

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable G. Thomas Cooper, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRIAN DAVID WALLS,

APPELLANT

APPELLATE CASE NO 2019-000689

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF BEAUFORT

4 State of South Carolina,
5 Plaintiff,

6 vs. Transcript of Record
Case No.: 2017-GS-07-0328

7 Brian David Walls,
8 Defendant.

9

10

11 April 8, 2019
12 Beaufort, South Carolina
Volume I of IV

13

B E F O R E:

14

The HONORABLE G. THOMAS COOPER

15

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

17 Hunter Swanson, Representing the State of Carolina
18 Trasi Campbell, Representing the Defendant
James Bell, Representing the Defendant

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1 THE COURT: All right. Let's come to
2 order. This is the case of the State vs. Brian
3 David Walls. Miss Campbell, it's my understanding
4 you have a motion to the Court prior to jury
5 selection; is that correct?

6 MS. CAMPBELL: That is correct. May it
7 please the Court?

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: Your Honor, for the record
10 in this matter, I received two messages from my
11 client over the weekend, one on Saturday and one
12 on Sunday, expressing his grave concerns over
13 newspaper articles related to his counsel, that
14 would be me. It's my understanding that
15 Your Honor has been provided with both the print
16 and the video portions of a six-part series expose
17 in the Island Packet and the Beaufort Gazette, the
18 local newspapers in this area.

19 THE COURT: That's correct, for the
20 record.

21 MS. CAMPBELL: Thank you, Your Honor.

22 Within that expose six-part series, the
23 ideas published by and written by Liz Farrell for
24 the Island Packet and the Gazette, most
25 particularly Mr. Walls is concerned that his

1 guarantee to a fair and impartial trial and due
2 process, as guaranteed by both the United States
3 Constitution and our South Carolina Constitution,
4 may be impaired at this juncture.

5 Particularly, for the record, there are
6 thousands of views, hits, if you will, on social
7 media for both the articles and the videos.

8 THE COURT: How do you know that?

9 MS. CAMPBELL: Because at the bottom of
10 the video, particularly those that have been
11 transferred to YouTube, it will say how many hits
12 or how many views a particular video has had. I
13 believe the last count I saw was 3500 views on one
14 particular video. So it is widespread in terms
15 of --

16 THE COURT: Educate me. Those are not --
17 you can't identify the source of them.

18 MS. CAMPBELL: That is correct.

19 THE COURT: Geographically, particularly,
20 this case.

21 MS. CAMPBELL: There is no manner in
22 which to say who has clicked on that video,
23 correct.

24 So the particular concern that Mr. Walls
25 is that the Chief Law Enforcement Officer of the

1 county, the Sheriff of the county is on videotape
2 saying that his counsel, Miss Campbell, in that
3 particular matter, which was The State of South
4 Carolina vs. Isaiah Gadson.

5 THE COURT: When was that trial?

6 MS. CAMPBELL: That was tried -- if
7 Miss Swanson would help me with the date.

8 MS. SWANSON: That was June of last year,
9 so about ten months ago now.

10 THE COURT: June of '18.

11 MS. SWANSON: Correct.

12 MS. CAMPBELL: That Miss Campbell was
13 attempting to contaminate the jury in that trial.
14 Terminology such as "subversive," and, in
15 particular, a section of the expose that deals
16 primarily with me and contains large portions of
17 my closing argument in that case is captioned
18 quite graphically the "smoke screen," so that --
19 there are further discussions in the written form
20 about the solicitors and Captain Bob Bromage
21 discussing what possible attacks and tactics that
22 Miss Campbell may use.

23 And while I'm not, again, for the record,
24 making any assertion about, in that case and in
25 the expose, the victim's families and any of their

1 thought processes, the thrust of the argument is
2 that it goes to these public officials and what
3 they had to say about his counsel is Mr. Walls'
4 concern.

5 He asking this Court, on the heels of
6 this, it first aired about ten days ago, he asks
7 that this case be continued to the next
8 availability of his counsel, which would be
9 July 2019, to have, if you will, a fresh start
10 without that cloud where his counsel --

11 THE COURT: The cloud would still be
12 there, wouldn't it?

13 MS. CAMPBELL: Again, not necessarily,
14 Your Honor. It is very fresh having just now been
15 reported. And so we do feel like we are bound to
16 make this motion and request a continuance until
17 July 2019.

18 Thank you, Your Honor.

19 THE COURT: Miss Swanson.

20 MS. SWANSON: Thank you, Your Honor.
21 Most of the articles, I think Your Honor, read --
22 focused on the Beaufort County Sheriff's Office
23 cold case initiative. It's not until parts five
24 and six that we even into the lawyers involved.

25 But this is a totally different case.

1 The facts are not similar to the case at bar.

2 As Your Honor noted, this media is still
3 going to be out there in July. I do think all of
4 the defense's concerns can be eliminated or
5 addressed through further voir dire.

6 You know, we have a number of jurors,
7 only a few that were excused, and the defendant
8 has been in the jail for 843 days. He is at the
9 top of our trial list.

10 Miss Campbell's schedule, as well as my
11 schedule, both of us prosecuting cases around the
12 circuit these days, you know, I mean, it's hard to
13 nail us down, and he's just one of three
14 co-defendants who also need to be tried. So the
15 State is ready to go.

16 THE COURT: Well, let me just say for the
17 record that I did review the videos and the
18 narrative portion, or the script portion of the
19 article, and with regard to Miss Campbell it
20 appeared that she is very professional in her
21 representation of her client.

22 And the editorial comment was, what
23 you're referring to, Miss Campbell obviously had a
24 vice. I think it was Miss Farrell. But none of
25 the videos that I saw, in any way, depicted what

1 was on the video.

2 So I'm going to voir dire, and I have
3 your requested voir dire. And I think that covers
4 it.

5 I do this very simply, perhaps as
6 comparative to a motion to change venue. We'll
7 have to inquire of the jury if they have any --
8 seen any of this press -- or we call it press.
9 And if not, then we'll go ahead. But let's hear
10 from the jury.

11 MS. CAMPBELL: May it please the Court,
12 Your Honor?

13 THE COURT: Yes.

14 MS. CAMPBELL: Defendant would propose an
15 additional voir dire question, if I may --

16 THE COURT: Sure.

17 MS. CAMPBELL: -- present it to the
18 solicitor and then pass it up to Your Honor.

19 THE COURT: Sure.

20 MS. CAMPBELL: To cover the specifics of
21 what we just placed on the record.

22 THE COURT: This is a voir dire request?

23 MS. CAMPBELL: Yes, sir.

24 MS. SWANSON: And the follow-up question,
25 of course, and I'm sure Your Honor would ask it,

1 is, even you have read it, can you remain fair
2 and impartial.

3 If I may, Your Honor, I'm going to hand
4 up my witness list.

5 THE COURT: I have your witness list.

6 Is this different than what you already
7 proposed?

8 MS. CAMPBELL: It is, because it's
9 specific to the coverage that Miss Swanson and I
10 have both just received this past weekend in the
11 media, both written and social media.

12 The questions in the original proposed
13 voir dire are more broad based.

14 THE COURT: Would you strike those and
15 supplement this -- insert this?

16 MS. CAMPBELL: I would not strike the
17 broader based one. I would just ask that --

18 THE COURT: You asked about any movies
19 associated with the prosecution in the 14th
20 Circuit.

21 MS. CAMPBELL: And, again, I have
22 included that in my voir dire in that last two
23 years, as the State produces --

24 THE COURT: This is after the trial?

25 MS. CAMPBELL: After the conclusion of

1 every trial, the State then produces a little
2 movie and places it in social media, so that is
3 more broad based.

4 THE COURT: Oh, I see. I didn't know
5 that.

6 MS. CAMPBELL: Yes, sir.

7 THE COURT: And Island Packet runs those?

8 MS. CAMPBELL: That is on the solicitor's
9 website, although it is sometimes picked up on
10 YouTube as well, and shared via social media to
11 many different platforms.

12 THE COURT: Okay. You ready for the
13 jury?

14 MS. SWANSON: Yes, sir.

15 THE COURT: Bring the jury.

16 (Jury pool enters the courtroom.)

17 THE COURT: Good morning, Ladies and
18 Gentlemen.

19 JURY PANEL: Morning.

20 THE COURT: Welcome to the court of
21 general sessions for the 14th Circuit. This is
22 the criminal division of the court system. So
23 those of you who are selected on a jury today will
24 sitting on a criminal case, and I'm going to tell
25 you about it in a few minutes, but I have to -- we

1 to go through, sort of, a separate qualification.
2 You've already been through one qualification.
3 This qualification is directed more towards this
4 specific case to find out if you know anything
5 about or know any of the people involved, that
6 sort of thing.

7 Now, in any criminal case, the
8 prosecution is handled by the State's Solicitor's
9 Office. In many states, it's the State District
10 Attorney, or the State's Attorney, or something
11 like that. In South Carolina, we call our
12 prosecuting entity the State's Solicitor's Office.
13 And in the 14th Circuit, your State Solicitor is
14 Mr. Duffie Stone. Mr. Stone is not here today. He
15 may be, at some point, during the course of this
16 trial come into the courtroom to work with his
17 chief deputy solicitor, but he is not here at the
18 moment.

19 Today, the prosecution will be handled by
20 Miss Heather Swanson, who is seating to my left at
21 counsel table.

22 Miss Swanson, would you stand and face the
23 jury please. Any member of the jury panel related by
24 blood, connected by married, or employment, or close
25 personal acquaintance of Miss Heather Swanson. If

1 so --

2 MS. SWANSON: Judge, Hunter Swanson.

3 Hunter.

4 THE COURT: What did I say?

5 MS. SWANSON: Heather. My father-in-law
6 makes the same mistake. It's fine.

7 THE COURT: Do you know this lady?

8 Anybody?

9 Anybody ever been represented by any member
10 of the staff of the 14th Circuit Solicitor's Office,
11 or do you know or related to anybody that works with
12 the 14th Circuit Solicitor's Office? Please stand.

13 When I ask you to stand, Ladies and
14 Gentlemen, I'm going to ask you to identify yourself
15 by number if answer any of my questions.

16 All right. So I need to, as I say, ask
17 if any member of the jury panel knows anybody at
18 the State Solicitor's office.

19 Because the State Solicitor's Office
20 works very carefully or very closely with law
21 enforcement, I need to know if any member of the
22 jury panel is related by blood, connected by
23 marriage, or close personal acquaintance of any
24 member of law enforcement. That could mean
25 anything from the city of Beaufort Police

1 Department, the Beaufort County Sheriff's Office,
2 State Law Enforcement Division, any military law
3 enforcement, the FBI, I guess I could on, DEA,
4 anyone. Any member of the jury panel -- I see a
5 member of the jury panel just stood, but the lady
6 in the white blouse in the back, your number,
7 please.

8 JUROR 92:

9 THE COURT: Yes, ma'am. And tell me who
10 is involved with law enforcement.

11 JUROR 92: My husband.

12 THE COURT: And who does he work for?

13 JUROR 92: Beaufort County.

14 THE COURT: Beaufort County Sheriff's
15 Department.

16 JUROR 92: Yes.

17 THE COURT: Could you tell me his name?

18 JUROR 92: Robert DeCarlos.

19 THE COURT: Robert DeCarlos.

20 Solicitor, is Mr. DeCarlos, in any way,
21 involved in the trial of this case?

22 MS. SWANSON: He is not.

23 THE COURT: Or the investigation of this
24 case?

25 MS. SWANSON: He is not.

1 THE COURT: Thank you very much, ma'am.
2 Let me ask you another question. Please stand
3 back up. Even though your husband works for the
4 State, Beaufort County Sheriff's Department, do
5 you feel that you could sit on a case like this
6 and be fair and impartial to both the State and
7 the defendant?

8 JUROR 92: As long as I don't know
9 anything about it.

10 THE COURT: Well, you don't know anything
11 about it right now.

12 JUROR 92: Right.

13 THE COURT: If you do know something
14 about it, you'll tell me, won't you?

15 JUROR 92: Yes.

16 THE COURT: But otherwise, you feel you
17 can be fair and impartial?

18 JUROR 92: Correct.

19 THE COURT: All right. Thank you very
20 much, Miss 92.

21 Yes, ma'am.

22 JUROR 327: 327, I --

23 THE COURT: Let me find you on my list.

24 JUROR 327: Pardon?

25 THE COURT: Let me find you on my list.

1 JUROR 327: Oh, okay.

2 THE COURT: 327, I have you now. Yes,
3 ma'am.

4 JUROR 327: I have a nephew that is a
5 South Carolina State Trooper in Georgetown, South
6 Carolina.

7 THE COURT: I'm assuming he would not be
8 involved with the trial of this case. So let me
9 just ask you, because of that relationship, do you
10 feel you could fair and impartial in a case
11 involving the state of South Carolina in a
12 criminal case?

13 JUROR 327: Yes.

14 THE COURT: All right. Thank you very
15 much, Miss 327.

16 Nobody else?

17 Troopers? Okay.

18 Let me go one step further: Any member
19 of the jury panel support, either voluntarily or
20 through your contributions, groups which have as
21 their primary the support of law enforcement? For
22 example, the Troopers Association of Beaufort.
23 Does any member of the jury contribute, either
24 occasionally or on a regular basis to any of the
25 groups, could be the sheriff's association, it

1 could be the trooper's association, any groups
2 which -- let me give you some other names. Stay
3 right there. A group called CAVE, or Mothers
4 Against Drug Driving, Students Against Drug
5 Driving, any of the groups which work closely with
6 law enforcement or support the efforts of law
7 enforcement?

8 Yes, sir. And your number, please.

9 JUROR 102: 102, Your Honor.

10 JUROR 102: David Edward. I'm a retired law
11 enforcement officer.

12 THE COURT: Sorry. Wait a minute. Let
13 me find you on the list. You are what?

14 JUROR 102: Retired law enforcement. I
15 contribute to a number of organizations, as well a
16 my previous employer's organizations.

17 THE COURT: And your previous employer
18 was who?

19 JUROR 102: The FBI.

20 THE COURT: FBI. You contribute to the
21 trooper's association.

22 JUROR 102: Fraternal Order of Police,
23 the FBI Agents Association, the former association
24 of the FBI, retired, and a few others.

25 THE COURT: Okay, thank you. Mr. 102, do

1 you feel based on your support of those law
2 enforcement groups that you can be fair and
3 impartial to both the State and the defendant in a
4 trial like this?

5 JUROR 102: I do.

6 THE COURT: Thank you very much, Mr. 102.

7 Yes, sir. Number?

8 JUROR 230: Yes, Your Honor. My name is --

9 THE COURT: Your number.

10 JUROR 230: 230.

11 THE COURT: 230.

12 JUROR 230: I don't know if this fits,
13 but my wife does support the troopers. I think
14 she does it so she doesn't get a ticket.

15 THE COURT: You said she's never gotten a
16 ticket?

17 JUROR 230: Hmm.

18 THE COURT: I mean, since she started
19 contributing.

20 JUROR 230: Might have, but I don't know.

21 THE COURT: Well, it might be a lesson to
22 all of you. They need your contributions.

23 Mr. 230, would that, in any way,
24 interfere with your ability to give both the State
25 and the defendant a fair and impartial trial in

1 this case?

2 JUROR 230: No, Your Honor.

3 THE COURT: Thank you very much. Anybody
4 else?

5 I think I asked this but, any member of
6 the jury panel related by blood, or marriage, or
7 close personal acquaintance of anyone employed in
8 the Attorney General's Office? I skipped over
9 that one.

10 Any member of the jury panel been
11 employed by a law enforcement agency, other than
12 those who have already spoken?

13 All right. The defendant is this case today
14 is Brian David Walls. Mr. Walls, would you stand and
15 face the jury, please. Mr. Walls is in the middle; is
16 that correct?

17 MS. CAMPBELL: Yes.

18 THE COURT: Any member of the jury panel
19 related by blood, connected by marriage,
20 employment or close personal acquaintance of
21 Mr. David Brian Walls? Anybody know Mr. Walls?
22 Have any connection to him?

23 All right. Sir, you may be seated.

24 Mr. Walls is represented in this matter
25 today by Miss Traci Campbell and Mr. James Bell,

1 attorneys who practice here in Beaufort County.
2 Any member of the jury panel related by blood,
3 connected by marriage, or employment, or close
4 personal acquaintance of either Miss Traci
5 Campbell or James Bell? If so, please stand.

6 Thank you very much, Counsel.

7 Now, in this case, what I have in my hand
8 is a piece of paper, but it's what's called an
9 indictment. This is the formal document that
10 brings this case into court. It's not evidence of
11 anything. It's not to be assume or presumed by
12 you to be evidence of anything. It is simply the
13 charge by which we are all here today.

14 The charge in this case is murder. I'm
15 going to read to you what the indictment says,
16 that in Beaufort County, South Carolina, on or
17 about December 5, 2016 through December 6, 2016
18 the defendant Brian David Walls along with
19 co-defendants did with malice aforethought kill
20 Teresa Seigler, and Teresa Seigler did die as a
21 proximate result of his actions all in violation
22 of the laws of the State of South Carolina.

23 2016, a little over two years ago.

24 All right. Any member of the jury panel
25 know anything, have heard anything, read anything

1 about this case prior to today?

2 Miss Swanson, where did the alleged --

3 THE BAILLIFF: One standing, Your Honor.

4 THE COURT: I see it. I see it. Thank
5 you.

6 Where did this alleged event take place?

7 MS. SWANSON: This was in the
8 Shell Point, Burton area in northern Beaufort
9 County. That's Falls Road, Bonaire Circle.

10 THE COURT: Give me that again. What
11 circle?

12 MS. SWANSON: Bonaire Circle and Falls
13 Road. It's off Paris Island Parkway.

14 THE COURT: That might make it a little
15 more particular.

16 Yes, sir, your number, please.

17 JUROR 236: 236, Charles Monson.

18 THE COURT: Mr. 236, just briefly tell
19 me.

20 JUROR 236: Some friends of his were
21 working with me, and I've heard a lot about it,
22 like, right after it happened.

23 THE COURT: Friends of the defendant?

24 JUROR 236: The defendant.

25 THE COURT: Talked to you about this

1 case?

2 JUROR 236: Yes, sir. It was right
3 after. I mean, the day right after it happened,
4 we were working construction.

5 THE COURT: You were working close to the
6 area where this took place?

7 JUROR 236: Yes, we were. We were in
8 Shell Point.

9 THE COURT: All right. Mr. 236, based on
10 your conversations with friends of the defendant,
11 do you think you could be -- you could put that
12 out of your mind?

13 JUROR 236: Yes, sir.

14 THE COURT: And be fair and impartial?

15 JUROR 236: Yes, sir.

16 THE COURT: To both the State and the
17 defendant in this case?

18 JUROR 236: Yes, sir.

19 THE COURT: Sorry?

20 JUROR 236: Yes, sir.

21 THE COURT: All right. Thank you very
22 much. Anybody else?

23 I have no idea whether it was the subject
24 of any publicity, whether it was television, or
25 press, or anything otherwise, but just -- rack

1 your brain now. Two years ago, the Shell Point
2 area. Nothing? I see some shaking heads.

3 All right. Let me ask this: Any member
4 of the jury panel or any member of your family or
5 close personal acquaintance know or associated
6 with Teresa Seigler? Anybody recognize that name?

7 All right. Any member of the jury panel
8 ever been a witness in a criminal case?

9 Yes, sir.

10 JUROR 102: I was a witness in several
11 criminal cases.

12 THE COURT: You're number 102?

13 JUROR 102: Yes, sir. 102, Your Honor.

14 THE COURT: As a law enforcement officer?

15 THE WITNESS: Yes, sir.

16 THE COURT: And, again, I'll ask, does
17 that fact, in any way, interfere with your ability
18 to give the State or the defendant a fair and
19 impartial trial?

20 JUROR 102: No, Your Honor.

21 THE COURT: All right. Thank you very
22 much, Mr. 102.

23 Anybody else?

24 I asked you a minute ago if you had any
25 contacts with any local law enforcement agency.

1 Let me ask you this: Anybody on such things as
2 Neighborhood Watch programs, things of that
3 nature? There is an Explorers group that the
4 sheriffs' offices frequently have in the
5 community. Any member of the jury panel ever
6 involved in any of those type of activities with
7 the Sheriff's Office?

8 All right. Now, we'll go into a little
9 different topic here.

10 Oh, by the way -- yes, sir.

11 JUROR 102: Your Honor, I rely on
12 firearms qualification with both Beaufort County
13 Sheriff's Office and Port Royal Police Department.

14 THE COURT: Thank you, Mr. 102.

15 I forgot the most important thing. I got
16 to introduce myself.

17 My name is Tom Cooper. I am a -- I was a
18 circuit judge, that is State-wide trial judge for
19 the past 18 years. I've recently retired. I'm
20 serving in what's called an active retired status.
21 That means I go around the State and fill in for
22 other judges that somebody is on vacation,
23 somebody gets sick, that sort of thing. I'm
24 actually from the 5th Circuit, which is Columbia
25 and Kershaw County. My home is in Kershaw County,

1 and I've been to Beaufort many times. I'm always
2 happy to be in Beaufort County to hold court.

3 Now, it's come to my attention that
4 recently, at least since the last time I've been
5 here, that the 14th Circuit Solicitor's Office
6 has, sort of, a public awareness program, as I
7 understand it, wherein they keep up with local
8 trials and publish reports for the public about
9 the activities of the 14th Circuit Solicitor's
10 Office and the trials that they may have from time
11 to time.

12 And I understand that the Solicitor's
13 Office website creates, for lack of a better term,
14 many movies or video presentations connected with
15 their activities.

16 Now, I'm interested -- well, I need to
17 know if any member of the jury panel watches
18 those. I mean, they're on, as they say, different
19 platforms. You can watch them on YouTube. I
20 guess you can watch them some other places. I'm
21 not exactly sure, but if they publish them, you
22 can watch them.

23 And the question is: Any member of the
24 jury panel watched for, you know, your interest in
25 what's going on at the courthouse? It would be

1 normal for you to do that, if you have time. So I
2 need to know if any member of the jury panel has
3 seen those?

4 Well, if that's the case, the Solicitor's
5 Office is not doing a very good of publishing
6 their activities. They are out there, and that
7 was the source of my questions. We need to know
8 if you have watched any of those.

9 Now, it's also come to my attention that
10 one of those recent videos involved a trial that
11 was held a year or two ago; is that correct?

12 MS. SWANSON: Almost a year ago.

13 THE COURT: And the Island Packet, the
14 Hilton Head Newspaper, sort of, picked up on these
15 videos that the Solicitor's Office has produced
16 and has aired various segments of a trial that
17 occurred a couple years ago involving a
18 Mr. Gadson.

19 Now, the interesting thing, if it's
20 interesting, about this one particular video is
21 that it -- both of the attorneys who are present
22 here today are on that video, and both
23 Miss Campbell and Miss Swanson are sort of
24 featured because they are the trial attorneys in
25 that trial. They're, sort of, featured on that

1 video, along with some editorial comments by the
2 writer for the Island Packet.

3 Now, has anybody seen that? Does anybody
4 know about it or seen?

5 All right. Can we get your number, please?

6 JUROR 109: Number 109.

7 THE COURT: 109. Yes, ma'am.

8 JUROR 109: I read the series.

9 THE COURT: You saw that video?

10 JUROR 109: I did not see the video. I
11 did read the series in the Island Packet.

12 THE COURT: Okay, you read the series.
13 Based on that, have you -- were you able to draw
14 any opinions one way or the other about the
15 attorneys in this case, or do you have any
16 feelings about these two attorneys and the way
17 they tried that case?

18 JUROR 109: I could still be impartial.

19 THE COURT: Okay. I don't think you
20 answered my question. Do you feel that, based on
21 that video, you have an opinion one way or the
22 other?

23 JUROR 109: I didn't see the video.

24 THE COURT: All right. The article
25 then.

1 JUROR 109: The article made the
2 attorneys seem intelligent and capable doing their
3 jobs.

4 THE COURT: Thank you. Miss 109, do you
5 feel, based on the fact that you've seen that
6 video -- or I'm sorry -- read the article, that
7 you could be fair and impartial to both parties in
8 this case?

9 JUROR 109: Yes.

10 THE COURT: Thank you very much.

11 Yes, ma'am. Your number, please?

12 JUROR 371: 371.

13 THE COURT: Same question.

14 JUROR 371: And pretty much the same
15 answer. I've read the articles and did not see
16 the video, and both attorneys seemed intelligent
17 from what I saw.

18 THE COURT: Okay. Well, we're going to
19 talk about it. The article itself, the author,
20 writer that published those articles had a
21 particular viewpoint, or I would -- I've read
22 them, but may have had a particular viewpoint
23 toward one attorney or the other. That's what the
24 attorneys are concerned about, that this trial be
25 about this trial and not about something that

1 happened in the past.

2 So, I'll ask you the same question I
3 asked the prior lady. Do you feel, based on
4 seeing that, that you could be fair and impartial
5 to both parties in this case and not be influenced
6 by something that the newspaper article wrote
7 however long ago? Do you feel you could do that?

8 JUROR 371: Yes, I think so.

9 THE COURT: Okay. That's good enough.
10 Thank you, ma'am. That's 371.

11 All right. I'm going to ask you a few
12 more. Any member of the jury panel posted on the
13 Internet, or through any social media website, any
14 opinions of yours about how crimes should be
15 punished in our society? Any member of the jury
16 panel post those, have any experience with doing
17 that, what your own opinions are that you put out
18 there on social media?

19 Any member of the -- and I will instruct
20 the jury as to this next question, but as I
21 mentioned -- maybe I didn't mention it. When I
22 read to you the indictment, I told you it was the
23 indictment and not evidence of anything. I failed
24 to just mention a very important factor, and that
25 is, Mr. Walls, today, as what we know in our

1 tradition of law, that he is charged, but he's
2 presumed innocent. That's why I said you are not
3 to assume or presume anything from the indictment,
4 but he sits here presumed innocent of the crimes
5 that the State has brought against him until, and
6 only until, a jury of you were to find him guilty
7 beyond a reasonable doubt of the charge that has
8 been brought against him.

9 Now, does any member of the jury panel
10 have any problem with that, that principal of our
11 law?

12 Is there any member of the jury panel in
13 the nature of these allegations, that is of
14 murder, which would cause you to have difficulty
15 sitting as an impartial juror on this matter for
16 personal reasons, or of any type?

17 Yes, ma'am. Your number, please.

18 JUROR 87: 87.

19 THE COURT: Sorry?

20 JUROR 87: 87.

21 THE COURT: Okay. Miss 87, why don't you
22 come up here? I'm not going to ask you to --

23 THE BAILIFF: Right this way.

24 Juror number 87, Your Honor.

25 THE COURT: How are you?

1 JUROR 87: Good, sir. No, I'm okay. I
2 don't know what this case is about, but because
3 I'm a former victim of domestic violence, and this
4 seems like it's violence against a female, and I
5 do not think I would be able to be impartial in
6 this case, if this is what this is about. If this
7 is a drug case, it would be different. But if
8 this is domestically violent --

9 THE COURT: I'll tell you the truth. I
10 have no idea either. Without -- do you have an
11 explanation?

12 MS. SWANSON: I mean, the victim is
13 female, so there is violence against a female, but
14 the two were not involved in a domestic
15 relationship.

16 JUROR 87: I'm just being honest.

17 THE COURT: You think that may
18 cause problems?

19 JUROR 87: I think it would.

20 THE COURT: Thank you.

21 Miss 87, you are free to go.

22 JUROR 87: Thank you. Should I call the
23 number every night or am I done, done?

24 THE COURT: You're done, done.

25 JUROR 87: Okay, thank you.

1 THE COURT: Thank you.

2 THE BAILIFF: I have one other,
3 Your Honor.

4 THE COURT: Sure.

5 THE BAILIFF: Juror 126, Your Honor.

6 THE COURT: Good morning.

7 JUROR 126: Good morning, Your Honor.

8 THE COURT: Thank you.

9 JUROR 126: I'm afraid I have an ax to
10 grind against Miss Campbell.

11 THE COURT: A what?

12 JUROR 126: An ax to grind against
13 Miss Campbell.

14 THE COURT: Okay.

15 JUROR 126: I was a juror on a trial on
16 midnight soap patrol, a shoot out.

17 THE COURT: Okay.

18 MS. SWANSON: That was my case as well.

19 JUROR 126: I really felt a very
20 unfavorable impression of Miss Campbell.

21 THE COURT: Thank you for telling me.
22 Your number is what?

23 JUROR 126: 126.

24 THE COURT: 126. You can take that up
25 with her later, but as far as this case is

1 concerned, you are excused. You're free to go.

2 JUROR 126: Thank you.

3 (Off the record.)

4 THE COURT: All right. Ladies and
5 Gentlemen, is there any member of the jury panel
6 who has a close family member or friend or
7 suffered with an addiction to legal or illegal
8 drugs? Close family member or who the suffered
9 from addiction to legal or illegal drugs?

10 371, that's you? Do you want tell me
11 about it, Miss 371?

12 JUROR 371: My younger sister was
13 addicted to alcohol.

14 THE COURT: Was?

15 JUROR 371: She's now deceased.

16 THE COURT: I couldn't hear you.

17 JUROR 371: She's now deceased.

18 THE COURT: Deceased. All right.

19 Miss 371, would that fact, in any way, interfere
20 with your ability to give both the State and the
21 defendant a fair and impartial trial? There
22 obviously is an allegation that drugs are involved
23 in this case in some manner. I'm not sure exactly
24 how.

25 JUROR 371: I think so.

1 THE COURT: Okay. Thank you very much.

2 JUROR 74: Juror number 74.

3 THE COURT: 74.

4 JUROR 74: My ex-husband is deceased from
5 alcohol addiction. My current husband's ex-wife
6 is a drug addict.

7 THE COURT: Would that fact, in any way,
8 interfere with your ability to give both the State
9 and the defendant a fair and impartial trial?

10 JUROR 74: I hope not.

11 THE COURT: Thank you very much, Miss 74.
12 I've got to get to this guy wit the Yankee shirt
13 on first. I know it's the only shirt you had
14 clean today.

15 JUROR 66: 66, Your Honor.

16 THE COURT: 66?

17 JUROR 66: Yes.

18 THE COURT: And?

19 JUROR 66: My daughter and my brother.

20 THE COURT: Both addicted?

21 JUROR 66: Both bad people.

22 THE COURT: Both what?

23 JUROR 66: Both bad people, in my eyes.

24 THE COURT: All right.

25 JUROR 66: Both alcohol and drugs. How's

1 that?

2 THE COURT: Good, that's more specific.
3 Would that fact, in any way, interfere with your
4 ability to give both the State and the defendant a
5 fair and impartial trial?

6 JUROR 66: No.

7 THE COURT: Thank you very much.

8 Yes, sir.

9 JUROR 77: I'm number 77.

10 THE COURT: Okay.

11 JUROR 77: My mother is deceased from
12 alcoholism.

13 THE COURT: All right. Would that fact,
14 in any way, interfere with your ability to give
15 both the State and the defendant a fair and
16 impartial trial?

17 JUROR 77: No, sir.

18 THE COURT: Thank you very much, Mr. 77.

19 JUROR 86: I'm number 86.

20 THE COURT: 86.

21 JUROR 86: My son is a recovering drug
22 addict.

23 THE COURT: Who?

24 JUROR 86: My son.

25 THE COURT: Your son, would that fact, in

1 any way, interfere --

2 JUROR 86: No, sir.

3 THE COURT: -- with your ability to give
4 the State and the defendant a fair and impartial
5 trial?

6 JUROR 86: No, sir.

7 THE COURT: Thank you very much, Miss 86.

8 JUROR 57: 57.

9 THE COURT: 57. Yes, ma'am.

10 JUROR 57: I have a son recovering, year
11 three, from heroine. He currently lives with
12 us.

13 THE COURT: Both the last lady and you,
14 that's a good thing. Would that fact, in any way,
15 interfere with your ability to give both the State
16 and the defendant a fair and impartial trial,
17 Miss 57?

18 JUROR 57: I can't answer that. I don't
19 know. It's still kind of raw.

20 THE COURT: Sorry?

21 JUROR 57: It's still pretty raw, going
22 through the process.

23 THE COURT: Well, think about what I've
24 told you about this case. Do you think it would
25 interfere with your judgment one way or the other?

1 JUROR 57: No.

2 THE COURT: Thank you very much. Anybody
3 else?

4 All right. Any member of the jury panel,
5 or any member of your family ever been the victim
6 of a violent crime? Any member of the jury panel
7 or any member of your family, or close personal
8 acquaintance ever been the victim of a violent
9 crime?

10 All right. Lady in the front row, you
11 stood up first.

12 JUROR 229: 229.

13 THE COURT: 229, let me find you on the
14 list. Yes, ma'am.

15 JUROR 229: My aunt and uncle were
16 murdered.

17 THE COURT: How long ago?

18 JUROR 229: Almost 20 years ago. About
19 20 years ago.

20 THE COURT: Was that in Beaufort County?

21 JUROR 229: No, that was in New York
22 state.

23 THE COURT: All right. Miss 229, would
24 that fact, in any way, interfere with your ability
25 give both the State and the defendant a fair and

1 impartial trial in this case?

2 JUROR 229: No, it would not.

3 THE COURT: Thank you very much,

4 Miss 229.

5 Yes, ma'am.

6 JUROR 82: 82.

7 THE COURT: Yes, ma'am.

8 JUROR 82: I have a brother -- it was
9 back in the 1960's. I was a young girl. I'm not
10 even sure what the charges were, but...

11 THE COURT: He was accused?

12 JUROR 82: He was. He was in prison, and
13 I think it was something to do with a minor, a
14 young girl. Sexual possibly.

15 THE COURT: Okay.

16 JUROR 82: Like I said, I was so young.

17 THE COURT: Would that fact, in any way,
18 interfere with your ability give both the State
19 and the defendant a fair and impartial trial in
20 this case?

21 JUROR 82: No.

22 THE COURT: All right.

23 Yes, ma'am.

24 JUROR 4: Number 4. I was raped when I
25 was younger.

1 THE COURT: And would that fact, in any
2 way, interfere with your ability to give both the
3 State and the defendant a fair and impartial
4 trial?

5 JUROR 4: I don't think so.

6 THE COURT: Thank you very much. That's
7 number 4.

8 Lady with the black sweater.

9 JUROR 157: 157. My son was shot, but he
10 survived it.

11 THE COURT: How long ago?

12 JUROR 157: Not a year yet.

13 THE COURT: Not a year. And was that in
14 Beaufort County?

15 JUROR 157: Yes.

16 THE COURT: Was any arrests made and a
17 court case?

18 JUROR 157: No.

19 THE COURT: Nothing came out of it?

20 JUROR 157: No.

21 THE COURT: All right. 157, would that
22 fact, in any way, interfere with your ability to
23 give both the State and the defendant a fair and
24 impartial trial in this case?

25 JUROR 157: No, it won't be a problem.

1 THE COURT: All right. Thank you,
2 Miss 157.

3 Lady with the yellow shirt on.

4 JUROR 233: 233.

5 THE COURT: 233. All right.

6 JUROR 233: My first cousin was murdered?

7 THE COURT: How long ago?

8 JUROR 233: About eight or nine years
9 ago.

10 THE COURT: Where did that take place?

11 JUROR 233: Near Barber Bridge in an
12 apartment complex.

13 THE COURT: Okay. In Beaufort County?

14 JUROR 233: Yes.

15 THE COURT: All right. Again, did
16 anything -- did law enforcement ever get involved?
17 Was there ever a case involving whoever did it?

18 JUROR 233: Yes, sir.

19 THE COURT: There was?

20 JUROR 233: Yes, sir.

21 THE COURT: Was it brought to trial?

22 JUROR 233: Yes, sir.

23 THE COURT: It was brought to trial in
24 this courthouse?

25 JUROR 233: Yes, sir.

1 THE COURT: Were you there? Did you
2 witness that?

3 JUROR 233: I think I was in one or two
4 sessions.

5 THE COURT: Okay. Would the fact that
6 you've been through that -- what did you say, your
7 son?

8 JUROR 233: My first cousin.

9 THE COURT: Your first cousin. Do you
10 think that would interfere with your ability to be
11 fair and impartial in this case?

12 JUROR 233: Yeah, I'll be fair.

13 THE COURT: You'll be fair?

14 JUROR 233: Yes, sir.

15 THE COURT: All right. Thank you very
16 much. Anybody else? Oh, sorry.

17 JUROR 66: Number 66, sir. My brother,
18 it was robbery.

19 THE COURT: She was --

20 JUROR 66: My brother.

21 THE COURT: Tell me again.

22 JUROR 66: My brother. It's still going
23 on, the trial for attempted theft and robbery.

24 THE COURT: Your brother?

25 JUROR 66: My brother.

1 THE COURT: And where is that? Is that
2 in Beaufort County?

3 JUROR 66: No. In Ohio, sir.

4 THE COURT: It's in Ohio. All right.
5 I'll ask you again, would that fact, in any way,
6 interfere with your ability to give both the State
7 and the defendant a fair and impartial trial?

8 JUROR 66: No, sir.

9 THE COURT: Thank you very much. Anybody
10 else?

11 All right. Because, sitting as a juror,
12 you're going to be asked to devote your full
13 attention to this case, and I know many people,
14 probably the majority of the people in this room,
15 have cell phones and are connected by that cell
16 phone to relatives, friends, and the world, we're
17 going to be ask you to give that up while you are
18 participating as a trial juror. And I'll give you
19 instructions about that, if you're selected on the
20 jury.

21 But before we get started, does any
22 member of the jury panel feel that they cannot sit
23 on this trial -- and it may last several days. It
24 will not last past Friday, but I have no idea how
25 long it will take. But any member, either for a

1 emergency reasons, or whatever personal reasons
2 you may have, feel that they cannot be out of
3 contact with the world, so to speak, for the time
4 that you are here in court? Okay.

5 All right. Is there any other reason
6 that any member of the jury panel may have,
7 personal to you, why you feel that you could not
8 sit and impartially listen to the evidence, listen
9 to my instructions to you on the law of the case
10 as it applies to this case, listen to the
11 attorneys, and sit and, in good conscience, make a
12 decision in this case because a decision will
13 eventually have to be made? Any reason?

14 Anything from further from the State?

15 MS. SWANSON: Nothing further, except to
16 go through the potential lists of witnesses.

17 THE COURT: We'll go through the witness
18 list.

19 MS. CAMPBELL: That would be all from the
20 defense as well.

21 THE COURT: All right. Ladies and
22 Gentlemen, now I'm going to call out names -- a
23 list of names of witnesses -- potential witnesses.
24 These witnesses may not all testify during the
25 course of this trial, but they may, and I need to

1 know if any member of the jury panel is related by
2 blood, connected by marriage, or employment, or a
3 close personal acquaintance of any of the
4 following -- let me get my list here.

5 I'm going to call the State's potential
6 witness list first, and, Counsel -- Miss Campbell,
7 if you'll follow along. I'd rather not duplicate
8 the list, if you can tell me -- in other words,
9 strike off those which I call out from the State's
10 list.

11 All right. Mark Baird with the Burton
12 Fire Department. I'm going to move fairly quickly
13 through these, so just raise your hand if you hear
14 a name that you recognize.

15 Christine Boisclair, or Boisclair,
16 Michael Boisclair, Courtney Brock, Eric Chapman,
17 also with the Burton Fire Department,
18 Brandon Cooler, Beaufort County Sheriff's Office,
19 Jeff Cross, SLED, Angie Crumpton, Beaufort County,
20 John Donahue, Beaufort County, Jeremiah Fraser,
21 Beaufort County, Dr. Demi Garvin, a toxicologist.

22 All right.

23 JUROR 342: I know Jeremiah Fraser.

24 THE COURT: How do you know Mr. Fraser?

25 JUROR 342: I go to church with him.

1 THE COURT: Do you have any other social
2 contact with him?

3 JUROR 342: He's very close to my
4 husband.

5 THE COURT: What?

6 JUROR 342: He's very close to my husband.

7 THE COURT: He works with your husband.

8 JUROR 342: No. He's close in the
9 membership.

10 THE COURT: Oh, okay.

11 JUROR 342: So there's a close personal
12 relationship there.

13 THE COURT: Have you discussed with him
14 anything about this case?

15 JUROR 342: No.

16 THE COURT: Your husband has that
17 relationship with him?

18 JUROR 342: Yes, sir.

19 THE COURT: All right. And your number,
20 please?

21 JUROR 342: 342.

22 THE COURT: 342?

23 JUROR 342: Yes.

24 THE COURT: Miss 324, based on that, do
25 you feel -- he's obviously involved in this case

1 in some manner, I don't know what manner, but do
2 you feel that you could still be fair and
3 impartial to both parties.

4 JUROR 342: Yes.

5 THE COURT: Thank you very much,
6 Miss 342.

7 I'll go back. Demi Garvin, toxicologist.
8 Oh, yes, ma'am.

9 JUROR 92: 92.

10 THE COURT: And Miss 92?

11 JUROR 92: I'm friends with Brandon
12 Cooler.

13 THE COURT: And your husband is or was a
14 member of the Sheriff's Office? He is still?

15 JUROR 92: Yes.

16 THE COURT: So everyone of these I call
17 out, you're going to have to stand up?

18 JUROR 92: Yes.

19 THE COURT: Okay. Well, I won't ask you
20 to remain standing. Just stand each time and I'll
21 understand why you're standing.

