same amount of internal standard. It does a
22 mathematical calculation and determines that's how
23 much ethanol or whatever you are looking for is
24 actually in that sample.

25 Q And if you had had Mr. Jamison's other vial of

1 blood, you could have tested that other vial of
2 blood; couldn't you?

3 A We could have, but according to protocol we only
4 open -- we basically test our one sample and report
5 out our results. So a lot of times we get two,
6 three, four tubes of blood. We only test one tube
7 of blood.

8 Q Did you get more than one tube of blood?

9 MR. MOBLEY: Your Honor, we would like to
10 stipulate that S.L.E.D. was only submitted one vial of
11 blood, Your Honor.

12 THE COURT: You may ask your question,
13 Mr. Williams.

14 BY MR. WILLIAMS:

15 Q Did you only get one vial of blood or did you get
16 more than one vial of blood?

17 A I only received one vial of blood according to what
18 was submitted to S.L.E.D.

19 Q According to your notes?

20 A Yes.

21 MR. WILLIAMS: That's all the questions I
22 have, Your Honor.

23 THE COURT: Redirect, Solicitor?

24 MR. MOBLEY: Yes, Your Honor, briefly.

25 THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. MOBLEY:

Q Mr. Landrum, do you know what the standard is that is established by S.L.E.D. for legal intoxication here in South Carolina?

MR. WILLIAMS: Your Honor, I would object to that.

THE COURT: I would sustain that objection.

BY MR. MOBLEY:

Q Now, I want to ask you, Mr. Landrum, can you describe what an elimination phase is, as well as an absorption phase and what those two distinctions are.

A Absorption phase is basically, as to ethanol, is starting to be absorbed out of your stomach and gastrointestinal tract into your bloodstream. Then the elimination is basically as it's been through, it goes and gets eliminated through the liver -- well, first, it gets absorbed into the blood system, goes to the brain and things, different body parts or body organs, and it's eliminated through the liver.

According to the effects that you have from absorptions, it's what they call the Mellaney, M-E-L-L-A-N-E-Y, effect. It's basically where, as

1 you absorb the alcohol, you have the more
2 pronounced outward effects. You have the more
3 pronounced outwardly effects of the alcohol as you
4 are absorbing it compared to once you start on the
5 elimination side, you might not always have those
6 outwardly signs.

7 For instance, if, say, your peak blood alcohol
8 level is a .1, to get to that .1 you have to pass a
9 .05, and on your way back down, you have to cross a
10 .05 again. When you are in the absorption phase,
11 you have the Mellaney effect, which basically means
12 when you come to the first .05, you will have no
13 outwardly signs of the effects of the alcohol on
14 your way up.

15 Then as you come back down, your body sort of
16 starts to -- you have learned how to mask it or
17 it's not affecting you quite as much. So once you
18 cross that .05 on the way back down, outwardly you
19 are not showing the effects, but inwardly you are
20 still having the same effects happening.

21 It's sort of like when you get sick or you
22 come up with a cold. When you first get your cold,
23 that's when you have your most signs and symptoms
24 that you are having a cold. You go to the doctor.
25 They give you medicine for whatever it is to cure

1 it.

2 They tell you to take it all the way through
3 until you have taken all the pills, not just stop
4 when you think you are feeling better. Even though
5 you might start feeling better, whatever is causing
6 that cold or sickness is not totally out of your
7 system yet. That's why you have to take it all the
8 way to the end.

9 Q Mr. Landrum, what you are describing is kind of
10 like a bell curve effect?

11 A Correct.

12 Q Or one in, you have the absorption, which is the
13 beginning stage when you begin to drink?

14 A Correct.

15 Q That's when you are going -- in layman's terms you
16 are getting higher?

17 A Correct.

18 Q That's when you begin to show more outwardly
19 effects?

20 A That's correct.

21 Q You cross the threshold at your highest peak
22 though, according to your alcohol consumption, you
23 cross that peak and then you begin to decelerate or
24 decline --

25 MR. WILLIAMS: Objection to the form of the

1 question.

2 THE COURT: I will allow him to ask that
3 question.

4 BY MR. MOBLEY:

5 Q So once you hit the peak, do you begin to decline
6 off your effects of alcohol?

7 A That's correct.

8 Q During that elimination phase, would that be on the
9 back side of that curve?

10 A The elimination phase is going to be more
11 pronounced on the back side. Of course, you will
12 start, once you start drinking and things like
13 that, you will start metabolizing the alcohol and
14 eliminating it.

15 You will have more elimination, say, if you
16 stopped drinking or you are no longer absorbing the
17 alcohol. Now you will be in the total elimination
18 where you are eliminating the alcohol all the way
19 because you are not taking in anymore alcohol. So
20 that elimination phase is going to be on the back
21 side of the bell curve, decreasing.

22 Q Maybe I'm incorrect here. You stated on this back
23 side of the curve, you may show more outwardly
24 effects?

25 A On the back side of the curve, you might not show

1 the more outwardly effects. You will still have
2 the same effects, basically cognitive. Your brain
3 will still be affected. The way the brain is
4 affected at .05 will still be affected at .05 on
5 the absorption side and on the elimination side.
6 It will be affected the same.

7 Q So if someone is not showing those outwardly
8 effects that someone typically would at .225,
9 hypothetically in your opinion would they be at the
10 elimination phase or the absorption phase?

11 A They could be at the elimination phase, yes.

12 Q Now, based off of that hypothetical, we have -- you
13 gave a range of elimination of 0.05, correct?

14 A 0.01 to 0.02.

15 Q And the average is what?

16 A 0.15.

17 Q Okay.

18 A I'm sorry, .015.

19 Q Let me write that down so I won't forget it. Have
20 you ever heard of extrapolation before?

21 A Yes.

22 Q What exactly is extrapolation?

23 A Extrapolation, you have to take several things into
24 effect to be able to do an extrapolation.

25 Basically you take a known blood alcohol level, and

1 then you, depending on how much time has proceeded,
2 you try and figure out what the blood alcohol level
3 would have been prior to the time of the known one
4 you have.

5 Some of the factors that you have to take into
6 account is that the person had to have been on --
7 to do an accurate extrapolation, the person would
8 have to be on an empty stomach.

9 They would have to be in the elimination
10 phase, and basically they would have had to have
11 stopped drinking an hour to an hour and a half
12 prior to the time the known sample was collected.

13 The elimination phase is on an empty stomach
14 and they had to stop drinking an hour to an hour
15 and a half prior to the time the sample was
16 collected.

17 Q Looking at this hypothetical, let's say for
18 instance Mr. Jamison was in the elimination phase.

19 A Okay.

20 Q We have a blood withdrawal at 1:52 a.m.

21 A Okay.

22 Q We want to revert back to the time of the incident
23 that we are here in court before back at 11:26?

24 A Okay.

25 Q Approximately two and a half hours. If we were to

1 do an extrapolation based off those factors that we
2 provided you with, would that make his blood
3 alcohol level at the time of the incident higher or
4 make it lower?

5 A If he was in the elimination phase, like I stated
6 with all the stipulations, if he was in the
7 elimination phase, his alcohol level would be
8 higher at the time of the incident.

9 Q Now, if we are looking at two and a half hours
10 later, how much higher would it have been instead
11 of .225? What could it have possibly been?

12 A If he hadn't had anything to drink an hour, hour
13 and a half prior to the two and a half hours, then
14 a .245 to a .265 would be the range. Within the
15 two and a half hours, assuming he hasn't had
16 anything to drink since the accident, so had he not
17 drank -- so if you take two and a half hours and
18 you subtract an hour off due to elimination, say,
19 if he had something to drink up to the point of the
20 accident, then an hour -- if you do an hour and a
21 half, that would be a .235 to .245 would have been
22 the range that he could have had.

23 Q That's just hypothetical?

24 A That's hypothetical, yes.

25 Q That's just if he was in the elimination phase?

1 A If he was in the elimination phase, if he was on an
2 empty stomach, and if he hadn't had anything to
3 drink an hour to an hour and a half prior to the
4 time the blood was drawn.

5 Q In layman terms would someone in the elimination
6 stage, would their outward appearance be like
7 someone who is going up on alcohol?

8 A No, it wouldn't.

9 Q Instead of coming down?

10 A Coming down. Of course, once again, it's like if
11 you have a cold that is just starting to come on,
12 you have more pronounced outward effects than you
13 do once you are starting to get better. You are on
14 the way down. So your outwardly effects on the
15 elimination side would not be as pronounced as on
16 the absorption side.