22 Brett Johnson with the Beaufort Port
23 Royal Fire Department, Laurence Johnson,
24 Wayne Jordan with the Chesterfield County
25 Sheriff's Office, Brad Keller, SLED, Tera Kennedy,

1 Jeff Knieling, EMS, Jason Malphrus.

2 92.

3 Jennifer Mills, Beaufort County Sheriff's

4 Office Lab, Allison Moreira, or Moreira, 911,

5 Pat Murphy.

6 92.

7 Derek Nelson with the --

8 92.

9 -- with the Solicitor's Office, Mike Perkins,

10 Beaufort County --

11 I'm waiting. (92 standing.)

12 Leonia Pinkney, John Priester,

13 Amanda Reddish, James Reynolds-Pageland, Brandon

14 Scarborough, Hannah Seigler, Ariel Smith,

15 Jennifer Snider, Beaufort County, Hue Tang, SLED,

16 Dr. Lee Tormos, a pathologist, Kyle Walls,

17 Travis Walls, Xavier Walls, Donnie Williams,

18 Adam Zsamar.

19 Counsel, can you mark this?

20 MS. CAMPBELL: I will be happy to,

21 Your Honor.

22 THE COURT: That may speed things along.

23 MS. CAMPBELL: Yes, sir.

24 THE COURT: Both counsel have a list of

25 potential witnesses, and sometimes they got the

1 same on both lists. I'm asking counsel so I don't
2 ask twice.

3 (COURT. EXH. 1, Witness lists, was marked
4 and entered into evidence.)

5 All right. I'm going to continue,
6 Ladies and Gentlemen.

7 George Erdel, that's Beaufort City Police
8 Department, Kay Denim. Now, these are all with
9 the Sheriff's office. Kay Denim.

10 92.

11 B. Burns, S. Rodriguez.

12 92.

13 T. Ferguson. They're giving me first
14 initials. J. Saunders.

15 92.

16 R. Herlong, J. Lasane, J. Collandra, or
17 Collandra, M. Freeland, O. Gotha, or Gortha,
18 J. Purdy.

19 Yes, sir. Your number, please.

20 JUROR 36: Number 36.

21 THE COURT: I'm sorry?

22 JUROR 36: Number 36.

23 THE COURT: 36. Yes, sir.

24 JUROR 36: I do know Jim Purdy. We
25 occasionally do social parties together.

1 Occasionally, but not often.

2 THE COURT: Okay. Good friend?

3 JUROR 36: He's is not a terribly good
4 one, but I do know him.

5 THE COURT: I don't think that came out
6 right.

7 JUROR 36: Yes, I like Jim.

8 THE COURT: All right. Mr. 36, do you
9 feel that that would, in any way, interfere with
10 your ability to give the State and the defendant a
11 fair and impartial trial?

12 JUROR 26: I could give a fair and impartial
13 trial. Yes, I can.

14 THE COURT: Thank you very much, Mr. 36.

15 K. Wilson, Ferguson, Mr. Ferguson,
16 Officer Ferguson, Officer Simpson, J. Simpson,
17 G. Gregg, S. Madris, R. Fife, D. Wilkinson,
18 B. Squires.

19 Yes, ma'am. Number?

20 JUROR 299: 299.

21 THE COURT: 299.

22 JUROR 299: R. Fife and B. Squires, I'm
23 acquainted with.

24 THE COURT: I'm sorry?

25 JUROR 299: Mr. Fife and Mr. Squires, I

1 am acquainted with.

2 THE COURT: Okay.

3 JUROR 299: Mr. Fife more so. He was
4 married to a friend of mine. And it was casual
5 with Mr. Squires.

6 THE COURT: Okay. Knowing both of those
7 officers, would that, in any way, interfere with
8 your ability to give both the State and the
9 defendant a fair and impartial trial?

10 JUROR 299: No, sir.

11 THE COURT: All Right. Thank you very
12 much.

13 W. Murphy, B. Chapman, M. Corgilo, and
14 B. Disbrow, D-i-s-b-r-o-w, Disbrow. I think if
15 they all appeared, it might be a good time to rob
16 a bank.

17 All right. This is with the -- I assume
18 this is Burton Fire Department; is that correct,
19 Counsel?

20 MS. CAMPBELL: I believe so, Your Honor.
21 They're all over.

22 MS. SWANSON: Burton, Beaufort, and
23 Port Royal responded.

24 THE COURT: Okay, they responded.

25 MS. SWANSON: Yes.

1 THE COURT: All right. These are fire
2 department employees. Mr. B. Johnson, Mr. or
3 Miss, could be a female, V-e-z-i-n, Jay Ireland,
4 J. Hugh, H-u-g-h, and J. Perry, and B. Cox.

5 All right. Allison Thomas, Nancy Sivec,
6 S-i-v-e-c, Jennifer Shubert, John Aust,
7 Devon Henderson, Javier Pontz, Eugenia Ramirez,
8 Sondina Sturgess, and the records custodian at the
9 Walmart pharmacy.

10 All right. That concludes the list.
11 State ready for the jury?

12 MS. SWANSON: Yes, Your Honor.

13 THE COURT: Defense ready?

14 MS. CAMPBELL: Yes, Your Honor.

15 THE COURT: Madame Clerk, give us a jury,
16 please.

17 THE CLERK: What are the strikes,
18 Your Honor?

19 THE COURT: I'm sorry?

20 THE COURT: What are the strikes?

21 MS. SWANSON: 5 and 10.

22 THE CLERK: How many for alternates?

23 MS. SWANSON: Three alternates.

24 THE CLERK: Strikes are one on the
25 alternates.

1 THE COURT: Yes.

2 MS. SWANSON: Your Honor, are you going
3 to have them come around or just stand in place?

4 THE COURT: Why don't they just come to
5 right behind the bar, by the Kleenex. How's that?

6 As your names are called, please --

7 THE BAILIFF: Usually they come right
8 here, Judge.

9 THE COURT: Well, I was going to put them
10 right on the other side of the bar.

11 THE BAILIFF: That will be fine.

12 THE COURT: All right. Instruct the
13 jurors what to do, please.

14 All right. When your names are called,
15 please come and stand by the Kleenex box here.
16 The lawyers are going to be asked to -- based on
17 what -- everything that I asked you and you
18 responded today, the lawyers have an opportunity
19 to decide for one reason or another they may
20 choose to strike a juror or allow a juror to
21 serve.

22 Madame Clerk, give us a jury.

23 THE CLERK: Yes, sir.

24 THE COURT: The computer is mixing up
25 your names right now. And the names that are

1 stricken one way or the other will not be your
2 juror number. They're mixed up in different order
3 at the present time.

4 THE CLERK: Juror number 337. What says
5 the State?

6 MS. SWANSON: Please present this
7 juror.

8 THE CLERK: What says the defense?

9 MS. CAMPBELL: Please excuse this juror
10 from this trial.

11 THE BAILIFF: Have a seat.

12 THE CLERK: Juror number 125. What says the
13 State?

14 MS. SWANSON: Please present this juror.

15 MS. CAMPBELL: What says the defense?

16 MS. CAMPBELL: Please swear the juror.

17 THE BAILIFF: Come forward, ma'am,
18 please.

19 THE CLERK: Juror number 161. What says the
20 State?

21 MS. SWANSON: Please present this
22 juror.

23 THE COURT: What says the defense?

24 MS. CAMPBELL: Please swear the juror.

25 THE BAILIFF: Come forward, please.

1 THE CLERK: Juror number 247. What says
2 the State?

3 MS. SWANSON: Please excuse this juror.

4 THE BAILIFF: You may sit down.

5 THE CLERK: Jury number 217. What says
6 the State?

7 MS. SWANSON: Please present this
8 juror.

9 THE CLERK: What says the defense?

10 MS. CAMPBELL: Please swear the juror.

11 THE BAILIFF: Come forward.

12 THE CLERK: Juror number 225. What says the
13 State?

14 MS. SWANSON: Please present this
15 juror.

16 THE CLERK: What says the defense?

17 MS. CAMPBELL: Please excuse the juror
18 from this trial.

19 THE BAILIFF: You may sit down, ma'am.

20 THE CLERK: Juror number 109. What says
21 the State?

22 MS. SWANSON: Please present this
23 juror.

24 THE CLERK: What says the defense?

25 MS. CAMPBELL: Please swear the juror.

1 THE BAILIFF: Come forward, please.

2 THE CLERK: Jury number 230. What says
3 the defense? Or, I'm sorry, what says the State?

4 MS. SWANSON: Please present this jury.

5 THE CLERK: What says the defense?

6 MS. CAMPBELL: Please excuse this juror
7 from this trial.

8 THE BAILIFF: You may sit down, sir.

9 THE CLERK: Juror number 308. What says
10 the State?

11 MS. SWANSON: Please present this
12 juror.

13 THE CLERK: What says the defense?

14 MS. CAMPBELL: Please swear the juror.

15 THE BAILIFF: Come forward, please,
16 ma'am.

17 THE CLERK: Juror number 145.

18 MS. SWANSON: I'm sorry. Was that 45,
19 Madame Clerk?

20 THE CLERK: 1-4-5.

21 MS. SWANSON: Oh, 1-4-5.

22 THE CLERK: What says the State?

23 MS. SWANSON: Please present this
24 juror.

25 THE COURT: What says the defense?

1 MS. CAMPBELL: Please swear the juror.

2 THE BAILIFF: Come forward, please.

3 THE CLERK: Juror number 177. What says
4 the State?

5 MS. SWANSON: Please present this
6 juror.

7 THE CLERK: What says the defense?

8 MS. CAMPBELL: Please excuse the juror
9 from this trial.

10 THE BAILIFF: You may sit down, ma'am.

11 THE CLERK: Jury number 61. What says
12 the State?

13 MS. SWANSON: Please present this
14 juror.

15 THE CLERK: What says the defense?

16 MS. CAMPBELL: Please excuse the juror
17 from the trial.

18 THE BAILIFF: You may sit down, ma'am.

19 THE COURT: Juror number 342. What says
20 the State?

21 MS. SWANSON: Please present this
22 juror.

23 THE CLERK: What says the defense?

24 MS. CAMPBELL: Please swear this juror.

25 THE BAILIFF: Come forward, please.

1 THE CLERK: Jury number 195. What says
2 the State?

3 MS. SWANSON: Please present the juror.

4 THE CLERK: What says the defense?

5 MS. CAMPBELL: Please excuse the juror
6 from this trial.

7 THE BAILIFF: You may sit down, sir.

8 THE CLERK: Jury number 220. Sir, what's
9 your number?

10 JUROR 220: 220.

11 THE CLERK: 220, I'm so sorry. Thank
12 you. What says the State?

13 MS. SWANSON: Please present this
14 juror.

15 THE CLERK: What says the defense?

16 MS. CAMPBELL: Please excuse the juror
17 from this trial.

18 THE BAILIFF: You may sit down, ma'am.

19 THE CLERK: Juror number 313. What says
20 the State?

21 MS. SWANSON: Please present this
22 juror.

23 THE CLERK: What says the defense?

24 MS. CAMPBELL: Please excuse the juror.

25 THE BAILIFF: You may sit down, sir.

1 THE CLERK: Juror number 86. What says
2 the State?

3 MS. SWANSON: Please excuse this juror.

4 THE CLERK: Juror number 77. What says
5 the State?

6 MS. SWANSON: Please present this
7 juror.

8 THE CLERK: What says the defense?

9 MS. CAMPBELL: Please swear the juror.

10 THE BAILIFF: Come forward, sir.

11 THE CLERK: Juror number 371. What says
12 the State?

13 MS. SWANSON: Please present this
14 juror.

15 THE CLERK: What says the defense?

16 MS. CAMPBELL: Please excuse the juror
17 from this trial.

18 THE BAILIFF: Come forward, please.

19 COURT REPORTER: Excuse or --

20 THE CLERK: She said excuse.

21 THE BAILIFF: I'm sorry.

22 THE CLERK: Juror number 336. What says
23 the State?

24 MS. SWANSON: Please excuse this juror.

25 THE BAILIFF: You may sit down, ma'am.

1 THE CLERK: Juror 269. What says the
2 State?

3 MS. SWANSON: Please present this
4 juror.

5 THE CLERK: What says the defense?

6 MS. CAMPBELL: Please swear the juror.

7 THE BAILIFF: Come forward, sir.

8 THE CLERK: Juror number 41. Number 41.
9 What says the State?

10 MS. SWANSON: Please present this
11 juror.

12 THE CLERK: What says the defense?

13 MS. CAMPBELL: Please swear the juror.

14 THE BAILIFF: Come forward, sir.

15 THE COURT: Juror number 72. What says
16 the State?

17 MS. SWANSON: Please present this
18 juror.

19 THE CLERK: What says the defense?

20 MS. CAMPBELL: Please swear the juror.

21 THE BAILIFF: Come forward, sir.

22 THE CLERK: Juror 236. What says the
23 State?

24 MS. SWANSON: Please excuse this juror.

25 THE BAILIFF: You may sit down, sir.

1 THE CLERK: Juror number 299. What says
2 the State?

3 MS. SWANSON: Please present this
4 juror.

5 THE CLERK: What says the defense?

6 MS. CAMPBELL: Please swear the juror.

7 THE BAILIFF: Come forward, ma'am.

8 THE CLERK: Selecting the first
9 alternate. Juror number 179. What says the
10 State?

11 MS. SWANSON: Please present this
12 juror.

13 THE CLERK: What says the defense?

14 MS. CAMPBELL: Please swear the juror.

15 THE BAILIFF: Come forward, sir.

16 THE CLERK: Second alternate. Juror
17 number 282. What says the State?

18 MS. SWANSON: Please present this
19 juror.

20 THE CLERK: What says the defense?

21 MS. CAMPBELL: Please excuse the juror
22 from this trial.

23 THE BAILIFF: You may sit down, ma'am.

24 THE CLERK: Juror number 256.

25 THE COURT: 256?

1 THE CLERK: Yes, sir. 2-5-6.

2 What says the State?

3 MS. SWANSON: Please present this

4 juror.

5 THE CLERK: What says the defense?

6 MS. CAMPBELL: Please swear the juror.

7 THE BAILIFF: Come forward, sir.

8 THE CLERK: Selecting the last alternate.

9 Juror number 92. What says the State?

10 MS. SWANSON: Please present this

11 juror.

12 THE CLERK: What says the defense?

13 MS. CAMPBELL: Please excuse this juror.

14 THE BAILIFF: You may sit down, ma'am.

15 THE CLERK: Juror number 110. What says

16 the State?

17 MS. SWANSON: Please excuse this juror.

18 THE BAILIFF: You may sit down, sir.

19 THE CLERK: Juror 121. What says the

20 State?

21 MS. SWANSON: Please present this

22 juror.

23 THE CLERK: What says the defense?

24 MS. CAMPBELL: Please swear this juror.

25 THE BAILIFF: Come forward please, sir.

1 THE COURT: Any objection to the jury
2 selection process from the State?

3 MS. SWANSON: None from the State.

4 THE COURT: From defense?

5 MS. CAMPBELL: No, Your Honor.

6 THE COURT: Thank you very much.

7 All right. Ladies and Gentlemen of the
8 jury venire, or the jury panel, too bad. The
9 Clerk of Court tells me I can't excuse you because
10 we have other trials that are scheduled this week,
11 so I'm going to ask you to be back in the jury
12 assembly room at 2:00 at which time you will be
13 called on to go through the same process. I don't
14 know anything about that case. But, in any event,
15 I want to thank you for coming.

16 I want to tell you -- and I tell jurors
17 this all the time -- this system can do without
18 me, this system can do without these lawyers, but
19 we can't do without you. You're such an important
20 part of judicial system of this nation, this state
21 and this nation that your role was written into
22 the Constitution of the United States. And if you
23 think about -- think about it. This morning, in
24 every single county in the United states of
25 America, this same process is going on. And

1 jurors are coming from their working day lives and
2 sitting, just like you're sitting, in Tulsa,
3 Oklahoma, in Corpus Christi, Texas, in New York
4 state, coming and being a part of this system.
5 It's a great system. We don't ever want to lose
6 it.

7 So thank you very much. You're now
8 excused until two o'clock.

9 THE BAILIFF: The jurors are clear and
10 the doors are closed, Your Honor.

11 THE COURT: Thank you.

12 All right. Members of the jury, there
13 are a number of matters that I have to take up
14 with the attorneys that are called pretrial
15 motions, things that we want to get clarified
16 before we actually start the trial. The trial
17 will run a lot more -- a lot smoother if we get
18 these things done before we get started.

19 So I'm going to dismiss you now until
20 9:30 in the morning, at which time I'll ask you to
21 reconvene in the jury room. The bailiff is going
22 to show you where the jury room is, and we will
23 begin the trial at that time.

24 Now, I want to caution you about trying
25 to do -- trying to -- I want you to put this case

1 out of your mind for 24 hours, or until tomorrow
2 morning. It would be highly improper to go back
3 to your homes or back to your place of business
4 and try to find out something out about this case.
5 As we all know, social media and the Internet have
6 tons of stuff out there. I don't know if there's
7 anything about this case, but I'm going to ask you
8 not to try and find out something. Jurors
9 sometimes have a tendency to try to -- want to
10 find out about a case before they hear anything
11 about it. I know prime examples of that is,
12 jurors get called for a wreck case, when you let
13 them go for lunch, they decide they're going to go
14 by that intersection and see if I can figure out
15 how this thing happened.

16 Well, you're going to get all the
17 evidence in this courtroom from this witness
18 stand, and that's what I'm going to ask you to
19 make a decision based on. Not something that's in
20 the press or the Internet. It's just so
21 important, in fairness to the State of the South
22 Carolina, in fairness to Beaufort County, in
23 fairness to Mr. Walls. This case -- whatever the
24 evidence is in this case, and I have no idea what
25 it is, it's going to be presented to you right

1 here in this courtroom. You're going to hear
2 every bit of it, and I'm going to ask you not to
3 try to do any independent research on it.

4 I hope you will abide by those requests.
5 I may ask you tomorrow if you had any contact
6 about the case.

7 I'm going to ask you when you return to
8 the jury room in the morning not to even start
9 discussing the case because you don't know
10 anything about it. You don't know anything more
11 than what I've read you, and that's all I know
12 about it too. It's all going to unfold right in
13 this courtroom in front of you.

14 So I want you to please follow my
15 instructions in that regard.

16 In the morning, since I'm not from the
17 area, I'm going to ask you to converse among
18 yourselves about who you would like be the
19 foreman. The foreman has no particular duties
20 during the trial other than to sit where the lady
21 with the gray sweater is sitting right now. The
22 foreman will take that seat and keep that
23 throughout the trial. There are no numbers on the
24 seats, so I want you to sit wherever you're most
25 comfortable. If you have a hearing problem, you

1 may not want to sit on the end in the back. You
2 may want to sit closer to the front when you come
3 back in tomorrow. But I'm going to ask you to
4 select one of your members, no matter who it is,
5 and I will you the foreman doesn't get paid any
6 more than anybody else, but I need you to select
7 one of your members to be the foreman. And that
8 person will basically conduct the discussion at
9 the end of the trial. That's basically the
10 responsibility of the foreman.

11 Let's see. Don't discuss the case among
12 yourself. Don't do any research. Oh, yeah, have a
13 pleasant evening, and I'll see you in the morning.

14 THE BAILIFF: Follow me, please.

15 (Jury exits the courtroom at 1:01 p.m.)

16 THE BAILIFF: Jury is clear, Your Honor.

17 THE COURT: Thank you. Counsel, it's my
18 understanding there are pretrial motions; is that
19 correct?

20 MS. SWANSON: That's correct.

21 THE COURT: Including a Denno motion?

22 MS. SWANSON: There will be no Denno
23 hearing.

24 THE COURT: No statements?

25 MS. SWANSON: There are statements. They

1 are all self-serving. The State is not entering
2 those as evidence. Of course, should the
3 defendant take the stand, I would use them for
4 impeachment purposes.

5 THE COURT: Okay. And is that all the
6 State has, or would have? Any motion from the
7 State? Just tell me now.

8 MS. SWANSON: No. I mean --

9 THE COURT: We're not going to argue it
10 now.

11 MS. SWANSON: No. We just need to
12 discuss the parameters of some 404(b) issues. He
13 was located in a stolen car, and then there's also
14 going to be testimony about drug use.

15 THE COURT: Okay.

16 MS. SWANSON: He is charged with a rape
17 with a different victim. The State is not trying
18 to get into that, although it all occurred in the
19 same time frame.

20 THE COURT: That's the 404 issue.

21 MS. SWANSON: Yes.

22 THE COURT: One of the 404 issues.

23 MS. SWANSON: Yes. The stolen car and
24 drug use.

25 THE COURT: All right. And I have,

1 Miss Campbell, your motion to suppress certain
2 forensic devices, and a motion to suppress
3 something else. I haven't read it.

4 MS. CAMPBELL: Yes, sir. The two top
5 motions for the pretrial motions, that would be
6 the motion filed under Carpenter vs. United
7 States, and then number 2 is the issue regarding
8 cell phone or smart phone extraction forensics in
9 testimony. Both of those motions, defense filed
10 written memorandum in support of our position.

11 As Your Honor said, when you requested
12 from the State, there is no Denno hearing.

13 And the other matters, we'll address the
14 404(b).

15 I think that number 7, if the State
16 wishes to take that up as their witnesses are
17 called, we can certainly do that.

18 I don't believe, Number 8, that the State
19 intends to introduced any jail phone calls.

20 MS. SWANSON: That's correct.

21 MS. CAMPBELL: So we can mark Number 8
22 off.

23 I do need to see the photographs that the
24 State intends to introduce. In the past, it's
25 preferable, and I'm sure Miss Swanson will do it

1 again, if they're marked as State's exhibits so
2 that I could reference them at the hearing about
3 the photographs pretrial according to their
4 proposed exhibit number.

5 THE COURT: We can do that.

6 MS. SWANSON: That's fine. I do not
7 intend to introduce any photos of the victims, so
8 I don't think there would be any objection to any
9 others, but we can certainly mark them. I may not
10 enter all of them.

11 MS. CAMPBELL: Correct. And then I'll be
12 happy over lunch to review those photographs, and
13 then we could move along on number 9.

14 And then, again, particularly in -- I try
15 different cases, but in a murder case, there
16 sometimes is some sort of form of victim impact
17 testimony, and I'm just asking for clarification
18 from the State on what they intend to introduce
19 relative to the victim in this case.

20 THE COURT: Something other than
21 mitigation? From a mitigation standpoint?

22 MS. CAMPBELL: Yes, sir.

23 MS. SWANSON: Obviously, Miss Campbell
24 will object if there's anything that's not
25 relevant and inappropriate. Miss Seigler daughter

1 will be one of the witnesses, and, you know, some
2 of her medical history and things of that nature
3 is relevant.

4 THE COURT: Confine her testimony to the
5 facts.

6 MS. SWANSON: Yes, sir.

7 MS. CAMPBELL: So I think, Your Honor,
8 with that said -- and, of course, I would ask
9 that, at the beginning of the pretrial motions
10 this afternoon, that the witnesses be sequestered,
11 both law enforcement and lay witness.

12 And I think that probably then just
13 leaves us with the two motions which we're going
14 to have to have testimony on.

15 THE COURT: Okay.

16 MS. SWANSON: Your Honor, and I would
17 just ask for the victim's daughter to be allowed
18 to remain in the courtroom as well as my lead
19 investigator, which is routine.

20 THE COURT: I'll grant that.

21 MS. SWANSON: Thank you. If I may also
22 hand up a hard copy of the case Carpenter v. U.S.,
23 which is what Miss Campbell bases her motion to
24 suppress on. I would also be using it to cite the
25 State's position. The complete cite is not

1 contained in the defense's memorandum.

2 THE COURT: Well, I will have a pleasant
3 morning.

4 MS. SWANSON: Thank you, Your Honor.

5 THE COURT: Anything further?

6 2:00.

7 MS. CAMPBELL: Thank you, Judge.

8 (A break was taken from 1:10 p.m. to 2:10 p.m.)

9 THE COURT: Let's proceed.

10 MS. CAMPBELL: May it please the Court?

11 THE COURT: Yes.

12 MS. CAMPBELL: I know, Your Honor, has
13 been provided a copy of the defendant's memorandum
14 in support of motion to suppress in this case
15 relative to the Carpenter vs. United States case.
16 I would like to ask Your Honor, at the outset, if
17 we could make that memorandum of law an exhibit
18 for the purposes of pretrial hearings. At some
19 point, if we could mark that so it stays on the
20 record of the case.

21 THE COURT: Any objection?

22 MS. SWANSON: No objection, Your Honor.

23 THE COURT: Without objection.

24 (DFT. EXH. 1, Carpenter vs. United States,
25 was marked and entered into evidence.)

1 MS. CAMPBELL: And based on that, I feel
2 that Your Honor at this juncture, based on the
3 fairly well laid out facts and law, would need to
4 make a determination that the fax sent to
5 Verizon --

6 THE COURT: F-a-x.

7 MS. CAMPBELL: F-a-x, correct. That the
8 fax sent to Verizon requesting the cell site
9 location information for the defendant would be a
10 Carpenter BA violation of the fourth amendment,
11 and then inquire whether or not the State can meet
12 one of the exceptions. And I'm fairly positive
13 that the exception the State will rely on is the
14 exigent circumstances basis to address the failure
15 to obtain a warrant, which Carpenter says you
16 must.

17 And so the testimony from George Erdel
18 about what the Beaufort Police Department did is
19 probably going to focus in on the matter and
20 whether or not you would find from his testimony
21 that it was an exigent situation.

22 THE COURT: Well, from a factual basis,
23 what happened? I mean, I believe I have signed
24 hundreds of ping orders. I call them ping
25 orders.

1 MS. CAMPBELL: So, Your Honor, factually,
2 I'll state briefly -- and then George Erdel is
3 here to testify. But, factually, on the 6th of
4 December 2016 at around 8:00 p.m., Kendall Payne
5 reported a criminal sexual conduct to the Beaufort
6 Police Department. She reported that Brian Walls
7 has sexually assaulted her in the hotel room.

8 In the hotel room at the time of the
9 sexual assault was a Miss Courtney Brock, a
10 Mr. John Priester, who are co-defendants of
11 Mr. Walls in this murder case. Also in the hotel
12 room were Xavier Walls and Kyle Walls, the
13 defendant's two teenage sons.

14 And the reason I point those two names
15 out for you as well is, there should be testimony
16 in the murder trial that a witness across the
17 street from Teresa Seigler saw Kyle Walls and
18 Xavier Walls, and John Priester walking down the
19 street with a gas can in their hands, and moments
20 later Miss Seigler's home when up in flames.

21 THE COURT: Wait a minute. Who was the
22 victim of the CSC?

23 MS. CAMPBELL: A Kendall Payne.

24 THE COURT: Payne.

25 MS. CAMPBELL: So at eight o'clock, the

1 allegation --

2 THE COURT: Miss Seigler is the deceased?

3 MS. CAMPBELL: Is the deceased, and the
4 victim to her home being set on fire. She's
5 discovered by the fire department, and she, I
6 believe the State will present evidence, had been
7 deceased for at least 24 hours.

8 In the investigation of the accusation of
9 criminal sexual conduct, the Beaufort Police
10 Department sought and obtained a search warrant
11 from Magistrate Sprout on 12/6/2016 at 11:15 p.m.,
12 some three hours and 15 minutes after the
13 allegation was made.

14 13.27 hours later, the fax is sent to
15 Verizon.

16 THE COURT: By who?

17 MS. CAMPBELL: By George Erdel with the
18 Beaufort Police Department, and he is here to
19 testify. During that same time frame --

20 THE COURT: Go back. You said a search
21 warrant.

22 MS. CAMPBELL: Yes.

23 THE COURT: For what?

24 MS. CAMPBELL: For the hotel room at the
25 Howard Johnson where the alleged sexual assault

1 took place.

2 And during that same time frame between
3 12/6, 8:00 p.m. and 12/7, 7:00 p.m., they also
4 obtained another search warrant for the
5 defendant's home at ■0 Falls Road.

6 THE COURT: The specific location.

7 MS. CAMPBELL: Correct. Both of them,
8 specific locations.

9 And, again, for the record, the fax sent
10 to Verizon was 12/7/2016 at 4:27 p.m., and both
11 search warrants are marked clearly with their
12 dates and times.

13 So that is just the bare facts of how the
14 cases intersect. Mr. Walls was located on a third
15 or so ping notification from Verizon to George
16 Erdel with the Beaufort Police Department in the
17 Chesterfield, Pageland, South Carolina area. And
18 that sheriff's department came out and secured him
19 and Courtney Brock in Kendall Payne's
20 automobile.

21 THE COURT: Kendall Payne's automobile.

22 MS. CAMPBELL: Her Toyota Camry, which
23 she had driven to pick up Mr. Walls, his two sons,
24 Courtney Brock, and John Priester so that they all
25 could go to the Howard Johnson for chicken and

1 beer which was purchased from Parkers down the
2 street.

3 THE COURT: This fax was at 4:27 a.m.?

4 MS. CAMPBELL: 4:27 p.m.

5 THE COURT: P.m. The next day.

6 MS. CAMPBELL: Yes. 13.27 hours after
7 the allegation was made.

8 THE COURT: Okay.

9 MS. CAMPBELL: And that's just the
10 defendant's position on the minimal facts. And if
11 you would wish to hear from the State or
12 Officer Erdel at this point, I'll leave that to
13 Your Honor.

14 THE COURT: Miss Swanson.

15 MS. SWANSON: Thank you, Your Honor.

16 Just to clarify a few things because this can get
17 a little convoluted, there are two police agencies
18 involved. There's the Beaufort City Police as
19 well as BSCO. The Beaufort City Police
20 investigated the rape allegations, and that
21 involves victim Kendall Daryan Payne. The
22 Beaufort County Sheriff's Office investigated the
23 murder and arson allegations involving victim
24 Teresa Seigler.

25 THE COURT: When was that discovered?

1 MS. SWANSON: The arson?

2 THE COURT: Well, yes.

3 MS. SWANSON: And the deceased body were
4 both discovered between 11:00 and 11:15 in the
5 morning on December 7th of 2016.

6 THE COURT: So 11:00 a.m. --

7 MS. SWANSON: December --

8 THE COURT: The sheriff's office knew
9 they had a homicide.

10 MS. SWANSON: Correct.

11 THE COURT: And an arson.

12 MS. SWANSON: Correct.

13 THE COURT: At four o'clock in the
14 afternoon -- they waited until four o'clock in the
15 afternoon to send a fax to Verizon?

16 MS. SWANSON: No. Beaufort City Police
17 sent the fax to Verizon. Meanwhile --

18 THE COURT: But they he knew about the --

19 MS. SWANSON: I do believe that, at some
20 point, Beaufort County Sheriff's Office and
21 Beaufort City Police talked because Courtney
22 Brock, who is located with Brian Walls, and also
23 charged in this murder, is reported missing by her
24 mother who believes her to be in danger and was
25 last seen with Brian Walls.

1 THE COURT: When was that reported?

2 MS. SWANSON: I would have to call

3 George Erdel to the stand.

4 THE COURT: But who --

5 MS. SWANSON: It was sometime --

6 THE COURT: Erdel works for the City or
7 County?

8 MS. SWANSON: City.

9 THE COURT: He works for the City.

10 MS. SWANSON: The City.

11 THE COURT: He's the one who sent the
12 fax --

13 MS. SWANSON: Correct.

14 THE COURT: -- to look for the
15 defendant.

16 MS. SWANSON: A fleeing suspect who had
17 warrants out for his arrest. He had a criminal
18 sexual conduct warrant out, he had unlawful use of
19 a vehicle, as well as a kidnapping, and various
20 people looking for the woman that he was with,
21 Courtney Brock, including her mother and the
22 father of her child.

23 THE COURT: But he didn't have any
24 warrants.

25 MS. SWANSON: Who is that? Brian Walls

1 did have three active warrants at that point,
2 yes.

3 THE COURT: Erdel had warrants?

4 MS. SWANSON: Yes, sir.

5 THE COURT: All right. Urdel with the
6 City had warrants for CSC, kidnapping --

7 MS. SWANSON: And unlawful use of a
8 vehicle.

9 THE COURT: So he faxes to Verizon
10 looking for the defendant.

11 MS. SWANSON: Correct.

12 THE COURT: And he gets back information
13 that led to the arrest of the defendant.

14 MS. SWANSON: Realtime pings, is my
15 understanding.

16 THE COURT: They got him.

17 MS. SWANSON: And we can put him on the
18 stand.

19 THE COURT: They found him.

20 MS. SWANSON: They did.

21 THE COURT: It must have been realtime.

22 MS. SWANSON: Correct. And so
23 Chesterfield finds him in the car that is
24 registered to Kendall Payne, and they apprehend
25 him.

1 THE COURT: I just been under the
2 impression from Miss Campbell that there were no
3 warrants to support the Verizon activity.

4 MS. SWANSON: Well, there were arrest
5 warrants.

6 MS. CAMPBELL: And I just need for Urdel
7 to testify about those four matters; the two
8 search warrants he obtained, and the timing of the
9 obtaining of the arrest warrants relative to the
10 faxing of the Verizon request.

11 THE COURT: Okay.

12 MS. CAMPBELL: Yes.

13 THE COURT: I'm catching on.

14 MS. CAMPBELL: Thank you.

15 THE COURT: There is no jury present. Go
16 ahead, Miss Swanson.

17 MS. SWANSON: Thank you. Would it
18 appropriate to call George Urdel to the stand at this
19 time?

20 THE COURT: It would.

21 MS. SWANSON: Thank you. George Urdel.
22 And, Miss Campbell, would like to direct? Should
23 I direct?

24 MS. CAMPBELL: You can go ahead.

25 THE CLERK: Do you solemnly swear or

1 affirm the testimony you give to this Court during
2 this trial shall be the truth, so help you God?

3 THE WITNESS: I do.

4 WHEREUPON:

5 GEORGE URDEL,
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Testimony of George Urdel
after having been sworn, testified as follows:

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DIRECT EXAMINATION

BY MS. SWANSON:

Q Can you spell your last name?

A U-r-d-e-l.

Q And it's captain, right?

A Now, it is. Yes, ma'am.

Q Okay. So who do you work for?

A Beaufort Police Department.

Q Were you at all involved in the investigation into
Brian Walls?A Yes, as it pertains to a case not at issue
today. But, yes.Q Right. Tell us what you were investigating
Brian Walls for.A Brian Walls was a suspect in a sexual assault
that was reported at the Howard Johnson in
Beaufort -- the city limits of Beaufort on the
7th of December -- I'm sorry -- the 6th of
December 2016. I assisted Investigator Dowling
who was the primary case officer in that case. I
responded to the initial scene, and then I
ultimately was involved with assisting in finding
Mr. Walls.

Q Okay. How did you guys finally locate

1 Mr. Walls?

2 A Mr. Walls, and I don't recall how I obtained
3 his cell phone number, but Investigator Knapp, who
4 is no longer with us, obtained a exigency request
5 for his cell phone provider, which we got live
6 information back that put him in the Chesterfield
7 area, if I recall correctly. I did some
8 background checking and determined he had formerly
9 stayed at an area that I relayed to the
10 Chesterfield authorities, and they found him. I
11 believe it was a trailer park, if I remember
12 correctly.

13 Q And did you relay any information about what sort
14 of car he might be in?

15 A He was in the sexual assault victim's car,
16 which was reported stolen by her on the -- during
17 the incident we were investigating.

18 Q When did you guys obtain arrest warrants for
19 Mr. Walls?

20 THE COURT: Not "you guys." I'm
21 wondering if he did.

22 BY MS. SWANSON:

23 Q Oh, I'm sorry. When did you obtain arrest
24 warrants for Mr. Walls?

25 A I did not obtain arrest warrants. I was in

Testimony of George Urdel
1 an assisting role, basically, with
2 Investigator Dowling. He did the bulk of the
3 paperwork.

4 Q And did he --

5 THE COURT: Dowling?

6 THE WITNESS: Dowling, Your Honor.

7 THE COURT: Dowling.

8 THE WITNESS: Yes, sir.

9 BY MS. SWANSON:

10 Q And when did Investigator Dowling obtain arrest
11 warrants for Mr. Walls?

12 A I want to say it was 12/7, December 7th, the
13 next day. The CSC, the sexual assault case
14 occurred in the late evening hours of the 6th, so
15 the arrest warrant was obtained on the next day,
16 on the 7th. But I don't know what time.

17 Q When you were attempting to locate Mr. Walls
18 through Verizon pings, did Beaufort Police Department
19 have active arrest warrants on Mr. Walls?

20 A I believe so, yes.

21 THE COURT: Wait. What do you mean you
22 believe so?

23 THE WITNESS: I do not recall, Your
24 Honor. I did not obtain the warrants, so I don't
25 know what time.

Testimony of George Urdel

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1 THE COURT: Did you ever see them?

2 THE WITNESS: See the warrants?

3 THE COURT: Yes.

4 THE WITNESS: At some point, I may have,
5 Your Honor.

6 THE COURT: You may have?

7 THE WITNESS: Yes, sir.

8 MS. SWANSON: And I apologize. I thought
9 this was one of the things that we confirmed.

10 BY MS. SWANSON:

11 Q Did you receive any information regarding a
12 missing person?

13 A Yes.

14 Q From whom?

15 A I do not recall from who. I do know it was
16 from the Sheriff's Office. It was regarding a
17 Courtney Brock who had been reported missing from
18 the Sheriff's Office jurisdiction.

19 MS. SWANSON: Beg the Court's
20 indulgence.

21 BY MS. SWANSON:

22 Q So you did receive information about a possible
23 missing person?

24 A Yes.

25 Q Who was last seen with Brian Walls?

Testimony of George Urdel

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1 A Yes.

2 THE COURT: Don't lead him, please.

3 MS. SWANSON: I'm sorry.

4 BY MS. SWANSON:

5 Q Was she last seen with Brian Walls?

6 A That was what was reported by -- according to
7 the Sheriff's Office report, which I obtained
8 later, and the information I had received at the
9 time, Miss Brock had last been seen with Brian
10 Walls, was not responding to her family calls, and
11 we knew from our investigation into the CSC that
12 she was last seen by third parties at the scene of
13 the sexual assault during our incident.

14 So in our mind, at that time, we believed she
15 was in some kind of danger, that she was last seen in
16 our jurisdiction but reported missing by her
17 relatives.

18 Q Okay. Did you use any historical data from
19 Verizon in order to locate Brian Walls?

20 A No.

21 MS. SWANSON: Your Honor, I don't have a
22 hard copy of this, but I will show it to the
23 defense in order to refresh Investigator Urdel's
24 memory regarding when the warrant -- when a
25 warrant for Mr. Walls's arrest was taken out.

Testimony of George Urdel
MS. CAMPBELL: Okay, thank you.

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BY MS. SWANSON:

Q I'm going show you a copy of a warrant for
criminal sexual conduct in the first degree to see if
this refreshes your recollection about when a warrant
for Mr. Walls was taken out.

A Yes, it was on December 7th.

Q So was Mr. Walls a fleeing suspect on
December 7th?

A Yes.

Q In a rape case?

A Correct.

Q Okay.

MS. SWANSON: Your Honor, that's all I
have at this point.

THE COURT: Okay. Cross-examination,
Miss Campbell.

MS. CAMPBELL: I don't have any
questions.

THE COURT: All right. Let me just hold
on a moment. You said that Dowling did the
paperwork?

THE WITNESS: As far as the bulk of the
documentation, Your Honor, the arrest warrant, he
was the primary case officer.

Testimony of George Urdel

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1 THE COURT: Okay. Do you know if he went
2 to a magistrate?

3 THE WITNESS: He went to Judge Sharp.

4 THE COURT: That's a magistrate?

5 THE WITNESS: Municipal court judge.

6 THE COURT: Municipal court judge. On
7 the 7th.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: And then authored the facts
10 to Verizon?

11 THE WITNESS: That would have
12 Investigator Knapp, who is no longer with our
13 agency.

14 THE COURT: What was his role?

15 THE WITNESS: His role was to fill out
16 the paperwork and send it to Verizon. At some
17 point, Your Honor, he left the building and I took
18 over receiving the information from Verizon.

19 THE COURT: That's how they located
20 him.

21 THE WITNESS: Correct, Your Honor. So
22 from the point I took over until he was located, I
23 was dealing with getting location information from
24 Verizon.

25 THE COURT: He was arrested by

Testimony of George Urdel

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1 Chesterfield County?

2 THE WITNESS: I don't recall the agency,
3 Your Honor, but I do know it was in Chesterfield
4 County. Yes, sir.

5 THE COURT: Okay. And do you know what
6 was done with his automobile -- the automobile?

7 THE WITNESS: Because it was stolen, Your
8 Honor, I believe they impounded it.

9 THE COURT: In Chesterfield.

10 THE WITNESS: That's my understanding,
11 yes, sir.

12 THE COURT: Who reported it stolen?

13 THE WITNESS: The victim of the sexual
14 assault in our jurisdiction, Miss Payne.

15 THE COURT: Payne.

16 THE WITNESS: Yes, sir.

17 THE COURT: Thank you.

18 THE WITNESS: Yes, sir.

19 MS. SWANSON: Your Honor, the State would
20 next call Investigator Jason Malphrus with the
21 Beaufort County Sheriff's Office.