17 Q We are going to go away from that a little. Does
18 each individual handle alcohol differently?

19 A Yes. Basically if you take a chronic drinker or
20 chronic alcoholic or chronic drinker compared to
21 someone who is first time drinking, you take a
22 chronic drinker and you get him at .1 and you take
23 somebody who is first time drinking and put them at
24 a .1, and put them both in a chair.

25 The person who just has just started drinking

1 and has reached that .1, they might be falling out
2 of the chair; whereas, the more chronic alcoholic
3 and the person who is an experienced drinker, once
4 they get to .1, they might be able to sit there in
5 that chair and carry on a conversation with you and
6 you not think twice about it.

7 But then when you put them both in a car and
8 have them driving down the road, that's when you
9 have those multitasks going on with driving the
10 car, staying in the lane and all that.

11 Say you have a dog or a ball or a kid or
12 somebody run out in front of that car, then they
13 are both going to have the same delayed reaction
14 time, and it's going to be -- they are both going
15 to be impaired or be affected and not able to
16 see -- both their reaction times are going to be
17 delayed in order to stop from that .1.

18 So they will still be effected cognitively or
19 with the brain at the same -- pretty much at the
20 same level at a .1, compared to just sitting there
21 watching them sitting in a chair.

22 Q So just to summarize that, a beginning and an
23 experienced drinker will still both be impaired the
24 same way. One is just able to handle the alcohol
25 intoxication better than the other?

1 A Yes. If you think about it sort of like being able
2 to put on a mask. The one that is the experienced
3 drinker is able to put on a mask and hide it
4 outwardly a little bit better.

5 Sometimes you see experienced drinkers, they
6 are going to lean up against the bar when they are
7 talking to keep them from swaying. It's just
8 different things like that, where someone that is
9 just learning to drink, they might not know, Okay,
10 I'm starting to feel the effects of alcohol. They
11 might start leaning and falling all over the place
12 because they haven't learned to, Hey, I'm starting
13 to feel it and lean against the bar to keep myself
14 steady.

15 Q So in essence an experienced drinker has built-in
16 judgments that they know how to adjust to?

17 A Correct.

18 MR. MOBLEY: Nothing further from this
19 witness, Your Honor.

20 THE COURT: Mr. Williams.

21 **RECROSS EXAMINATION**

22 BY MR. WILLIAMS:

23 Q You were asked about extrapolation. You did some
24 extrapolation to .235 and .245?

25 A Correct.

1 Q And what types of effects would you expect that
2 that person to exhibit?

3 A They are still going to have the same type of
4 effects I mentioned with a .225. They might be a
5 little bit more pronounced. You will have some of
6 the double vision, the slurred speech.

7 You can have some staggering gait, not being
8 able to walk a straight line, ability to adjust
9 from light to dark. If a car light is coming at
10 you, your eyes will -- it will take your eyes
11 longer to adjust back from that light back to the
12 dark or somewhat dark.

13 Q And would you expect that regardless of whether or
14 not the person was in the stage which was going --
15 what did you call it?

16 A Absorption versus elimination.

17 Q Absorption versus elimination.

18 A You would. Like I mentioned earlier with not
19 necessarily a chronic but an experienced drinker,
20 sometimes they have learned -- not necessarily
21 learned -- they talk a little bit slower to keep
22 from slurring their words, which is one of the
23 things that can offset slurred speech.

24 Q Do you have any knowledge as to whether Mr. Andra
25 Byron Jamison is an experienced drinker and would

1 be able to blow a .245 and be straight talking and
2 fine?

3 A I do not have any experience with his drinking.

4 Q There is another answer to the question, isn't
5 there?

6 A Which question?

7 Q Well, if someone presents himself and the blood
8 analysis is .225 and they appear okay, then either
9 they are masking it -- would that be your best
10 guess as a forensic toxicologist?

11 A That would be possible yes.

12 Q They are masking it or there is something wrong
13 with the sample which you tested?

14 A I cannot -- as far as there being something wrong
15 with the sample, what we test as far as our testing
16 on our end, there is nothing. As far as what was
17 going on with the sample prior to us getting it, we
18 can't say. We just test what we get.

19 MR. WILLIAMS: That's all the questions I
20 have.

21 THE COURT: Thank you. Thank you very much,
22 Mr. Landrum. You may step down. May this witness be
23 excused. Any objection, Solicitor?

24 MR. MOBLEY: I have none.

25 THE COURT: Mr. Williams?

1 MR. WILLIAMS: None from the Defendant, Your
2 Honor.

3 THE COURT: You may be excused. Thank you
4 very much for being with us.

5 (Witness leaves the witness stand.)

6 THE COURT: Solicitor, you may call your next
7 witness.

8 MR. BURN: Your Honor, the State calls Barrett
9 Raymond.

10 BARRETT RAYMOND, being
11 first duly sworn, testifies as follows:

12 CLERK: State your full name on the record
13 once you are seated.

14 THE WITNESS: My name is Barrett Raymond.

15 **DIRECT EXAMINATION**

16 BY MR. BURN:

17 Q Now, Barrett, where do you work presently?

18 A I currently work with Capital City Ambulance in
19 Columbia.

20 Q Where did you work on July 31st and August 1st of
21 last year?

22 A I was working with Lexington County E.M.S.

23 Q And what level of education and training do you
24 need to get before that?

25 A I am currently a licensed paramedic in South

1 Carolina. I completed my Associate's Degree in
2 para medicine at B.Y.U. Idaho in 2001.

3 Q Let's go back to the night of July 31, 2008. Did
4 you receive a call relating to an incident involved
5 in this case?

6 A Yes, I did.

7 Q At what time did you receive that call?

8 A The call came in 23:28. That's 11:28 p.m. on
9 July 31.

10 Q And about how long did it take you to get to the
11 scene?

12 A According to the records, it took us approximately
13 two minutes. We were just down the road from the
14 call.

15 Q Once you arrived on the scene, could you describe
16 what you came up on?

17 A We came up on the scene of an accident. It was a
18 summer night. It was dry. It was clear
19 conditions. The scene was pretty well lit. The
20 fire department and police were already on scene.

21 When we rolled up, we saw the patient laying
22 in the roadway. We parked immediately next to the
23 patient where we could have easy access to him and
24 also help illuminate the scene with our own lights.

25 MR. BURN: Begging the Court's indulgence.

1 (Pause.)

2 BY MR. BURN:

3 Q Mr. Barrett, I am showing you State's Exhibit 23.

4 Is this the individual and is he in the -- was he
5 in the location and position that is depicted in
6 this photograph?

7 A Yes, it is. This is how we found the patient.

8 Q When you initially got there, was anybody already
9 giving any kind of treatment or care?

10 A There was. Cayce Public Safety, the fire
11 firefighters and first responders were on the
12 scene. One of them was holding the patient's head
13 and maintaining C-spine immobilization.

14 Q All right. What did you do at that point?

15 A At that point immediately assessed the situation.
16 We assessed the patient. He was unresponsive. He
17 was breathing. He did have a heart rate. He did
18 have a pulse.

19 There was a large pool of blood around his
20 neck and head from different lacerations that we
21 could see, but his immediate concerns at that time
22 was his unresponsiveness, his altered mental
23 status.

24 Q And what did that indicate to you?

25 A To me that indicated that this was a serious

1 condition. Any time a patient has altered mental
2 status, they are unresponsive, this becomes quite a
3 serious case, whether this is a head injury --
4 which this appeared to be the case in this
5 instance.

6 Q And what kind of an injury would this indicate
7 specifically?

8 A Once I got a chance to assess the patient a little
9 bit further, I notice the pupils were fixed and
10 dilated. He was having some posturing. That would
11 be where he would extend his arms when we applied
12 papal stimuli.

13 It would indicate that he had some type of
14 brain injury going on, some type of a head injury
15 that would either indicate bleeding inside the
16 brain or something that would create pressure that
17 would alter his ability to function.

18 Q Did you do anything to stabilize him?

19 A At this point after the initial assessment, we
20 applied a C-collar, log rolled the patient,
21 assessed his back for any other injuries. We did
22 also note he had a broken -- the right lower leg
23 was broken, not initially life threatening at the
24 time, but these are all injuries that we take into
25 account.

1 Once we rolled him onto the board, we secured
2 him onto that board. We then placed him on a cot
3 and put him in the truck. Then my partner and I
4 treated the patient in the back of the truck while
5 a firefighter drove the ambulance on into the
6 hospital.

7 I believe our on scene time was roughly eight,
8 nine minutes. It was very quick. Everything went
9 very well with the call. There was no issues, no
10 complications as far as equipment or assessing the
11 patient. Everything was done by the book and
12 functioned pretty well.

13 Q En route to the hospital did you communicate to the
14 hospital?

15 A Absolutely. En route to the hospital, after I did
16 my initial treatments, including intubating the
17 patient and suctioning his airway of the blood that
18 was in there, as well as starting I.Vs. and
19 splinting the extremity, we are about three minutes
20 out from the hospital.