22 THE COURT: Last name?

23 MS. SWANSON: Malphrus, M-a-l-p-h-r-u-s.

24 THE COURT: That's a Beaufort County
25 name?

Testimony of Jason Malphrus

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1 MS. SWANSON: Correct, that's right.

2 THE CLERK: Do you solemnly swear or
3 affirm that the testimony you give to this Court
4 in this trial shall be the truth, so help you God?

5 THE WITNESS: Yes, ma'am.

6 THE CLERK: State your name and spell.
7 it for the record.

8 THE WITNESS: Jason Malphrus,
9 M-a-l-p-h-r-u-s.

10 WHEREUPON:

11 JASON MALPHRUS,
12 after having been sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. SWANSON:

15 Q Investigator Malphrus, were you involved in the
16 investigation into Brian Walls for the murder of
17 Teresa Seigler?

18 A Yes, ma'am.

19 Q And through the course of that investigation, did
20 Beaufort County Sheriff's Office share any information
21 with the Beaufort Police Department?

22 A We did.

23 Q Was the Beaufort Police Department investigating
24 him as well?

25 A My understanding, they had a criminal sexual

Testimony of Jason Malphrus

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1 conduct investigation, kind of, going on at the
2 same time.

3 Q Okay. When did you first develop Mr. Walls as a
4 suspect in the murder case?

5 A Well, initially -- I guess, initially,
6 Mr. Walls was not a suspect. The first time his
7 name came up was an interview with the victim's
8 daughter at the hospital when she was
9 transported.

10 THE COURT: That was the victim of the
11 murder?

12 THE WITNESS: Yes, sir.

13 THE COURT: We got a lot of victims.

14 THE WITNESS: The murder victim's
15 daughter on the incident day, when the house fire
16 was started.

17 BY MS. SWANSON:

18 Q So how long after the house fire was reported, and
19 that would be -- was that on December 7th around
20 11:00?

21 A Yes.

22 Q And so about how long after that did you interview
23 Hannah Seigler, the victim's daughter?

24 A It was almost immediate, Judge. To set the
25 area, the call came out as a house fire. We had

Testimony of Jason Malphrus

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1 deputies go there shortly after they find the
2 victim -- the murder victim in the house and she
3 gets transported to the hospital. I believe I was
4 going to the scene, then I diverted to the
5 hospital and that's where I met Miss Seigler for
6 the first time.

7 Q Okay. How did you come to learn the whereabouts
8 of Mr. Walls?

9 A That information was shared by the Beaufort
10 City Police Department. It was like we had talked
11 earlier. I recall them saying his, I believe,
12 license plate pinged somewhere around Charleston.
13 And then through cell phone information, he was in
14 Chesterfield County.

15 Q Did Chesterfield arrest him?

16 A Chesterfield arrested him on the Beaufort
17 City warrant and then -- yeah.

18 Q Okay. And which warrant was that, from your
19 recollection of the case file?

20 A Criminal sexual conduct.

21 Q And did you physically go to Chesterfield?

22 A I did. I think the following day I went to
23 Chesterfield.

24 Q So that would have been December 8th?

25 A The 8th, I believe.

Testimony of Jason Malphrus

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- 1 Q Who went with you?
- 2 A Investigator Jennifer Snider.
- 3 Q All right. And did you make contact with
- 4 Brian Walls?
- 5 A I spoke with Mr. Walls.
- 6 Q Did you request a DNA sample from him?
- 7 A I did.
- 8 Q And how did you obtain that sample?
- 9 A Through a buccal swab.
- 10 Q Did he agree to provide you with that sample?
- 11 A He did.
- 12 Q Did you search the vehicle?
- 13 A I did. The vehicle is the criminal sexual
- 14 conduct victim's vehicle, Daryan.
- 15 Q Daryan. Kendall Daryan Payne is her name; is the
- 16 right?
- 17 A Yes.
- 18 Q And so what was the vehicle that he was
- 19 apprehended in?
- 20 A It was Miss Payne's vehicle.
- 21 Q And did you obtain consent to search that
- 22 vehicle?
- 23 A Yeah, Daryan gave us consent to search.
- 24 THE COURT: Who did?
- 25 THE WITNESS: The CSC victim.

Testimony of Jason Malphrus

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1 MS. SWANSON: The car's owner.

2 THE COURT: Where was she?

3 THE WITNESS: She was back in Beaufort.

4 THE COURT: How did that take place?

5 THE WITNESS: Speaking to her. She said

6 we can have consent. I believe in the State's

7 case, she signed a consent form.

8 BY MS. SWANSON:

9 Q Did you request consent to search that vehicle
10 before you went to Chesterfield?

11 A Yes, I had to. Because I talked to Daryan
12 that night as part of it. We have a consent form
13 from her.

14 THE COURT: Do you have that? I mean, do
15 you plan to use that?

16 MS. SWANSON: Well, I mean, I wasn't
17 planning on getting into this much detail about
18 the rape case that he's charged with, thinking
19 that it might not be admissible.

20 THE COURT: But it exists?

21 MS. SWANSON: It does, yes. The CSC
22 victim has been extremely cooperative.

23 THE COURT: You may proceed.

24 MS. SWANSON: Okay.

25 BY MS. SWANSON:

Testimony of Jason Malphrus

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1 Q And so, as a result of the buccal swab that you
2 obtained from Mr. Walls and the search of the vehicle,
3 were certain items of evidence found and tied back to
4 Mr. Walls in the murder case against -- in the murder
5 of Teresa Seigler?

6 A Yes, ma'am.

7 Q Can you just briefly run through those items?

8 A Judge, there was a purple pocketbook in the
9 front seat that I believe Investigator Snider
10 spoke with Hannah Seigler, with the murder
11 victim's daughter, she identified that as her
12 mom's pocketbook. There were also some
13 prescription medications in the car prescribed to
14 Teresa Seigler.

15 Q Was her debit card found?

16 A Yeah. I believe it was a CPM debit card.

17 Q Right. Was the defendant's DNA on any of those
18 items?

19 A Mr. Walls' DNA was on some of the medication
20 containers.

21 Q Was Miss Brock's DNA on any of those items?

22 A Miss Brock's was as well.

23 Q Was Mr. Priester's DNA on any of those items?

24 A I'd have to look at the lab report.

25 Q Was it on that debit card?

Testimony of Jason Malphrus

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1 A His DNA was on the debit card. Yes, ma'am.

2 Q And going back to the scene, if you can tell the
3 Court, just briefly, how the victim was found,
4 Miss Seigler?

5 A Initial call came out as a residential fire
6 at the victim's residence. I got there. The fire
7 department was doing their thing. They made entry
8 into the trailer, and Miss Seigler was found in a
9 bedroom of the residence. She was wrapped in a
10 blanket, maybe one or two blankets, with duct tape
11 around the blanket and her body, and also her
12 wrists was also bound with duct tape.

13 The fire department, I believe they pulled
14 her out through the window, and then that's when she
15 got transported to the hospital.

16 Q In your review of reports regarding evidence
17 analyzed by SLED, did you submit duct tape that was
18 around Miss Seigler to SLED for fingerprints?

19 A Yes, ma'am.

20 Q Whose fingerprints, if any, came back?

21 A John Priester's fingerprint was on the tape
22 around a wrist. Courtney Brock's fingerprint was
23 on the tape wrapped her body.

24 Q And was that tape that was wrapped around her body
25 swabbed for DNA?

Testimony of Jason Malphrus

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1 A It was.

2 Q Did anyone's DNA come back on it?

3 A Mr. Walls's DNA came back on the tape wrapped
4 around the victim's body.

5 MS. SWANSON: Thank you,
6 Investigator Malphrus. Please answer any
7 questions that Miss Campbell may have.

8 I'm sorry. May I ask an additional
9 question?

10 THE COURT: Yes.

11 BY MS. SWANSON:

12 Q Investigator Malphrus, at some point, did you
13 become aware of a report of a missing person?

14 A For Miss Brock?

15 Q Correct.

16 A Yes.

17 Q Did one of your deputies interview someone in
18 conjunction with that?

19 A Investigator Disbrow, when we were out there
20 at the victim's residence where the fire occurred,
21 next door, or a door or two down, I want to say it
22 was Miss Brock's mother or definitely a family
23 member, she was saying that she couldn't find
24 Courtney. She thinks Courtney may have been
25 missing. So I believe it was Investigator Disbrow

Testimony of Jason Malphrus

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1 that filed -- completed a missing person report
2 for Miss Brock.

3 Q And was that relayed over to the Beaufort Police
4 Department? Was that information shared with them?

5 A I'm going say yeah. We were kind of there
6 talking to each other. I don't specifically
7 remember if I spoke to a City member, but we were
8 all out there.

9 Q Did you have any contact with Verizon regarding
10 Mr. Walls's whereabouts?

11 A No, ma'am.

12 Q Did you have any contact with Chesterfield once he
13 was apprehended?

14 A Once he was apprehended.

15 MS. SWANSON: Okay, thank you.

16 THE COURT: Miss Campbell.

17 MS. CAMPBELL: I have no questions.

18 THE COURT: You may come down.

19 THE WITNESS: Thank you.

20 THE COURT: Anything further from the
21 State?

22 MS. SWANSON: That would be the extent of
23 the State's presentation. Thank you.

24 THE COURT: All right. Do you want to
25 argue this, Miss Campbell?

Testimony of Jason Malphrus

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1 MS. CAMPBELL: Well, yes, Your Honor. I
2 would like to do that, but I'd also like to make
3 Court's exhibits the search warrants that have
4 been referenced in the Beaufort PD case. The one
5 that was sought and obtained on 12/6/2016 at
6 11:15 p.m. detailing the affidavit portion of the
7 basis for the search warrant of the Howard
8 Johnson.

9 THE COURT: There's no pending motion to
10 quash that.

11 MS. CAMPBELL: No, no. This is just the
12 timeline for the Carpenter issue.

13 And then 12/7/2016 at 7:01 p.m. is the
14 search warrant that was requested and obtained,
15 actually signed by the Magistrate Sadler at
16 7:20 p.m. on Mr. Walls's home at ■■■0 Falls Road.
17 I know the State has copies of these. And I'll
18 submit them as part of the record in this case.

19 And is Your Honor ready to hear argument?
20 I'll be pleased to do that.

21 (COURT 2, Search warrants, was marked and
22 entered into evidence.)

23 THE COURT: Yes, ma'am.

24 MS. CAMPBELL: First --

25 THE COURT: From what I understand so

Testimony of Jason Malphrus

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1 far, the warrant that was issued for the arrest
2 was the warrant the State is relying on to support
3 their request for pinging -- for simplicity,
4 pinging information.

5 MS. CAMPBELL: That's my understanding.

6 THE COURT: Right. And tell me how
7 Carpenter addresses that issue, which, you know,
8 this is different than, without any warrant, law
9 enforcement is going to -- on their own, going
10 after Verizon records, which I was having a
11 problem with before I heard this latest testimony.

12 So clarify that, if you will, why
13 Carpenter would result in a suppression motion
14 even if there are arrest warrants and the alleged
15 perpetrator is on the go, which is what typical
16 ping orders are based on. But, in this case, we
17 got a magistrate's warrant.

18 MS. CAMPBELL: Thank you, Your Honor. I
19 understand your point.

20 I will say, in response to that, that the
21 testimony on the arrest warrant is lacking, that
22 it fails to give sufficient evidence of the timing
23 of the obtaining of the arrest warrant. There is
24 the 12/7/2016 assertion by the State. However,
25 whether or not that was obtained prior to the

Testimony of Jason Malphrus

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1 pinging of the defendant's cell phone, that
2 remains unclear for the Court.

3 I would say that if you -- and it's in
4 the record of the case now, if you look at the
5 emergency situation disclosure, it --

6 THE COURT: It doesn't tell you very
7 much.

8 MS. CAMPBELL: No. It does not indicate
9 that an arrest warrant is active, you know, and
10 that is the basis for the request. Simply that
11 there may be some death or physical injury to a
12 person which necessitates the emergency.

13 THE COURT: And it's checked "yes."

14 MS. CAMPBELL: It is checked "yes." But
15 I would submit to Your Honor that the two search
16 warrants that have been admitted into evidence --

17 THE COURT: I'm not concerned about the
18 search warrants, per se. I'm more concerned about
19 the arrest warrant.

20 MS. CAMPBELL: Right. And the reason I
21 referenced them is that, in the affidavit portion,
22 in order to obtain a search warrant of Mr. Walls's
23 hotel room and of his home, there is no mention of
24 any communication between Beaufort Police
25 Department and Beaufort County Sheriff's Office in

Testimony of Jason Malphrus
1 reference to any of these matters.

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2 And so as late as 7:20 p.m., there's no
3 indication there where --

4 THE COURT: So following that line of --

5 MS. CAMPBELL: Yes.

6 THE COURT: -- thought, this motion -- if
7 we were trying the CSC case, you wouldn't have an
8 argument. Is that where we are?

9 MS. CAMPBELL: No, I would --

10 THE COURT: The cross over to a murder
11 investigation is what's causing you problems?

12 MS. CAMPBELL: No. I would still be
13 making the motion in the criminal sexual conduct
14 case because the timeline, which is critical. If
15 you're going under exigent circumstances, it's
16 very critical. If you're in the service of an
17 arrest warrant, again, the timing of the obtaining
18 of the arrest warrant is critical in terms of when
19 you ask the cell phone company to ping and look
20 for the defendant and his location without --

21 THE COURT: What is the date and time of
22 the arrest warrant?

23 MS. CAMPBELL: There is simply a date on
24 the arrest warrant of 12/7.

25 THE COURT: No time.

Testimony of Jason Malphrus

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1 MS. CAMPBELL: No time. And there's been
2 no testimony in the record as to what time it was
3 signed.

4 And, in the absence of that, we argue
5 that the State fails to meet the third prong of
6 exigent circumstances, which, of course, is the
7 service of the arrest warrant, and they can't
8 certainly argue proper pursuit when we have, you
9 know, the huge lag in time from the report of the
10 criminal sexual conduct to the pinging of the
11 phone some 14 hours later.

12 And I think, Your Honor, fully
13 understands my argument, so I will leave it with
14 that.

15 THE COURT: I think the confusion is that
16 a -- merely that a member of the Beaufort Police
17 Department did the paperwork.

18 Miss Swanson, what's the State's
19 position?

20 MS. SWANSON: Thank you, Your Honor. The
21 State's position is that Carpenter v. U.S.
22 actually only applies to historical cell site
23 data. I think it makes that clear that it's not
24 talking about realtime data, which is what the
25 Beaufort Police Department testified to using in

Testimony of Jason Malphrus

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1 order to locate Mr. Walls.

2 In addition to that, there was plenty of
3 testimony, from both Investigator Malphrus and
4 Captain Erdel, that they were sharing information
5 regarding this suspect.

6 He did have an active arrest warrant
7 out.

8 THE COURT: We don't have Dowling, do we?

9 MS. SWANSON: I can get him over here
10 most likely this afternoon. I don't know that
11 he's going to have the exact time, but I can
12 certainly --

13 Can we get Dowling over here, please?

14 But, anyway, if I may just address that
15 Investigator Malphrus was touch with Chesterfield.
16 Chesterfield did apprehend Mr. Walls on the CSC first
17 warrant, so it had to have been out.

18 THE COURT: But there's no murder warrant
19 -- was there no murder warrant at that time?

20 MS. SWANSON: There was no murder
21 warrant. He was simply a suspect.

22 Miss Brock was also reported as a missing
23 person during this time, so that was another thing
24 he was being looked at for.

25 The murder warrant was not obtained by

Testimony of Jason Malphrus

1 Beaufort County Sheriff's Office until the
2 forensics came back implicating Mr. Walls.

3 THE COURT: Okay.

4 MS. SWANSON: Additionally, I would
5 argue, Your Honor, that Beaufort County Sheriff's
6 Office certainly acted under apparent authority.
7 I don't think we even get there, but -- due to the
8 consensual nature of the taking of the buccal
9 swab, as well as the search of the vehicle.

10 And I do have a case that supports that
11 position should the Court need it.

12 THE COURT: Miss Campbell, the motion to
13 suppress the BlackLight forensic evidence --

14 MS. CAMPBELL: Yes, Your Honor.

15 THE COURT: -- is that based on the same
16 underpinning of your argument?

17 MS. CAMPBELL: No.

18 THE COURT: Okay.

19 MS. CAMPBELL: That's a completely
20 separate issue.

21 THE COURT: It cites Carpenter, that's
22 why I wondered. Go ahead.

23 MS. CAMPBELL: Well, more, I think I'm
24 citing Carpenter for its position on the fourth
25 amendment, not necessarily for the specific cell

Testimony of Jason Malphrus

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1 site location information that it addressed. Just
2 the fourth amendment.

3 So the scenario with the Cellebrite and
4 BlackLight is, Derek Nelson, formerly of the
5 Beaufort County Sheriff's Office, was hired by
6 14th Circuit Solicitor's Office.

7 THE COURT: Nelson?

8 MS. CAMPBELL: Derek Nelson, yes. He is
9 an employee of their office. He is tasked with
10 using the Cellebrite technology and the BlackLight
11 technology, which are quite expensive machines, if
12 you will, where you take your cell phone that's in
13 evidence and they plug -- they plug it into the
14 machine, and then machine extracts information. A
15 bit like if you were to take a drop of blood and
16 it prints out a printout of what's in there.

17 So this Cellebrite technology and the
18 BlackLight technology, we take the position with
19 the State that, if they want to introduce this
20 forensics, that they need to qualify their vehicle
21 for the introduction of that under the rules of
22 evidence as an expert, and we would object to
23 Mr. Nelson being qualified as an expert since he
24 is an advocate for the State. He is their
25 employee, on one front.

Testimony of Jason Malphrus

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1 2011, and it's all about Brandon, Brian's son,
2 trying to find Courtney, his girlfriend, who is
3 the mother of their baby, M [REDACTED]. Well, M [REDACTED]
4 wasn't born until 2014.

5 And so, again, the State is going to try
6 to introduce a document and documents that are
7 inherently unreliable based on, really, the
8 context of what the messages are saying.

9 So there are several bases for the
10 objection, Your Honor.

11 THE COURT: You're making a completeness
12 motion?

13 MS. CAMPBELL: Absolutely. Well, not
14 even completeness. It is fatally flawed. You
15 can't authenticate it, and you can't make it
16 reliable for the introduction into evidence when,
17 within the documents themselves, this technology
18 is telling you that parts of these conversations
19 took place in 2011, when the child wasn't even
20 born yet.

21 And they want to pinpoint a date and a
22 time in these messages about money and pills to
23 try and place Mr. Walls, you know, in the spector
24 of someone who's rounding up folks to have a party
25 because there's money and there's pills on a

Testimony of Jason Malphrus

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1 specific date and time which coincides with the
2 death of Teresa Seigler.

3 And so what I'm saying to the Court is,
4 unless the State can prove, you know, the
5 reliability of this technology and explain how
6 these message are attributed to an occurrence in
7 2011, then it's fatally flawed on date and time.
8 M [REDACTED] wasn't even born.

9 THE COURT: You need a proffer?

10 MS. CAMPBELL: Derek Nelson is here. I
11 think if the State wants to introduce him and this
12 evidence, they would need to put him up and try to
13 qualify him, and then we can get into the
14 specifics of his report, the full report, and what
15 he found in terms of the messages in 2011.

16 THE COURT: I'm assuming that the defense
17 has no counter-expert.

18 MS. CAMPBELL: Oh, no.

19 THE COURT: I'm using the word expert
20 lightly.

21 MS. CAMPBELL: No. I mean, I even had a
22 training session on Cellebrite, you know, that
23 Mr. Nelson was gracious enough to give me. So I
24 could learn it and understand it as best I could.
25 But, again, I keep coming back to the fact that,

Testimony of Jason Malphrus

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1 if it's internally flawed, and dates and times are
2 wrong, then the State shouldn't be able to use any
3 of it.

4 THE COURT: Well, that's -- in one sense
5 that's a field for cross-examination.

6 MS. CAMPBELL: I know.

7 THE COURT: In one sense, but I
8 understand your position.

9 MS. CAMPBELL: Thank you, Judge.

10 THE COURT: Miss Swanson --

11 MS. SWANSON: Thank you, Your Honor.

12 THE COURT: -- as to the defendant's
13 motion to suppress Cellebrite, BlackLight forensic
14 evidence, what's the State's position?

15 MS. SWANSON: So the State's position,
16 under the rules of evidence, South Carolina rules
17 of evidence 702, that this is not scientific
18 evidence. This is simply data extraction. It is
19 not something --

20 THE COURT: Slow down.

21 MS. SWANSON: I'm sorry.

22 THE COURT: It's not scientific evidence.
23 It's data extraction.

24 MS. SWANSON: Correct.

25 THE COURT: Something anybody can do.

Testimony of Jason Malphrus

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1 MS. SWANSON: Well, it does take special
2 training to use the tool. However, that person
3 cannot alter what is coming from that phone, and
4 there is no opinion that they form based on that
5 data. It's simply what is coming out of the phone
6 in a different form than punching text messages
7 and looking at it on the phone.

8 THE COURT: The machine becomes the
9 expert.

10 MS. SWANSON: Well, Mr. Nelson is not
11 going to be able to provide any testimony about
12 who created the machine and how reliable it is and
13 all of that, that was certainly not something that
14 the State's prepared to combat. However, these
15 cell phone dumps have been routinely held
16 admissible. Obviously, I have to show that it's
17 relevant evidence.

18 And Miss Campbell's arguments do go to
19 the weight of it rather than the admissibility.

20 THE COURT: Well, she also relies on 702
21
22
23
24
25

1 Testimony of Derek Nelson
2 to, at least, challenge it on the front end.

3 MS. SWANSON: Right. I don't know who
4 makes BlackLight. I don't who makes the product
5 BlackLight or Cellebrite.

6 THE COURT: You better put your witness
7 on the stand.

8 MS. SWANSON: Thank you, Your Honor. The
9 State calls Derek Nelson.

10 THE CLERK: Do you solemnly swear or
11 affirm that the testimony you give to the Court in
12 this trial shall be the truth, so help you God?

13 THE WITNESS: I do.

14 THE CLERK: State your name for the
15 record.

16 THE WITNESS: My name is Derek Nelson,
17 D-e-r-e-k, N-e-l-s-o-n.

18 WHEREUPON:

19 DEREK NELSON,
20 after having been sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q Mr. Nelson, who did you work for in 2016, 2017?

24 A I worked for the Beaufort County Sheriff's
25 Office.

26 Q What did you do there?

Testimony of Derek Nelson

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1 A I was a digital forensic examiner.

2 Q Which means what?

3 A A digital forensic examiner means I examined
4 digital evidence, or digital items for evidence.

5 Q And did you examine various cell phones in the
6 case against Brian Walls?

7 A I did.

8 Q Okay. And what technology did you use to analyze
9 those?

10 A I used a couple of different softwares and
11 hardware related to mobile forensics, which would
12 have been the Cellebrite machine universal
13 extraction device, and also a software called
14 BlackLight, which is produced by BlackBag
15 Technologies.

16 THE COURT: Is what?

17 THE WITNESS: Is produced by BlackBag
18 Technologies.

19 BY MS. SWANSON:

20 Q Okay. And does BlackLight work in the same manner
21 as Cellebrite?

22 A Yes. It's similar, but, yes.

23 Q And can you explain how the information comes off
24 of the cell phone?

25 A Yes. So, basically, whether it's Cellebrite

Testimony of Derek Nelson

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1 or using the BlackLight tool, the information is
2 extracted in just the form of data. It's taken
3 off the device. Usually, it is the -- what's
4 called a boot loader. It's installed and loaded
5 on to the phone itself, which then tells the phone
6 to move all the data over to the computer.

7 Once it's moved over, the forensic tools then
8 remove the boot loader off of the phone and then a
9 parsing process takes place by the software, whether
10 it be with Cellebrite's physical analyzer or, in this
11 case, it would have been the BlackLight Technologies,
12 BlackLight tool, which would have parsed it to put it
13 into a user-friendly format for viewing.

14 Q Okay. Are you able to alter or change any of that
15 data from the phone?

16 A No, ma'am. Both -- Cellebrite and BlackBag
17 both use what's called a Wright locking
18 technology.

19 THE COURT: What technology?

20 THE WITNESS: Wright locking.

21 THE COURT: Spell it.

22 THE WITNESS: W-r-i-g-h-t. It prevents
23 any data to be -- to change any actual data on the
24 phone. Because even after the boot loader is
25 loaded what happens is, after it's taken off, the

Testimony of Derek Nelson

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1 forensic software does a hash value, which is
2 basically a digital fingerprint of the data. It
3 took it before it installed the boot loader, and
4 then it takes it after and confirms that they
5 match up, which confirms that no changes were made
6 to the digital media.

7 Q Okay. And what sort of training did you receive
8 in order to work this technology?

9 A I've got probably close to about 200 hours of
10 training specific to Cellebrite computer forensics
11 and also training directly from BlackLight
12 Technologies to use the softwares that I was
13 using.

14 Q Okay.

15 THE COURT: Where did you do that?

16 THE WITNESS: Various places, from --
17 I've been to Tuscaloosa. I've been to Florida.
18 It's usually regional-type of training.

19 THE COURT: Put on by the company?

20 THE WITNESS: Some is put on by the
21 company. Some is done by the national white color
22 crime center, which is -- I guess they are
23 federally funded to train law enforcement.

24 BY MS. SWANSON:

25 Q And is that technology constantly changing?

Testimony of Derek Nelson

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1 A Yes.

2 Q Why?

3 A Because the data itself constantly changes.

4 The phones themselves are constantly changing.

5 Q And does that attribute to some of those hours
6 because you're learning about the new program?

7 A Yes. Well, to use Cellebrite, as an example,
8 they're usually about a weekly update that comes
9 through the software in order to update the UFED
10 device in order to get it current with new
11 technologies that have been put out.

12 Q Okay. When you run a report, or put all of this
13 information on a disk, for, you know, discovery
14 purposes, for use in a criminal prosecution, do you
15 render any opinion on this information?

16 A No.

17 Q Do you change it at all?

18 A No.

19 Q When you ran the information from the cell phones
20 in the Brian Walls case, did you run it again while
21 working for our office?

22 A Not in the extraction, no. I looked at the
23 same material that was extracted in, I think it
24 was 2016, and I just reviewed it.

25 Q And tell us what you do for our office. I know

Testimony of Derek Nelson

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1 that's a complicated question these days.

2 A I still mobile forensics. And also I carry
3 regular tasks that are traditionally the same as
4 any other investigator, serve subpoenas, also
5 building manager, IT, part-time IT worker.

6 Q Okay. Sometimes you have to paint?

7 A Yeah, build stuff.

8 Q Build stuff. Okay. I'm going to show you --

9 MS. SWANSON: May I mark this as Court's
10 Exhibit 73?

11 COURT REPORTER: Court's would be 3.

12 MS. SWANSON: Okay, 3.

13 (COURT EXH. 3, Text messages, was were
14 marked and entered into evidence.)

15 BY MS. SWANSON:

16 Q I'm going to show you what's been marked as
17 Court's Exhibit 3 and ask if this is a portion of text
18 messages that you retrieved using the BlackLight
19 device from a cell phone in the Brian Walls case?

20 A It is.

21 Q Okay. And is that information the same as it was
22 when you extracted it? Has it been modified, altered,
23 changed?

24 A No.

25 Q Can you offer any opinion on that?

Testimony of Derek Nelson

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1 A Only that to just -- it is what it is. I can
2 only regurgitate what's actually on the report
3 itself.

4 Q Okay. And can you just tell us what the time
5 frame is on the text messages right there?

6 A It looks like they start -- they start
7 December the 5th, 2016 and run through December
8 6th, 2016.

9 Q Okay.

10 THE COURT: One day?

11 THE WITNESS: 24 hours.

12 MS. SWANSON: Your Honor, I simply offer
13 this to the Court so that the Court understands
14 what I would like to enter as part of --

15 THE COURT: I want to see it, if you're
16 going to give it to the jury. You're going to try
17 to give it to the jury.

18 MS. SWANSON: Correct. And if
19 Miss Campbell needs all of the text messages, I'm
20 certainly happy to do that.

21 MS. CAMPBELL: Miss Swanson, are you
22 finished?

23 THE COURT: Let me look at this just a
24 minute. I'm trying to figure out what it is.

25 Okay. Miss Campbell.

Testimony of Derek Nelson
CROSS-EXAMINATION

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1

2 BY MS. CAMPBELL:

3 Q Mr. Nelson, you don't consider yourself an expert
4 in the field of forensic cell phone data extraction,
5 do you?

6 A Expert? I'm not an engineer, but I
7 definitely know more than a common person.

8 Q Okay. Well, it's just that point I'm trying to
9 get at. So you say you know more than the regular
10 person.

11 A Uh-huh.

12 Q So you have specialized training in how to use
13 these machines; is that correct?

14 A I do. But part of the training that goes
15 into it involves using the machines. They teach
16 you how they work.

17 Q Okay. But, again, do you consider yourself an
18 expert in the field of forensic cell phone data
19 extraction?

20 A As far as removing data from a device and
21 finding it on a cell phone, I would say so, yes.

22 Q So you do consider yourself an expert. All right.

23 Now, in that same line of thought then, how
24 about the cell phone that was attributed to
25 Brian Walls in this case, right?

Testimony of Derek Nelson

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1 A Okay.

2 Q You handled that phone, correct, the physical
3 phone?

4 A Yes, ma'am.

5 Q And that physical phone, how exactly did you
6 attribute it to Brian Walls? Because that's what it
7 says in your report, this is Brian Walls's phone. How
8 do you make that leap?

9 A I would have to look back at the -- it can be
10 done either by me being advised by the
11 investigator, which I don't know in this case, or
12 based upon the content of the device, and if there
13 are identifying markers as far as on the device
14 itself, or if the contents of -- depending on what
15 kind of phone it is, can also identify who the
16 user is. Cellebrite and other technologies can
17 identify user profiles installed on the actual
18 device itself.

19 Q So, in this case, what did you do to identify it
20 as Brian Walls's phone? Your report says it's
21 Brian Walls's. Why does it say it's Brian Walls's
22 phone?

23 A I would have to look back at everything. I
24 don't recall right now.

25 Q So, as you testify today, you don't know the

Testimony of Derek Nelson

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1 answer to that question?

2 A At this time, no.

3 THE COURT: Do you have notes in this
4 case?

5 THE WITNESS: I do, but not with me,
6 sir.

7 BY MS. CAMPBELL:

8 Q Do you know the model of phone that you attribute
9 to Brian Walls?

10 A We got it identified as a Tracfone. Alcatel
11 One Touch, model Alpha, 462, Charlie.

12 Q Do you know the date that that particular phone
13 was first marketed for sale in the United States?

14 A I do not.

15 Q Can you explain the software program and how it's
16 written to perform the extraction of these devices?

17 A How the software is written?

18 Q Ye.

19 A That's an engineer's job. No, ma'am.

20 Q In this case, did you check your report, the
21 extraction report, against the actual item of
22 evidence, the actual cell phone to determine if the
23 report matched the integrity of the actual phone
24 contents? Did you do that in this case?

25 A Did I cross reference what I -- what the

Testimony of Derek Nelson

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1 software put out versus what I saw on the phone?

2 Q Correct.

3 A I don't recall doing so. No, ma'am.

4 Q So, no. So you have no idea if what you extracted
5 in this report is actually what was on the piece of
6 evidence in this case, correct?

7 A I would say it is because of the hash values
8 that all forensics tools do.

9 Q Again, if I may, it sounds like you're saying you
10 physically didn't match the report to the actual piece
11 of evidence because you relied on the software to tell
12 you that you're right; is that correct?

13 A I relied on software to do its job.

14 Q Okay. And you didn't then follow up to determine
15 if what was spit out by the software, in fact, was
16 what was on that phone physically.

17 A Well, because the software is going to spit
18 out more than is physically -- that you can see as
19 a user on the phone. So, no, I didn't feel it was
20 necessary to cross reference the phone with the
21 forensic tool.

22 MS. CAMPBELL: May I approach, Your
23 Honor?

24 THE COURT: Yes, ma'am.

25 BY MS. CAMPBELL:

Testimony of Derek Nelson

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1 Q Do you have your entire text message BlackLight
2 report for Brian Walls with you?

3 A The entire, no, ma'am.

4 Q You just have what the solicitor asked you to
5 bring, correct?

6 A Correct.

7 Q Okay. So I'm going to show you the beginning of
8 the text message report that you provided to me on the
9 software program that says this is Brian Walls's
10 phone.

11 A Okay.

12 Q The date and time of the first text messages in
13 your data extraction report, please tell the Court
14 what the date and time are for those first text
15 messages?

16 A It identifies it as December 31st of 2011.

17 Q Okay. And the time?

18 A At 1900 hours and 42 seconds.

19 Q And the content of the messages?

20 A That particular content is, "You is a
21 bitch-man pussy boy fuck."

22 Q And the next one?

23 A The next one is December 31, 2011 at 1900
24 hours and 45 seconds and it is, "Bro, call me.
25 Mia is sick and M [REDACTED] is sick. She needs

Testimony of Derek Nelson

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1 Courtney."

2 Q Okay. If I were to ask you then about text
3 messages on this data extraction that purports to be
4 from December 31, 2011, the date and time on that is
5 right or wrong?

6 A It is what the computer found.

7 Q Okay. And just to be clear, 2011 on the actual
8 piece of evidence, you did not confirm date and time
9 on actual the piece of evidence?

10 A No, ma'am.

11 Q Okay.

12 MS. CAMPBELL: Thank you, Judge. That's
13 all I have.

14 MS. SWANSON: I have nothing else for
15 Mr. Nelson at this time.

16 THE COURT: Thank you. Why should this
17 evidence be admitted, Miss Swanson?

18 MS. SWANSON: Well, Your Honor, it
19 goes to motive as well as the timeline of events --

20 THE COURT: Well, let's take.
21 evidence.

22 MS. SWANSON: -- that occurred --

23 THE COURT: I realize that's the case.

24 MS. SWANSON: Why should it? Okay.

25 Well, because this type of evidence has

Testimony of Derek Nelson

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1 routinely been allowed in criminal trials. I am not
2 asking for any sort of opinion from this witness, so
3 it does not fall under 702, testimony by experts, or
4 what they base their opinion on

5 THE COURT: Wait a minute. This does not
6 fall under 702?

7 MS. SWANSON: 702, 703, 74.

8 THE COURT: Okay. Because there's no
9 opinion.

10 MS. SWANSON: Because there is no
11 evidence. It is simply data being pulled from a
12 phone. Yes, he has some specialized training on
13 how to do so, which involves the use of computers
14 and things like that, you know, that I have no
15 knowledge of.

16 THE COURT: Well, I mean, I'll be frank
17 with you, neither do I. But if you -- I
18 appreciate the case law. You say it's been used
19 fairly regularly. But, I mean, does this
20 individual, who has obviously had some specialized
21 training, is he doing any more than plugging the
22 phone into a machine and then reading what the
23 machine spits out? I mean, that's an
24 over-simplification.

25 MS. SWANSON: Correct.

Testimony of Derek Nelson

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1 THE COURT: But that's it.

2 MS. SWANSON: That is it. He's not
3 altering the data coming from that phone in any
4 manner, or issuing any sort of an opinion, and
5 that's what he testified to.

6 THE COURT: And then your office, or you,
7 or him have called a certain number of text
8 messages to conform with the dates of this
9 incident, and they are the texts during that time
10 period. Is that going back to 2011, like
11 Miss Campbell said?

12 MS. SWANSON: I am not seeking to enter
13 anything except what I've handed the Court in
14 Exhibit 3, which is December 5th, 2016 to
15 December 6th of 2016, which is when we believe
16 Teresa Seigler was killed.

17 THE COURT: Is there an identification of
18 the phone as being --

19 MS. SWANSON: It was found --

20 THE COURT: -- his proof that the -- or,
21 will there be evidence that that phone that they
22 used that day, or that time, was his phone?

23 MS. SWANSON: Right. One of my witnesses
24 does recall the text message conversations
25 depicted in Court's Exhibit 3, as well as the

Testimony of Derek Nelson

1 phone being located in the center console of the
2 1999 Toyota Camry that the defendant was
3 apprehended in and driving in Chesterfield.

4 THE COURT: Was there a --

5 MS. SWANSON: I do not believe there was
6 subscriber info, but there were a number of cell
7 phones that were attributed to the defendant.

8 Also, in one text message --

9 THE COURT: Let me think. There is no
10 permission to examine the phone from the
11 defendant.

12 MS. SWANSON: There was a search warrant
13 done on the phone.

14 THE COURT: Okay. But he never gave his
15 consent.

16 MS. SWANSON: No, I do not believe he was
17 asked to consent to it. There was a search
18 warrant.

19 THE COURT: Okay.

20 MS. SWANSON: For the phone. For all of
21 the phone information.

22 I believe he's also referred to as Brian in
23 the text messages.

24 THE COURT: I didn't read that, but I'm
25 not going to argue it.

Testimony of Derek Nelson

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1 MS. SWANSON: That's from his off and on
2 girlfriend of 15 years, Tera Kennedy. It's on the
3 December 5th, 2016. She refers to Brian in her
4 texts.

5 MS. CAMPBELL: And, Your Honor, if you're
6 looking at specific text messages than what the
7 solicitor has provided, then I would say again,
8 there are text messages that she provided to you
9 where the text message says, "Hey, it's Courtney."
10 You know, so the person is identifying themselves
11 as Courtney Brock. So, at best --

12 THE COURT: I didn't even see that. I
13 saw sender --

14 MS. SWANSON: That is correct. There is
15 a text message that says, "Hey, it's Courtney,"
16 because she is using Brian's phone. They are
17 together. They have gone missing. And there's
18 going to be testimony to all of that, as to when
19 they went missing, when they could not be found.

20 THE COURT: All right. You can continue
21 your argument.

22 MS. CAMPBELL: Thank you, Your Honor.

23 So based on the testimony, I do think
24 what's going to effectively come across is that
25 Nelson is going to give an opinion as to accuracy

Testimony of Derek Nelson

1 of the date and time of these records. And, you
2 know, that is the essence of more than a lay
3 witness. Someone who's vouching for and giving an
4 opinion about that print out as being accurate.
5 And how does he know that, because he has
6 specialized training.

7 THE COURT: So it's his opinion.

8 MS. CAMPBELL: So it's his opinion.

9 And so, with that said, authenticity
10 attributing this particular item that is located
11 in a common area of a vehicle, trying to take that
12 item, and without cellular subscriber information,
13 tying in a cell phone number or an account to
14 Brian Walls, I think the State fails to meet that
15 burden as well of proof in order for it to be
16 admissible against Mr. Walls.

17 They are attributing it to him. They are
18 calling it his phone because it suits their
19 purposes. But there's nothing to back up just
20 naming it Brian Walls's phone.

21 THE COURT: There were other --

22 MS. CAMPBELL: There were other cell
23 phones in the car. There were -- in evidence,
24 there were five phones that I counted. One,
25 again, attributed to Brian Walls, two attributed

Testimony of Derek Nelson

1 to Courtney Brock from the vehicle, and then two
2 attributed to Teresa Seigler from her home.

3 But, in any event, as I said, he is
4 giving opinion testimony that these records are
5 accurate. And, at a minimum, in order to say
6 that -- you know, to admit them into evidence,
7 it's not even the best evidence because the
8 phone itself -- nobody has even looked at the
9 phone, the actual phone itself. He's used a
10 machine to spit out information.

11 THE COURT: What are you handling?

12 MS. CAMPBELL: My phone, which is a
13 Smartphone. It's like a computer. I really have
14 two computers here.

15 THE COURT: Is the phone being offered?

16 MS. SWANSON: Yes.

17 MS. CAMPBELL: So, again, I will say,
18 there is no foundation from the State to attribute
19 this phone to Mr. Walls, and we object.

20 Thank you, Your Honor.

21 MS. SWANSON: Just for clarification,
22 there were two phones that were recovered
23 attributed to the victim, one of which was in the
24 car next to Brian Walls. So that is --

25 THE COURT: So there were five of them.

Testimony of Derek Nelson

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1

MS. SWANSON: Sorry?

2

THE COURT: Were there five of them?

3

MS. SWANSON: I believe there were five.

4

THE COURT: To Brian Walls?

5

MS. SWANSON: Two attributed to the

6

victim. One was in her bed, one was in the car

7

with them in her purse, one was an old phone of

8

Courtney's, and one was a newer phone --

9

THE COURT: What links any phone to him?

10

MS. SWANSON: Well, the -- one of our

11

witnesses is going to testify that she recognized

12

that number as Brian's phone number that's

13

associated with that phone. It's found in the

14

center console of the car that he is driving. His

15

name Brian is mentioned. His on and off

16

girlfriend --

17

THE COURT: Is there a witness that will

18

identify that cell phone as being this man's

19

phone?

20

MS. SWANSON: She recognizes the text

21

conversations.

22

THE COURT: I thought you said she

23

recognize the number.

24

MS. SWANSON: Yes, and she does recognize

25

the number attributed to that cell phone.

Testimony of Derek Nelson

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1 THE COURT: But she knows it to be his.