21 I called and notified them, initiated what is
22 considered a trauma code, which alerts the hospital
23 to have all the proper surgeons and physicians and
24 everybody ready to receive the patient.

25 I advised them as to what my general

1 impression was at the scene. When I rolled up, I
2 noted a bicycle that was in a somewhat mangled
3 condition. There was also a vehicle down the road,
4 and according to my partner who had checked on the
5 other --

6 MR. WILLIAMS: Objection to hearsay, Your
7 Honor.

8 THE COURT: All right. I would sustain that
9 objection, Solicitor. You can't go into what his
10 partner says.

11 BY MR. BURN:

12 Q Mr. Raymond, your communication to the hospital,
13 did it give them -- did it inform them the nature
14 of his injuries?

15 A Yes. I advised the nurse that this appeared to be
16 a motor vehicle versus bicycle accident, and I
17 advised them that the patient was unresponsive, had
18 an apparent head injury. I advised them of the
19 other injuries that we noted, as well as my
20 treatments and his current vital signs and our
21 current E.T.A.

22 Q So would you say overall that Mr. Gamble, could he
23 have received in any way better treatment than what
24 he initially got?

25 A No. I believe, as I said before, this call went

1 very well for us. It was by the book. There were
2 no issues with any procedure that we do for the
3 patient. In other words, we did everything that we
4 possibly could have done for him in a pre-hospital
5 setting.

6 MR. BURN: No further questions, Your Honor.

7 THE COURT: Mr. Williams?

8 MR. WILLIAMS: A couple of questions.

9 **CROSS EXAMINATION**

10 BY MR. WILLIAMS:

11 Q What is the Glasgow, G-L-A-S-C-O-W?

12 A The Glasgow Coma Scale is a way to evaluate the
13 patient's level of consciousness. It gives the
14 physicians a good estimate as to how serious the
15 patient is.

16 Q And what is the range on a Glasgow? You assign a
17 number to the patient, and then you report that to
18 the hospital?

19 A Uh-huh. (Indicating affirmative response.)

20 Q What is the range that you acknowledge?

21 A The range is 3 to 15. Three is the lowest score
22 you can get. Fifteen is the best score you can
23 get.

24 Q What was Mr. Gamble's?

25 A According to my paperwork here, his score was a 5.

1 Q And in terms of what you did at the scene when you
2 came to the scene, did you remove any clothing from
3 the victim?

4 A Initially, no. When we did flip him over to assess
5 him from the backside, we did cut away some of his
6 clothes in order to be able to assess his back for
7 injuries.

8 Q So you would have cut away the clothing on the
9 upper torso?

10 A That is correct.

11 Q Did you remove any other clothing off the victim?

12 A I don't really recall if we did.

13 Q If you remember taking away or cutting away the
14 clothes on the upper torso, you would remember if
15 you removed any other clothes; wouldn't you?

16 A It's hard to say. At the time I don't really
17 recall if we cut away his lower extremity clothes,
18 his shorts, that he was wearing at the time.

19 Q You wouldn't have done things like take off his
20 shoes and stuff like that?

21 A Yes. Actually if we need to assess the patient, we
22 would have taken off his shoes and socks.

23 Q Did you do that in this situation?

24 A I don't believe he was actually wearing shoes at
25 the time.

1 Q He had no shoes on?

2 A I believe he had one shoe on, but I don't think he
3 had the other shoe on.

4 Q What did you do with the other shoe?

5 A All the clothes that were removed from the patient
6 were packaged with the patient and left with him at
7 the hospital.

8 Q So you took all the shoes with you when you went to
9 the hospital?

10 A Negative.

11 Q Who took the shoes to the hospital?

12 A If he was wearing a shoe, which I don't recall if
13 he was actually wearing a shoe by the time he got
14 into the ambulance because there was multiple
15 people working on the patient at that time, it
16 would have been transported with him. However, I
17 don't believe he was wearing but one shoe when we
18 found him on the scene when I did my initial
19 assessment.

20 Q And the one shoe which he was wearing when you made
21 your initial assessment, did you take that back
22 with him to the hospital?

23 A I do not know.

24 Q I thought you just said that you would take it
25 unless it was not on him. You would take what he

1 had on him back to the hospital; isn't that
2 correct?