2 MS. SWANSON: Correct.

3 Now, she knows also that, when they were
4 together, Courtney and Brian were using the same
5 phone. She was texting with both of them because
6 they were both trying to get a ride from her and
7 offering pills and money.

8 THE COURT: So I'm going to reserve my
9 ruling on that. I think until we can link it up
10 to this defendant, I would not be inclined to
11 admit it.

12 MS. SWANSON: Right, and --

13 THE COURT: Once you link it up, then you
14 still got the issue of the expert testimony --
15 quote, expert testimony.

16 MS. SWANSON: Well, Your Honor --

17 THE COURT: I feel that testimony is
18 admissible.

19 MS. SWANSON: Right. And, also, I mean,
20 it's possible that I just avoid calling Mr. Nelson
21 and ask about the text messages that my witness
22 sent to Brian Walls's phone, because her number is
23 on there.

24 THE COURT: Say that again.

25 MS. SWANSON: She can --

Testimony of Derek Nelson
THE COURT: No. You said about

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1
2 calling.

3 MS. SWANSON: I could avoid calling
4 Mr. Nelson all together by getting the text
5 messages in through the witness who was texting
6 Mr. Walls. But at any rate --

7 THE COURT: Well, you think about that.

8 MS. SWANSON: Mr. Nelson also is not
9 offering any opinion as to the accuracy. That was
10 covered in Miss Campbell's cross-examination, and
11 he said, I'm not saying it's accurate or not. I'm
12 just telling you what came off it.

13 THE COURT: But he's saying -- or did he
14 say that he knows that that's this defendant's
15 phone? I don't think he said that.

16 MS. SWANSON: No, he does not. And I
17 still need to lay the foundation, but that's not
18 what I thought this hearing was about.

19 THE COURT: Well, things come out.

20 All right. Anything further?

21 MS. CAMPBELL: Your Honor, on that issue,
22 we do need take up the photos that the State
23 proposes to use during the trial.

24 MS. SWANSON: If we could go back to --

25 THE COURT: The what?

Testimony of Joshua Dowling

133

1 MS. CAMPBELL: The photographs.

2 THE COURT: Photographs, okay. Let me --
3 on your first motion --

4 MS. CAMPBELL: Yes, sir.

5 MS. SWANSON: We do have Investigator
6 Dowling present now. Again, I mean, I'm looking
7 at his report. I don't know that he's going to be
8 able to provide the Court with an exact time, but
9 I do have him present.

10 THE COURT: Let's go ahead and put him
11 on. That's why you got him here.

12 MS. SWANSON: Josh Dowling.

13 THE CLERK: Do you solemnly swear or
14 affirm that the testimony you give this Court in
15 this trial will be the truth, so help you God?

16 THE WITNESS: I do.

17 MS. SWANSON: State your name and spell
18 it.

19 THE WITNESS: My name is Joshua. Last
20 name, Dowling. J-o-s-h-u-a, D-o-w-l-i-n-g.

21 WHEREUPON:

22 JOSHUA DOWLING,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. SWANSON:

Testimony of Joshua Dowling

134

1 Q Investigator Dowling, did you investigate
2 allegations of rape at the hands of Mr. Walls?

3 A I did.

4 Q And did you meet with a victim in that case?

5 A I did.

6 Q And where was that victim found?

7 A At the Howard Johnson hotel. She was found
8 in the marsh by responding officers.

9 THE COURT: Found where?

10 THE WITNESS: In the marsh, Your Honor.

11 THE COURT: Marsh.

12 THE WITNESS: Yes.

13 THE COURT: Marsh at the hotel?

14 THE WITNESS: The hotel is surrounded by
15 water and marsh. She had run into the marsh
16 trying to escape the defendant, Your Honor.

17 THE COURT: Thank you.

18 BY MS. SWANSON:

19 Q And after -- now, did she get a rape kit done and
20 all that?

21 A She did, yes.

22 Q And what date was this?

23 A I, unfortunately, do not have the police
24 report with me. I was called up here
25 unexpectedly. My apologies.

Testimony of Joshua Dowling

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1 Q All right. I'm going to --

2 MS. SWANSON: If defense has no
3 objection, I'm just to go to provide the
4 witness --

5 MS. CAMPBELL: That's fine.

6 MS. SWANSON: -- with his Spillman report
7 on my computer.

8 THE WITNESS: Thank you.

9 BY MS. SWANSON:

10 Q And it may not be in the right place,
11 Investigator Dowling, so I apologize, but if you can
12 just tell us when the incident was reported, whether
13 it was reported right away?

14 A The incident was reported right away,
15 correct. It was reported on December 6, 2016.

16 Q Okay. And was that -- about what time?

17 A It was reported at 1943 hours.

18 Q All right. So about 7:45?

19 A That's correct. Approximately, yes.

20 Q And do you recall when you obtained a warrant or
21 warrants on Mr. Walls and what those allegations
22 were?

23 A The arrest warrant was pertaining to the
24 allegation of a sexual assault, and I would have
25 to reference my arrest warrant for when -- the

Testimony of Joshua Dowling

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1 exact date of when that was signed. I'm just
2 going through my supplement as we speak.

3 THE COURT: Well, what did you do?

4 THE WITNESS: Regarding my investigation?

5 THE COURT: Regarding this warrant.

6 THE WITNESS: I had a warrant that was
7 signed by a magistrate judge.

8 THE COURT: Did you go?

9 THE WITNESS: Yes, Your Honor.

10 THE COURT: That's what we're trying to
11 find out.

12 BY MS. SWANSON:

13 Q And did you -- was it Judge Sharp?

14 A Judge Sharp, that's correct.

15 Q And is she a municipal judge?

16 A That's correct, yes.

17 Q As well as a local attorney?

18 A That's correct.

19 Q Okay. Do you recall if it was the day after the
20 allegation was made, or reported, the incident was
21 reported?

22 A Correct.

23 I'm reading my supplements, and I indicate in
24 my supplement that the arrest warrant was signed on
25 December 7th, 2016.

Testimony of Joshua Dowling

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1 Q And did you tell Judge Sharp about the probable
2 cause underlying the allegation of criminal sexual
3 conduct in the first degree?

4 A I did, yes.

5 Q All right. She signed off on that warrant?

6 A That is correct.

7 Q And did you place it in NCIC?

8 A Yes.

9 Q Okay. And do you know if that warrant was active
10 when the defendant was apprehended by Chesterfield
11 County the sheriff's office?

12 A Yes.

13 MS. SWANSON: Thank you, Your Honor. I
14 have nothing further at this time.

15 CROSS-EXAMINATION

16 BY MS. CAMPBELL:

17 Q And, specifically, you have a date that it was
18 provided to the municipal court, Judge Sharp, but you
19 don't have the time on that date, correct?

20 A That's correct.

21 MS. CAMPBELL: That's all I have.

22 THE COURT: You don't have any
23 independent memory of that event?

24 THE WITNESS: Unfortunately, I do not,
25 Your Honor.

Testimony of Joshua Dowling
REDIRECT EXAMINATION

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1

2

BY MS. SWANSON:

3

Q Investigator Dowling, do you recall or do you know anywhere in your report when Chesterfield apprehended Mr. Walls, or located him?

4

5

6

A It appears not to be in my supplement. It may have been in another investigator's supplement, which I'm just, kind of, scrolling through at the present moment.

7

8

9

10

Q Investigator Dowling, do you recall going to Judge Sharp's home to get a signature on the warrant? Do you recall if it was during business hours, during the daytime?

11

12

13

14

A I simply, unfortunately, do not recall.

15

Q Okay.

16

THE COURT: Do you have memorandum of it in your own notes?

17

18

THE WITNESS: I don't believe so, Your Honor. Any of my notes or anything I wrote down would be submitted to the report.

19

20

21

BY MS. SWANSON:

22

Q Investigator Dowling, I'm going to give you a document we received from Chesterfield. Did you get a copy of this document in your investigation, or do you know what it is?

23

24

25

Testimony of Joshua Dowling

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1 A This appears to be a Chesterfield County 911.
2 It looks like one of their reports. Their
3 internal reports of their county.

4 Regarding your question of receiving it, I do
5 recollect documentation that was attached that was
6 provided. I don't know if it was specifically this,
7 but I do remember they did provide documentation.

8 Q Okay. Does that have any identifying information
9 about when the defendant was arrested?

10 A It does. It indicates that the call, in the
11 Chesterfield report, was December 7, 2016. It
12 indicates at 1910 hundred hours, which would be
13 7:10 p.m.

14 Q P.m.? 7:10 p.m. But you do not have any
15 independent recollection that you located
16 Judge Mary Sharp at her residence, or anything of that
17 nature?

18 A No. Unfortunately, there's been a
19 substantial amount of arrest warrants during that
20 time period. I simply do not have any
21 recollection.

22 Q Okay, thank you. But it was your testimony that
23 you recall the arrests weren't -- being in NCIC when
24 Chesterfield located the defendant?

25 A To the best of my recollection, yes, because

1 A I did enter into NCIC pretty quickly given
2 the magnitude of this case.

3 THE COURT: You did it? You're not the
4 one who contacted Verizon, are you?

5 THE WITNESS: No, Your Honor.

6 THE COURT: That would have been Erdel?

7 THE WITNESS: To the best of my
8 recollection, that task was delegated, correct.

9 MS. SWANSON: That was Officer Knapp, who
10 is no longer with the Beaufort Police Department,
11 and that was Detective Erdel's testimony.

12 THE COURT: Thank you very much.

13 MS. SWANSON: Thank you. I have nothing
14 further for Investigator Dowling.

15 THE COURT: Miss Campbell.

16 MS. CAMPBELL: No.

17 THE COURT: All right. Before that
18 witness was called, I'm going to deny the
19 defendant's motion to suppress on -- this is
20 not the murder case. This is the other issue of
21 whether the Verizon request was supported by a
22 warrant. It's my understanding it was supported
23 by an arrest warrant in the CSC case, and not as a
24 matter, of course -- not in the murder case,
25 because there was no arrest warrant at that time until

1 some forensics had been done, and I think it was a
2 proper arrest -- I mean, a proper request to Verizon
3 to ping the cell towers to locate the defendant
4 because the defendant was charged in an
5 arrest warrant for CSC, plus the fact that a missing
6 person report had been made to the sheriff's
7 department. And both of those activities, both of
8 those facts, as I discern them, would support, in my
9 opinion, the ping request to Verizon without an
10 independent warrant, or ping order from a court.

11 As I stated earlier, my experience with
12 those has been fairly routine, but they were
13 always supported by affidavits and they were most
14 often cases where a defendant was moving. Even
15 though there was not an arrest warrant, there was
16 certainly probable cause for the issuance of the
17 ping order. So, I, respectfully, deny your
18 motion.

19 Now, I'm going to look at this. I'm a
20 little bit skeptical about the Cellebrite,
21 BlackLight forensic evidence due to the fact that
22 there has not been, at this point, an
23 identification of the phone as being that of the
24 defendant. I'm also -- I'd be interested in any
25 case law that you have, Miss Swanson, about your

1 statement that this type of evidence is routinely
2 admitted. I don't doubt your representation to
3 the Court, but...

4 MS. SWANSON: Yes, sir.

5 THE COURT: I'm going through cell phone
6 training a little bit late.

7 MS. SWANSON: And, you know, my assertion
8 has been based on my experience here in Beaufort
9 and around the circuit. However, I'll certainly
10 look into case law.

11 THE COURT: I trust that.

12 MS. SWANSON: And I do plan on laying a
13 foundation during my case in chief just -- well,
14 because that wasn't the basis for the motion to
15 suppress, I wasn't prepared to do so today.

16 THE COURT: I would assume, at this
17 point, that defense counsel would request that you
18 not make it part of your opening statement.

19 MS. SWANSON: Sure.

20 THE COURT: Next motion.

21 MS. CAMPBELL: Your Honor, over the break
22 the solicitor was kind enough to provide me with
23 the exhibits in terms of photographs that she
24 intends to introduce, and I do have a number of
25 objections. And if it pleases the Court, I can

1 take them in order.

2 THE COURT: Let me --

3 MS. CAMPBELL: I believe Your Honor would
4 need the packet.

5 THE COURT: Have they been marked?

6 MS. SWANSON: Ye, sir. But I'm also
7 going to need to see which one she's referring to.

8 MS. CAMPBELL: Right.

9 THE COURT: We don't have any gory
10 bodies?

11 MS. SWANSON: No, sir. I can hand up the
12 ones that she's objecting to, if you want to hand
13 the packet back to me. Those are all of them that
14 I had marked and had her review.

15 Thank you. I have not been informed as to
16 which ones she is objecting to.

17 THE COURT: Do you want to take a few
18 minutes?

19 MS. CAMPBELL: I apologize, Your Honor.
20 I got it right before we came back and Your Honor
21 came back on the bench. I can alert the State to
22 the objections, and pretty much the objections are
23 going to be based on, number 1, relevance. What
24 is the State trying to show with this photograph?
25 And/or in citing the passion and emotion of this

1 jury, or placing my client in a bad light.

2 Particularly, I'm going to go with 29,
3 30, 31, 32, 33, 34, which are all interior
4 photographs of his home at ■0 Falls Road where --
5 I mean, I could be wrong, but I think no evidence
6 was ceased from within that home relative to the
7 murder case. And what you see in these pictures
8 are a huge pile of beer cans, a bong, a bunch of
9 liquor bottles, some powder on a table. I mean,
10 is it cocaine, is it pills? That genre of
11 photograph we're objecting to.

12 And then there are more, but if the State
13 would just like to address ■0 Falls Road --

14 MS. SWANSON: If I may hand those up.
15 These are State's proposed 28 through 34, and they
16 do depict ■0 Falls Road, which is the defendant's
17 residence. There will be testimony that a number
18 of people lived there, including co-defendants
19 Courtney Brock and John Priester. There will also
20 be testimony about the rampant drug use.

21 That is the motive behind this murder.
22 This is the life that they were living. And
23 Teresa Seigler had an open door policy.

24 THE COURT: Go ahead. I'm sorry.

25 MS. SWANSON: Had an open door policy

1 when it came to these users. You know, their
2 water would get cut off and she would have a hot
3 shower. They couldn't afford groceries and she
4 would cook for them.

5 THE COURT: She being?

6 MS. SWANSON: The deceased. And
7 Amanda Reddish, one of the witnesses that the
8 State intends to call in this case can testify to
9 all that. She was using right along with them,
10 but is clean now, subject to cross-examination and
11 all of that. But this tells the story, because,
12 otherwise, it doesn't make sense.

13 THE COURT: Seigler was living here?

14 MS. CAMPBELL: No.

15 MS. SWANSON: No. Brian Walls, the
16 defendant was living there.

17 THE COURT: I know, but you said several
18 other people were living there.

19 MS. SWANSON: Correct. Courtney Brock
20 and John Priester, among two of them. Also Brian
21 Walls's children, Xavier and Kyle, who were also
22 charged with the torching of the victim's house.

23 THE COURT: How old are they?

24 MS. SWANSON: They were juveniles at the
25 time.

1 And this residence is located just a
2 couple doors down from the deceased's. Now, those
3 places no longer exist because they were
4 completely -- they needed to be bulldozed,
5 obviously.

6 But, you know, this is an indication of
7 what was going on with Brian Walls at the time.

8 THE COURT: Is this a crack house?

9 MS. SWANSON: It looks like a trap house
10 to me, but, yes, there were plenty of drugs used
11 there. Did they stay there all the time, no.

12 But, you know, presenting oneself in a
13 suit, you know, beard trimmed, portrays a much
14 different Brian Walls after two years of being
15 clean, and that's not who we're going to talk
16 about in this case.

17 MS. CAMPBELL: Well, I would say that
18 what the solicitor is asking the Court to do is
19 shore up class-based prejudice about drug use.
20 That drug use equals squalor and filth. And,
21 again, she's casting a light upon Mr. Walls that,
22 you know -- and we haven't even talked about
23 whether the drug use issue is coming in or
24 relevant to this case. But showing that home,
25 which, again, they attribute to Mr. Walls, and it

1 wasn't is home --

2 THE COURT: It's not his home?

3 MS. CAMPBELL: It's not his home. It's
4 his brother's home. You know -- and he's not a
5 lease, or any deed, or any real estate. They want
6 to say it's his house, but they can't give you any
7 proof that that's his house, or that he resided
8 there.

9 THE COURT: There's no proof that he
10 either resided there or exercised some dominion
11 control?

12 MS. CAMPBELL: The only evidence that
13 they would present that he came and went from that
14 home or resided there or lived there or slept
15 there would be from witnesses that they present.
16 But, as far as him being in charge of that home,
17 in charge of the upkeep of that home, you know,
18 how the trash is piled up in the corner, no. I
19 don't think anyone would say that he's somehow the
20 caretaker of that home.

21 And, again, it's not relevant. Nothing
22 in that home is in evidence in this case. Not a
23 bit.

24 I mean, if she were trying to show an
25 item of evidence that they collected, okay, but

1 she's not. She's trying to cast him in this
2 negative light.

3 THE COURT: Well, if this was a child
4 endangerment case, it would be different too.

5 MS. CAMPBELL: Yes, sir.

6 So, again, I have --

7 THE COURT: What is the relevance?

8 MS. CAMPBELL: I think that group, and
9 then I have another.

10 THE COURT: What's the relevance of
11 him -- I'm factually deficient at this point.
12 What's the relevance of him coming to this
13 residence and spending the night and blowing
14 something up his nose?

15 MS. SWANSON: Well, a number of people
16 would testify that he was living there. The
17 relevance is, is that it's just a couple of doors
18 down from Teresa's.

19 THE COURT: Proximity?

20 MS. SWANSON: Proximity, as well as, you
21 know, desperate times call for desperate measures,
22 and he was living in a state of desperation. This
23 is where he was living with his co-defendants.

24 THE COURT: And he was with his children?

25 MS. SWANSON: I'm sorry?

1 THE COURT: And with his children?

2 MS. SWANSON: Well, his children were
3 also living with his brother at the Econo Lodge in
4 Beaufort, but would supposedly go over there to
5 their father's house and then to a different trap
6 trailer to do laundry. But --

7 THE COURT: Who messed this place up?

8 MS. SWANSON: All of them, apparently.

9 THE COURT: Brian Walls and his
10 co-defendants.

11 THE COURT: A bunch of people came, did
12 some drugs --

13 MS. SWANSON: Well, it was --

14 THE COURT: -- ate some fried chicken.

15 MS. SWANSON: Brian Walls and his
16 co-defendants, who are also charged with the
17 muster of Teresa because they were on a major
18 pill, meth, drug bender.

19 THE COURT: You said the magic word
20 there.

21 MS. SWANSON: I'm sorry?

22 THE COURT: Meth. Was meth being
23 manufactured here?

24 MS. SWANSON: I mean, some neighbors
25 thought so.

1 THE COURT: Okay.

2 MS. SWANSON: But he did admit to meth
3 use in his interviews. So, I mean --

4 THE COURT: Well, right now --

5 MS. SWANSON: -- not that I'm entering
6 those interviews.

7 THE COURT: All right. Right now, from
8 what I know, 28 is admissible and none of the
9 others are admissible.

10 MS. SWANSON: There is one, I believe
11 it's 34, that shows some -- a big package of
12 gloves on a bed.

13 THE COURT: You have to show it to me.

14 MS. SWANSON: Yes, sir.

15 THE COURT: What do gloves have to do
16 with it?

17 MS. SWANSON: Well, if there is a lack of
18 fingerprints or DNA, then I suppose that could
19 become relevant through Miss Campbell's
20 cross-examination of certain matters.

21 THE COURT: Well, a lot of this might
22 become relevant.

23 MS. SWANSON: Right. Okay.

24 THE COURT: I'm just saying, based on my
25 knowledge right now.

1 MS. SWANSON: Okay.

2 THE COURT: You can show that this is
3 where they hung out.

4 MS. SWANSON: Okay, sure.

5 THE COURT: Do you have something there?

6 MS. SWANSON: This is 34.

7 THE COURT: Do you see a glove there?

8 MS. SWANSON: Oh, this is a pack of
9 gloves right here. They're plastic or latex
10 gloves.

11 THE COURT: All right. Were gloves used?

12 MS. SWANSON: Possibly.

13 THE COURT: I mean, are gloves an issue
14 in this case?

15 MS. SWANSON: Well, the fact that there
16 are not more fingerprints or more DNA, it is --

17 THE COURT: There are fingerprints on the
18 tape around the body.

19 MS. SWANSON: Not Mr. Walls's, but there
20 were identifiable prints on the tape.

21 THE COURT: You may get that in.

22 MS. SWANSON: Okay.

23 THE COURT: So right now, is that clear?

24 MS. CAMPBELL: Yes, sir.

25 MS. SWANSON: Ye, sir. That was number

1 28. And then depending on the testimony and
2 cross-examination, there may be argument for the
3 rest of them.

4 THE COURT: Right. If it directly
5 involves the defendant.

6 MS. CAMPBELL: The next objection the
7 defendant has is State's number 17.

8 THE COURT: Sorry?

9 MS. CAMPBELL: State's number 17, which I
10 believe depicts one of the dead dogs in ■ 6 Falls
11 Road. Same basis for the objection, Your Honor.

12 THE COURT: The dead dog?

13 MS. CAMPBELL: The dead dog in her
14 bedroom. I mean, some people --

15 THE COURT: I just hadn't heard anything
16 about the dead dog.

17 MS. CAMPBELL: Well -- and factually the
18 testimony may, you know, come in. She had two
19 dogs. I believe, actually, both of them died.

20 MS. SWANSON: She did.

21 MS. CAMPBELL: One of them died.

22 MS. SWANSON: One of them was found
23 alive. But this is the scene --

24 THE COURT: This is in the fire?

25 MS. SWANSON: This is at Miss Seigler's

1 residence. This is State's proposed 17. This is
2 her bedroom, which is the left side of the bedroom
3 where one of the origin fires were determined to
4 be. And that's the scene that fireman came across
5 when they responded to the house fire at ■ 6 Falls
6 Road.

7 MS. CAMPBELL: And, again, there are a
8 bunch of photos of the interior of that master
9 bedroom from every possible angle that we do not
10 object to. It is the dog in this photo that is
11 particularly questionable in terms of relevance
12 and in terms of, you know, inciting that emotion
13 and passion of a jury.

14 THE COURT: Granted.

15 MS. CAMPBELL: Thank you, Your Honor.

16 THE COURT: 17 is out.

17 MS. CAMPBELL: The next, I come towards
18 the end of the packet, and I'll place it all on
19 the record now and the State can pull them, 37,
20 38, 43, 44, 45, 46, 47, 56, 64.

21 THE COURT: 64?

22 MS. SWANSON: I'm sorry. It was 47 and
23 then what?

24 MS. CAMPBELL: 56, 64, and 72. And then
25 I will pleased, once Your Honor receives them from

1 the State, to take them on at a time.

2 MS. SWANSON: Are these pictures of the
3 contents from the Toyota Camry?

4 MS. CAMPBELL: It is, yes. Yes,
5 principally.

6 MS. SWANSON: I am going to hand you the
7 set that is from the 1999 Toyota Camry search, and
8 it looks like these are pictures of victim's purse
9 which will be identified.

10 These are State's proposed 37 and 38, the
11 victim's purse which the victim's daughter will
12 identify.

13 THE COURT: Okay. Let's just take them
14 one at a time.

15 MS. SWANSON: Sure, okay. One at a time?

16 THE COURT: Stay right there.

17 MS. SWANSON: Okay.

18 THE COURT: You got them all?

19 MS. SWANSON: Well, I do, but this is a
20 different set.

21 THE COURT: This 37 and 38.

22 MS. SWANSON: They're just different
23 items, yes, sir. Would you like me to hand the
24 other ones to you?

25 THE COURT: Miss Campbell said she wanted

1 to take them one at a time. What's the objection
2 first?

3 MS. CAMPBELL: Well, I think, actually,
4 Your Honor, on 37, 38, I will say this: Those
5 photographs misrepresent the evidence. This is
6 not how the interior of the Toyota Camry looked
7 when photographed by CCSO when they arrested
8 Brian Walls and Courtney Brock. So, in
9 particular --

10 THE COURT: Hold it, hold it. Were these
11 taken in Chesterfield County?

12 MS. CAMPBELL: They were not. They were
13 taken sometime later, if I'm correct. And
14 Miss Swanson can address that.

15 MS. SWANSON: That is incorrect. They
16 were taken in Chesterfield County after the car
17 was towed to the bay located at Chesterfield
18 County Sheriff's Office.

19 MS. CAMPBELL: And the photographs that
20 I've seen that I was provided from the
21 Chesterfield County Sheriff's Office, when the car
22 door is open, they do not show that bag in the
23 front seat. Everything -- there's a photograph
24 from Chester County -- Chesterfield, excuse me --
25 Chesterfield County that shows everything in the

1 trunk.

2 So I think it misrepresents the evidence
3 to pull it out and place it in the front seat to
4 photograph.

5 THE COURT: Well, I don't know that. I
6 don't know if the witness is going to say, I took
7 stuff out of the trunk and put it in the front
8 seat, or if the witness is going to say, that's
9 the way I found it. But you don't challenge the
10 fact that that's the victim's purse.

11 MS. CAMPBELL: I don't know whose purse
12 it is. I understand the State will have testimony
13 for someone to try and identify that, but I don't
14 want to mislead the jury in having it presented to
15 them that, when Mr. Walls was taken into custody
16 in the Camry, that Teresa Seigler's purse was, you
17 know, in the front seat with him.

18 THE COURT: Wait a minute. The car was
19 impounded in Chesterfield County.

20 MS. CAMPBELL: Yes, sir.

21 THE COURT: How could he get the car
22 back, and you say he was arrested in this car?

23 MS. CAMPBELL: He was.

24 THE COURT: He went to Chesterfield
25 County and got his car back?

1 MS. CAMPBELL: No, no, no, no. The
2 Toyota Camry belonged to Kendall Payne.

3 THE COURT: That's this car?

4 MS. CAMPBELL: That is correct.
5 Mr. Walls and Courtney Brock left the Howard
6 Johnson and wound up in Chesterfield County
7 together.

8 THE COURT: That's something we can agree
9 on.

10 MS. CAMPBELL: And they -- so the
11 Chesterfield County Sheriff's Office documented
12 and the State has the photographs, the condition
13 of the interior of that automobile along with the
14 trunk.

15 THE COURT: You say this is not accurate?

16 MS. CAMPBELL: That is not accurate to
17 where the purse was found.

18 MS. SWANSON: And, Your Honor, I think
19 we're dealing a lot with issues that are
20 cross-examination.

21 THE COURT: I'm aware of that.

22 MS. SWANSON: And a Chesterfield County
23 deputy will be testifying in this case.

24 THE COURT: Well, I don't want to belabor
25 the point, but I don't see how he, your client,

1 was arrested in this car on the murder warrant.

2 He was arrested in this car on the CSC.

3 MS. CAMPBELL: Right.

4 THE COURT: All right.

5 MS. CAMPBELL: I understand what you're
6 saying, Judge.

7 THE COURT: All right.

8 MS. CAMPBELL: 43.

9 THE COURT: At this point, your motion is
10 denied on these two photographs. That's 37 and
11 38.

12 MS. SWANSON: I'm going to show you --
13 and this is 43, 44, 45, 46, and 47, which the
14 State -- these were all items found in a backpack
15 in the 1999 Toyota Camry which the State
16 attributes, and obviously there will be testimony
17 and items of evidence entered to Brian Walls.
18 There was something labeled "Brian" in that
19 backpack. There were adult male clothing. There
20 was what was labeled as a homemade dildo with
21 the --

22 THE COURT: Labeled by whom?

23 MS. SWANSON: I'm sorry.

24 THE COURT: Labeled by whom?

25 MS. SWANSON: By the Beaufort County

1 Sheriff's Office which had the defendant's DNA on
2 it.

3 THE COURT: So these photographs --

4 MS. SWANSON: Though photos are all from
5 one backpack which the State purports to belong to
6 Brian Walls.

7 THE COURT: Okay.

8 MS. SWANSON: There's rope, knives,
9 drugs.

10 THE COURT: I see it.

11 MS. SWANSON: Duct tape.

12 THE COURT: I see it. And a piece a rope.

13 MS. SWANSON: Being his handiwork, yes.

14 THE COURT: All right. Objection.

15 MS. CAMPBELL: So in reference to number
16 43, what the State has labeled a homemade dildo, I
17 just -- you know, again, the relevance as to what
18 that item would go to show and an element that the
19 State bears the burden of proof on in this case,
20 it does not seem clear at all, nor do I think the
21 State can clear it up. There is no way that that
22 item could be relevant to the accusation that he
23 faces and what they have to prove.

24 THE COURT: How did the victim die?

25 MS. CAMPBELL: I believe Dr. Tormos is

1 going to testify that she was beaten.

2 MS. SWANSON: Yes. That it was homicidal
3 violence. She was beaten, but, you know, the
4 extent of her injuries would not have caused her
5 death. It could be consistent with smothering,
6 you know, sitting on her chest, depriving her of
7 oxygen.

8 THE COURT: Okay. But the knives had
9 nothing to do with her death.

10 MS. SWANSON: Well, they could have been
11 used to cut the duct tape.

12 THE COURT: They weren't used on her.

13 MS. SWANSON: No.

14 THE COURT: Was a tox done on her?

15 MS. SWANSON: Yes, sir.

16 THE COURT: What did that show?

17 MS. SWANSON: A bunch of prescription
18 medication and a morphine pump that kept pumping
19 beyond her death.

20 THE COURT: What's the rope got to do
21 with it, anything?

22 MS. SWANSON: I don't know what they did
23 with her before her final moments.

24 THE COURT: Okay. And nobody else does?

25 MS. SWANSON: Correct.

1 THE COURT: Except those that did it, if
2 they did it.

3 MS. SWANSON: Well, the co-defendants
4 have given some statements which obviously are not
5 admissible in this trial.

6 THE COURT: But you don't propose that
7 the murder weapon is in any of these five
8 photographs.

9 MS. SWANSON: That's correct, but I do
10 believe that the homemade dildo, having the
11 defendant's DNA on it, ties that back to him.

12 THE COURT: The defendant's.

13 MS. SWANSON: Yes, sir.

14 THE COURT: His DNA?

15 MS. SWANSON: Correct, yes.

16 THE COURT: Oh, okay. I just didn't --

17 MS. SWANSON: Ties that backpack to him
18 as well as the contents which included duct tape.

19 THE COURT: Oh, I don't see --

20 MS. SWANSON: And all of the other items.

21 THE COURT: I don't see the duct tape.

22 MS. SWANSON: It's hard to see. It's in
23 the front pocket of the backpack. And I'm going
24 to enter the actual backpack and the items, but I
25 just want to show what all came out of the

1 backpack.

2 THE COURT: Oh. So why do you need the
3 pictures?

4 MS. SWANSON: Or maybe I won't enter the
5 actual items. I don't know. I've got two other
6 co-defendants to try, so --

7 THE COURT: Well, if you put the
8 backpack in, I'm assuming the defendant would have
9 the same objection --

10 MS. SWANSON: Yes, sir.

11 THE COURT: -- as he does for the
12 pictures. I'm going to allow them in, 43, 44, 45,
13 46, and 47.

14 MS. CAMPBELL: To be clear 43, 44, 45,
15 46, and 47 are?

16 THE COURT: In.

17 MS. CAMPBELL: Allowed?

18 THE COURT: In.

19 MS. CAMPBELL: Allowed, okay.

20 And 56 is a photograph of a gun. Again,
21 there's no --

22 THE COURT: Let me see 56.

23 MS. CAMPBELL: There's no allegation, as
24 Your Honor pointed out, with the knives and the
25 rope of strangulation or being killed by a knife,

1 and the same goes for suffering a gunshot wound.

2 MS. SWANSON: And then this is 64.

3 THE COURT: How about 72?

4 MS. CAMPBELL: That, again, is the
5 dildo -- another photograph of the dildo, but this
6 time I think they captioned it, they removed a
7 condom off it to take the photograph.

8 MS. SWANSON: Right. It was from the
9 SLED lab, where the analyst can testify he took
10 the DNA swab, and so it's the -- I'll show Your
11 Honor.

12 THE COURT: What's a gun got to do with
13 anything? Let's start there.

14 MS. SWANSON: Well, I mean, he's a guy on
15 the run. I don't know.

16 THE COURT: I'd have a gun too. I don't
17 see any relevance of 56, or 64, for that matter.
18 And the rope's already in any way.

19 MS. SWANSON: There are gloves depicted
20 in that photo.

21 THE COURT: Whose gloves?

22 MS. SWANSON: Probably belonging to
23 co-defendant Courtney Brock, but -- and the thing
24 is, I'm going to be talking about Courtney Brock
25 and John Priester throughout the trial because all

1 three of them were so intertwined in this. I'll
2 hand you State's --

3 THE COURT: 56 and 64 are out.

4 MS. SWANSON: -- 72.

5 THE COURT: 56 and 64 are out. 19 is
6 where the DNA evidence was found? I mean, 72.

7 MS. SWANSON: That's SLED item 19.

8 THE COURT: 72, you can use that one.

9 MS. SWANSON: Thank you, Your Honor.

10 THE COURT: Is there more?

11 MS. CAMPBELL: No, sir. That's all from
12 the defense.

13 THE COURT: So, at this point, I only
14 have -- well, I got 28 in, 37 in, 38 in, 43 in,
15 44, 45, 46, 47 and 72. 29, 30, 31, 32, 33, 34, 56
16 and 64 are out, and 17. All right.

17 MS. CAMPBELL: So the last matter, Your
18 Honor, the State has said it pretty clear in terms
19 of the 404(b) Lyle evidence that we're objecting
20 to.

21 THE COURT: What is that evidence?

22 MS. CAMPBELL: Well, I think, if the
23 State will let Your Honor know what she intends to
24 try and introduce, then we can take it from
25 there.

1 MS. SWANSON: Basically, I would be
2 introducing testimony about the defendant's drug
3 use.

4 THE COURT: Testimony?

5 MS. SWANSON: Correct.

6 THE COURT: Drug use?

7 MS. SWANSON: Right. As well as the
8 co-defendant's drug use. You know, the fact that
9 he would do anything to get high. His personality
10 would change when he was high. I think that drug
11 use is extremely probative in this case to show
12 motive. Obviously, you've seen the pictures of
13 the items that have been taken from the 1999
14 Toyota Camry. There were many bottles of
15 prescription medicine from the victim Teresa
16 Seigler, 90 pills of which were morphine.

17 THE COURT: No convictions.

18 MS. SWANSON: No, no, no. I'm not asking
19 to enter any drug convictions, or anything of that
20 nature.

21 Testimony about what was going on at the
22 time in the proceeding days before Teresa's
23 murder.

24 Additionally, I wasn't sure how we wanted
25 to handle the Chesterfield arrest. I don't mind

1 just saying he wa apprehended. Obviously, I'm not
2 trying to get into the criminal sexual conduct
3 warrant or allegations.

4 THE COURT: Are you trying to get into
5 flight?

6 MS. SWANSON: Yes.

7 THE COURT: So, drug use.

8 MS. SWANSON: And flight.

9 THE COURT: And flight. Flight is not --

10 MS. SWANSON: I mean, the car doesn't
11 belong to him. I don't necessarily need to get
12 into the fact that he -- I mean, I was going to
13 get into the fact that it didn't belong to him. I
14 mean, I think it does go along with flight,
15 but I'm not sure what Your Honor wants to rule
16 about that, or if Miss Campbell has an argument
17 against him having permission to have that car.

18 THE COURT: But he, regardless of the
19 vehicle, he fled the scene.

20 MS. SWANSON: Correct. And the county,
21 right. He was on the state line.

22 THE COURT: So she says that the only
23 404(b) evidence is the drug use, contemporaneous
24 drug use.

25 MS. CAMPBELL: Right. And so, to me,

1 that's classic bad character evidence. That, you
2 know, he's a bad guy, he's a drug user, ergo --
3 and it's not just that he's a drug user, if you
4 listen to what she said carefully, she's going to
5 try to present testimony that his personality
6 changes when he uses drugs. So it's not just that
7 he smoke weed or that he might, you know, smoke
8 meth, it's that, when he does that, guess what,
9 he's a bad guy. And so it all rolls into, as she
10 said, desperate times call for --

11 THE COURT: That testimony could be
12 excluded. Bad guy.

13 MS. CAMPBELL: Right. But that's the
14 essence of the testimony. Because, as she just
15 said she would argue, desperate times call for
16 desperate measures. I mean, it all rolls into
17 this, they're high, they're on a drug bender. It's
18 fanciful. It's not based in fact.

19 THE COURT: What's not based in fact?

20 MS. CAMPBELL: That --

21 THE COURT: Is that true?

22 MS. CAMPBELL: So, again, that, you know,
23 somehow Mr. Walls is a Dr. Jekyll and Mr. Hyde. I
24 don't know whose testimony that's going to come
25 from. I haven't read that that's a characteristic

1 of his in any of the discovery provided to me.
2 So, again, I'm at a loss for that assertion.

3 A agree with the State that going further
4 than the fact that Mr. Walls was in a car that
5 didn't belong to him is -- you know, it's not his
6 car or registered to him, that's about -- anything
7 past that would be an error to get into.

8 THE COURT: I agree with that.

9 MS. CAMPBELL: Any level of stolen --

10 THE COURT: But she's certainly entitled
11 to introduce flight.

12 MS. CAMPBELL: Right. And so -- well,
13 you know, that's a double edge sword for the
14 defense, because I know why they were in Pageland.
15 They weren't running from the CSC or any murder.
16 But it may be --

17 THE COURT: There are ways to attack
18 that.

19 MS. CAMPBELL: Yes, exactly. We just
20 have to walk that line and be very careful when we
21 do. But to allow her -- I think it's more
22 prejudicial than probative of anything that the
23 State has to prove, and we continue to object to
24 him being labeled a drug user and some sort of
25 Dr. Jekyll and Mr. Hyde when he does use drugs.

1 Thank you, Judge.

2 THE COURT: She still has to prove
3 malice. Well, I may have to proffer some of that
4 testimony to understand it.

5 MS. SWANSON: Your Honor, just so that
6 it's clear, I anticipate that upon
7 cross-examination of several of these witnesses
8 that there's going to be testimony that -- and
9 even upon my direct examination, that the
10 defendant was friendly with Teresa, that he would
11 join her for meals. You know, he -- in his
12 interviews, he claimed to have read the Bible with
13 her nightly. That her place was a sanctuary for
14 him. So I have to combat all that because,
15 otherwise, this doesn't make sense.

16 And the fact is, these witnesses also
17 testified that he did change when he used drugs
18 and when he was on these benders. And so it does
19 become relevant if we're going down that road.

20 THE COURT: Did they do -- was there any
21 evidence that there were drugs in his system when
22 he was arrested?

23 MS. SWANSON: I'm sure there were. But,
24 no, there was no toxicology done on him for any
25 reason. No. It was simply the empty bottles and

1 bottles and bottles of pills in the car. And
2 there were about 70 lighters recovered as well.

3 THE COURT: Okay. Well, I'll address
4 that when it comes up.

5 Anything further?

6 MS. CAMPBELL: Not from the defense, Your
7 Honor.

8 THE COURT: From the State?

9 MS. SWANSON: Nothing from the State. I
10 see a raised hand.

11 MR. WALKER: Yes, sir. I'm Matthew Walker
12 with the Public Defender's Office.

13 THE COURT: Walker.

14 MR. WALKER: I represent Courtney Brock,
15 the co-defendant with Mr. Wall. Very briefly,
16 Miss Campbell has placed my client under subpoena
17 for this trial. I was also informed that the
18 State has her on their witness list. It will be
19 violation of her sixth amendment right to
20 effective counsel, as well as a potential fifth
21 amendment violation. I'd ask that the subpoena be
22 quashed and she should be declassified as a
23 witness. Weeks ago, I --

24 THE COURT: She should be what?

25 MR. WALKER: Declassified as a witness.

1 THE COURT: Oh, declassified.

2 MR. WALKER: I, weeks ago, ask her to
3 clear her schedule and be here with me to watch
4 this trial so we could observe the witnesses
5 together and that she would be available for me to
6 consult as the trial is going on.

7 THE COURT: Is she in custody?

8 MR. WALKER: She's here under subpoena, but
9 she's excluded because of the --

10 THE COURT: Sequestration.

11 MR. WALKER: Sequestration, Your Honor.
12 And, of course, anything that either party were to
13 call her for that would be remotely relevant, she
14 would be asserting her fifth amendment right to
15 remain silent on.

16 THE COURT: What's the question?

17 MR. WALKER: I'd like her subpoena to be
18 quashed and her to be declassified as a witness so
19 that she can watch the trial with me and help me
20 prepare her defense.

21 THE COURT: What the State's position?

22 MS. SWANSON: I know she -- is she on an
23 ankle monitor?

24 MR. WALKER: I don't believe so.

25 MS. SWANSON: Is she on house arrest?

1 MR. WALKER: I don't believe so. And the
2 intention would be for her to be here in the
3 courtroom.

4 MS. SWANSON: Well, right. But, if she's
5 on --

6 THE COURT: If she's going to be
7 identified, I'd rather have her in that little
8 room back there.

9 MR. WALKER: We'll just be sitting there.
10 I don't know why they want her here. We just want
11 to watch the trial so we know what's coming.

12 MS. SWANSON: Your Honor, I didn't ask
13 for her to be here. Obviously, that was not my
14 subpoena. I'm trying pull up her bond form.
15 Because, if she's on house arrest, then she's only
16 supposed to be present at her court dates, not
17 those dates of the co-defendants.

18 THE COURT: Can you figure that out by
19 morning?

20 MS. SWANSON: Yes, sir.

21 THE COURT: Good idea.

22 MR. WALKER: What are we figuring out?

23 THE COURT: I'll tell you in the morning.

24 MR. WALKER: I didn't know if you were
25 asking them to figure something out. I wasn't

1 sure what all was at issue. I was trying to be
2 helpful.

3 THE COURT: Do you have a position one
4 way or the other?

5 MS. CAMPBELL: I prefer that she remain
6 under my subpoena. I don't know what's going to
7 happen during the State's case, nor what I may
8 need to do with her. And having her in here
9 listening to all these witnesses will be harmful
10 to my client. I'm just trying to protect his
11 rights to a fair trial.

12 MS. SWANSON: And I included her on the
13 potential witness list, because if anyone knew
14 her, that could be relevant in jury selection,
15 obviously. And I will be talking about her
16 through the case.

17 THE COURT: All right. Motion denied.

18 MR. WALKER: So she's still under
19 subpoena and she can't sit in the trial.

20 THE COURT: Right.

21 MR. WALKER: And, of course, that means I
22 can't talk to my client about the trial while it's
23 going on.

24 THE COURT: You can do anything you want
25 to do.

1 MR. WALKER: Okay. Thank you, Your Honor.

2 THE COURT: Anything further?

3 MS. SWANSON: Nothing further.

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: 9:30.

6 MS. CAMPBELL: Yes, sir.

7 (Court adjourned at 4:34 p.m.)

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3 CERTIFICATE OF REPORTER

4 I, SHARON G. HARDOON, Official Circuit
5 Court Reporter, II for the State of South Carolina at
6 Large, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial
of the captioned case, relative to appeal, in General
Sessions for Beaufort County, South Carolina.

7
8 I do further certify that I am neither kin,
9 Counsel, nor interest to any party hereto.

10
11 August 18, 2019

12
13
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15
16 
17 Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF BEAUFORT

4 State of South Carolina,

5 Plaintiff,

6 vs.

Transcript of Record
Case No.: 2017-GS-07-0328

7 Brian David Walls,

8 Defendant.

9
10
11 April 9, 2019
12 Beaufort, South Carolina
Volume II of IV

13 B E F O R E:

14 The HONORABLE G. THOMAS COOPER

15
16 A P P E A R A N C E S:

17 Hunter Swanson, Representing the State of Carolina
18 Trasi Campbell, Representing the Defendant
19 James Bell, Representing the Defendant

20
21 SHARON G. HARDOON, CSR
22 Official Circuit Court Reporter, II
23
24
25

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1 THE BAILIFF: All rise. The Honorable G.
2 Cooper presiding.

3 THE COURT: Thank you. Be seated.
4 Morning, Counsel.

5 MS. SWANSON: Good morning.

6 MS. CAMPBELL: Good morning, Judge.

7 THE COURT: Miss Campbell, I have an
8 email from where you're saying you wish to bring
9 something to the Court's attention prior to
10 opening statements.

11 MS. CAMPBELL: I do, Your Honor.

12 THE COURT: You may proceed.

13 MS. CAMPBELL: Your Honor, for the
14 record, I provided the State and the Court a copy
15 of the Roscoe case from South Carolina. And the
16 basis of our motion to exclude any evidence that
17 the State would try introduce of flight in that
18 Mr. Walls was not in Beaufort County, that he --

19 THE COURT: Not what?

20 MS. CAMPBELL: That he had made his way
21 to Chesterfield County. And the basis for the
22 motion is that there's no nexus between the
23 defendant -- he must have knowledge of the matter
24 for which he is being sought by the authorities.

25 It's clear from the testimony yesterday

1 that the murder warrant wasn't issued until a
2 month later. I think that there is no way for the
3 State to connect the nexus that would be necessary
4 to allow any evidence that his not being in
5 Beaufort County at that particular time was flight
6 from some lawful legal authority that was pursuing
7 him.

8 THE COURT: What about the other
9 warrants, the CSC warrants?

10 MS. CAMPBELL: And, again, that case
11 stands for the proposition that it must be flight
12 from the charge, the case, the indictment for
13 which he is on trial. And while it may be proper
14 in the criminal sexual conduct trial, we submit to
15 the Court that it is improper under the murder
16 indictment and the murder trial under the case
17 that we provided to the Court.

18 THE COURT: I don't see that Roscoe says
19 that. That's a corroboration case. But the
20 Martin case does say that.

21 MS. CAMPBELL: Thank you, judge.

22 MS. SWANSON: Right. If I can expand on
23 the Martin case, I see you have a copy of it that
24 I sent to the Court in response.

25 Would you like a hard copy,

1 Miss Campbell?

2 MS. CAMPBELL: Thank you.

3 MS. SWANSON: And what the Martin case
4 says, that the Court must look at the totality of
5 the evidence to determine whether that creates an
6 inference that the defendant knew he was being
7 sought by authorities when trying to get in the
8 evidence of unexplained flight. Well, what did he
9 have knowledge of? Is there an inference that he
10 had knowledge of the fact that he had a dead
11 victim's purse in the car that he was driving,
12 prescription pill bottles that belonged to her,
13 duct tape that had his DNA on it, the same type of
14 duct tape that was used to bind the dead victim,
15 not to mention the fact that his children and his
16 roommate had just torched the dead victim's house.

17 His family and friends are looking for
18 him. He and Courtney have stopped answering all
19 phone calls. Courtney's mother is filing missing
20 person's reports. This is not an explained
21 flight.

22 THE COURT: Not what?

23 MS. SWANSON: This is not a flight that
24 is explained by anything. It's an unexplained
25 fight with evidence that is pertinent and

1 probative in this case. Had he not had all of
2 this stuff with him, perhaps you could argue that
3 he had no clue he was going to be questioned by
4 authorities.

5 Now, when authorities realized where he
6 was, Beaufort County, they did go up to question
7 him, and that's when his flight become explained
8 according him in a several-serving statement. But
9 nobody knew where he was. And everybody suspected
10 why he fled. And he was caught with the most
11 pertinent and probative evidence this case, along
12 with the co-defendant who is also implicated in
13 the murder.

14 So I would argue that the totality of the
15 evidence does create that inference.

16 THE COURT: All right.

17 MS. SWANSON: He also knows that he is
18 not in a car that belongs to him, that he took
19 from the rape victim.

20 Now, warrants are not out for that at
21 that time. That warrant is taken out later,
22 apparently. But warrants don't need to be active
23 for him to be sought as a suspect in any case.

24 MS. CAMPBELL: Just briefly, Your Honor,
25 to the items that the State listed as the basis

1 for their motion, those items are concealed within
2 the interior of a backpack that is located in the
3 trunk of the vehicle by the Chesterfield Sheriff's
4 Office. And so the State is trying to rely on
5 items that there is no evidence that Mr. Walls had
6 knowledge of being in the trunk of the vehicle.
7 And, again, by just saying it's his backpack
8 doesn't make it his backpack. There were numerous
9 backpacks in the car. Many of the items in the
10 car were exclusively belonging to Courtney Brock,
11 which Mr. Walls would have no reason to know the
12 contents of those items.

13 And so unless the State has some ability
14 to tie the Trailmaker backpack, you know, and,
15 again, through testimony to Mr. Walls it would be
16 improper to impute knowledge to him in order for
17 them to argue flight on the contents of a backpack
18 in the trunk of a vehicle.

19 MS. SWANSON: And if I may address that,
20 Your Honor? To say that he had -- I don't know
21 how else to explain the items contained in the
22 Trailmaker had Brian Walls DNA on them. It was
23 men's clothing about his size. His personal
24 homemade dildo that had his DNA on it. A roll of
25 duct tape with his DNA. There was also his DNA on

1 pieces of evidence found in the Trailmaker
2 backpack that had women's items in it. For
3 instance, balled up pieces of duct tape.

4 So these items are tied to Brian Walls.
5 He had his hands in the Trailmaker backpack. He
6 had his hands in the ES backpack. There are pill
7 bottles in the Trailmaker backpack that had his
8 DNA on them as well as in the ES backpack, a
9 package of -- and I don't know what these are --
10 wisdom cards that are labeled "Brian."

11 MS. CAMPBELL: And, lastly, to that, you
12 know, with his hands all over it, his DNA being on
13 these items, Courtney Brock's DNA was on these
14 items, too, but, your honor, it's a misstatement
15 of the science. John Donahue, the expert, will
16 testify. What we're dealing with is touch DNA,
17 which is cellular DNA which is shed and spread
18 from one man to another and wherever you have
19 been. And so if it were blood, if it were semen,
20 if it were saliva, that's different. But what
21 you're talking about is touch DNA, cellular
22 shedding of your skin and that can transfer, as
23 John Donahue will testify. From me to Mr. Bell
24 and then Mr. Bell to Your honor, and my DNA may
25 show up on your hand and I've never been near you.

1 Thank you, Judge.

2 THE COURT: Well, when was he arrested?

3 What day?

4 MS. SWANSON: On the murder charge?

5 THE COURT: No. When was he arrested
6 here the first time?

7 MS. SWANSON: Well, he was arrested in
8 Chesterfield.

9 THE COURT: When? That's all I'm
10 asking.

11 MS. SWANSON: Oh, okay. On December 7th
12 when he was stopped.

13 THE COURT: Okay. And the alleged rape
14 took place on the 6th?

15 MS. SWANSON: That's correct. On the
16 evening of the 6th.

17 THE COURT: And was there a -- we haven't
18 heard that evidence yet. The time of death of the
19 victim?

20 MS. SWANSON: Was sometime prior to the
21 fire. So -- and the fire was December 7th at
22 11:00 a.m.

23 THE COURT: The fire was on the 7th also.

24 MS. SWANSON: Correct.

25 THE COURT: Well --

1 MS. SWANSON: He was arrested at
2 7:11 p.m. in Chesterfield.

3 THE COURT: Okay. Without getting in --
4 I probably shouldn't say that.

5 It appears to me that if I had to
6 analogize this case on this issue, I would
7 analogize it to a spree. I think you know what
8 I'm talking about. I'm talking about where an
9 individual commits several crimes in a very short
10 period of time. And although there may not be
11 warrants out signed for each of the individual
12 offenses, I think -- and Martin says what it says.
13 That the -- and I'm not sure it's on all fours of
14 this case. It says the Court assessing evidence
15 applied must determine whether the fact that the
16 evidence creates an inference, not that the
17 defendant had knowledge that he was being sought
18 by the authorities. This requires the existence
19 of a nexus between flight and the defendant's
20 charge. It talks about the offense charged.

21 But in a spree situation, I think it's
22 admissible evidence of flight when even though a
23 warrant has not been issued for a particular crime
24 that's on trial, there's certainly evidence of
25 flight, even if I get the inferences that you're

1 both referring to. I think it's admissible. It's
2 not something the Court will instruct on, but it's
3 admissible -- admissible evidence that that's
4 what -- it's almost illogical for me to assume
5 that the defendant had no knowledge that he's gone
6 to Chester, South Carolina for no apparent reason,
7 that he has no knowledge that law enforcement is
8 seeking him. That just does not compute in my
9 mind. So that's my decision. I'll allow it.

10 Anything further?

11 MS. CAMPBELL: Thank you, Judge.

12 THE COURT: Before we bring the jury.

13 MS. CAMPBELL: Not from the defense.

14 MS. SWANSON: Nothing from the State.

15 THE COURT: Ready for the jury?

16 MS. SWANSON: Yes, sir.

17 THE COURT: Bring the jury, please.

18 Number 38 is the foreperson of the jury.

19 THE BAILIFF: The jury is entering the
20 courtroom, Your Honor. The jury is seated, Your
21 Honor.

22 THE COURT: Madame Clerk, swear in the
23 jury.

24 THE CLERK: If you would please stand and
25 raise your right hand. Do you solemnly swear or

1 affirm that you shall well and truly try and true
2 deliverance make between the State of South
3 Carolina and the accused and a true verdict give
4 according to the evidence, so help you God?

5 JURY PANEL: I do.

6 THE CLERK: Thank you. You can be
7 seated.

8 THE COURT: All right. Ladies and
9 Gentlemen, good morning.

10 JURY PANEL: Good morning.

11 THE COURT: Before we begin this trial, I
12 want to make a few remarks to you. I want to tell
13 you this trial may be different from what you
14 might expect. Many people do not have the chance
15 to attend actual court sessions as you are now
16 doing. You may think from watching television or
17 movies or reading books that trials are always
18 full a lot of drama, action, and riveting
19 circumstances. While all these things may be true
20 at times, this trial is not for entertaining.
21 It's a fundamental part of our democracy, and
22 effort to make sure that justice is done between
23 these parties.

24 That process of making sure that justice
25 is done is often a slow, deliberate, and

1 repetitive process. The opposite of what you may
2 have seen on television or in movies, or read in
3 books. This courtroom is a place of honor
4 dedicated to the protection and preservation of
5 citizen's rights through what many have called the
6 greatest justice system ever created.

7 The attorney appearing before you are
8 advocates for the parties they represent, but,
9 first and foremost, they are officers of this
10 court sworn to uphold the integrity and fairness
11 of our judicial system and to help you to evaluate
12 that case. You should expect them to be
13 professional, competent, and ethical in the
14 representation of their client's interest. And,
15 remember, you have just taken an oath to try this
16 case and reach a fair and just verdict, and you
17 are also expected to be professional, reasonable,
18 and ethical.

19 So I want to thank you, as we begin, for
20 accepting this important responsibility of jury
21 service and for your contribution today to our
22 justice system.

23 Now, what I say now is meant to serve as
24 an introduction to the trial of the case. These
25 remarks are not a charge on the law of the case.

1 I'll instruct you of the law in South Carolina at
2 the end of the trial before you retire to decide
3 the case. But before the trial begins, I want to
4 explain the procedure that we will follow so you
5 can better understand what is happening.

6 The defendant has been charged, as I told
7 you yesterday, with the crime of murder, the
8 elements of which will be explained to you later.
9 You have been selected as fair and impartial
10 jurors whose purpose it is to find and determine
11 the facts. You are the sole judges of the facts.
12 If at any time I make any comment regarding the
13 facts of this case, you should disregard those
14 comments.

15 The indictment is simply the charge by
16 which the case is brought into evidence. It is
17 not in any sense evidence of the allegations it
18 contains. The defendant has pled not guilty to
19 this indictment, and the State, therefore, has the
20 burden of proving each of the elements of the
21 indictment beyond a reasonable doubt. It will be
22 your duty, Ladies and Gentlemen, to decide whether
23 the State has met that burden.

24 You are to determine facts from the
25 testimony you hear and any other evidence that's

1 presented during the trial. You should not be
2 influenced by any opinions or statements you may
3 have heard or hear outside the courtroom. It's
4 especially important you perform your duty of
5 determining the facts diligently and
6 conscientiously because ordinarily there's no way
7 to correct an erroneous determination of the facts
8 by a jury. When you comply with your oath, you
9 impartially determine the facts of this case, you
10 will have fulfilled your duty as jurors and no one
11 will have the right to criticize your verdict.

12 On the other hand and with equal
13 emphasis, the same law that makes you the judges
14 of the facts makes me the judge of the law. You
15 must accept and follow the law even though you may
16 disagree with it. I cannot tell you what the
17 facts are. You should not disagree with me about
18 what the law is or what the law should be. Your
19 job is to take the law as I explained to you and
20 apply it to the facts as you find them of the
21 testimony of the witnesses and any other evidence.
22 And after doing that, you will render your verdict
23 under the solemn oath that you just took as
24 jurors.

25 The procedure that will follow is

1 basically that the State will present its evidence
2 first in the form of witness's testimony and/or
3 exhibits that will be made part of the record.
4 The defendant will then have the opportunity to
5 present his or her defense bearing in mind,
6 however, that there's absolutely no burden on the
7 defendant to present any evidence at all.

8 Following that, the attorneys will be
9 allowed to sum up their case and I will you
10 instruct you on the law of the state of South
11 Carolina as it applies to this case. And after
12 that, the case will be turned over to you for a
13 decision.

14 Now, let me explain or remind you of two
15 legal principles. First is the legal yardstick
16 you will use in judging or measuring the evidence
17 in this case. That legal yardstick is known as
18 the burden of proof. And in a criminal case, the
19 burden of proof is on the State to prove guilt
20 beyond a reasonable doubt. Should the State fail
21 to meet that burden of proof, it will be your duty
22 to find the defendant not guilty. There's
23 absolutely no burden whatsoever on the defendant
24 to prove or disprove anything. There's no burden
25 on the defendant to testify or present any

1 evidence, because the burden is and remains, as I
2 said, on the State to prove guilt beyond a
3 reasonable doubt.

4 And second, I ask you to recall my
5 earlier comment to the entire jury panel
6 concerning a presumption of innocence. This is a
7 cardinal and fundamental rule of law that the
8 defendant will always be presumed innocent of the
9 crime or crimes for which he is indicted. The
10 presumption of innocence is not just a legal
11 phrase or a legal theory. It's a substantial
12 right which any accused, including this defendant,
13 is entitled.

14 Now, until I advise you to begin your
15 deliberations, please do not discuss this case
16 with anyone including your fellow jurors, friends,
17 family members, or anyone else involved in the
18 case. And after the case is submitted to you, you
19 must discuss it only in the jury room with your
20 fellow jurors, and I'll give you further
21 instructions in this regard at the end of the day.

22 Now, in just a moment the attorney for
23 the State will make what's called an opening
24 statement. The attorney will explain what the
25 issues of the case are, or at least what the

1 attorney thinks the issues in this case are and
2 what the evidence will prove. Then the attorney
3 for the defendant will also make an opening
4 statement. What the attorneys tell you during
5 their opening statements is not evidence in this
6 case. It's only their contention as to what the
7 issue are and what the evidence will show. The
8 evidence will be presented to you by testimony of
9 sworn witnesses from this witness stand and any
10 exhibits that may be introduced during the course
11 of the trial.

12 Now, from time to time during the trial,
13 you may hear one of the lawyers say, Your Honor, I
14 believe we have a question of law or matter of law
15 to discuss with you, or, may we approach the
16 bench, and sometimes I myself might find it
17 necessary to excuse you from the courtroom for a
18 short period of time so the attorneys and I can
19 discuss matters of law.

20 The reason for this is because you're the
21 judges of the facts of this case, and sometimes
22 when I'm discussing matters of law with the
23 attorneys, it may be necessary for me to make some
24 comment as to the facts in connection with the
25 ruling and whether or not a particular law

1 applies.

2 As I said, I'm not supposed to tell you
3 what the facts are, so I will excuse you from the
4 courtroom for a short period of time while these
5 discussions take place so that you will not be
6 influenced by anything that I might say or do in
7 connection with the facts. Determining what the
8 true facts are, you must decide whether or not the
9 testimony of the witnesses is believable. In
10 deciding whether to believe a witness, you have a
11 right to consider whether the witness has any
12 interest in the outcome of the trial, whether the
13 witness is prejudiced towards either the State or
14 the defendant, and the opportunity for the witness
15 to have seen the matters and things about which
16 the witness may testify, and the way the witness
17 acts on the stand.

18 Now Ladies and Gentlemen, you and I do
19 not ask questions. We do not offer any exhibits.
20 This is not CSI. Your duty is to listen openly
21 and honestly to the evidence, keep an open mind,
22 do not form any conclusions or judgments until
23 you've received and considered all the evidence --
24 all the evidence, the arguments of the attorneys,
25 and my final instructions to you on the law.

1 If you cannot hear a particular witness
2 or myself or one of the attorneys, please let us
3 know so we can speak up more clearly. If your
4 view of an exhibit is obstructed for any reason,
5 please let me know so I can correct that.

6 If you need to bring anything to my
7 attention during the course of the trial, please
8 notify one of the bailiffs. If you do need to
9 contact me, it may be necessary for the bailiff to
10 require that you put your question or concern in
11 writing so that I can have a record of it. I will
12 respond to you as quickly and to the extent the
13 law permits me to do so.

14 Now, Ladies and Gentlemen, I have
15 provided for you notepads and pencils and pens.
16 You are free to take notes and it might be a good
17 idea during this trial because I think there are
18 quite a number of witnesses. But let me caution
19 you and tell you that the notes are for your own
20 benefit, for your own recollection of what went on
21 during the course of the trial. They are not to
22 be used to try to convince somebody else that you
23 took a note that they didn't and that you may use
24 your notes to try to convince a fellow juror of
25 something that you found noteworthy and put in

1 your notes. They are, as I say, strictly for your
2 own consumption.

3 I want to thank you, juror number 38, for
4 being willing to sit as a foreman in this jury,
5 and I thank you for your kind attention. I trust
6 you'll give the same undivided attention to
7 attorneys and the parties in case.

8 We will now begin with opening statements.

9 THE COURT: Miss Swanson.

10 MS. SWANSON: Thank you. May it please
11 the Court?

12 It was just a few weeks before Christmas
13 of 2016 when Teresa Seigler's body was found duct
14 taped at the wrists, rolled up in blanket and
15 sheets and duct tape sheets. Her house was
16 ablaze.

17 It was just a few before Christmas in
18 2016 that her daughter, Hannah Seigler, went to
19 the hospital to talk to investigators and identify
20 her mother. Investigators asked her, who could do
21 this to your mother? She gave them one name.

22 They also asked her if she may have had
23 anything of value, anything that anyone might
24 want. Well, Teresa had chronic pain and a number
25 of health issues. She had a number of

1 prescription medication, prescription medication
2 that include 90 morphine pills for a month for
3 breakthrough pain, as well as a number of other
4 medications that are typically sought after by
5 addicts and drug users. She was a woman of little
6 means beyond that, and she was a kind woman.

7 And while he sits in this courtroom today
8 and may not look the part, having his beard shaved
9 sitting in a suit, Brian Walls just a few weeks
10 before Christmas in 2016, became a murderer.

11 Barely existing between the highs and how
12 to get another high, Brian and his crew would do
13 anything for that next high. That's what they
14 cared about. That was their goal. It didn't
15 matter how and it didn't matter who they had to
16 hurt. What would Brian do for that next high?
17 Well, the answer is, he would do anything, and
18 you're going to hear that in the testimony.

19 Sometime between December 5th and 6th of
20 2016, Teresa died a horribly violent death at the
21 hands of three people. Those three people are
22 Brian Walls and his two co-defendants who are also
23 charged with murder, Courtney Brock and John
24 Priester. Today is not their day in court. Their
25 judgment day will be later in front of a different

1 jury. This case is about Brian Walls.

2 But for you to understand what happened,
3 I have to talk about all of them, because all are
4 equally guilty. And at the end of the case,
5 you're going to hear about a theory of law called
6 the hand of one is the hand of all. And,
7 basically, it stands for the proposition that
8 everyone involved in the completion and the
9 accomplishment of a criminal act is guilty. Okay?

10 And so, you know, once those facts are
11 borne out in the evidence at the end of the case,
12 Judge Cooper is going to charge you on the law
13 that he finds appropriate. I just wanted to go
14 ahead and bring that up because we are talking
15 about three people here, and only one is on trial
16 today and this week.

17 Teresa lived [REDACTED] 6 Falls Road. This is in
18 the Bonaire Circle area of the Paris Island
19 Gateway, Burton, Shell Point. Brian was living in
20 his brother's trailer at [REDACTED] 0 Halls Road.
21 Courtney Brock was living there as well, as was
22 John Priester. Brian's two children would stay
23 there from time to time to visit with their dad.

24 Courtney also had her, I believe she was
25 nine months old at the time, daughter M [REDACTED]

1 living there with the father of her child, Brandon
2 Scarborough, who also happens to be Brian Walls's
3 stepson.

4 Now, there are a lot of people involved
5 in this case. It gets a little complex, and so,
6 you know, I want to go slow and make sure everyone
7 understands and make sure you pay attention,
8 because it is a circumstantial case. Okay? But
9 at the end I think you will find that the
10 circumstances conclusively point to the guilt of
11 Brian Walls along with the actions of his
12 co-defendants.

13 Teresa lived a couple doors down. She
14 had an open door policy, and she was friendly with
15 Brian. She was friendly with this group of drug
16 addicts. She would provide them a place, a soft
17 landing when they couldn't pay their bills, when
18 their water got shut off. When they couldn't
19 afford groceries, she cooked them a meal. She was
20 pretty much relegated to her home, so she probably
21 just enjoyed the company. Should she have made a
22 decision on that, probably so.

23 Unfortunately, she didn't see this
24 coming, because she was also an easy target. She
25 was infirm. She had an embedded morphine pump.

1 She couldn't get to the mailbox easily, much less
2 defend herself against three people.

3 Brian knew when Miss Resa, is what they
4 called her, got those prescriptions filled. He
5 knew that she would get those filled when she got
6 her check at the beginning of the month. And she
7 was frequently looking for rides in the
8 neighborhood to go get those items filled at
9 Walmart.

10 And, in fact, just a couple of days
11 before her murder, Brian came over as soon as she
12 had gotten her prescriptions filled and asked
13 Amanda Reddish, who had given Miss Resa a ride
14 back home, whispered in her ear, did she get the
15 morphine filled, why don't you go snag it for me.
16 Well, Amanda didn't do that and she left. That
17 was on Saturday, December 3rd.

18 The State believes that it was late
19 Monday, December 5th that the plan to rob Teresa
20 of her morphine pills took action. Teresa was
21 beaten. She, as I stated, was duct taped, rolled
22 in blankets, and duct taped further. On that duct
23 tape between the prints of his co-defendants is
24 Brian Walls's DNA, you're going to hear from the
25 folks who analyzed the duct tape, fingerprints and

1 DNA.

2 And the next day, Tuesday, December 6th,
3 Hannah, Teresa's daughter, is trying to reach her.
4 She lives out of state, but she talks to her by
5 phone frequently. Can't get in touch with her.
6 The phone rings and rings and rings. It sounds
7 like somebody picks up and hangs up, then it
8 starts going straight to voice mail. Nobody has
9 heard from her.

10 Well, guess what else happens on Tuesday,
11 December 6th, Brian Walls and Courtney go missing.
12 Amanda Reddish is supposed to give one of Brian's
13 sons a ride to court. She shows up at ■■■0 Falls
14 Road and finds Brandon there with the baby,
15 M■■■, and everyone is gone. Brandon is upset.
16 Can't get ahold of Courtney, got the baby. Where
17 is Courtney? Nobody has heard from either of
18 them. Nobody knows where they are.

19 Well, they are found in the evening of
20 December 7th in a car that doesn't belong to them
21 with a number of interesting items, including the
22 victim, Teresa Seigler's purse. They are found
23 with multiple pill bottles belonging to
24 Teresa Seigler. They are found with her debit
25 card. And they were found with pieces of wadded

1 up duct tape and a roll of duct tape, among other
2 things.

3 And so, everything that I'm telling you
4 is basically a summary of what you're to hear from
5 the witness stand, because, as Judge Cooper,
6 stated, this is my burden to bear as the State
7 prosecutor. I must prove to you beyond a
8 reasonable doubt that Brian Walls committed this
9 murder of Teresa Seigler.

10 What does "beyond a reasonable doubt"
11 mean? It means the sort of doubt that would make
12 you hesitate to act. It's a little convoluted, so
13 inversely, it's also described as evidence that
14 leaves you firmly convinced of the defendant's
15 guilt. Okay?

16 As Judge Cooper told you, it is your duty
17 as jurors to determine what happened, to determine
18 the truth here. That's solely in your hands. And
19 apply that truth and those facts that you
20 determine to the law that Judge Cooper charges you
21 with at the end of the case.

22 The State has already made its decision
23 because Brian Walls sits in this courtroom
24 indicted for this murder, and, at the end of the
25 case, it will be time to make yours. I'm going to

1 be asking you to render a verdict of guilty.

2 Thank you.

3 THE COURT: Miss Campbell.

4 MS. CAMPBELL: May it please the Court?
5 Your Honor, I have an objection that I would like
6 to place on the record, please. I can approach
7 and let you know what it is, if you would like me
8 to state it before I do my opening.

9 THE COURT: I am going to give you the
10 opportunity.

11 All right. Miss Campbell.

12 MS. CAMPBELL: Thank you, Judge. I can
13 do my opening and then we can take it up with
14 objection. It's based on the State diminishing
15 the burden that they have when the State says that
16 reasonable doubt is convoluted, and I will put
17 that on the record. And I do object --

18 THE COURT: I'll give you the
19 opportunity.

20 MS. CAMPBELL: Thank you.

21 THE COURT: We'll probably move into
22 testimony, but I'll give you that first break.

23 MS. CAMPBELL: Thank you, Judge.

24 THE COURT: All right, Counselor.

25 MS. CAMPBELL: Good morning.

1 JURY PANEL: Good morning.

2 MS. CAMPBELL: One of the key witnesses
3 that you will hear from in this case is the
4 Beaufort County Sheriff's Office's DNA expert,
5 John Donahue. I met with John and we discussed
6 his testimony and the science behind the evidence
7 in this case, which is touch DNA.

8 It is not -- you won't hear about blood
9 evidence. You won't here about saliva, body fluid
10 evidence. John Donahue will tell you that the touch
11 DNA relies on the skin cells that everyone of else
12 shed every day of our lives wherever we are, and we're
13 bits and piece ourselves behind as with go about our
14 daily lives.

15 We'll talk about -- I'll talk about with
16 him the case from 2012 out in California. He uses
17 this as an example for what he calls transfer DNA.
18 A homeless man, Lucas Anderson, was charged with
19 homicide, murder, of a Silicon Valley millionaire,
20 Ravi Kumar, based on the DNA, touch DNA, but he
21 was not guilty. The legal team had learned that,
22 in fact, Mr. Anderson's DNA had been placed at the
23 crime scene upon Mr. Kumar by the paramedics who
24 transferred the DNA there. They had treated the
25 homeless gentleman earlier in the day, and then

1 treated the victim of the homicide moving DNA from
2 one place to another, essentially putting this man
3 somewhere he had never been.

4 And it is Don Donahue's testimony in this
5 case for critical factors that you will hear from
6 him, things I ask you to take note about, to
7 remember. He will tell you that when you live in
8 a home you shed your DNA skin cells. It's
9 science. It's a fact that it's on your home and
10 everything in it. It's on the blankets. It's on
11 the curtains. It's on -- whatever you have in
12 your home, it's there.

13 Number 2, he will tell you that the DNA
14 skin cells that you are shedding stay in that home
15 or where you have been, studies show, six weeks to
16 forever. It's not like they're disappearing.

17 And the third thing is, the movement and
18 transfer, as I said with the case from California,
19 of these skin cells happens all the time. He uses
20 an example, and I'll let him give it to you in his
21 testimony, but essentially what it boils down to
22 is, if I were to shake our bailiff's hand and then
23 she were to shake the judge's hand, my DNA, touch
24 DNA could wind up on His Honor, and I've never
25 touched him.

1 Number 4, again, through his education
2 and study of the California case that was
3 presented at the American Academy of Forensic
4 Sciences, the best evidence, he will tell you, is
5 when your DNA, for the State, is discovered
6 someplace you've never been. The fact that you
7 find DNA somewhere that you live is not the best
8 evidence. It's not out of the ordinary.

9 I believe the State should present to you
10 other witnesses, investigators, who should
11 testify, and people who knew Teresa, they should
12 testify that Brian Walls lived for many months in
13 the fall of 2016 in Teresa Seigler's home on Falls
14 Road. That resided there, slept there, ate there,
15 that they were friends. That -- and we all
16 probably remember this. That, in fact, when we
17 had to evacuate for Hurricane Matthew 2016 in the
18 fall, that Brian took Teresa, his friend, and his
19 family members out of the county to a safe
20 location where they weathered that storm.
21 Returned to the county, her home was damaged. He
22 spent time repairing it. He's in construction, a
23 carpenter.

24 The State should also, and they have, and
25 she did in her opening statement, talk a bit about

1 John Priester. You know, John Priester, I think
2 you will hear, is a whacky new addition, the
3 element of the equation that is new to Falls Road.

4 John Priester and his girlfriend, Leona
5 Pinkney had recently come into that area. His
6 family had been on Bonaire Circle and in that area
7 for eons. But that John Priester fellow, when he
8 hooked up with the young boys, Kyle Xavier, and
9 you'll hear about them, I hope you will hear from
10 State, that Kyle Walls, Xavier Walls, and John
11 Priester -- there's no circumstantial testimony --
12 there's eyewitness testimony, we're seeing with a
13 gas can walking toward Teresa Seigler's house and
14 minutes later the house in flames. The two
15 teenage boys of Mr. Walls and this new character,
16 John Priester.

17 I think that you should hear from the
18 forensic experts from the South Carolina Law
19 Enforcement Division. I think that you will hear
20 about any number of different items that were
21 tested in this case. Touch DNA.

22 You know, back in 1789, Thomas Jefferson
23 said about you, I consider trial by jury the only
24 anchor imagined by man by which a government, our
25 government, can be held to the principles of the

1 constitution.

2 Now, the 12 of you, if you will, have
3 taken your individual seats in what you could
4 fashion as a boat, and are you setting sail on a
5 journey this week, you, the 12 of you, in this
6 jury. And the State of South Carolina, the
7 government, will be doing everything that they can
8 to blow into the sails of your boat and push you
9 toward a guilty verdict, and they will conjure a
10 storm that they will base on touch DNA and fuel it
11 for you. I will tell you that it will feel, and
12 rightly so, that you are in the middle of a
13 vicious and violent storm because you're going to
14 hear about the violent, the horrible death of
15 Brian's friend, Teresa Seigler.

16 Now, EMS will testify, the fire
17 department will testify, the autopsy examiner, the
18 doctor from MUSC will testify, and I believe when
19 we talk again at the close of the case, that the
20 evidence, or rather the lack of evidence will show
21 that Brian Walls did not participate in the
22 killing of his friend with the new guy, this
23 John Priester, who had hooked up with Courtney
24 Brock.

25 Now, I will tell you that -- nor did he

1 do it alone. And his innocence -- his actual
2 innocence is real. He is an innocent man sitting
3 here with you today.

4 I will tell you that the SLED expert will
5 tell you who was there, who was there when
6 Teresa Seigler died. Because, you know, I don't
7 shed my finger fingerprints. My fingerprints are
8 left on what I touch. And the fingerprints of
9 John Priester and Courtney Brock are on the duct
10 tape on Teresa Seigler, not Brian Walls's.

11 Now, at the close of this case, I believe
12 that you 12 can rightly take this boat, your boat,
13 this jury into the port of not guilty confident --
14 and here's the thing. Confident that you have
15 anchored yourself, your individual selves and your
16 collective selves in what His Honor has already
17 told you but will instruct you more directly on at
18 the close of the case, which is the base and root
19 foundation of this courthouse and the consitution
20 of what you and I rely on as citizens in this
21 country, that no man is presumed guilty. Every
22 man is presumed innocent. Everyone who sits with
23 me, a father, a son, a wife, a daughter, is
24 presumed innocent, and no verdict of guilt can be
25 levied when there is doubt, reasonable doubt.

1 It's not convoluted, like the State would
2 say to you. This is a foundation that everyone
3 one of us relies on. It's the foundation that
4 Thomas Jefferson spoke out 200 years ago. The
5 principle, you just swore an oath to uphold.

6 The Court will also tell you mere
7 suspension fails every time. It's insufficient.
8 It is an insufficient basis for a guilty verdict.

9 Now, we prepared, all of us, as we move
10 forward this morning and in the coming days for
11 the State of South Carolina and the storm that
12 they will bring to push you to accept speculation,
13 mere suspicion, as being sufficient to honor your
14 oath, to honor the foundations that the country we
15 are so fortunate to live in were built upon.

16 Thank you for your attention, and I look
17 forward to talking to you again.

18 THE COURT: Solicitor, call your first
19 witness.

20 MS. SWANSON: The State calls Allison
21 Moreira.

22 THE CLERK: Raise your right hand to be
23 sworn in. Do you solemnly swear or affirm that
24 the testimony you give to this court in this trial
25 shall be the truth, so help you God?

Testimony of Allison Moreira
THE WITNESS: I do.

215

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WHEREUPON:

ALLISON MOREIRA,

after having been sworn to tell the truth, testified
as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Good morning. Can you spell your name for the
court reporter, please?

A Moreira, M-o-r-e-i-r-a.

Q And who do you work for, Allison?

A The Beaufort County Sheriff's Office.

Q And what department?

A In the records department.

Q In, I'm sorry, what?

A In records. I'm the 911 audio clerk.

Q And so do you guys keep as part of the normal
course of business recordings of 911 calls?

A We do.

(STATE EXH. 73, 911 recording, was marked
for identification.)

BY MS. SWANSON:

Q All right. I'm going to show you what's been
marked as State's Exhibit 73. And I know that sounds
odd but we have premarked evidence, but State's 73, do

Testimony of Allison Moreira

216

1 you recognize what this item is?

2 A I do.

3 Q And what is it?

4 A It's a 911 tape recording.

5 Q And did you review this 911 recording in
6 preparation for trial?

7 A I did.

8 Q And are your initials on that?

9 A They are.

10 Q And is it a fair and accurate depiction of the 911
11 recording that was received on December 7th --

12 A It is.

13 Q -- around eleven o'clock?

14 A It is.

15 MS. SWANSON: State would move State 73
16 into evidence at this time and request to
17 publish.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 (STATE EXH. 73, 911 recording, was entered
21 into evidence.)

22 (911 recording played.)

23 MS. SWANSON: Thank you, Allison. Please
24 answer any questions that Miss Campbell might have
25 for you.

Testimony of Allison Moreira

217

1 MS. CAMPBELL: No questions.

2 THE COURT: All right. You may come
3 down. Thank you very much.

4 THE BAILIFF: Please watch your step.

5 THE COURT: Next witness.

6 MS. SWANSON: The State calls Mark Baird.

7 THE BAILIFF: Right this way to be sworn
8 in.

9 THE CLERK: Place your left hand on the
10 Bible, raise your right hand. Do you solemnly
11 swear or affirm that the testimony you give to
12 this Court in this trial shall be the truth, so
13 help you God?

14 THE WITNESS: I do.

15 WHEREUPON:

16 MARK BAIRD,
17 after having been sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q And, Mark, can you please spell your name for the
21 Court reporter?

22 A M-a-r-k, B-a-i-r-d.

23 Q Thank you. Who do you work for?

24 A I work for the Burton Fire District.

25 Q And did you respond to a structure fire on

Testimony of Allison Moreira

218

1 December 7th?

2 A Yes, ma'am.

3 Q Where did you respond?

4 A We responded to Falls Road for a structure
5 fire.

6 Q Okay. And do you have your report with you
7 today?

8 A I do not.

9 Q Okay.

10 MS. SWANSON: If I may approach the
11 witness and provide the witness's report and
12 statement to aid in his testimony?

13 BY MS. SWANSON:

14 Q All right. So what was the address that you
15 responded to?

16 A ■ 6 Falls Road.

17 Q And what time was that response time?

18 A The time out was 11:10 a.m.

19 Q Okay. And is ■ 6 Falls Road located within
20 Beaufort County?

21 A Yes, ma'am.

22 (STATE EXH. 3, Photo, was marked for
23 identification.)

24 BY MS. SWANSON:

25 Q I'm going to show you what has been marked as

Testimony of Allison Moreira

219

1 State's 3 and ask you if you recognize what's depicted
2 in this picture?

3 A Yes, ma'am. I recognize it.

4 Q What is it?

5 A ■ 6 Falls Road.

6 Q And is it a fair and accurate depiction of the way
7 ■ 6 Falls Road looked when you responded to it?

8 A Yes, ma'am.

9 MS. SWANSON: The State would offer 3 into
10 evidence and request to publish.

11 MS. CAMPBELL: No objection.

12 THE COURT: Without objection.

13 (STATE EXH. 3, Photo, was entered into
14 evidence.)

15 BY MS. SWANSON:

16 Q So this is the residence that you responded to?

17 A Yes, ma'am.

18 Q Okay. What did you find when you got there?

19 A When I arrived on scene, I was in engine 81.
20 Engine 83 was on scene pulling lines to the
21 structure. We found a partially involved mobile
22 home.

23 Q How did the fire department initially make entry
24 into the structure?

25 A Engine 83 made entry through the front

Testimony of Allison Moreira

220

1 door.

2 (STATE EXH. 6, Photo, was marked for
3 identification.)

4 BY MS. SWANSON:

5 Q Okay. I'm going to show what has been marked as
6 State's 3 -- I mean, 6. I'm sorry. What's been
7 marked as State's 6 and ask if you recognize what's
8 depicted in this picture here?

9 A Yes, ma'am.

10 Q And what is it?

11 A That is the front door of ■ 6 Falls Road.

12 Q Okay. And is that a fair and accurate depiction
13 of the way it looked when the fire department made
14 entry?

15 A Yes, ma'am. There was fire at the time, but
16 yes, ma'am.

17 Q Fair enough. Thank you.

18 MS. SWANSON: State moves to enter 6 into
19 evidence and publish to the jury.

20 THE COURT: Without objection.

21 (STATE EXH. 6, Photo, was entered into
22 evidence.)