3 A If we removed his clothes while he was in the
4 ambulance, all those clothes would go with him to
5 the hospital.

6 Q You just don't recall whether or not you took a
7 shoe off or not?

8 A The shoe may have been taken off when he was on
9 scene or it may have been taken off in the
10 ambulance. I don't recall.

11 Q Well, if you took it off in the ambulance, you
12 would have it with you at the hospital; wouldn't
13 you?

14 MR. BURN: Your Honor, asked and answer on
15 this whole line of questioning.

16 THE COURT: Overruled.

17 BY MR. WILLIAMS:

18 Q If you took it off in the ambulance, you would have
19 it with you at the hospital?

20 A That's correct.

21 Q Were you gone before people starting taking
22 pictures at the scene and drawing it off with
23 orange stuff, orange paint?

24 A Since the police were on scene before we got there,
25 I can't say whether or not they were taking

1 pictures before we arrived or not.

2 Q Did you know the name of the person you were
3 treating?

4 A At the time I did not.

5 Q How long was it before you found out the name of
6 the person you were treating?

7 A It was approximately 10, 20 minutes after we got
8 back to the station that I was able to contact the
9 hospital, and they were able to provide that
10 information.

11 Q And it wasn't the police that gave you that
12 information, it was that hospital that gave you
13 that information?

14 A I believe so.

15 MR. WILLIAMS: That's all the questions, I
16 have.

17 THE COURT: Redirect, Solicitor?

18 MR. BURN: None, Your Honor.

19 THE COURT: Thank you. Thank you, sir. You
20 may step down. Thank you for being with us. Any
21 objections to Mr. Raymond being excused?

22 MR. WILLIAMS: None from the Defendant.

23 MR. BURN: None from the State, Your Honor.

24 THE COURT: Thank you. You are excused.

25 THE WITNESS: Thank you, Your Honor.

DANIEL BOYCE -- DIRECT -- MR. BURN

1 (Witness leaves the witness stand.)

2 THE COURT: You may call your next witness,

3 Solicitor.

4 MR. BURN: Your Honor, the State calls Daniel

5 Boyce.

6 DANIEL JAMES BOYCE, being

7 first duly sworn, testifies as follows:

8 CLERK: Once you are seated, speak up loud and

9 clear and state your full name on the record.

10 THE WITNESS: Daniel James Boyce.

11 DIRECT EXAMINATION

12 BY MR. BURN:

13 Q Mr. Boyce, where do you work?

14 A I currently do not work.

15 Q Where did you work on the night of July 31, 2008,

16 and the morning of August 1, 2008, of that year?

17 A Lexington County E.M.S.

18 Q What level of education and training did you need

19 to get to get that job, that particular job?

20 A My current position, I was an E.M.T. intermediate,

21 which is a trauma level.

22 Q Now, on the night of July 31, 2008, did you receive

23 a call relating to the incident involved in this

24 case?

25 A Yes, sir.

1 Q What time did you receive that call?

2 A I'm not sure of the exact time. I don't have it in
3 front of me. It was at night.

4 Q How quickly was the response time to it once it was
5 received?

6 A Just a few minutes, a couple of minutes.

7 Q Once you got on the scene, where were you called
8 to, in fact?

9 A We were called to respond to a motor vehicle
10 collision involving an injured rider right at the
11 Knox Abbott Drive bridge.

12 Q A rider of?

13 A A bicycle.

14 Q A bicycle. Where was that located?

15 A At the Knox Abbott bridge. I don't remember the
16 numerics they gave us for Knox Abbott.

17 Q Could you describe the conditions as they were that
18 night?

19 A Yes, sir. As we were arriving on scene, there was
20 one police car in the middle of the road already.
21 We pulled up and came around to where we saw the
22 victim lying in the roadway.

23 So we passed him and pulled into that lane in
24 front of him. My partner went immediately to the
25 injured pedestrian, and I began to gather

1 information from the scene.

2 Q Did you observe Mr. Gamble, the patient that you
3 were there to see, the individual you were there to
4 give treatment to? What observations, if any, did
5 you have of him?

6 A He was lying supine or face up on the roadway flat
7 on his back, a lot of blood on the ground already
8 around his head and his neck. He was unresponsive
9 to any verbal or painful stimuli at all. He was
10 unresponsive.

11 Q You say now your partner, Mr. Raymond, was actually
12 giving treatment to him while you were -- what you
13 were doing at that time?