23 BY MS. SWANSON:

24 Q So if I can point you to this screen, just
25 describe what we're looking at.

Testimony of Allison Moreira

221

1 A Yes, ma'am. That is the front door and porch
2 of ■ 6 Falls Road.

3 Q And that's where you guys made entry?

4 A That is where engine 83 made entry. Yes,
5 ma'am.

6 Q Okay. And this is obviously after the fire has
7 been contained?

8 A Yes, ma'am.

9 Q Do you know if anyone was in the residence?

10 A When we arrived on scene, a witness stated
11 that they believed there was someone inside and
12 they pointed out where she would most likely be.

13 Q Okay. And where did they point you to?

14 A The front left bedroom of the residence.

15 Q And did you make entry through that window?

16 A Yes, ma'am.

17 (STATE EXH. 4, Photo, was marked for
18 identification.)

19 (STATE EXH. 15, Photo, was marked for
20 identification.)

21 BY MS. SWANSON:

22 Q I'm going to show you two exhibits marked 4 and 15
23 and ask you if you recognize what's in these
24 pictures?

25 A Yes, ma'am.

Testimony of Allison Moreira

222

1 Q And what are these picture of?

2 A Those are of the window that we made entry
3 through into the master bedroom of the
4 residence.

5 MS. SWANSON: Okay. State would move 4
6 and 15 into evidence and request to publish at
7 this time.

8 THE COURT: Without objection.

9 (STATE EXH. 4, Photo, was entered into
10 evidence.)

11 (STATE EXH. 15, Photo, was entered into
12 evidence.)

13 BY MS. SWANSON:

14 Q All right. So this is State's 4. Describe what
15 we're looking at here?

16 A This is the window of the master bedroom that
17 we made entry through.

18 Q All right. And how did you make entry through
19 that window?

20 A When we arrived, we took a ladder and put it
21 through the window over the bush, and I made entry
22 through the window using the ladder.

23 Q Okay. And then State's 15, is this an inside view
24 of the that window and bedroom?

25 A Yes, ma'am.

Testimony of Allison Moreira 223

1 Q All right. So what did you find once you got into
2 that bedroom?

3 A On making entry into the building, we
4 found -- I made entry inside, and we performed
5 what is called a VES, which is vent, enter,
6 search. Once inside, I moved through the room
7 searching. I closed the door to the bedroom. I
8 saw the other engine company fighting the fire.

9 From that point, I searched the room,
10 searched the bed, and I found what appeared to be a
11 mass of clothing or bedding. Upon further search of
12 that, opening that, I found the victim.

13 Q Did you remove the victim from that rolled up
14 bedding?

15 A Yes, ma'am.

16 (STATE EXH. 21, Photo, was marked for
17 identification.)

18 BY MS. SWANSON:

19 Q I show you what has been marked as State's 21 and
20 ask if you recognize what's in this picture?

21 A Yes, ma'am.

22 Q And what is it?

23 A That is the sheets and bedding that were used
24 to roll up the victim.

25 Q All right. Is it a fair and accurate depiction of

Testimony of Allison Moreira

224

1 the way it was found just without the body in it?

2 A Yes, ma'am.

3 MS. SWANSON: The State would move 21

4 into evidence and publish at this time.

5 THE COURT: Without objection.

6 (STATE EXH. 21, Photo, was entered into
7 evidence.)

8 BY MS. SWANSON:

9 Q And can you describe the condition of the bed?
10 Was that the way you found it?

11 A Other than the victim being rolled up inside
12 and taped -- all of it taped together, yes, ma'am.
13 That's accurate.

14 Q Charred?

15 A Yes, ma'am.

16 Q And the tape that you're talking about is what
17 sort of tape?

18 A It appeared to be duct tape.

19 Q Okay. The tape that we see on Exhibit 21, was
20 that what was around the victim?

21 A Yes, ma'am. That was around the victim.

22 Q All right. Now, did you remove the victim from
23 the house at that point?

24 A Yes, ma'am.

25 Q Okay. And what happened then?

Testimony of Allison Moreira

225

1 A Upon removing -- or Eric Chapman was the
2 other firefighter on the scene with me. He came
3 in through the window and assisted with removing
4 the victim. We placed her on the ladder and were
5 able to use the ladder to remove her through the
6 windows at which point she was given to EMS.

7 Q Okay. And you stated earlier that you were
8 instructed to vent, enter and search?

9 A Yes, ma'am.

10 Q So you went through the remainder of residence; is
11 that right?

12 A I went through the remainder of that room.
13 As that room was closed off from the fire at that
14 point, I continued to search the rest of the room
15 and did not find anything else at the time.

16 Q Were you able to confirm -- and I don't know if
17 this was you or someone else, but were you able to
18 confirm that the back door of the residence was
19 unlocked?

20 A We were able to discover that it was not able
21 to be secured.

22 Q Do you recall seeing that back door?

23 A Not at the time, no.

24 (STATE EXH. 10, Photo, was marked for
25 identification.)

Testimony of Allison Moreira

226

1 BY MS. SWANSON:

2 Q If I show you a picture of it, State's 10, would
3 that refresh your memory?

4 A Yes, ma'am.

5 Q Okay. Is that the back door that you saw?

6 A I believe so.

7 Q In the condition that you saw it?

8 A Yes, ma'am.

9 MS. SWANSON: The State would move 10
10 into evidence at this time.

11 THE COURT: Without objection.

12 MS. SWANSON: And move to publish.

13 (STATE EXH. 10, Photo, was entered into
14 evidence.)

15 BY MS. SWANSON:

16 Q And can you describe -- when you say it was unable
17 to be secured, how do you mean?

18 A We found that it was unable -- we were not
19 able to close it at the time. I wasn't sure why,
20 but that was what I was told.

21 Q And there was some sort of string on it?

22 A Yes, I believe so.

23 Q All right. Once you and firefighter Chapman got
24 the victim out of the window -- and you're talking
25 about the same window you made entry through, right?

Testimony of Allison Moreira

227

1 A Yes, ma'am.

2 Q Turned her over to EMS?

3 A Yes, ma'am.

4 Q Okay. And then did you have any further
5 participation in the investigation?

6 A We assisted with what we would call overhaul
7 of the scene afterwards. But as far as
8 investigation, no, ma'am.

9 Q What is overhaul of the scene?

10 A Just making sure that there's no further
11 spots of fire, that the building is not going to
12 catch fire later when we leave.

13 MS. SWANSON: Thank you. I have no
14 further questions for you at this time. Please
15 answer any questions Mr. Campbell may have for
16 you.

17 MS. CAMPBELL: No questions.

18 THE COURT: All right. Sir, you may come
19 down. Thank you very much.

20 MS. SWANSON: The State calls Brett
21 Johnson.

22 THE BAILIFF: Right this way to be sworn
23 in.

24 THE CLERK: Put your left hand on the
25 Bible, raise your right hand. Do you solemnly

Testimony of Brett Johnson

228

1 swear or affirm that the testimony you give to this
2 Court in this trial shall be the truth, so help you
3 God?

4 THE WITNESS: I do.

5 WHEREUPON:

6 BRETT JOHNSON,
7 after having been sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. SWANSON:

10 Q Okay. How are you doing?

11 A Good.

12 Q Can you spell your name for the court reporter?

13 A Brett, B-r-e-t-t, Johnson, J-o-h-n-s-o-n.

14 Q And do you have a copy of your report in front of
15 you?

16 A I have it in my pocket.

17 Q I'll give an wrinkled one, if you wish. Let me
18 pass that up to you --

19 A All right.

20 Q -- should you need to refer to it in your
21 testimony.

22 Who do you work for, Mr. Johnson?

23 A The City of Beaufort, town of Port Royal Fire
24 Department.

25 Q Where did you guys respond on December 7th around

Testimony of Brett Johnson

229

1 eleven o'clock of 2016?

2 A For a structure fire on Falls Road. I

3 believe it was ■7. It was Falls Road.

4 Q On Falls Road?

5 A Yes.

6 Q Within Beaufort County?

7 A Correct.

8 Q And what was your role there?

9 A When we arrived, we were initially tasked
10 with setting a RIT, which that is, when we have a
11 group of -- team of firefighters go into a
12 building, we have a team also outside. Should
13 they need assistance, we go in for them.

14 Q Okay. So you were outside on stand-by
15 basically?

16 A Correct.

17 Q Now, were you there when the other team located a
18 victim within the residence?

19 A We were on scene, yes.

20 Q Okay. And what do you remember from that?

21 A I remember we set up RIT close to the window
22 where she was located, the room she was located
23 in, and I recall somebody yelling out, "We have a
24 victim." And she's -- I don't remember the exact
25 word. She was bound, taped, tied, something.

Testimony of Brett Johnson

230

1 Q Did you assist in getting the victim out of that
2 bedroom window?

3 A I did.

4 Q All right. And tell us what you observed about
5 her?

6 A Well, the team had picked her up to help get
7 her out of the bedroom through the window to us.
8 I noticed her hands around her wrists had been
9 duct taped together. Her face appeared to have
10 been beat up. It was black -- kind of like blue
11 and blue, bruised, and she was not wearing
12 underwear.

13 Q Okay. What did you do with the victim after
14 that?

15 A We got her out of the window. We placed her
16 on a stretcher. And I took a pocket knife out of
17 my pocket that I had and I cut the tape off her
18 hands and we began CPR.

19 Q Okay. And when you cut that tape off of the
20 hands, where did it fall?

21 A I would -- I imagine it fell straight down to
22 the ground.

23 Q I'm going to show you -- I didn't mark this.

24 (STATE EXH. 74, Description label, was
25 marked for identification.)

Testimony of Brett Johnson
(STATE EXH. 75, Photo, was marked for

231

1
2 identification.)

3 BY MS. SWANSON:

4 Q Realizing that it is now out of its original
5 evidence bag, if you can take a look at 74 and 75 and
6 see if you recognize these items. 74 just provides a
7 description of where the item came from.

8 A That looks like the tape I cut off her hands.
9 It matches, I would say.

10 Q Okay, thank you.

11 MS. SWANSON: And this is just for ID
12 purposes at this time.

13 (STATE EXH. 18, Photo, was marked for
14 identification.)

15 BY MS. SWANSON:

16 Q I'd also like to hand you State's Exhibit 18 and
17 ask you if you recognize what's contained in this
18 picture?

19 A The tape on the ground I cut off her hands.

20 Q And is that the way it looked at the time?

21 A Correct.

22 MS. SWANSON: The State would offer into
23 evidence 18 and request to publish.

24 MS. CAMPBELL: No objection.

25 THE COURT: Without objection.

Testimony of Brett Johnson
(STATE EXH. 18, Photo, was entered into

232

1
2 evidence.)

3 BY MS. SWANSON:

4 Q So we are looking at 18. Is that about the area
5 that you put the victim on the gurney?

6 A Yes.

7 Q And those are pieces of duct tape that we're
8 seeing in here, in this picture, sir?

9 A Are you asking me?

10 Q Yes.

11 A Yes.

12 Q Thank you.

13 All right. After you have assisted with the
14 victim, did you do anything else within ■ 6 Falls
15 Road?

16 A Yeah. After that, we were tasked with going
17 inside and doing a secondary to make sure there
18 were no other victims.

19 Q Okay. And what did you find?

20 A While searching inside, just some of the
21 things that noticed was the back door was open,
22 the smoke detector was not on the base on the wall
23 where it should have been. And on the floor
24 leading into the bedroom, just outside of the
25 victim's bedroom door, there was a red melted gas

Testimony of Brett Johnson

233

1 can.

2 (STATE EXH. 11, Photo, was marked for
3 identification.)

4 BY MS. SWANSON:

5 Q I'm going to show you what has been marked as
6 State's 11 and ask if you recognize what's in this
7 picture?

8 A I do. That appears to be the gas can that
9 was melted.

10 Q Okay. In the location that you recall seeing it?

11 A Right there in front of her bedroom door.

12 Q All right. And is that a fair and accurate
13 depiction of the way it appeared when you did that
14 secondary search?

15 A It is.

16 MS. SWANSON: The State offers 11 into
17 evidence and moves to publish.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 (STATE EXH. 11, Photo, was entered into
21 evidence.)

22 MS. SWANSON: Publishing State's 11.

23 BY MS. SWANSON:

24 Q This is the hallway to the bedroom, was your
25 testimony?

Testimony of Brett Johnson

234

1 A Correct.

2 Q What is this item here?

3 A That appears to be the red gas can.

4 Q And what door is this?

5 A That's the door leading into her bedroom.

6 MS. SWANSON: All right. I think that's
7 all the questions I have for you at this time.
8 Please answer any questions that defense counsel
9 may have.

10 MS. CAMPBELL: No questions.

11 THE COURT: All right. You may come
12 down.

13 MS. SWANSON: I would just ask that he be
14 excused.

15 THE COURT: May the witness be excused
16 without objection?

17 MS. CAMPBELL: Yes, sir.

18 MS. SWANSON: Thank you. Please watch
19 your step.

20 The State calls Jeff Knieling.

21 THE CLERK: Put your left hand on the
22 Bible, raise your right hand. Do you solemnly
23 swear or affirm that the testimony you give to
24 this Court in this trial shall be the truth, so
25 help you God?

Testimony of Jeff Knieling
THE WITNESS: I do.

235

1

2

WHEREUPON:

3

JEFF KNIELING,

4

after having been sworn to tell the truth, testified

5

as follows:

6

DIRECT EXAMINATION

7

BY MS. SWANSON:

8

Q Okay. Can you please spell your name for the

9

Court reporter?

10

A First name is J-e-f-f-e-r-y. Last name is

11

Knieling.

12

Q I see that you have a copy of your report?

13

A Correct.

14

Q So you're all set. Who do you work for?

15

A Beaufort County EMS.

16

Q What is your position at Beaufort County EMS?

17

A I'm a paramedic crew chief.

18

Q And what sort of special training do you have to

19

get in order to be a paramedic?

20

A We initially start out as an EMT, so usually

21

about six-month schooling process. And then you

22

can go through about, what I did, two years of

23

paramedic school, which is about 800 hours of

24

clinical work and probably about 1200 hours of

25

didactic.

Testimony of Jeff Knieling

236

1 Q Okay. And what does being a paramedic allow you
2 to do?

3 A We work under the scope of what DHEC allows
4 us to do in national registry, which we're
5 certified through. We have a set of protocols and
6 guideline we have to follow through on.

7 Q Does it allow you to perform lifesaving measures
8 on patients?

9 A Yes.

10 Q Okay. And how long have you been a paramedic?

11 A Going on 20 years.

12 Q Where did you respond on December 7th of 2016?

13 A I believe the address ■ 6 Falls Road in
14 Burton.

15 Q And what time did you get to -- I believe you call
16 them your patients, right?

17 A Right. I had a patient time -- if I can just
18 look through here real quick. That patient time
19 was 11:17.

20 Q Okay. What did you observe when you got to
21 ■ 6 Falls Road?

22 A I noticed that there was smoke coming through
23 a structure. I don't remember how many engines
24 were on scene. We parked a little bit further
25 away, you know, to make sure there was enough room

Testimony of Jeff Knieling

237

1 for what was going on because it was a working
2 structure. I believe, by that time, we were
3 notified also there was entrapment also, and they
4 were removing the lady from the front window via
5 ladder.

6 Q And if you could speak up a little bit for us,
7 that would be great.

8 A All right.

9 Q You just stated that they were removing the woman
10 with a ladder from the window?

11 A Correct. They had a ladder parallel to the
12 ground, and, you know, they were moving the victim
13 through the window via the ladder, taking her out
14 that way.

15 Q Okay. And when you first came upon the victim,
16 what did you observe?

17 A When I first came upon her when she was on
18 the ladder, I noticed that her hands were bound
19 upward like this (indicating), and there was no
20 movement with the body until we got to the ground
21 and we were able to assess her.

22 Q All right. And when you were able to assess her,
23 did she show any signs of life?

24 A No.

25 Q All right. And did you attempt any lifesaving

1 measures?

2 A Yes, we did.

3 Q And did her condition change at all?

4 A No.

5 Q All right. Did you suction her airways?

6 A Yes. After we put a kink in her, we
7 suctioned her.

8 Q What did you find?

9 A We found some blood and some vomit.

10 Q Did you see any burn marks on her?

11 A I believe so. If my notes are correct, if I
12 remember, on the left side, it was on the arm, and
13 the left side of the pelvis also.

14 Q What was the condition of her skin? What was the
15 temperature of her skin?

16 A Very hot and red.

17 Q Did you note any blood?

18 A I believe there was some blood coming from
19 her nose. If I look through at my notes real
20 quick, nose had a small amount of blood coming
21 from the nose.

22 Q And was she eventually transported to Beaufort
23 Memorial Hospital?

24 A Correct. Yes.

25 Q But still showing no signs of life?

Testimony of Jeff Knieling

239

1 A Correct.

2 MS. SWANSON: Okay. That's all I have.
3 Please answer any questions from the defense.

4 MS. CAMPBELL: No questions.

5 THE COURT: All right. You may come
6 down.

7 MS. SWANSON: And I would ask that
8 Mr. Knieling be released from his subpoena.

9 THE COURT: May he be excused without
10 objection?

11 MS. CAMPBELL: Yes, sir.

12 MS. SWANSON: The State calls
13 Mike Perkins.

14 THE BAILIFF: Right this way to be sworn
15 in.

16 THE CLERK: Place your left hand on the
17 Bible and raise your right hand. Do you solemnly
18 swear or affirm that you shall -- that the
19 testimony you give to this Court in this trial
20 shall be the truth, so help you God?

21 THE WITNESS: Yes.

22 WHEREUPON:

23 MICHAEL PERKINS,
24 after having been sworn to tell the truth, testified
25 as follows:

Testimony of Michael Perkins
THE CLERK: Thank you.

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1

2

DIRECT EXAMINATION

3

BY MS. SWANSON:

4

Q If you can please spell your name for the court
reporter?

5

6

A First name is Michael, M-i-c-h-a-e-l. Last
name is Perkins, P-e-r-k-i-n-s.

7

8

Q And remind me of your rank these days?

9

A Currently it's sergeant of Beaufort County
Sheriff's office.

10

11

Q Okay. Sergeant Perkins, in what capacity were you
working for the Sheriff's Office in December of
2016?

12

13

A Road patrol for northern enforcement.

14

Q Okay. And do you recall a call that you responded
around eleven o'clock on December 7th of 2016?

15

16

A Yes. So I was dispatched to a structure fire
at ■ 6 Falls Road in Burton, South Carolina.

17

18

Q All right. Now, if you can speak up for me just a
little bit -- I don't know if that microphone is on.

19

20

THE BAILLIFF: It is. I checked it.

21

MS. SWANSON: Oh, it is.

22

23

BY MS. SWANSON:

24

Q Just speak into it a little bit better, a little

25

more closely, please.

Testimony of Michael Perkins
So you responded to that structure fire?

241

1

2

A Yes.

3

Q And were you one of the first deputies to respond?

4

A I believe I was one of the first one or two
that was there to respond, yes.

6

Q And when you responded, what did you see?

7

A When I arrived the fire department was
already on scene. There was -- I could see
visible flames. I don't know if you have a
picture. Looking at the front of the mobile home,
kind of in the middle right side, is the front
door. There was flames coming from a window next
to that. The door was open. And across
underneath the roof on the whole length of the
trailer there was smoke billowing out from
underneath that.

17

Q Okay. I'll show you what has been entered as
State's 3, and if you want to take a look at this and
pull it up and point the jury out to where you're
talking about the flames.

18

19

20

21

A Do you mind if I stand?

22

Q Sure. And, in fact, we can publish it on this --
what's called an Elmo, I think. Come this way.

23

24

A (Complies.)

25

Q So if you want to point out, just based on your

Testimony of Michael Perkins

242

1 testimony, what you observed when you got to ■ 6 Falls
2 Road?

3 A This area right here is the front door to the
4 residence. It was open. This window right over
5 here, there was flames that was coming out. And
6 across the entire roof line from one end of the
7 mobile home to the other end, there was smoke
8 pouring or billowing out from underneath. When I
9 arrived, I was on this side of the structure over
10 here (indicating.)

11 Q And did you see the victim being pulled out of the
12 residence?

13 A Yes. After a while, I did notice one of the
14 fire personnel -- it was on this window over here.
15 The fire personnel had a ladder. They actually
16 broke the window. He went in. A short while
17 later, he came out. And, to me, he was in a
18 panic. I knew something was wrong. He motioned
19 to another firefighter, that firefighter went in
20 as well. And just moments later, they came out
21 with a body. They were bringing the body out of
22 the window.

23 Q Okay, thank you.

24 A You're welcome.

25 Q You can go have a seat.

Testimony of Michael Perkins

243

1 Did you notice anything about that body?

2 A Yes. The body appeared to be an elderly
3 female, Caucasian female, and she was in a
4 nightgown. And the odd part was her hands were in
5 front of her and they were bound together by, I
6 believe, it was some sort of duct tape, or some
7 sort of tape.

8 Q Okay. Did you see Deputy Burns out there?

9 A He was there with me, yes.

10 Q Okay. And what did you guys do regarding the
11 scene?

12 A Upon arriving, I believe Deputy Burns is the
13 one that actually secured the scene with the crime
14 scene tape, then only emergency personnel is
15 allowed in and out.

16 Q Okay. And did you interview some neighbors?

17 A Yes.

18 Q Who were those neighbors that you interviewed?

19 A The first neighbor I interviewed, her name
20 was Ariel Smith. She resided right next door, I
21 believe at ■4 Falls Road.

22 Q Okay. Who else did you interview?

23 A Her significant other, Jennifer Shubert, if
24 I'm pronouncing the name right. But then there
25 was one more, another neighbor, which was at ■2

Testimony of Michael Perkins

244

1 Falls Road was a James Smith.

2 Q Were they able to identify any subjects around the
3 house around the time of the fire?

4 A No.

5 Q And was SLED Arson called in?

6 A Yes. Due to the circumstances of what we're
7 dealing with, especially with the body being
8 there, SLED was notified and they responded.

9 Q All right. And the Beaufort County investigators
10 were called in?

11 A Yes. They were call first. They responded
12 as well.

13 Q And was Beaufort County's Crime Scene team called
14 in?

15 A Yes.

16 MS. SWANSON: That's all the questions I
17 have for you, Sergeant Perkins. Please answer any
18 questions that defense may have.

19 CROSS-EXAMINATION

20 BY MS. CAMPBELL:

21 Q Good morning.

22 A Good morning.

23 Q It's Sergeant Perkins?

24 A Yes, ma'am.

25 Q I'm trying to follow along with your report here.

Testimony of Michael Perkins

245

- 1 So you interviewed Ariel Smith?
- 2 A Yes.
- 3 Q Jennifer Shubert?
- 4 A Correct.
- 5 Q And I see a Lawrence Jenson. I don't -- I'm
- 6 confused about the James Smith. Could it be that it's
- 7 Lawrence Jenson and not a Jane Smith?
- 8 A I don't recall. The gentleman that lived at
- 9 ■ 2 Falls Road.
- 10 Q Right. That's the one. ■ 2 Falls Road, do you
- 11 know for sure whether his name is Lawrence Jenson or
- 12 James Smith?
- 13 A I just have to go by the report to Mr. Smith.
- 14 I don't recall from that day.
- 15 Q So if you look at the first paragraph of your
- 16 report, the last line it says you interviewed Ariel
- 17 Smith, Jennifer Shubert and Lawrence Jenson.
- 18 A Okay.
- 19 Q Correct?
- 20 A That's what it reads, yes.
- 21 Q So did you interview three or four people?
- 22 A There was only three.
- 23 Q Okay. So we're not sure who the other person is,
- 24 James Smith or Lawrence Jenson.
- 25 A That would be correct.

Testimony of Michael Perkins
MS. CAMPBELL: That's all I have.

246

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MS. SWANSON:

Q Is it possible that James Smith is a typo?

A I'm sorry. Say that again.

Q Is it possible that James Smith is a typo?

A It's possible, yes.

Q If I can refer you to the bottom of page 10 of your report, can you read the first part of that interview?

A The paragraph, the interview, where it says James Smith?

Q Correct. Was the name James Smith used at any other point in this summary of that interview?

A No, ma'am. It says James Jenson. I can read it, if you'd like me to.

Q No, that's okay. Thank you.

MS. SWANSON: That's all.

THE COURT: You may come down. May this be excused without objection?

MS. SWANSON: Yes, thank you.

MS. CAMPBELL: Without objection.

MS. SWANSON: State calls Pat Murphy.

THE CLERK: Do you solemnly swear or

Testimony of William Murphy

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1 affirm that the testimony you give to this Court in
2 this trial shall be the truth, so help you God?

3 THE WITNESS: Yes, ma'am.

4 WHEREUPON:

5 WILLIAM PAT MURPHY,
6 after having been sworn to tell the truth, testified
7 as follows:

8 DIRECT EXAMINATION

9 BY MS. SWANSON:

10 Q Can you please spell your name for the court
11 reporter?

12 A William, W-i-l-l-i-a-m. Middle name is
13 Patrick, P-a-t-r-i-c-k. Last name Murphy,
14 M-u-r-p-h-y.

15 Q Okay. And remind me of your rank.

16 A Sergeant.

17 Q Sergeant Murphy, in December of 2016, what sort of
18 capacity were you working for the Beaufort County
19 Sheriff's Office?

20 A I was assigned to southern investigations,
21 and collateral duty as Crime Scene Unit worker.

22 Q All right. And tell us about the call from
23 December 7th of 2016?

24 A December 7th, 2016 at approximately
25 3:20 p.m., myself and Corporal Squires responded

Testimony of William Murphy

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1 Tac Ops to go get the Crime Scene Unit truck, and
2 then we responded to incident location in
3 reference to a death scene at that incident
4 location.

5 Upon our arrival, we were briefed by now our
6 Master Sergeant Zsamar about the incident. My
7 assigned task was to mark -- I'm sorry. To do the
8 crime scene sketch and collect items outside.

9 Q So you were focused on the exterior of the
10 scene?

11 A When we first arrive, yes, ma'am.

12 Q Okay. Who else was there from Crime Scene?

13 A Staff Sergeant Cooler.

14 Q And was he focused on the anterior?

15 A He was the overall, like, supervisor at the
16 scene for the Crime Scene Unit.

17 (STATE EXH. 18, Photo, was marked for
18 identification.)

19 BY MS. SWANSON:

20 Q I'm going to show you what's been entered as
21 State's 18 and ask you if you can -- if you recognize
22 what's in this picture?

23 A Yes, I do.

24 Q All right. And what is that?

25 A Placard 1 is going to be a duct tape and then

Testimony of William Murphy

249

1 placard 2 is some sort of burnt plastic, and those
2 placards were there prior to my arrival already
3 marked by responding officers.

4 Q Okay. Did you collect those items?

5 A I did collect those.

6 Q I'm going to show you what has been marked as 74
7 and 75 and ask if these items came from
8 placard 1?

9 A Yes, ma'am.

10 Q And, obviously, it's packaged differently now it
11 was when you collected it.

12 A Yes.

13 Q What bag did you collect it in?

14 A I collected it in this bag.

15 Q So item -- State's 74, and what description does
16 it have on there?

17 A Description is just duct tape and the
18 location was ground near driveway and fence.

19 Q And then it was sent to SLED for analysis?

20 A I believe so. I didn't send it myself to
21 SLED.

22 Q Right. Is that a SLED bag?

23 A That is a SLED bag.

24 Q Okay.

25 MS. SWANSON: And so items 74 and 75 for

Testimony of William Murphy

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1 identification at this point.

2 I don't have any further questions for
3 you, if you can please answer any questions from
4 defense.

5 MS. CAMPBELL: No questions.

6 THE COURT: You're free to go. Can this
7 witness be excused?

8 MS. SWANSON: Yes, sir.

9 MS. CAMPBELL: Yes.

10 THE COURT: Okay. All right, Ladies and
11 Gentlemen of the jury, we're going to take our
12 morning break at this time. I'll ask you to go to
13 the jury room and just relax. Rid yourself of any
14 overabundance of coffee and we'll be with you in
15 about ten minutes. I caution you again, don't
16 this case among yourselves while you're in the
17 jury room. Just relax. We will be with you in
18 about ten minutes.

19 THE BAILIFF: If you have a notebook,
20 leave it in your seat, please.

21 (Jury exits the courtroom at 11:26 a.m.)

22 THE COURT: Miss Swanson, I want to thank
23 you for not putting up the yellow tape guy. If
24 you recall, a Solicitor in Columbia also named
25 Campbell, would always put up the guy that put up

Testimony of William Murphy

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1 the yellow tape. And we stand at ease for ten
2 minutes.

3 MS. CAMPBELL: Judge, I'll put that
4 objection on the record when we come back.

5 THE COURT: When we come back.

6 (A break was taken from 11:27 a.m. to 11:41 a.m.)

7 THE COURT: The State ready for the jury?

8 MS. SWANSON: I believe the defense --

9 THE COURT: I'm sorry. Miss Campbell,
10 it's my understanding you have a motion for the
11 Court.

12 MS. CAMPBELL: I do. May it please the
13 Court?

14 THE COURT: Certainly.

15 MS. CAMPBELL: Your Honor, toward the end
16 of the solicitor's opening statement, she made a
17 statement to the jury in reference to the burden
18 of proof that the carries in criminal cases. And
19 at the close of the solicitor's statement, I
20 approached the bench, informed the Court as to the
21 substance of my objection, which would be on
22 prosecutorial error, or some people would say
23 conduct, but I'll use the word error, in diluting
24 the burden of proof and dismissing the burden of
25 proof and calling it "convoluted."

Testimony of William Murphy

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1 I would say that for the purposes of our
2 argument, it is well recognized that, sort of, the
3 legal gold standard foundation presumption of
4 innocence and the burden of proof not to be toyed
5 with or diminished or diluted by the State. And
6 that's exactly what the prosecutor did when she
7 termed it "convoluted."

8 And, having done that, and put that, sort
9 of, sliver of escape, if you will, for this jury
10 in their minds that maybe it's not as rock solid
11 as it should be, as it is, in fact, I would make a
12 motion for a mistrial on behalf of Mr. Walls. No
13 curative instruction can undue the prejudice to
14 him, and he cannot, in the shadow of State's
15 improper statement to this jury, possibly receive
16 a fair trial when one of those two foundations has
17 been attacked with such characterization that the
18 burden of proof is convoluted. Thank you, Your
19 Honor.

20 THE COURT: State's position.

21 MS. SWANSON: Thank you, Your Honor. I
22 believe that Miss Campbell misstated what I said
23 to the jury. I made it abundantly clear that the
24 burden is mine. It is the burden of proof beyond
25 a reasonable doubt. And that what reasonable

Testimony of William Murphy

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1 doubt is explained as is this word of doubt that
2 causes a person to hesitate to act. And while
3 that may sound convoluted conversely, it is also
4 explained as evidence leaving you firmly convinced
5 of a defendant's guilt.

6 There are two ways to explain it and two
7 ways the Court always explains to jurors. That's
8 not watering it down. It's just some people, you
9 know, react differently to the way it's explained.
10 I mean, I stated both correctly.

11 But at any rate, I don't think it rises
12 to the level, certainly, of prosecutorial
13 misconduct, or anything of that sort, much less a
14 mistrial.

15 And, Your Honor, can offer a curative
16 instruction, but I think that would simply be
17 shining more of a light on it.

18 THE COURT: All right. I have told --
19 instructed the jury as to the burden of proof. I
20 will continue to instruct the jury as to the
21 burden of proof.

22 Solicitor's remarks during an opening
23 statement, which I told jury they could disregard
24 what attorneys tell you in opening statements and
25 say are not evidence. I don't feel the jury has

Testimony of William Murphy

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1 been misled about the burden of proof, and I will
2 continue to instruct them according to the law.

3 And it may have been an unfortunate
4 choice of words, but I don't think, in my mind,
5 that the jury took that as somehow lessening the
6 State's burden of proving it.

7 The objection is overruled.

8 Bring the jury in, please.

9 MS. SWANSON: Your Honor?

10 THE COURT: Hold the jury.

11 MS. SWANSON: Sorry. At some point, and
12 perhaps we can do this after the next couple of
13 witnesses, but I would like to revisit the cell
14 phone issue. Derek Nelson has plugged in the
15 phone. We do have the physical phone, and we can
16 pull the text messages off of the physical
17 phone.

18 THE COURT: When did you plan to call
19 him?

20 MS. SWANSON: Well, I suppose it depends
21 on if I get the phone and the contents in through
22 the investigator who collected it, or if it's
23 better to have Derek Nelson testify to it because
24 he, you know --

25 THE COURT: I just asked you, when do you

Testimony of William Murphy

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1 plan to do that?

2 MS. SWANSON: Well, probably tomorrow.

3 THE COURT: Then let's take it up then.

4 MS. SWANSON: Hold off on it.

5 THE COURT: Yes.

6 MS. CAMPBELL: To be clear for the record,
7 Your Honor, the objection was overruled and the motion
8 for mistrial was denied.

9 THE COURT: Denied.

10 MS. CAMPBELL: Thank you, Judge.

11 MS. SWANSON: I also just want to make
12 clear that if we are going to get into the phone
13 this way and need to tie it back to the defendant,
14 there are several selfies of him on that phone --

15 THE COURT: Well, why can't we take that
16 up at a different time.

17 MS. SWANSON: That's fine.

18 THE COURT: I'd like to get this jury
19 moving.

20 MS. SWANSON: I understand. State's
21 ready.

22 THE COURT: Defense ready?

23 MS. CAMPBELL: Yes, sir.

24 THE COURT: Bring in the jury, please.

25 (Jury enters the courtroom at 11:47 a.m.)

Testimony of Brandon Cooler

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1 THE BAILIFF: The jury is entering the
2 courtroom, Your Honor. The jury is seated, Your
3 Honor.

4 THE COURT: Miss Swanson, call your next
5 witness.

6 MS. SWANSON: The State calls
7 Brandon Cooler.

8 THE CLERK: Put your left hand on the
9 Bible, raise your right hand. Do you solemnly
10 swear or affirm that the testimony you give to
11 this Court in this trial shall be the truth, so
12 help you God?

13 THE WITNESS: I do.

14 WHEREUPON:

15 BRANDON COOLER,
16 after having been sworn to tell the truth, testified
17 as follows:

18 THE WITNESS: I do.

19 DIRECT EXAMINATION

20 BY MS. SWANSON:

21 Q It's Staff Sergeant, right?

22 A Yes, ma'am.

23 Q Can you please spell your name for the court
24 reporter?

25 A It's Brandon, B-r-a-n-d-o-n. Cooler,

Testimony of Brandon Cooler

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1 C-o-o-l-e-r.

2 Q And, Staff Sergeant, who do you work for?

3 A I work for the Beaufort County Sheriff's
4 Office.

5 Q How long have you been there?

6 A Thirteen years.

7 Q And in December of 2016, were you on the crime
8 scene unit?

9 A I was.

10 Q And did you respond out to ■ 6 Falls Road?

11 A I did.

12 Q What kind of call was that?

13 A It came in to us as a possible homicide. It
14 was a structure fire where the body was located.

15 Q Were you supervising the Crime Scene Team?

16 A I was one of the supervisors at the time.
17 Yes, ma'am.

18 Q Was SLED Arson there as well?

19 A They were.

20 Q And so did you help in processing the inside of
21 that residence?

22 A Yes, ma'am. I did.

23 Q All right. And collect certain items?

24 A Yes, ma'am.

25 (STATE EXH. 7, Photo, was marked for

Testimony of Brandon Cooler

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1 identification.)

2 (STATE EXH. 9, Photo, was marked for
3 identification.)

4 BY MS. SWANSON:

5 Q I'm going to hand you State's 7 and 9 and ask if
6 you recognize what's in these pictures?

7 A Exhibit 7 is a photograph of the front door
8 of the residence with debris piled up from the
9 fire and the damaged that then caused by it.

10 Exhibit 9 is a photograph of the anterior of
11 the residence right when you step in through the front
12 door, again with the fire damage and debris left
13 behind from the buyer.

14 Q Okay. Is that the way you found it when you came
15 to process the scene?

16 A It is.

17 MS. SWANSON: State would move 7 and 9
18 into evidence and move to publish.

19 MS. CAMPBELL: No objection.

20 THE COURT: Without objection.

21 (STATE EXH. 7, Photo, was entered into
22 evidence.)

23 (STATE EXH. 9, Photo, was entered into
24 identification.)

25 MS. SWANSON: And I'm just going to walk

Testimony of Brandon Cooler

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1 these by you guys because you're going to have
2 these back in the jury room.

3 BY MS. SWANSON:

4 Q All right. From the living room area, where did
5 you move with the SLED Arson Team?

6 A We moved back toward the master bedroom where
7 the body was located.

8 (STATE EXH. 14, Photo, was marked for
9 identification.)

10 (STATE EXH. 22, Photo, was marked for
11 identification.)

12 (STATE EXH. 23, Photo, was marked for
13 identification.)

14 BY MS. SWANSON:

15 Q I'm going to hand you a series of pictures. These
16 are State's 14, 22, 23 and ask if you can identify
17 what's in these pictures.

18 A Exhibit 14, a photograph the master bedroom,
19 of the bed with the two windows in that bedroom
20 looking back out towards the front of the
21 residence.

22 Exhibit 22 is blankets that we located on the
23 bed. These blankets had duct tape wrapped around
24 them.

25 And Exhibit 23, same thing. More blankets

Testimony of Brandon Cooler

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1 that were located on the bed with large pieces of duct
2 tape wrapped around the blankets.

3 Q Okay. Is that how you found the master bed and
4 how you found the blankets with the duct tape wrapped
5 around them?

6 A It is.

7 MS. SWANSON: State would move 14, 22 and
8 23 into evidence and request to publish.

9 MS. CAMPBELL: No objection.

10 THE COURT: Without objection.

11 (STATE EXH. 14, Photo, was entered into
12 evidence.)

13 (STATE EXH. 22, Photo, was entered into
14 evidence.)

15 (STATE EXH. 23, Photo, was entered into
16 evidence.)

17 MS. SWANSON: And I am publishing 14.

18 BY MS. SWANSON:

19 Q And Brandon, what are we looking at here?

20 A That is the master bedroom, the located
21 there, the two windows facing back out towards the
22 front of the residence.

23 Q All right. Publishing 22. What are we looking
24 at?

25 A The blankets that was located on the bed with

Testimony of Brandon Cooler

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1 the duct tape wrapped around them.

2 Q All right. 23, again?

3 A Same thing. The blankets located on the bed
4 with the duct tape wrapped around them.

5 Q Okay. And did you collect those blankets?

6 A We did.

7 (STATE EXH. 76, Blankets from fire scene,
8 was marked for identification.)

9 BY MS. SWANSON:

10 Q I going to show you what has been marked as
11 State's Exhibit 76 and ask you if these are the
12 blankets with the duct tape that you collected from
13 that fire scene?

14 A They are.

15 Q Okay. And when they were placed in this brown
16 bag, they were -- the duct tape was still on there?

17 A Yes, I believe so.

18 Q And then we see some stickers from SLED, right?

19 A Yes, ma'am.

20 Q It was further analyzed?

21 A It should have been. Yes, ma'am.

22 Q And manipulated possibly?

23 A Yes, ma'am.

24 Q But the way you sealed was with the duct tape?

25 A With the red evidence tape on outside

Testimony of Brandon Cooler

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1 exterior of the bag.

2 Q Right. And the blanket still had the duct tape on
3 it like we saw in the pictures?

4 MS. SWANSON: State would move 76 into
5 evidence at this time.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection.

8 (STATE EXH. 76, Blankets from fire scene,
9 was entered into evidence.)

10 BY MS. SWANSON:

11 Q All right. Did you do anything else in the
12 bedroom?

13 A Basic search in the bedroom would bring out
14 probative evidence. There were some pill bottles
15 and things like that collected. But other than
16 that, no other -- well, samples of the blankets
17 were cut off and stored in aluminum paint cans for
18 Arson.

19 Q Okay. For analysis for accelerants?

20 A Yes, ma'am.

21 (STATE EXH. 77, Sample of blanket, was
22 marked for identification.)

23 (STATE EXH. 78, Sample of carpet, was
24 marked for identification.)

25 BY MS. SWANSON:

Testimony of Brandon Cooler 263

1 Q I'm going to show you what we marked as 77 and 78
2 and ask if these are samples that you took with the
3 guidance of the SLED Arson Team for further testing of
4 accelerants?

5 A Yes, ma'am. 77 is the sample of the bedding,
6 the blankets that we took samples of for arson
7 analysis.

8 78 is a section of the carpet right outside
9 the master bedroom, almost in the doorway of the
10 master bedroom that we collected for arson
11 accelerants.

12 MS. SWANSON: That's just for ID purposes
13 at this time.

14 BY MS. SWANSON:

15 Q This is how they were packaged when they were
16 taken from the scene?

17 A Yes, ma'am.

18 Q And submitted into evidence?

19 A Yes, ma'am.

20 Q All right.

21 (STATE EXH. 79, Gas can, was marked for
22 identification.)

23 BY MS. SWANSON:

24 Q I'm going to show you 79 and ask if you recognize
25 this item and whether or not you collected it?

Testimony of Brandon Cooler

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1 A Item 79 is a two-gallon gas can that was
2 melted, that was collected from the hallway, same
3 area as the carpet area, the frame of the door --
4 frame of the master bedroom door.

5 Q And did you collect that item and seal it?

6 A I did.

7 MS. SWANSON: State would move 79 into
8 evidence at this time.

9 MS. CAMPBELL: The gas can that's been
10 analyzed?

11 MS. SWANSON: That's correct, but not --
12 if we may approach?

13 MS. CAMPBELL: That would be fine.

14 MS. SWANSON: I don't think I have to
15 prove chain on people that are not under
16 indictment in trial. The defendant's DNA was not
17 located on the gas can, and so I don't see why I'm
18 not able to get it in -- I don't know why I would
19 have to prove chain.

20 THE COURT: There's no analysis of it?
21 It's just a gas can.

22 MS. CAMPBELL: There was an analysis done
23 on it by John Donahue, the forensic DNA expert.
24 He analyzed it for touch DNA.

25 THE COURT: He what?

Testimony of Brandon Cooler

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1 MS. CAMPBELL: He analyzed it for touch
2 DNA.

3 THE COURT: And?

4 MS. CAMPBELL: And he obtained no
5 information.

6 MS. SWANSON: So --

7 THE COURT: It's just something he saw?
8 Isn't that it, your objection? I mean, if he sees
9 a --

10 MS. SWANSON: I mean, what I have to
11 prove --

12 THE COURT: If he sees a knife, he can
13 pick it up if it's not being analyzed.

14 MS. SWANSON: What I have to prove chain
15 on --

16 MS. CAMPBELL: My concern was that, you
17 know, Mr. Donahue is going to testify about it. I
18 didn't want it to be an issue, you know, for him
19 when Donahue testifies.

20 THE COURT: Mark it for identification.

21 MS. SWANSON: He took swabs.

22 MS. CAMPBELL: And analyzed it.

23 MS. SWANSON: And why would it be an
24 issue for me when I'm not entering it as evidence
25 against your client. It's to tell the whole

1 story.

2 MS. CAMPBELL: I'm just confused. It
3 seems as if --

4 MS. SWANSON: Why would have to prove
5 chain against people who are not in trial.

6 THE COURT: Mark it for identification.

7 MS. CAMPBELL: Thank you.

8 BY MS. SWANSON:

9 Q So this is the gas can that you collected and
10 we're marking it for identification. That is 79.

11 (STATE EXH. 19, Photo, was marked for
12 identification.)

13 BY MS. SWANSON:

14 Q I'm going to hand you State's 19 and ask if this
15 exhibit depicts where you found that gas can that we
16 just marked for identification?

17 A Yes. 19 is a photograph of the gas can that
18 I collected there in the hallway right outside the
19 door of the master bedroom.

20 Q Okay. And that's a fair and accurate depiction of
21 where you found that gas can?

22 A It is.

23 MS. SWANSON: All right. I would enter
24 19 and move to publish.

25 MS. CAMPBELL: No objection.

Testimony of Brandon Cooler
THE COURT: Without objection.

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(STATE EXH. 19, Photo, was entered into
evidence.)

BY MS. SWANSON:

Q All right. Staff Sergeant, did you look for any
duct tape in Teresa Seigler's residence?

A My recollection, we did. While we were
searching for the -- or doing search of the
residence, once we noticed the duct tape on the
blankets, we did a search of the rest of it to see
if we could locate any duct tape that possibly
matched it.

Q Did you find any?

A We did not.

MS. SWANSON: Thank you. I have nothing
further at this time.

MS. CAMPBELL: No questions.

THE COURT: You may be excused. May the
witness be excused without objection?

MS. SWANSON: Yes, please.

THE COURT: Thank you.

MS. SWANSON: State calls Jennifer
Mills.

THE BAILIFF: Right this way to be sworn
in.

Testimony of Jennifer Mills

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1 THE CLERK: Put your left hand on the
2 Bible, raise your right hand. Do you solemnly
3 swear or affirm that the testimony you give to
4 this Court in this trial shall be the truth, so
5 help you God?

6 THE WITNESS: I do.

7 WHEREUPON:

8 JENNIFER MILLS,
9 after having been sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. SWANSON:

12 Q Hey, Jennifer. How are you doing?

13 A Fine, thank you.

14 Q Can you please spell your name for the court
15 reporter?

16 A Jennifer Mills. J-e-n-n-i-f-e-r, M-i-l-l-s.

17 Q What do you do?

18 A I'm employed by the Beaufort County Sheriff's
19 Office forensics laboratory. I am a forensic
20 chemist. And my responsibilities are to analyze
21 drugs that are submitted, to identify them, to
22 analyze fiber debris analysis to see if ignitable
23 liquid is present, and I'm also the quality
24 manager for the laboratory to make sure that we
25 meet our accreditation.

Testimony of Jennifer Mills

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1 Q Can you explain your background in the field and
2 your education?

3 A I have a degree in biochemistry, and I
4 attended Queens University in Charlotte, North
5 Carolina. I was employed at the Charlotte, North
6 Carolina forensics lab for 30 years where I was
7 also a forensics analyst there. I've been in
8 Beaufort County for 10. And I became a qualified
9 fire debris analysis in 1985 after I completed
10 training by the ATF laboratory in Maryland.

11 Q And have you ever been qualified as an expert in
12 forensic chemistry?

13 A Yes.

14 Q About how many times?

15 A It's been over a hundred times now.

16 MS. SWANSON: At this time, the State
17 would offer Jennifer Mills as an expert in
18 forensic chemistry.

19 THE COURT: Any voir dire or objection?

20 MS. CAMPBELL: No voir dire and no
21 objections.

22 THE COURT: Thank you. You may proceed.

23 MS. SWANSON: Thank you.

24 BY MS. SWANSON:

25 Q What sort of instrument do you use to detect

Testimony of Jennifer Mills

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1 accelerants?

2 A We use an instrument, a gas chromatograph,
3 mass spectrograph which we use for identification
4 of all of our drugs and ignitable liquid
5 compounds.

6 Q And did you have the occasion to analyze several
7 items of evidence submitted to you in the case against
8 Brian Walls, John Priester, and Courtney Brock?

9 A I did.

10 Q I'm going to show you an item for identification
11 purposes.

12 (STATE EXH. 80, Paper bag holding can
13 holding debris, was marked for identification.)

14 BY MS. SWANSON:

15 Q I'm going to show you has been marked State's 80
16 and ask if this was an item that you analyzed.

17 A Yes, it is.

18 Q What is it?

19 A Exhibit 80 is a paper bag that I opened and
20 resealed after my analysis. And inside of that is
21 a metal can that contained debris.

22 Q Does it state what kind of debris?

23 A The label said pink outer garment.

24 Q And did you test that for accelerants?

25 A Yes, I did.

Testimony of Jennifer Mills

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1 Q Okay. And what was your conclusion?

2 A Gasoline was identified.

3 Q Thank you.

4 (STATE EXH. 77, Can; bedding sample master
5 bedroom bed, was marked for identification.)

6 (STATE EXH. 78, Can; carpet sample near
7 bedroom, was marked for identification.)

8 BY MS. SWANSON:

9 Q I'm going to hand you what has been marked as 77
10 and 78 and ask if these are items that you tested, and
11 what are they.

12 A Exhibit 77 is a can which I received. I did
13 analysis on the contents and resealed the can.
14 And item 77, it's labeled bedding sample, master
15 bedroom bed.

16 Q And what were your findings as to item 77, the
17 bedding sample from the master bedroom?

18 A My analysis says that gasoline was
19 identified.

20 Q All right. What about item 78?

21 A Item 78, again is a can in which I opened,
22 did analysis, sealed the can back. Item number 4
23 is my item number 4, Exhibit Number 78, it was
24 labeled as carpet sample near bedroom. Gasoline
25 was identified.

Testimony of Jennifer Mills

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1 Q Okay.

2 MS. SWANSON: The State would move 77 and
3 78 in at this time.

4 MS. CAMPBELL: No objection.

5 THE COURT: Without objection.

6 (STATE EXH. 77, Can; bedding sample master
7 bedroom bed, was entered into evidence.)

8 (STATE EXH. 78, Can; carpet sample near
9 bedroom, was entered into evidence.)

10 BY MS. SWANSON:

11 Q Did you find accelerants or any other evidence
12 that you analyzed?

13 A No, I did not.

14 MS. SWANSON: I have no further
15 questions. Please answer any questions from
16 Miss Campbell.

17 MS. CAMPBELL: I have no questions.

18 THE COURT: Thank you very much, ma'am.
19 You may come down. May this witness be excused?

20 MS. SWANSON: I ask that she be excused?

21 THE COURT: You're free to go.

22 MS. SWANSON: The State calls Lee Marie
23 Tormos.

24 THE BAILIFF: Please come around to be sworn.

25 THE CLERK: Do yo solemnly swear or

Testimony of Lee Marie Tormos

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1 affirm that the testimony you give to the Court in
2 this trial shall be the truth, so help you God?

3 THE WITNESS: I do.

4 WHEREUPON:

5 LEE MARIE TORMOS,
6 after having been sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. SWANSON:

9 Q Dr. Tormos, can you please spell your name for the
10 court reporter?

11 A Yes. My first name is Lee, L-e-e. Middle
12 name Marie, M-a-r-i-e. Last name, T-o-r-m-o-s, T,
13 as in Tom, o-r-m-o-s.

14 Q Okay. And what do you do for a living?

15 A I'm a forensic pathologist.

16 Q And where were you working in December of 2016?

17 A I was working at the Medical University of
18 South Carolina.

19 Q What were your duties at that point?

20 A I was working as a forensic pathologist and
21 an attending physician, which means that I was --
22 my duties were to perform autopsies, both medical
23 and forensic autopsies, as well as teach medical
24 students, residents, and fellows in the art of
25 pathology and forensic pathology.

Testimony of Lee Marie Tormos

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1 Q And if you can just describe your educational
2 background and training in the field that led you to
3 this position?

4 A Absolutely. Medicine starts with a four-year
5 bachelor degree in science followed by four years
6 of medical school followed by four years of
7 anatomic and clinical pathology, which is a
8 specialty in pathology. That is the specialty
9 that studies disease and how to diagnose and
10 create -- create prognosis based on tissue
11 diagnosis. And then one year of a subspecialty
12 training in the field of forensic pathology where
13 we also integrate how injuries also lead to a
14 person's demise and how to best classify cause and
15 manner of death.

16 So all total, I have 13 years of education,
17 and I'm board certified in anatomic pathology,
18 clinical pathology and forensic pathology.

19 Q Okay. And are you still working as a pathologist
20 now?

21 A Yes, I am.

22 Q And where?

23 A I'm working at the Palm Beach County Medical
24 Examiner Office down in Florida.

25 Q And do you recall how many times you've been

Testimony of Lee Marie Tormos

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1 qualified as an expert in court to testify as a
2 forensic pathologist?

3 A Over 50.

4 Q Okay.

5 MS. SWANSON: At this time, the State
6 would offer Dr. Lee Marie Tormos as an expert in
7 forensic pathology.

8 THE COURT: Any voir dire or objection?

9 MS. CAMPBELL: No voir dire, no
10 objection.

11 THE COURT: Thank you. You may
12 proceed.

13 BY MS. SWANSON:

14 Q Dr. Tormos, did you have an occasion to perform
15 you autopsy on a Teresa Seigler?

16 A Yes.

17 Q Okay. And can you please tell us about your
18 findings?

19 A The autopsy took place on December 8th, 2016.
20 At the time that we received the body, the body
21 was already undergoing decomposition changes, so
22 the autopsy was a bit limited by the state that
23 the body was in. Decomposition changes in a human
24 being include discoloration of the skin, so the
25 skin is turning green, red and purple. There's

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1 marbling changes. There's gas bloating. There's
2 purging of fluids from the nose and mouth, and
3 there's swelling of the tissues and swelling of
4 the abdomen because the bacteria in our body are
5 producing gas.

6 So, we examine the body externally, and we
7 found that she had evidence of the decomposition
8 further being areas of skin slippage and the drying
9 artifact. We noted that she had undergone
10 resuscitation attempts, so she had an articulare tube
11 extending into her mouth, she had EKG pads on her
12 body, automatic emergency defibrillator pads on her
13 chest, and abrasion on her chest from the chest
14 compressions, an intraosseous line extending into her
15 lower leg.

16 At the time, we found -- at the completion of
17 the autopsy, we found the following things: She had a
18 fracture of the ninth left rib on the lateral side, on
19 the side of her body. She had a lot of contusions,
20 bruising to her body. Now, some of the bruising was
21 slighting obscured by the post-mortem changes;
22 however, we were able to determine that she had
23 bruising on the deep soft tissues of the posterior
24 aspect of the right shoulder along both flanks, along
25 the lower back. She had a bruise on her abdomen. She

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1 had a bruise at her mons pubis right overlying the
2 pubic bone at the anterior midline. She had a bruise
3 on the left buttock, and she had two bruises on the
4 inner left thigh. She also had a left-side tongue
5 hemorrhage.

6 That one is really difficult to discern.
7 It's really hard to bruise your tongue. Several
8 things come to mind. It can be from an effect. It
9 can be from her biting her tongue. It can either be
10 from a seizure.

11 And the other thing that was important given
12 the scenario of the findings is the fact that she had
13 no soot in airways. And we did toxicology testing and
14 found that there's no carboxy hemoglobin in her -- in
15 her -- in her bloodstream, other than what is normally
16 expected in all of us. So that tells us that at the
17 time of the fire, she was not breathing.

18 Q So it is your opinion based on your autopsy
19 findings that she was dead prior to the fire?

20 A Yes.

21 Q And do you review more than just the body and your
22 autopsy findings?

23 A We have to review the body in addition to the
24 circumstances as to how the body is found.

25 Q And, in this particular case, did you review

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1 photographs taken of the body from December 7th of
2 2016 at the Beaufort Memorial Hospital?

3 A Yes. Yes. We were provided with the
4 pictures that were taken at the hospital.

5 Q And did you form any opinions about whether or not
6 the body was decomposing at that point?

7 A I formed an opinion that after looking
8 carefully at the photographs at the hospital, she
9 had been deceased for a period of time prior to
10 being found in the fire. She had fixed lividity
11 in her hands which means the blood had settled in
12 her hands, and she had already had evidence of
13 early decomposition, being skin slippage.

14 Q You talked about a ninth left rib that was broken.

15 A Yes.

16 Q Were there other ribs that were broken?

17 A There are other ribs that are broken, but the
18 ninth left rib has hemorrhage around it, meaning
19 she was alive at that the ninth left rib was
20 broken.

21 The other ribs are fractured symmetrically on
22 anterior aspect. They do not have any associated
23 hemorrhage and are the very classic finding of cardiac
24 pulmonary resuscitation. The application of CPR will
25 break those ribs symmetrically anteriorly. But again,

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1 there's no hemorrhages around those rib fractures.

2 Q Okay. So the lifesaving measures could have
3 caused the other fractures, but not the fracture that
4 was hemorrhaged.

5 A Absolutely.

6 Q Okay. Let's talk about the toxicology. What did
7 Miss Seigler have in her system?

8 A She had the carbon monoxide 3.9 microgram per
9 gram, which is the normal that we all have in our
10 system. Iron is just for calculation of
11 carboxyhemoglobin saturation. She had
12 Beta-phenylethylamine. That's a decomposition
13 product. She had caffeine. She had marijuana.
14 She had -- and its metabolites. She had morphine.
15 She had sertraline and its metabolite. That's
16 methylsertraline. You might know it as Zoloft.
17 MCPP is a trazodone metabolite. Diphenhydramine.
18 You will know it as Benadryl. And
19 dextromethorphan, which is classically found in
20 cough syrup -- or cold medication. That's what
21 she had.

22 Q Okay. So besides the THC, or marijuana,
23 everything else that was found in her were medications
24 that she had either prescriptions or were available
25 over the counter?

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1 A Correct, correct. Her morphine is
2 prescribed. She does have an implanted morphine
3 pump. So this pump, which looks like a pacemaker,
4 it actually releases a set amount of morphine in a
5 predetermined time frame.

6 Q Okay. And did you note what her morphine levels
7 were?

8 A Her morphine level is .75 milligrams were
9 kilogram, which is very elevated. However, we
10 must take into consideration that the morphine
11 pump is pumping despite the fact that she is no
12 longer metabolizing the drug so it is just pumping
13 into her tissues.

14 Q Okay. And did you consult with a forensic
15 toxicologist in forming that opinion?

16 A Absolutely. I consulted with Debbie Garvin,
17 specifically going over every drug in this case.

18 Q And did you determine that any of those drugs or
19 elevated morphine had anything to do with her death?

20 A After discussion with the toxicologist, we
21 determined that we cannot assess these values
22 because of the state that the body was in.

23 There's a lot of things that affect values in
24 post mortem toxicology and we are talking about a body
25 that's undergoing early decomposition. There's

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1 bacterial hydrolysis. There is release of these
2 substances into the bloodstream.

3 And so she and I determined that the morphine
4 levels are very likely due to the fact that the
5 morphine pump is pumping and she is no longer
6 metabolizing. And the -- there was one other thing.
7 The sertraline, which we found study after study that
8 says that you cannot reliably determine that
9 particular medication level in her system because it's
10 one that is extensively released after death into the
11 bloodstream.

12 Q Did you note anything that was abnormal about her
13 organs? Anything that would have caused her death?

14 A No. Of note, she was missing some organs.
15 We could not find her spleen. We don't know if it
16 is due to decomposition or if she had it taken out
17 beforehand. She did have a lot of scars on her
18 abdomen. She also did not have a gallbladder.
19 She did not have an appendix. She did not have
20 her uterus. So she had had several abdominal
21 surgeries.

22 And there was nothing abnormal. Her heart
23 was normal weight. Her coronaries were not obstructed
24 by atherosclerosis. So in reality, I have no natural
25 disease to account for this death.

Testimony of Lee Marie Tormos

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1 Q But at some point she stopped breathing.

2 A Yes.

3 Q Would your findings be consistent with having been
4 smothered?

5 A Yes.

6 Q With a soft object?

7 A Yes.

8 Q Would they be consistent with someone sitting on
9 her chest?

10 A Yes.

11 Q What did you determine the cause of death to be in
12 this case?

13 A We ruled the death of a homicidal violence.

14 We do not have physical evidence of natural
15 disease to account for the death. We have
16 extremely suspicious circumstances that are
17 absolutely not explained by her death, and,
18 therefore, we must rule as a homicidal violence.

19 We do have evidence of blunt trauma to the
20 body with extensive contusions and the broken rib and
21 the contused tongue. But we are limited a little bit
22 by the fact that the body was in early
23 decomposition.

24 Q And the manner of death that you concluded?

25 A Homicide.

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1 MS. SWANSON: Thank you. Please answer
2 any questions the defense may have for you.

3 THE COURT: Miss Campbell.

4 CROSS-EXAMINATION

5 BY MS. CAMPBELL:

6 Q Good afternoon.

7 A Good afternoon.

8 Q Good to see you. I am a little confused. The
9 solicitor was asking you about the notion of
10 Miss Seigler being smothered, and I don't see anything
11 in your report about her being smothered.

12 A Absolutely. It's one of the many
13 considerations that we have. Smothering,
14 generally, does not leave a mark on the body, and,
15 therefore, we will not see a mark.

16 Q Well, now I understand that. I'm confused because
17 you did not include in the report that you issued that
18 smothering or someone sitting on her chest could have
19 contributed to her death. I mean, isn't that true?
20 That's not in your report, right?

21 A That is not in my report. It's contemplated
22 under homicidal violence.

23 MS. CAMPBELL: Thank you.

24 THE COURT: Redirect?

25 MS. SWANSON: No redirect.

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1 THE COURT: All right. You may come
2 down. Thank you, ma'am. May this witness be
3 excused?

4 MS. SWANSON: Yes, please.

5 MS. CAMPBELL: Yes, sir.

6 THE COURT: Without objection. You're
7 free to go, ma'am. Thank you very much.

8 MS. SWANSON: Your Honor, may we
9 approach?

10 THE COURT: Sure.

11 MS. SWANSON: My next witness is Amanda
12 Reddish, who is going to be rather lengthy. She's
13 a lay witness. So I don't know if we want to get
14 into her. I don't know that we'll be done with
15 her in 30 minutes.

16 THE COURT: Are you talking about you,
17 direct?

18 MS. SWANSON: Correct.

19 THE COURT: You're going to cross her?

20 MS. CAMPBELL: Uh-huh.

21 THE COURT: Okay.

22 MS. SWANSON: So I don't know if Your
23 Honor wants to take a lunch break at this time.

24 THE COURT: We got 45 minutes.

25 MS. SWANSON: We can start her.

Testimony of Lee Marie Tormos

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1 THE COURT: Well, I don't -- wait to

2 1:30.

3 MS. SWANSON: Okay. I can do -- maybe I
4 can do a quick --

5 THE COURT: Do some more shotgun
6 witnesses.

7 MS. SWANSON: Let me do this quick one.
8 I'll do Donnie Williams real quick.

9 MS. CAMPBELL: Okay.

10 THE COURT: And then we'll break.

11 MS. SWANSON: The State calls Donnie
12 Williams.

13 THE COURT: He's under subpoena?

14 MS. SWANSON: He is, but we changed out
15 the order just a minute ago. So Amanda Reddish is
16 available, but it will be lengthy.

17 THE COURT: All right. Ladies and
18 Gentlemen, as you heard from the solicitor, the
19 next witness is likely to be lengthy. It's not
20 going to be -- I don't think it's one of the crime
21 scene investigators. So I think we might as well
22 go ahead and take a lunch break at this time.
23 It's 12:30. Is an hour sufficient for you? Can
24 you be back in the courtroom at 1:30? Everybody?

25 Okay. Let's take our lunch break at this

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1 time. I ask that you be back in the courtroom at
2 1:30 at which time we will recommence the trial.

3 And, again, I remind you, don't discuss
4 the case among yourselves when you return to the
5 jury room or with anyone else over the lunch hour.
6 Please have a pleasant lunch.

7 THE BAILIFF: Please leave your notebooks
8 in here.

9 (Jury exits the courtroom at 12:32 p.m.)

10 THE BAILIFF: Jury is clear, Your
11 Honor.

12 THE COURT: Anything? Okay. It's 12:30.
13 Stand at ease until 1:30.

14 (A break was taken from 12:33 p.m. to 1:38 p.m.)

15 THE COURT: State ready to proceed?

16 MS. SWANSON: Yes, sir.

17 THE COURT: Yes, ma'am.

18 MS. CAMPBELL: May it please the Court?

19 I'm aware that Amanda Reddish is likely to be the
20 next witness that the State calls. I'm objecting
21 to a portion of what I believe is going to her
22 testimony wherein she makes an allegation that my
23 client put his hands around her throat and --

24 THE COURT: Amanda Reddish's throat?

25 MS. CAMPBELL: Amanda's throat and choked

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1 her and threatened to rape her. And I'm
2 objecting, number 1, it's not relevant, and of
3 course I'm objecting under 404. And even if Your
4 Honor found in some remote way that it could be
5 admissible is extremely prejudicial. It's much
6 more than probative of any matter that the State
7 needs to prove in this case.

8 Thank you, Judge.

9 THE COURT: You don't think I look for
10 those remote ways, do you?

11 MS. CAMPBELL: I don't mean to intimate
12 that, Your Honor. Sorry.

13 THE COURT: State's position.

14 MS. SWANSON: Amanda Reddish in her
15 interviews --

16 THE COURT: Who is she?

17 MS. SWANSON: She is a friend of -- well,
18 she was friends with this group of people. And
19 she did, in her interviews, did talk about having
20 an altercation with Brian Walls outside of his
21 home, ■0 Falls Road, where he told her to get the
22 fuck off his property. And when he was on drugs,
23 he did put his hands around her throat and grabbed
24 her by saying, I'm going to rape you and you're
25 going to like it.

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1 She provides testimony about the groups'
2 drug use and his changes in personality when he
3 was using drugs. These are statements by a party
4 opponent, not subject to hearsay. They are
5 probative in that they go to motive, intent, lack
6 of mistake, or accident. They just go with the
7 theme of aggression after drug using.

8 They also show that -- the statement
9 about getting off his property shows that he did
10 consider ■0 Falls Road to be his residence.

11 THE COURT: ■0?

12 MS. SWANSON: ■0 Falls Road.

13 THE COURT: Not ■6.

14 MS. SWANSON: Correct.

15 And I would like her to testify about
16 being inside that house, what the conditions were,
17 and revisit the pictures of the interior of ■0.

18 THE COURT: I've already ruled that
19 inadmissible, so I don't know how you can revisit.
20 I hate to use that term, but it is revisit.

21 MS. SWANSON: The basis of the ruling, I
22 thought, was relevance and foundation. I had not
23 put up witnesses pretrial to address any of those
24 things.

25 THE COURT: Well, I thought the ruling

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1 was not limited to that. She can say that -- she
2 can say that the place was a mess. I've just
3 ruled out the pictures.

4 MS. SWANSON: Okay. Your Honor, in light
5 of --

6 THE COURT: Wait a minute. Let's go back
7 to this choking. What's the -- how does that tend
8 to prove a fact that's in dispute which is the
9 definition of relevance?

10 MS. SWANSON: Well, I mean, it goes to
11 his motive in that there's evil intent or
12 wrongdoing on his part when he gets high.

13 THE COURT: That's not character
14 evidence, is it? Not much. Motion is granted.

15 MS. CAMPBELL: Thank you, Your Honor.

16 MS. SWANSON: Thank you, Your Honor.
17 What about the statements about his telling her to
18 get off his property? I believe those to be
19 admissible.

20 THE COURT: Oh, I think it's admissible.
21 It's a question she raised in 403, and says it's
22 not probative of anything, and that, even if it
23 is, it's prejudicial. I'll let you do that. I
24 don't really see that that's all that egregious.

25 MS. SWANSON: And, Your Honor, in light

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1 of Miss Campbell's opening statement which focused
2 on fingerprints, fingerprints, no fingerprints of
3 Brian Walls and touch DNA this and touch DNA that,
4 you know, State's Exhibit 34 that Your Honor
5 admitted may become relevant, which is a picture
6 in ■■■0 Falls Road which Brian Walls admits to be
7 his property with a whole box of gloves, just like
8 the ones that we use in court. Same type. And
9 so --

10 THE COURT: What are you asking me?

11 MS. SWANSON: I would ask you to
12 revisit --

13 THE COURT: That picture?

14 MS. SWANSON: Yes, sir. This particular
15 picture of gloves that in pretrial the defense
16 objected to.

17 THE COURT: All right. Which one was it?

18 MS. SWANSON: 34.

19 THE COURT: Let me see it again.

20 MS. SWANSON: There is a box --

21 THE COURT: Just because they're used in
22 court doesn't make it relevant. Are you saying --
23 relevant to you.

24 MS. SWANSON: I understand that, but
25 certainly --

Testimony of Lee Marie Tormos

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1 THE COURT: Let me see that box again. I

2 didn't realize what the box was. Oh, I see.

3 Okay, I see it. I see it.

4 Is this witness going talk about this?

5 MS. SWANSON: No, I just thought while we

6 were on a break before the jury came back out, I

7 would address it because it will be coming up.

8 THE COURT: What is defense's position,

9 revisiting photo 34?

10 MS. CAMPBELL: I stand by my original

11 objections, Your Honor, and certainly abide by

12 your ruling. I believe it was correct at that

13 time. There is no need to revisit that issue.

14 MS. SWANSON: I believe Your Honor's

15 ruling was, if she opens the door, then they could

16 become relevant, and all she talked about in her

17 opening was fingerprints and touch DNA and how

18 there were no fingerprints from Brian Walls.

19 THE COURT: All right. I'll think about

20 it.

21 MS. SWANSON: Thank you, Your Honor.

22 THE COURT: Are you ready for the jury?

23 MS. SWANSON: The State is ready.

24 THE COURT: Defense ready?

25 MS. CAMPBELL: Yes, sir.

Testimony of Amanda Reddish

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1 THE COURT: Bring the jury, please.

2 (Jury enters the courtroom at 1:46.)

3 THE BAILIFF: The jury is entering the
4 courtroom, Your Honor. The jury is seated, Your
5 Honor.

6 THE COURT: Thank you. We'll now
7 continue with the trial, Ladies and Gentlemen.
8 Solicitor, call your next witness.

9 MS. SWANSON: Thank you, Your Honor. The
10 State calls Amanda Reddish.

11 THE CLERK: Place your left hand on the
12 Bible, raise your right. Do you solemnly swear or
13 affirm that the testimony you give to the Court in
14 this trial shall be the truth, so help you God?

15 THE WITNESS: Yes.

16 WHEREUPON:

17 AMANDA REDDISH,
18 after having been sworn to tell the truth, testified
19 as follows:

20 THE WITNESS: Yes.

21 DIRECT EXAMINATION

22 BY MS. SWANSON:

23 Q Please spell your first and last name for the
24 court reporter.

25 A Sure. It's A-m-a-n-d-a, last name being

Testimony of Amanda Reddish

293

1 R-e-d-d-i-s-h.

2 Q Where are you from, Amanda?

3 A I'm originally from Georgia, but I live in
4 Beaufort.

5 Q Pull that microphone closer for me. We're having
6 some problems with it. I want to make sure everyone
7 can hear you.

8 How long have you lived in Beaufort?

9 A About 15 years.

10 Q And do you know Tera Kennedy?

11 A I do.

12 Q How long have you known Tera Kennedy?

13 A For about 14 -- 13, 14 years.

14 Q And do you know Brian Walls?

15 A I do.

16 Q How long have you known Brian Walls?

17 A About the same time, 13, 14 years.

18 Q Do you see Brian Walls in the courtroom today?

19 A I do.

20 Q Can you point him out for me?

21 A He's right there (indicating).

22 Q How did you meet Brian Walls?

23 A Through Tera Kennedy in Bonaire Circle. They
24 lived in a trailer there.

25 Q Again, if you can speak up or just pull it closer.

Testimony of Amanda Reddish

294

1 A Can you hear me?

2 Q Yes.

3 So Brian and Tera lived in a trailer on
4 Bonaire Circle together?

5 A Yes.

6 Q And what sort of -- what was her relationship with
7 Brian?

8 A That was her boyfriend.

9 Q How long did they date?

10 A On and off for many, many years. Ever since
11 I've known them, it's been, kind of, on and off.

12 Q How would she describe their relationship?

13 A Unhealthy.

14 Q Do you know where Brian was living in December of
15 2016?

16 A Yes, Falls Road.

17 Q All right. And was that close to where Teresa
18 Seigler was living?

19 A Yes.

20 (STATE EXH. 28, Photo, was marked for
21 identification.)

22 BY MS. SWANSON:

23 Q I'm going to show you what's been marked as
24 State's 28 and ask if you recognize what's in this
25 picture?

Testimony of Amanda Reddish

295

1 A Yes.

2 Q What is it?

3 A It's the house that Brian lived in on
4 Falls Road.

5 Q And is it the way you remember it looking at that
6 time?

7 A Yes.

8 MS. SWANSON: The State would move 28
9 into evidence and request to publish.

10 MS. CAMPBELL: No objection.

11 THE COURT: Without objection.

12 (STATE EXH. 28, Photo, was entered into
13 evidence.)

14 BY MS. SWANSON:

15 Q Now, do you know who this trailer actually
16 belonged to?

17 A Yes.

18 Q Who?

19 A Travis.

20 Q Who is Travis?

21 A That's Brian's brother.

22 Q All right. Do you recall when Brian moved into
23 that trailer?

24 A In 2016.

25 Q Okay. And do you know who else lived there?

Testimony of Amanda Reddish

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1 A I do. It was a group of people. Brian
2 Walls, Courtney Brock, John Priester, Brian's two
3 boys, Xavier Walls and Kyle Walls.

4 Q All right.

5 A And Tera stayed there on and off.

6 Q Tera was there on and off. Did John Priester have
7 a girlfriend that stayed there?

8 A Yes. Leona Priester. I'm sorry. I mean,
9 Leona Pinkley.

10 Q Okay. What was life like in that trailer?

11 A Chaotic.

12 MS. CAMPBELL: Objection. That's very
13 broad.

14 THE COURT: Foundation?

15 MS. CAMPBELL: Yes.

16 BY MS. SWANSON:

17 Q Did people use drugs in that trailer?

18 A Yes.

19 Q Did you ever witness people using drugs in that
20 trailer?

21 A Yes.

22 Q Did you witness Brian Walls using drugs in that
23 trailer?

24 A Yes.

25 Q Did he have a steady job at the time?

Testimony of Amanda Reddish

297

1 A No.

2 Q Was it a healthy environment?

3 A No.

4 MS. CAMPBELL: Objection. Calls for
5 speculation and giving an opinion.

6 MS. SWANSON: I can ask her if she's --

7 THE COURT: She's already put that
8 evidence in. Overruled.

9 MS. SWANSON: Thank you.

10 BY MS. SWANSON:

11 Q Why not?

12 A It was a lot of drug use in that house.

13 Q Out of that group of people that you named,
14 including yourself, was anyone clean in December of
15 2016 or was everyone using?

16 MS. CAMPBELL: Objection. She wouldn't
17 have that information about all of those people.

18 THE COURT: Let's ask her if she does
19 have that information.

20 THE WITNESS: No.

21 BY MS. SWANSON:

22 Q I'm sorry. What was the "no" in reference to?

23 A No one was clean.

24 Q Okay. So did you witness everyone that lived in
25 that trailer using drugs at various points in time?

Testimony of Amanda Reddish

298

- 1 A Yes, including myself.
- 2 Q And you used drugs with them?
- 3 A Yes.
- 4 Q And when was the last time you used drugs?
- 5 A April 18th of 2018.
- 6 Q So you've been clean for about a year now?
- 7 A Eleven months, yes.
- 8 Q What kind of drugs did you know Brian to use?
- 9 A Anything.
- 10 Q What was he like when he was using?
- 11 A Very unpredictable.
- 12 Q Amanda, what prompted you to get clean?
- 13 A The hell I came from. The lifestyle. My
- 14 kids, my family.
- 15 Q All right.
- 16 A My health.
- 17 Q And do you still associate with Tera Kennedy?
- 18 A No.
- 19 Q Did you know Teresa Seigler?
- 20 A Yes.
- 21 Q How long did you know her?
- 22 A For about 12 years.
- 23 Q And did you know where she lived?
- 24 A Yes.
- 25 Q And where did she live in relation to Brian?

Testimony of Amanda Reddish

299

- 1 A Two houses up on Falls Road.
- 2 Q Who all spent time over at Miss Resa's house?
- 3 A Everyone spent time in that house at one
- 4 point or another.
- 5 Q Did Brian spend a lot of time over there?
- 6 A Yes.
- 7 Q Do you recall if he ever stayed there for a period
- 8 of time?
- 9 A Yes.
- 10 Q Did you ever stay there for a period of time?
- 11 A Yes.
- 12 Q Did Tera ever stay there?
- 13 A Yes.
- 14 Q Did Resa know about you all's drugs use?
- 15 A Yes, and she didn't condone it.
- 16 Q Okay. Would she help out the group that we're
- 17 talking about?
- 18 A Yes. As far as shelter, as far as if
- 19 somebody needed food, as far as if someone needed
- 20 a shower, if you haven't -- like I said, food, if
- 21 you haven't ate, she would help you.
- 22 Q Were people allowed to come and go from he
- 23 Teresa's house?
- 24 A Yes.
- 25 Q She had a open door policy?

1 A Yes.

2 Q All right. I want to go and start talking about
3 around the time of Teresa's death and what you recall,
4 all right? Saturday, December 3rd of 2016, what do
5 you recall?

6 A I seen her at Walmart. I was walking into
7 Walmart and I seen her, and she likes to talk. So
8 I like, uh, I had plans, so I went in and I got
9 what I wanted because I was using. And I knew if
10 I didn't get the things that I needed, I wouldn't
11 be able to get them because I would spend all of
12 my money.

13 And I checked out. And I was walking out and
14 she was standing outside waiting for a ride. And I
15 got to the end of the sidewalk and I said -- and it
16 was cold and she had short sleeves. And my heart
17 wouldn't let me walk off. So I turned around and I
18 asked her, do you need a ride home, and she said, yes,
19 if you don't mind. She said, let me call my ride and
20 tell my ride that I have a ride home, and I said
21 okay.

22 Q All right. So did you end up taking her home?

23 A I did. I loaded her groceries up at Walmart.
24 We went to Little Caesar's because she asked me if
25 I was hungry and she bought a pizza for us and we

Testimony of Amanda Reddish

301

1 went to Sonic and got something to drink and then

2 I took her home.

3 Q When you got home, or over to Teresa's house, what
4 happened next?

5 A I got out of the car and was beginning to
6 unload her groceries but there was a bag of
7 medicine. She had filled her prescription. And I
8 knew myself and I knew me using would have took
9 them. And I knew if I didn't give them to her
10 that I was going to take them. So I handed them
11 to her and she told me to take them inside. I
12 said, no, you can take that. It's light. And
13 then I grabbed a handful of groceries and walked
14 inside.

15 Q Okay. And so after you helped her unload her
16 groceries, do you recall anyone coming over?

17 A Yes. I took the first group of groceries
18 inside. She walked in. Turned the porch light
19 on. I walked in, and she was putting things up
20 that she had.

21 And, all of a sudden, there was a knock on
22 the door and Brian Walls came in. Me and Brian Walls
23 has gotten into a fight previously.

24 Q Without getting into the nature of that, did he
25 speak to you on this particular day?

Testimony of Amanda Reddish

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1 A Yes, he told me that he was sorry.

2 MS. CAMPBELL: Objection. I just want to
3 caution the State.

4 THE COURT: Sustained.

5 MS. SWANSON: Yes, sir.

6 BY MS. SWANSON:

7 Q Moving on from anything that had to do previously,
8 did he ask you a question?

9 A Yes. He said, did she get her prescriptions
10 as she helped me, and I replied yes.

11 We walked back outside. He asked me if there
12 was any more groceries. I said, I got it.

13 We walked back outside and he asked me to
14 grab them, and I was already on probation, and I said,
15 no. I didn't want to deal with the cops. And I had
16 an agenda pretty much to go use that night, so I was
17 trying to get out of there.

18 Q Okay. And so when you say he asked you to go grab
19 them, what was he talking about?

20 A The prescriptions.

21 Q Miss Teresa's prescriptions?

22 A Yes.

23 Q And do you know what sort of prescription she had
24 filled on Saturday, December 3rd of 2016?

25 A Her pain meds.

Testimony of Amanda Reddish

303

1 Q Okay. Do you know what kind of pain meds she
2 had?

3 A I don't know specifically, but I know that
4 they were narcotics.

5 Q Okay.

6 A I know she took a handful of prescriptions
7 from, like, morphine to gabapentin to Klonopin.

8 Q All right. You stated that you had plans to go
9 use, so, at that point, you left?

10 A Yes.

11 Q Where did you go?

12 A I went to Lady's Island to Tera Kennedy and
13 Josh Cleveland's house.

14 Q The next day is a Sunday, December 4th of 2016.
15 Do you recall what you did that day?

16 A I went to Tera Kennedy's house, I do
17 believe.

18 Q Did you ever take Tera anywhere that day?

19 A Oh, I took Tera to Falls Road that day, the
20 next day, to see Brian.

21 Q I'm sorry. To do what?

22 A To see Brian.

23 Q Who is Josh Cleveland that Tera was living with?

24 A That was her boyfriend at the time.

25 Q All right. But she was still seeing Brian?

Testimony of Amanda Reddish

304

1 A Yes.

2 Q Did you observe any conversations or anything
3 about their relationship at Falls Road that day, Tera
4 and Brian's?

5 A I know that they went into the room and
6 talked that day.

7 Q Okay. Monday, December 5th of 2016, do you recall
8 what you were doing?

9 A Probably over at Tera Kennedy's house
10 using.

11 Q All right. And were you supposed to have gone
12 back to Falls Road at some point?

13 A Yes. Ever since I took Tera the first day, I
14 was supposed to go back to drop her off on
15 Falls Road to see Brian.

16 Q Did you all ever make it to Falls Road?

17 A No.

18 Q Tuesday, December 6th, 2016, do you recall
19 speaking with Brian?

20 A Yes.

21 Q When did you speak with Brian that day?

22 A At 2:00.

23 Q And are you referring to some notes that you took
24 from your cell phone?

25 A I am.

Testimony of Amanda Reddish

305

1 MS. SWANSON: And I have provided those
2 to defense.

3 BY MS. SWANSON:

4 Q And now when you say you spoke to Brian, did you
5 speak, not via text, but over the phone, right?

6 A Yes. I woke up to my phone ringing and
7 ringing because I was supposed to take his son
8 Xavier to court.

9 Q And so what did that conversation consist of?

10 A I was told -- I explained that I was sick
11 because I was using. I hadn't slept in days
12 before that, so I felt sick. So I was told to
13 give Xavier a ride and to come over and that they
14 had pills and things for me to make me feel
15 better, and was I getting up and getting dressed,
16 and I replied, yes.

17 Q You stated that you hadn't slept in days while you
18 were you were using. Was that something that was
19 unusual for any of this crowd?