14 A At that point I was gathering information about the
15 call itself. I mean, when you first arrive on
16 scene, you don't know how many people are involved,
17 how many injured parties may be involved. I don't
18 recall who it was, somebody --

19 MR. WILLIAMS: Objection to hearsay, Your
20 Honor, if he doesn't recall or to saying what anybody
21 said.

22 THE COURT: It would be hearsay. I would
23 sustain that objection.

24 BY MR. BURN:

25 Q Who all do you remember speaking to at the scene?

1 A I spoke to Mr. Jamison directly.

2 Q What was Mr. Jamison's demeanor?

3 A Mr. Jamison was sitting on a curb in a sulking
4 position with his head in his hands towards his
5 knees. I don't know if I can say but somebody
6 directed me to --

7 MR. WILLIAMS: Objection to hearsay.

8 THE WITNESS: I was directed to Mr. Jamison as
9 the driver --

10 THE COURT: Wait just a minute. Wait just a
11 minute. If somebody objects, give me the opportunity
12 please to rule.

13 THE WITNESS: Yes, sir.

14 THE COURT: I would sustain the objection.

15 Solicitor, you may ask your next question.

16 BY MR. BURN:

17 Q All right. Tell me more about what you observed of
18 Mr. Jamison at the scene.

19 A Mr. Jamison was sitting on the curb with his head
20 in his hands down towards his knees. I asked him
21 if he was involved, if he was okay, if he was
22 injured in any way. His speech was slurred, barely
23 comprehensible. His statement to me was, I'm okay.
24 I thought I hit a garbage can.

25 Q Was there anything else you noticed about him? You

DANIEL BOYCE -- DIRECT -- MR. BURN

1 said slurred speech. Was this individual in your
2 opinion, was he intoxicated?

3 MR. WILLIAMS: Objection to the leading.

4 THE COURT: Reask the question please,
5 Solicitor.

6 BY MR. BURN:

7 Q Could you tell us more about Mr. Jamison's
8 demeanor.

9 A His physical presence to me led me to think if he
10 was a patient, my clinical impression he was
11 intoxicated. There was a definite presence of an
12 odor of alcohol on him.

13 Q Go ahead and explain what you did from there.

14 A I again tried to ascertain if Mr. Jamison was
15 injured in any way. He didn't appear to have any
16 what we call obvious injuries. I was mildly
17 concerned about his, what we would refer to as his
18 mental status.

19 At that point I still have a responsibility to
20 determine if he is injured or not, if he can't
21 communicate with me well. Again, my clinical
22 impression was that he was intoxicated or the
23 proper definition would be impairment similar to
24 alcohol.

25 I determined that he had no physical injuries

1 that I could see or that he could relate to me, and
2 I went back to my partner and began to render care
3 to Mr. Gamble.

4 Q And what did you guys, you and Mr. Raymond, do at
5 that point?

6 A Give me just a minute. Typically we will
7 immobilize the patient. In this case we did.
8 Mr. Gamble was fully immobilized in what is
9 referred to as full spinal precautions. His head
10 was immobilized with a cervical collar, and he was
11 placed on a backboard. His body and his head were
12 secured to the backboard, and then he was moved to
13 the unit.

14 Q Did he continue to receive treatment once he was in
15 the unit?

16 A Yes. in the ambulance.

17 Q And where did you then take Mr. Gamble?

18 A Mr. Gamble was transported to Palmetto Richland.

19 Q To your knowledge did you and Mr. Raymond
20 communicate with the hospital?

21 A Yes, sir.

22 Q To let them know what?

23 A I mean, we called in a radio report, what we refer
24 to as a radio report. It gives them the status and
25 condition of the patient, our estimated time of

1 arrival.

2 Q When you say status and condition, would they have
3 been informed of his injuries?

4 A Yes, sir.

5 Q How would you characterize this particular incident
6 from the prospective of whether or not it was a
7 good call, clean call or whether it was a bad,
8 messy call if you understand what I'm saying?

9 MR. WILLIAMS: Objection to the form of the
10 question, Your Honor.

11 THE COURT: If you will restate the question,
12 please, Solicitor.

13 BY MR. BURN:

14 Q Given the circumstances, did everything from your
15 prospective go as well with this call as it could
16 have or not?

17 A It would be, in my professional opinion, it would
18 be clinically textbook.

19 Q Was Mr. Gamble given good medical treatment?

20 A Absolutely.

21 MR. BURN: I have no further questions, Your
22 Honor.

23 THE COURT: Thank you very much, Solicitor.
24 Mr. Williams, you may examine the witness.

25 MR. WILLIAMS: Thank you, Your Honor.

1 CROSS EXAMINATION

2 BY MR. WILLIAMS:

3 Q You used the comment in your professional opinion
4 that it was clinically textbook. Can you please
5 tell me something about your degrees or your
6 schools that you have gone to.

7 A Yes, sir. I have been doing this job since 1990.
8 I was a previous A.L.S. provider in another state
9 that was not reciprocal here in South Carolina.

10 Q So did you go to any colleges? Did you go to any
11 schools? Do you hold any degrees?

12 A I have gone to several colleges. I took my
13 pharmacology at Brown University. I took my first
14 medic class through the University of Rhode Island.

15 Q The degrees which you hold are what?

16 A Currently it's not a degree course. It's a
17 licensing course.

18 Q So you are licensed as what?

19 A In the State of South Carolina, I'm certified as an
20 E.M.T. intermediate.

21 Q So you are certified as an E.M.T. intermediate?

22 A Yes, sir.

23 Q What is the difference between an E.M.T.
24 intermediate and an E.M.T.?

25 A Scope of practice.

- 1 Q When was the last time you were a practicing
2 E.M.T.?
- 3 A September the 24th.
- 4 Q Where was that?
- 5 A Lexington County.
- 6 Q But you no longer practice there?
- 7 A That's correct.
- 8 Q Let me ask you about -- I believe your comment
9 about my client was that he was incapable -- or you
10 were incapable of understanding what he was saying?
- 11 A His speech was not legible (sic), yes, sir.
- 12 Q Could not understand him; is that correct?
- 13 A I didn't say I couldn't understand him. I
14 understood the words he was saying, but he was
15 barely comprehensible.
- 16 Q Barely comprehensible. Let me ask you about when
17 you loaded -- you and your partner -- loaded the
18 decedent into the ambulance. Did you remove
19 anything off of the decedent?
- 20 A Some clothing. I mean, we would cut.
- 21 Q Which clothing did you remove?
- 22 A I don't know if I personally removed any of it. I
23 recall cutting the center of his shirt open. I
24 can't say that I removed any.
- 25 Q To your knowledge, did you remove anything off the

1 decedent?

2 A No, sir.

3 Q To your knowledge did your partner who was there
4 remove anything off the decedent?

5 A Not to my knowledge.

6 MR. WILLIAMS: That's all the questions I
7 have.

8 THE COURT: Redirect, Solicitor?

9 MR. BURN: None, Your Honor.

10 THE COURT: Thank you. Thank you very much
11 for being with us this afternoon, Mr. Boyce. You may
12 now step down.

13 (Witness leaves the witness stand.)

14 THE COURT: Any objection to Mr. Boyce being
15 excused, Solicitor?

16 MR. BURN: None, Your Honor.

17 THE COURT: Mr. Williams?

18 MR. WILLIAMS: None from the Defendant.

19 THE COURT: Solicitor, you may call your next
20 witness.

21 MR. MOBLEY: Your Honor, may we approach?

22 THE COURT: Yes, sir.

23 (Whereupon there is a bench conference off the
24 record in the presence of the jury but out of the
25 hearing of the jury.)

1 THE COURT: Mr. Foreman, ladies and gentlemen
2 of the jury, we are going to take our luncheon recess at
3 this time. Your lunch is supposed to be here at quarter
4 till one. I imagine your clerk is taking care of that
5 now.

6 Please remember during the brief recess --
7 excuse me -- during this lunch recess, you are not to
8 discuss this case with anyone. That includes your
9 fellow jurors.

10 If anyone tries to talk with you about the
11 case, please let me know immediately. Remember to keep
12 an open mind and not begin your deliberations until I
13 direct you to do so.

14 We will start back at quarter till two. If
15 y'all would remain here. If you want to walk out or
16 stretch your legs or something -- as long as one of the
17 bailiffs would accompany them. If they want to go out,
18 that will be fine also. You may now retire to your jury
19 room. Thank you very much.

20 (The jury is excused for lunch at 12:39 p.m.)

21 THE COURT: Anything from the State?

22 MR. MOBLEY: Nothing, Your Honor.

23 THE COURT: Defense?

24 MR. WILLIAMS: Nothing from the defense, Your
25 Honor.