20 A No.

21 Q Do you recall Brian ever staying up for days on
22 end?

23 A Yes.

24 Q Tera?

25 A Yes.

Testimony of Amanda Reddish

306

- 1 Q Did you know John Priester that well?
- 2 A Not that well. I only knew him for a couple
- 3 months.
- 4 Q Okay. Do you recall him staying up for days on
- 5 end using?
- 6 A Yes.
- 7 Q What about Courtney Brock?
- 8 A Yes.
- 9 Q Did you receive text messages from the same phone
- 10 number that you received the phone call from Brian?
- 11 A Yes, from him and Courtney Brock.
- 12 Q What was the nature of those text messages?
- 13 A Hurry up. I got pills for you. It also
- 14 stated that -- to call me when you get close
- 15 because we're not home.
- 16 Q Okay. And did you catch that text message?
- 17 A No. By the grace of God, no.
- 18 Q Because where did you end up going?
- 19 A To Falls Road. To Brian Walls's house on
- 20 Falls Road.
- 21 Q Who did you -- what time did you go to Brian
- 22 Walls's house on Tuesday, December 6th?
- 23 A At about 3:15. 3:14 to be...
- 24 Q Who did you find there?
- 25 A Brandon Scarborough and his baby M [REDACTED].

Testimony of Amanda Reddish

307

- 1 Q And who's the mother of that baby?
- 2 A Courtney Brock.
- 3 Q Was Courtney there?
- 4 A No.
- 5 Q Was Brian Walls there?
- 6 A No.
- 7 Q Was John Priester there?
- 8 A No.
- 9 Q Kyle or Xavier?
- 10 A No.
- 11 Q So it was just Brandon and M [REDACTED] ?
- 12 A Yes.
- 13 Q What was Brandon's demeanor like?
- 14 A He was very upset. Very upset. He didn't
- 15 know why there was --
- 16 MS. CAMPBELL: Objection.
- 17 BY MS. SWANSON:
- 18 Q Without getting into what he said, what did he
- 19 do?
- 20 A He used my phone and called the phone name
- 21 that I had received the call from previously.
- 22 Q Did you also try to get in touch with Courtney and
- 23 Brian?
- 24 A Yes, multiple times.
- 25 Q Did they ever answer?

Testimony of Amanda Reddish

308

1 A No.

2 Q Did you and Brandon go out looking for them?

3 A Yes.

4 Q Were you able to find them at all on Tuesday,
5 December 6th?

6 A No.

7 Q Let's go to Wednesday, December 7th. Did you get
8 a phone call that woke you up that day?

9 A Yes, from Tera Kennedy.

10 Q All right. And what did you do after you received
11 that phone call?

12 A I got up, I dressed, and went to Falls
13 Road.

14 Q And what did you see when you got there?

15 A Miss Teresa's burnt. Fire engines,
16 investigators, the road was blocked.

17 Q And did you see Courtney or Brian that day?

18 A No.

19 Q And, to your knowledge, were they still missing?

20 A Yes.

21 MS. SWANSON: Thank you, Amanda. Please
22 answer any questions that Miss Campbell may have
23 for you.

24 CROSS-EXAMINATION

25 BY MS. CAMPBELL:

Testimony of Amanda Reddish

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1 Q Officer Malphrus and Officer Fraser -- I
2 apologize, I don't remember the exact rank at the
3 moment, but this gentleman here and another
4 representative from the Sheriff's Department,
5 interviewed you and tried to get information from you
6 about what you knew about what was going on on
7 Falls Road, right?

8 A Yes.

9 Q And when they interviewed you about Teresa and
10 your relationship with her, do you recall telling the
11 officers that you spent the night at
12 ■0 Falls Road on December 6th, night of December 6th
13 into December 7th, that you were actually on
14 Falls Road spending the night and Brandon Scarborough
15 woke you up the next morning? Do you recall letting
16 these officers know that?

17 A No, I was using.

18 Q So you don't recall telling them that because you
19 were using. So, it would be fair then, based on what
20 you just said, that your memory during this period of
21 time could be unreliable, right?

22 A As someone who's using, I didn't want to get
23 in trouble and tell the truth. I just didn't want
24 to get in trouble. I was on probation I was
25 using. I should be in prison.

Testimony of Amanda Reddish

310

1 So pretty much my answer to them was, I don't
2 know, because I didn't want to tell the truth. I
3 didn't want to put myself in danger.

4 Q Okay. So telling the truth for you --

5 MS. SWANSON: May Miss Campbell and I
6 approach?

7 THE COURT: Sorry?

8 MS. SWANSON: May I approach with
9 Miss Campbell regarding the evidence in this case?

10 THE COURT: Approach the bench.

11 (Bench conference.)

12 MS. SWANSON: I've listened to all of the
13 interviews with Amanda Reddish, and I don't know
14 where she ever tells investigators --

15 MS. CAMPBELL: I'm just taking it from
16 this report.

17 MS. SWANSON: If you can hand that to me.

18 MS. CAMPBELL: I told her when she woke
19 up myself, which was unusual. Met with Brandon
20 who told her when she woke up no one was home.

21 MS. SWANSON: Well, okay. She is
22 supposed to be "he." Who told her?

23 MS. CAMPBELL: Well, I mean, you can
24 explain that with your officer, I guess.

25 MS. SWANSON: Okay, but that's

Testimony of Amanda Reddish

311

1 misleading.

2 MS. CAMPBELL: Okay.

3 BY MS. CAMPBELL:

4 Q Amanda, I commend you for getting sober. That's
5 good news for everyone, even your children. Your
6 children. The reason you say that you should be in
7 prison is because of your conviction for unlawful
8 conduct towards your child, correct?

9 A I've pled to that.

10 Q Yes. And that behavior on your part toward the
11 child was during this same period of time, is that
12 fair to say, 2016?

13 A It was before this, and I pled because my
14 children were interviewed and I wasn't found to be
15 neglectful to them. But I didn't want to face
16 multiple years in prison, so I pled to that,
17 yes.

18 Q So you pled to something you didn't do?

19 A I pled to failure to render aid because
20 that's what the State offered me.

21 Q Amanda, how many times have you met this
22 prosecutor and go over your testimony in trial?

23 A Once.

24 Q And when was that?

25 A A week ago.

Testimony of Amanda Reddish

312

1 Q Is it your testimony then that have you not talked
2 with her then today in the courthouse about your
3 testimony?

4 A I spoke to her previously before, yes,
5 quickly.

6 Q Okay. Just being sure here. So a week ago you
7 practiced your testimony, and then today, again, you
8 talked with her about your testimony, correct?

9 A Yes. I pretty much told her my story.

10 Q I'm not --

11 MS. SWANSON: Judge, she needs to let her
12 answer.

13 THE COURT: Let her answer. Go ahead,
14 ma'am.

15 WITNESS: I told her my story. I didn't
16 coerce what I was supposed to say.

17 BY MS. CAMPBELL:

18 Q I understand.

19 Amanda, when you -- you say that you have
20 known Brian and Tera 12 or 13, 14 years, correct?

21 A Yes.

22 Q And Brian's boys, Kyle and Xavier, right?

23 A Yes.

24 Q And I heard you tell the prosecutor in your
25 testimony that John Priester was a new fixture on

Testimony of Amanda Reddish

313

1 Falls Road, correct? He hadn't been there that long,
2 right?

3 A Yes.

4 Q Okay. So the Walls family had been living on
5 Bonaire Circle in the Falls Road area for 15, or 15
6 years, right?

7 A Yes.

8 Q And you just encountered this new guy, this new
9 character in the group, John Priester, in the months
10 leading up to Teresa Seigler's death, right?

11 A Yes.

12 Q During Hurricane Matthew in 2016, did you evacuate
13 Beaufort County?

14 A Yes, with my mother.

15 Q Okay. And do you know if Miss Teresa Seigler
16 evacuated for Hurricane Matthew?

17 A Yes, I do. But I don't know where or any of
18 the details of that.

19 Q Do you know if she evacuated with Brian and the
20 Walls family away from Hurricane Matthew?

21 A No.

22 Q Okay. Do you remember providing evidence that on
23 December 7th you saw John Priester and Kyle Walls on
24 Falls Road -- and I don't want to put words in your
25 mouth, but I think your description to the officers

Testimony of Amanda Reddish

314

1 was they were acting very strange, very unusual.

2 A Yes.

3 Q And did you find that suspicious, their behavior,
4 John Priester and Kyle Walls?

5 A Yes, but I really didn't dig deep into it. I
6 didn't put too much thought into it.

7 Q So it seemed out of the ordinary, enough for you
8 to mention it to the officers, correct?

9 A Yes.

10 Q In knowing Brian Walls and Travis Walls for 13,
11 14, 15 years, are you testifying that you don't know
12 that Travis and Brian are carpenters and working in
13 construction in this county?

14 A Not steadily.

15 Q Okay. I mean, because it sounded like when you
16 were answering the prosecutor that, you know, they
17 just didn't have a job. But they did work in
18 construction, didn't they?

19 A I know Travis to have a steady carpentry job.
20 I know Brian Walls to help Travis occasionally.

21 Q As a carpenter, correct?

22 A Yes.

23 Q And after Hurricane Matthew, there was a lot of
24 work rebuilding, right, in this county?

25 A Yes.

Testimony of Amanda Reddish

315

1 Q For construction work and carpentry, right?

2 A Yes.

3 Q Courtney Brock frequently contacted you from
4 different phone numbers, didn't she?

5 A Yes.

6 Q Okay. You've given testimony elicited by the
7 prosecutor about you being present when Teresa Seigler
8 was coming back from Walmart with some of her
9 medications, right?

10 A Yes.

11 Q And that you knew her and stayed in her home,
12 right?

13 A Yes.

14 Q Okay. Would it be your testimony that you never
15 knew Teresa Seigler to trust Brian Walls and Tera
16 Kennedy to pick up her medicine for her from Walmart?
17 Didn't she trust them to do that for her?

18 A In the beginning, yes.

19 Q Okay.

20 MS. CAMPBELL: Thank you, Amanda.

21 THE COURT: Redirect.

22 REDIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q Amanda, how long would you say we met with each
25 other today?

Testimony of Amanda Reddish

316

1 A A matter of ten minutes, at most.

2 Q Okay. And were you promised anything for your
3 testimony here today?

4 A No, I didn't want to be here.

5 Q Right. Are you, in fact, under subpoena by the
6 State to be here?

7 A By the State, and --

8 Q And Miss Campbell?

9 A Yeah.

10 Q And is what you testified here today the truth?

11 A Yes.

12 MS. SWANSON: Thank you. I don't have
13 anything further. And I would ask that she be
14 excused if the defense doesn't have anything
15 further in recross.

16 THE COURT: Recross.

17 RECROSS-EXAMINATION

18 BY MS. CAMPBELL:

19 Q Amanda, I understand that your answer that you
20 testified to the truth today, but your memory of that
21 period of time, it's going to have gaps, correct?

22 A On some things, yes.

23 Q Okay. And everything that you remembered so
24 articulately, so clearly here today, you're saying is
25 the truth, right?

Testimony of Donnie Williams

317

1 A Yes.

2 MS. CAMPBELL: That's all I have.

3 THE COURT: Thank you very much, ma'am.
4 You may come down and you're free to go. She's
5 excused without objection?

6 MS. CAMPBELL: Yes.

7 MS. SWANSON: Thank you. The State calls
8 Donnie Williams.

9 THE CLERK: Place your left hand on the
10 Bible and raise right hand. Do you solemnly swear
11 or affirm that the testimony you give to the Court
12 in this trial shall be the truth, so help you God?
13 WHEREUPON:

14 DONNIE WILLIAMS,
15 after having been sworn to tell the truth, testified
16 as follows:

17 THE WITNESS: I do.

18 DIRECT EXAMINATION

19 BY MS. SWANSON:

20 Q Mr. Williams, can you please spell your first and
21 last name for the court reporter?

22 A D-o-n-n-i-e, W-i-l-l-i-a-m-s.

23 Q All right. And, Mr. Williams, where do you
24 live?

25 A [REDACTED] Shanklin Road.

Testimony of Donnie Williams

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1 Q Shanklin Road. If you can pull that microphone
2 closer. I know, it's acting funny. Thank you.

3 Where were you living back in December of
4 2016?

5 A [REDACTED] 9 Falls Road.

6 Q All right. Do you know -- who were you living
7 with, let me ask you that?

8 A Allison Thomas.

9 Q Are you familiar with Brian Walls?

10 A Yes.

11 Q Do you see him in the courtroom today?

12 A Yes.

13 Q All right. Can you point him out for me?

14 A (Indicating).

15 Q Does he look a little different than when he was
16 in your neighborhood?

17 A Yeah, a little bit.

18 Q Where did he live in relation to where you and
19 your girlfriend were living?

20 A Down the street on the side of her mom's
21 house.

22 Q All right. And who else do you know was living in
23 that trailer with him?

24 A His son and a black guy. His two sons and a
25 black guy.

Testimony of Donnie Williams

319

1 Q Okay. And did you talk to police about what you
2 may have seen on December 7th of 2016?

3 A Yes, ma'am.

4 Q All right. And tell the jury what you told police
5 about what you saw the day of the fire at Teresa
6 Seigler's house?

7 A That morning I woke up and I noticed they was
8 walking down the road. So I know they be in
9 school, but they wasn't in school that day and
10 they had book bags on.

11 Q And who is "they?"

12 A The his two sons and the black guy.

13 Q All right. So you knew the two sons of Brian by
14 sight?

15 A Yes, ma'am.

16 Q Did you know their names?

17 A Not too much, but I know them.

18 Q Had you seen them around the neighborhood?

19 A Yes.

20 Q All right. How many people did you see that
21 morning?

22 A Three.

23 Q All right. So the two sons, and what was your
24 description of the third party?

25 A The black guy with a sharp new haircut.

Testimony of Donnie Williams

320

1 Q Had you seen the two boys with the black guy
2 before?

3 A Yeah.

4 Q All right. After you see them, what do you do?

5 A I was backing out to go to the store, so I
6 had a walk behind the truck. I backed out and I
7 left. When I came back, I told Allison, I'm like,
8 why they not in school, so she got up and tried to
9 find out why. I'd say about 10, 20 minutes later,
10 that's when I see the fire trucks come through and
11 they went to that lady's house that he be at.

12 Q Okay. So you're pulling out to go to the store
13 when you see these three?

14 A Yeah, they were behind the truck. I had to
15 stop in the driveway to let them pass.

16 Q So it's about 10 or 20 minutes after you come back
17 from the store that you see Teresa's house on fire?

18 A Uh-huh.

19 Q With fire trucks coming?

20 A Uh-huh.

21 Q Were they walking in the direction towards
22 Teresa's house?

23 A No, they was coming from there.

24 Q Coming from Teresa's house?

25 A Yes, ma'am.

Testimony of Donnie Williams

321

1 Q And you told all of this to Beaufort County
2 investigators?

3 A Yes, ma'am.

4 Q Did they provide you with a photo lineup to try to
5 identify the black male that you described?

6 A Uh-huh.

7 (STATE EXH. 81, Photo, was marked for
8 identification.)

9 BY MS. SWANSON:

10 Q Okay. I'm going to show you what's been marked as
11 State's 81 and ask if this is the photo lineup that
12 investigators showed you.

13 A Yes, ma'am.

14 Q And did you circle someone in that lineup?

15 A Yes, ma'am.

16 Q Number 3?

17 A Yes, ma'am.

18 Q And initial it?

19 A Yes, ma'am.

20 Q Okay. And are you sure that that was the man that
21 you saw with the two boys?

22 A Positive.

23 MS. SWANSON: Thank you, Donnie. Please
24 answer any questions that Miss Campbell might have
25 for you.

Testimony of Lt. Anthony Jordan

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1 MS. CAMPBELL: I don't have any
2 questions. Thank you, Mr. Williams.

3 THE COURT: May this witness be excused?
4 You're free to go. Thank you very much.

5 MS. SWANSON: Thank you. The State calls
6 Lieutenant Wayne Jordan.

7 THE CLERK: Do you solemnly swear or
8 affirm that the testimony you give to the Court in
9 this trial shall be the truth, so help you God?

10 THE WITNESS: Yes, I do.

11 WHEREUPON:

12 LIEUTENANT ANTHONY JORDAN,
13 after having been sworn to tell the truth, testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q Good afternoon.

18 A Yes, ma'am.

19 Q Can you spell your first and last name for the
20 court reporter, please?

21 A Anthony, A-n-t-h-o-n-y, Jordan, J-o-r-d-a-n.
22 I'm known as Wayne.

23 Q Okay. And Lieutenant Jordan, who do you work for?

24 A I currently work for Chesterfield County
25 Sheriff's Office.

Testimony of Lt. Anthony Jordan 323

1 Q All right. And did you have the occasion to make
2 contact with a 1999 Toyota Camry on the evening of
3 December 7th, 2016?
4 A Yes, I did.
5 Q All right. Who were the occupants in that car?
6 A Mr. Walls and Miss Brock.
7 Q Do you see Mr. Walls in the courtroom today?
8 A I do. I see him.
9 Q All right. Can you point him out?
10 A He would be sitting at defense table.
11 Q Thank you. Was that car registered to either of
12 those parties?
13 A I do not recall.
14 Q Okay. Was it dark outside at the time?
15 A Yes, ma'am. It was before 12:00 in the
16 evening.
17 Q All right. And what happened to that car? Was it
18 towed?
19 A That vehicle -- I called for -- we have a
20 roll back that belongs to the Sheriff's Office
21 for when we cease vehicles or we have vehicles
22 that we want to take back to the Sheriff's Office
23 for evidence. I had Lieutenant Troy Timmy, he's
24 over our special operations division, he runs over
25 roll back. I had him come to the scene. He

Testimony of Lt. Anthony Jordan

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1 secured the vehicle on our roll back. I got back
2 in my F150 unmarked black in color pickup truck
3 and I followed the roll back to our Sheriff's
4 Office where we put it in our secured building,
5 which is on our property which is fenced in.

6 Q And so it was towed and secured in a bay at
7 Chesterfield County Sheriff's office?

8 A Yes. We took over the old National Guard
9 Armory, and it's two buildings. One building has
10 four bays that is secure. We put it in what we
11 call building 3, which is the third building on
12 our compound, and we put it into a bay with
13 roll-up doors, secured the doors, and locked the
14 doors up.

15 Q Okay.

16 A And which that building is in comfort spot, a
17 chain link fence that is secured by the Sheriff's
18 Office.

19 Q And you had the key to that car?

20 A We left the key in it. Yes, ma'am.

21 Q Can you verify that nothing was placed into it or
22 taken out of it prior Beaufort County investigators
23 coming to search it?

24 A That vehicle was not touched. No, ma'am.
25 Nothing was put in or taken out.

Testimony of Lt. Anthony Jordan

325

1 MS. SWANSON: That's all I have at this
2 point. Please answer any questions that
3 Miss Campbell might have for you.

4 THE WITNESS: Yes, ma'am.

5 CROSS-EXAMINATION

6 BY MS. CAMPBELL:

7 Q Good afternoon.

8 A Yes, ma'am. Good afternoon.

9 Q Lieutenant Jordan?

10 A Yes, ma'am.

11 Q Did you all -- did your department take any
12 photographs of the interior of that Toyota Camry?

13 A I did have one of my narcotic guys take
14 photos of the vehicle, yes, ma'am.

15 Q And the photos that you took --

16 MS. CAMPBELL: If I might approach,
17 Your Honor.

18 THE COURT: Sure.

19 BY MS. CAMPBELL:

20 Q You looked at the interior of the Toyota Camry,
21 right?

22 A We looked at the interior of the Toyota Camry
23 on the scene. Yes, ma'am.

24 Q And when you looked at the interior of the Toyota
25 Camry, would it be fair to say that there were no

1 backpacks on the back seat or on either of the front
2 two seats, correct? Do you want to refresh your
3 recollection with your photos?

4 A I did not take those photos, but I'll be glad
5 to look at them.

6 Q Okay. Does that will help you remember no
7 backpacks on the front seats and on the back seat?

8 A There is no backpack on the seat, but there's
9 something right here by the driver's seat right
10 there. I just don't know what that is.

11 Q And so -- thank you. May I have those?

12 A Yes.

13 Q So, yes, you don't know what a little something is
14 by the driver's seat, but you see no backpacks in the
15 front and no backpacks in the back seat, right?

16 A I only looked at the driver's seat and I
17 didn't see any.

18 Q Let me get another photo for you and see if that
19 helps you.

20 A Thank you.

21 Q Let's try this again. No backpacks in the back
22 seat, correct?

23 A No, ma'am. I don't see any in this
24 picture.

25 Q Thank you. No backpacks on the front driver's

Testimony of Lt. Anthony Jordan

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1 seat, correct?

2 A No, ma'am. I don't see any in that
3 picture.

4 Q Thank you. And the trunk of the vehicle has a lot
5 of pack backs in it, correct?

6 A I see several. Yes, ma'am.

7 Q Thank you.

8 MS. CAMPBELL: Thank you, Lieutenant.

9 THE COURT: Redirect.

10 MS. SWANSON: Did Miss Campbell want to
11 enter any of those photographs into evidence?

12 THE COURT: No.

13 MS. SWANSON: I just didn't know if we
14 were going to.

15 REDIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q Lieutenant, did you search that car?

18 A Did I search the car.

19 Q Did you obtain a search warrant for it?

20 A No, we searched that vehicle incident to
21 arrest.

22 MS. CAMPBELL: Objection, Your Honor. I
23 need to be heard.

24 THE COURT: What was his answer?

25 MS. SWANSON: Incident to arrest.

Testimony of Lt. Anthony Jordan

328

1 BY MS. SWANSON:

2 Q Are you speaking of the arrest of Miss Brock for
3 marijuana?

4 A Yes, I am.

5 MS. CAMPBELL: I continue to have an
6 objection.

7 THE COURT: What's the objection?

8 MS. CAMPBELL: May I approach?

9 (Bench conference.)

10 MS. CAMPBELL: I'm placing my objection
11 to his statement that he searched the vehicle
12 incident to an arrest. And I'll be happy to argue
13 that at the break more fully, and request a
14 mistrial.

15 MS. SWANSON: And, obviously, we're
16 trying to get that information. I'm just --

17 MS. CAMPBELL: I'm bound to object.

18 THE COURT: I'm going to overrule the
19 objection.

20 MS. CAMPBELL: Okay. Thank you, Judge.

21 MS. SWANSON: Thank you.

22 THE COURT: You may continue.

23 MS. SWANSON: Okay, thank you.

24 BY MS. SWANSON:

25 Q At some point, did you talk to Jason Malphrus

Testimony of Lt. Anthony Jordan

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1 about -- the Beaufort County Sheriff's Office about
2 the contents of that car?

3 A Yes.

4 Q And did you verify some items that were in the
5 car?

6 A Yes.

7 Q Were some of those items moved around?

8 A There were some. I had several items in my
9 hand with the lady's name on it, and I called and
10 talked to the detective about it and he confirmed
11 whose they were.

12 Q So those items were not necessarily in the same
13 place when you made contact with the Toyota Camry,
14 right, when Beaufort County got there?

15 A No.

16 Q Thank you. That's all I'm trying to get at.

17 THE COURT: Any recross?

18 MS. CAMPBELL: No, thank you.

19 THE COURT: You may come down. Where you
20 headed?

21 THE WITNESS: Chesterfield. May I go
22 back?

23 THE COURT: You may go back. Drive
24 carefully. Is it raining out there?

25 THE WITNESS: It was on the way.

Testimony of Jennifer Snider

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1 THE COURT: Next witness.

2 MS. SWANSON: The State calls Jennifer
3 Snider.

4 THE CLERK: Do you solemnly swear or
5 affirm that the testimony you give to the Court in
6 this trial shall be the truth, so help you God?

7 THE WITNESS: I do.

8 WHEREUPON:

9 JENNIFER SNIDER,
10 after having been sworn to tell the truth, testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MS. SWANSON:

14 Q Good afternoon. Can you please spell your first
15 and last name for the court reporter?

16 A It's Jennifer, J-e-n-n-i-f-e-r, Snider,
17 S-n-i-d-e-r.

18 Q All right. Jennifer, are you an investigator with
19 the Beaufort County Sheriff's Office?

20 A Yes, I am.

21 Q All right. And were you assisting Jason Malphrus
22 in the investigation into the death of
23 Teresa Seigler?

24 A Yes.

25 Q What did you begin by doing? What was your first

Testimony of Jennifer Snider

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1 role in the investigation?

2 A I responded out to the scene the day of the
3 incident and started knocking on doors and talking
4 to neighbors.

5 Q Did you attempt to interview Brian Walls's
6 children, Kyle and Xavier?

7 A Yes, I did.

8 Q When were those two located, and where?

9 A They were located the same day of the
10 incident. They were located at the Econo Lodge,
11 which is no longer. It's on Boundary Street.

12 Q And you said the day of the incident. Does that
13 mean December 7th of 2016?

14 A Yes, the December 7th.

15 Q And what are you wanting to talk to Kyle and
16 Xavier about?

17 A We had gotten some information. "We" meaning
18 the Sheriff's Office had gotten some information
19 that they may have been in the area of the
20 victim's residence prior to the fire department's
21 arrival.

22 Q Okay. And did you speak with a neighbor named
23 Donnie Williams?

24 A Yes, I did.

25 Q All right. And I'm going to show you State's

Testimony of Jennifer Snider

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1 Exhibit 81 and ask if this is a photo lineup that you
2 provided to Donnie Williams?

3 A Yes, it is.

4 Q Okay. And what was the purpose of showing him
5 that lineup?

6 A The young man that was supposedly with the
7 boys, John Priester, he was said to have been seen
8 in the neighborhood as well that day. And the
9 purpose was to show him, Mr. Williams, the lineup,
10 including John Priester, to see if he recognized
11 him. He had made a statement that he saw.

12 Q A black male?

13 A A black male, yes.

14 Q And Investigator Snider, if you get a little
15 closer to that microphone. It's not extremely
16 sensitive.

17 Did Donnie Williams pick out John Priester in
18 that lineup?

19 A Yes, he did.

20 Q Did he pick him out immediately?

21 A Yes, he did.

22 Q As being the male that he saw with Brian Walls's
23 two sons?

24 A Yes, he did.

25 MS. SWANSON: State would move 81 into

Testimony of Jennifer Snider
evidence at this time.

333

MS. CAMPBELL: No objection.

(STATE EXH. 81, Photo, was entered into
evidence.)

BY MS. SWANSON:

Q All right. So you're looking for Kyle and Xavier
to talk to them about this structure fire at
Teresa Seigler's. What happens when you try and talk
to them?

A Well, one of the boys had a bag. Kyle had a
bag. And the other investigator that was with me
at the time, she asked to search the bag and he
agreed. And when she went to open the bag, he got
very agitated and started to become very
combative. I tried to gain control of him. I was
going to detain him.

And his younger brother, Xavier, they just --
at that point, they started to fight with myself and
the other investigator and we were on the second floor
balcony of the Econo Lodge and happened to be by a
railing that was broken and it had some caution tape
on it. It all happened very quickly.

They had their hands on us. We had our hands
on them. They were able to break free and they ran.
They ran away from the hotel towards Boundary Street

Testimony of Jennifer Snider

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1 in the direction of the Sea Eagle Market area. And
2 the other investigator attempted to pursue the boys.
3 I told her to stop, and we got ourselves back together
4 and interviewed Brian's brother at the time, which was
5 Travis who was with the boys.

6 Q Travis Walls?

7 A Yes.

8 Q Where was Travis living at the time, were you able
9 to verify that?

10 A He had been living on Falls Road, but he was
11 living at the Econo Lodge at the time.

12 Q Okay. Now, did you go up to Chesterfield County
13 with Jason Malphrus when Brian Walls was located
14 there?

15 A Yes, I did.

16 Q And did you help process a car that he was found
17 in?

18 A Yes, I did.

19 Q And what car was that?

20 A It was a 1999 Toyota Camry.

21 Q Who did that car belong to?

22 A That car belonged to Darion Payne.

23 Q I'm going show you what has been marked as 35 and
24 36 and ask if this is the car that you guys
25 searched?

Testimony of Jennifer Snider

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1 A Yes, this is the car.

2 Q And is that the way it looked at the time?

3 A Yes.

4 MS. SWANSON: The State would move 35 and
5 36 into evidence.

6 THE COURT: Without objection?

7 MS. SWANSON: And request to publish.

8 MS. CAMPBELL: No objection.

9 (STATE EXH. 35, Photo, was marked and
10 entered into evidence.)

11 (STATE EXH. 36, Photo, was marked and
12 entered into evidence.)

13 MS. SWANSON: Publishing 35.

14 BY MS. SWANSON:

15 Q Where was this car located when you guys processed
16 it?

17 A It was at the Chesterfield County Sheriff's
18 Office in one of their -- I guess one of their
19 storage facilities.

20 Q Okay.

21 MS. SWANSON: Publishing 36.

22 BY MS. SWANSON:

23 Q I'm going to ask you, Investigator Snider, to put
24 on some of those gloves on that you are sitting in
25 front of you.

Testimony of Jennifer Snider

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1 MS. CAMPBELL: This item of evidence was
2 just unsealed, and I have not had the opportunity
3 to look inside the item. I would just request
4 about ten minutes to do that before it's presented
5 into evidence.

6 THE COURT: Are there other items in the
7 same category that she needs to see?

8 MS. SWANSON: There are a number of other
9 items.

10 THE COURT: Can you do it all at one
11 time?

12 MS. SWANSON: Yes, sir.

13 MS. CAMPBELL: Again, it's just because
14 it hasn't been unsealed until now.

15 THE COURT: I understand, but I'd like to
16 do it all at one time to save time.

17 MS. SWANSON: Okay.

18 THE COURT: All right. Ladies and Gentleman,
19 I think you understand what the issue is. Just go to
20 the jury room. I guess you figured it out, when I say
21 ten minutes, it doesn't always end up being ten
22 minutes, but I try. I really do. So this one will be
23 15 minutes and I'll try to get you back in 15 minutes.
24 Don't discuss the case among yourselves while you're
25 in the jury room.

Testimony of Jennifer Snider
Thank you very much.

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(Jury exits the courtroom at 2:49 p.m.)

THE COURT: We'll stand at ease until
3:00.

(A break was taken from 2:49 p.m. to 3:07 p.m.)

THE BAILIFF: All rise. Court is back in
session.

(Off the record.)

THE COURT: Miss Campbell, what is --

MS. CAMPBELL: I was handed this cell
phone just now.

THE COURT: Was it in the --

MS. CAMPBELL: No, it wasn't part of my
problem earlier.

THE COURT: In this case?

MS. CAMPBELL: No.

MS. SWANSON: It is part of the search of
the car, though, yes.

THE COURT: I understand. Miss Campbell
asked for a break to see what was in the boxes and
bags, and that's the only reason --

MS. SWANSON: That's part of it. I
believe she does have an objection to some
notebooks that were notated in the victim's purse
that her daughter would identify as being

Testimony of Jennifer Snider

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1 Teresa's, so I believe they're relevant because
2 they --

3 THE COURT: Wait a minute. Did this
4 officer find them?

5 MS. SWANSON: Yes, sir.

6 THE COURT: So what's the objection?

7 MS. SWANSON: She wanted to place her
8 objection on the record regarding --

9 THE COURT: Don't speak for her.

10 MS. SWANSON: I'm just making the Court
11 aware.

12 MS. CAMPBELL: So there are three, sort
13 of, diary-type notebooks in the purple purse that
14 I do object to. Number 1, they're not relevant to
15 this matter in any way. There is a letter --

16 THE COURT: Whoa, whoa, whoa. They were
17 found in this car and your client was in the car,
18 right?

19 MS. CAMPBELL: That is correct.

20 THE COURT: So you're not -- you're not
21 evaluating each piece of evidence for relevance.
22 If it was found in the car, it was found in the
23 car.

24 MS. CAMPBELL: I understand.

25 THE COURT: You can -- she cannot offer

Testimony of Jennifer Snider

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1 it at this time, or at that point you can make
2 your objection. But as far as what was found in
3 the after, it's what was found in the car, and
4 that's what this witness is here to testify about.
5 She's not here to testify about notes in a
6 notebook.

7 MS. CAMPBELL: And, again, my concern is,
8 these notes or like victim testimony. They're,
9 "I'm in pain, "I'm suffering today," "I don't feel
10 well today," you know, and it's sort of victim
11 impact emotional-type testimony.

12 THE COURT: Okay, I understand that.

13 MS. CAMPBELL: And so I don't see the
14 point of her lamentations in what the State has to
15 prove.

16 THE COURT: All right. Let's find out
17 what she found first.

18 MS. CAMPBELL: Thank you, Judge.

19 MS. SWANSON: Would you like me to
20 proffer that, or are we just going to move
21 forward?

22 THE COURT: We are marking everything --
23 we're marking things for identification, but that
24 list is piling up. But go ahead and put in -- is
25 it just these notebooks? They don't have to go to

Testimony of Jennifer Snider

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1 the jury at that point.

2 MS. SWANSON: Correct. The notebooks
3 were contained in the purse and the victim's
4 daughter identifies them as the victim's.

5 THE COURT: Let's at least get that on
6 the record.

7 MS. SWANSON: I mean, I'm going to put
8 them, at this point, back where they were found.

9 THE COURT: Yeah. The victim's daughter
10 is not on the stand.

11 MS. SWANSON: Not at this point, no. I
12 can do this as we go, if Your Honor wishes.

13 THE COURT: I want to keep moving.

14 MS. SWANSON: Right, right. I can mark
15 as we go. The State's ready.

16 THE COURT: If she has an objection to
17 the notebooks, we'll take that up at a later
18 time.

19 MS. SWANSON: Sure.

20 THE COURT: But for right now, this
21 witness found three notebooks.

22 MS. SWANSON: Okay, State's ready.

23 THE COURT: Bring the jury, please.

24 THE BAILIFF: The jury is entering the
25 courtroom, Your Honor.

Testimony of Jennifer Snider
(Jury enters the courtroom at 3:09 p.m.)

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THE BAILIFF: The jury is seated, Your Honor.

THE COURT: You may proceed, Miss Swanson.

MS. SWANSON: Thank you, Your Honor.

(STATE EXH. 83, Trailmaker backpack, was marked for identification.)

BY MS. SWANSON:

Q Investigator Snider, I believe I was in the midst of showing what's marked as State's 83, and I'm going to ask what this is and where it came from.

A This is a Trailmaker backpack. It had several items contained within it, and we located it on the front passenger seat of the 1999 Toyota Camry.

Q I'm sorry. We just had this opening of evidence, and, if you can look in there, is that Trailmaker backpack? Do you recognize that piece of evidence?

A I do. No, that's the purse.

Q Investigator Snider, were you in the courtroom when we just opened these items?

A Yes.

Q So that the defense could go through it?

A Yes.

Testimony of Jennifer Snider
(STATE EXH. 82, Purple purse, was

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1
2 marked for identification.)

3 BY MS. SWANSON:

4 Q I'm handing you what's been marked as State's 82
5 and ask you what this item is and where it came
6 from?

7 A This is a purple lady's purse. It had
8 several items contained within it and we located
9 this on the front passenger seat of the Toyota.

10 Q Now, you were not the first to come across that
11 car, right?

12 A That's correct.

13 Q So it's possible, and I believe there was previous
14 testimony, and just so that we don't confuse the jury,
15 that may not have been the actual location of the
16 purple purse.

17 A That's correct.

18 Q Okay. But it was located in the Camry?

19 A Yes.

20 Q That you searched?

21 A Yes.

22 MS. SWANSON: Okay. State would offer
23 the purple purse, 82, into evidence at this
24 time.

25 MS. CAMPBELL: I don't think the Court

Testimony of Jennifer Snider

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1 has ruled on my objection relative to the
2 notebook.

3 THE COURT: With the exception of
4 notebooks in for identification, so everything
5 else in the purse is in evidence.

6 MS. SWANSON: I understand.

7 (STATE EXH. 82, Purple purse, was entered
8 into evidence.)

9 (STATE EXH. 92, Black cell phone, was
10 marked for identification.)

11 BY MS. SWANSON:

12 Q I'm going show you what's been marked as State's
13 92. What is this item?

14 A This is a black cell phone that has a little
15 cat sticker on the back of it that we located
16 inside the purple purse.

17 Q Did you collect that item out of the Camry?

18 A Yes.

19 MS. SWANSON: The State would offer 92
20 into evidence at this time.

21 MS. CAMPBELL: No objection.

22 THE COURT: Without objection.

23 (STATE EXH. 92, Black cell phone, was
24 entered into evidence.)

25 (STATE EXH. 87, One empty bottle of

Testimony of Jennifer Snider

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1 morphine, clonazepam, sumatriptan, was marked for
2 identification.)

3 BY MS. SWANSON:

4 Q I'm going to hand you what has been marked 98 for
5 identification purposes. If you tell me where you
6 collected and sealed this item, what it is, and where
7 it came from?

8 A Yes, I collected this. This is one empty
9 bottle of morphine, one empty bottle of
10 clonazepam, one pack with sumatriptan that all
11 were prescribed to Teresa Seigler. This was found
12 in the purple purse which we located in the
13 Camry.

14 Q Thank you.

15 A And, yes, I sealed that.

16 Q Okay.

17 MS. SWANSON: 87 is for identification

18 (STATE EXH. 83, Trailmaker backpack;

19 Victoria's Secret makeup bag, pens, charger,
20 plastic container, black pants, black shorts,
21 brush, yellow ball, extension cord, a white rope
22 was marked for identification.)

23 BY MS. SWANSON:

24 Q I'm going to show you what's been marked as
25 State's 83 and ask what this item is, if you collected

Testimony of Jennifer Snider

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1 it, and where it came from?

2 A This is one black Trailmaker backpack with
3 Victoria's Secret makeup bag, pens, charger,
4 plastic container, black pants, black shorts,
5 brush, yellow ball, extension cord, a white rope,
6 and we collected this from the front passenger
7 seat of the Camry.

8 Q Do you recall if that clothing was women's
9 clothing or men's clothing? And you can take it out of
10 the backpack. You've got gloves on.

11 A I don't recall.

12 Q Okay.

13 A I would say that these are both women's
14 clothing items.

15 Q Okay. What else is in that backpack?

16 A A brush, a Victoria's Secret makeup bag.
17 It's got some hygiene items in it, charger, a
18 little coupon.

19 Q Okay.

20 A A yellow ball, an extension cord, a rope.

21 Q You can place those items back in. Thank you.

22 MS. SWANSON: The State would move
23 Exhibit 83 into evidence at this time.

24 MS. CAMPBELL: No objection.

25 THE COURT: Without objection.

Testimony of Jennifer Snider
(STATE EXH. 83, Trailmaker backpack;

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1
2 Victoria's Secret makeup bag, pens, charger, plastic
3 container, black pants, black shorts, brush, yellow
4 ball, extension cord, a white rope, was entered into
5 evidence.)

6 BY MS. SWANSON:

7 Q Now, Investigator Snider, did you come across a
8 number of things in this -- what's labeled the
9 Trailmaker backpack that you took out and packaged
10 separately?

11 A Yes.

12 (STATE EXH. 85, Black lady's gloves, was
13 marked for identification.)

14 BY MS. SWANSON:

15 Q I'm going to show you State's 85. Did you collect
16 this item and where did it come from?

17 A Yes, I collected this. It's one pair of
18 black lady's gloves, and these came out of
19 Trailmaker backpack which was located in the
20 Camry.

21 MS. SWANSON: The State would move 85
22 into evidence at this time.

23 MS. CAMPBELL: No objection.

24 THE COURT: Without objection.

25 (STATE EXH. 85, Black lady's gloves, was

Testimony of Jennifer Snider

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1 entered into evidence.)

2 (STATE EXH. 86, bottle of promethazine, one
3 bottle of furosemide, and one bottle of Lasix pills,
4 was marked for identification.)

5 BY MS. SWANSON:

6 Q State's 86, can you identify this item?

7 A This is one bottle of promethazine, one
8 bottle of furosemide, and one bottle of Lasix
9 pills which all belong to Teresa Seigler. These
10 were located in the black backpack that was on the
11 passenger seat in the Toyota, and I collected
12 this. This was removed.

13 Q Would that have been the Trailmaker backpack?

14 A Yes.

15 Q And did you seal these items?

16 A I did.

17 MS. SWANSON: And that's State's 86 for
18 identification at this point.

19 BY MS. SWANSON:

20 Q Contained in State's 86, was there a pill bottle
21 without a label?

22 A Yes.

23 Q And did you then find a label?

24 A I did. I find one that was balled up in the
25 backpack.

Testimony of Jennifer Snider
(STATE EXH. 89, Label for tizanidine,

348

1
2 was marked for identification.)

3 BY MS. SWANSON:

4 Q I'm going to hand you State's 89 and ask you if
5 this is the label that you found?

6 A Yes, this is.

7 Q Okay. Where did that come from?

8 A It came from the Trailmaker backpack from the
9 front pocket.

10 Q And what is it a label for?

11 A It is, excuse me my pronunciation,
12 tizanidine, and it was prescribed to
13 Teresa Seigler.

14 Q Thank you. And you sealed that?

15 A Yes, I did.

16 MS. SWANSON: That's State's 89 for
17 identification at this time.

18 (STATE EXH. 88, CPM Visa debit card; T.
19 Seigler, was marked for identification.)

20 BY MS. SWANSON:

21 Q I'm going to hand you State's 88 and ask you if
22 you collected this item, from where, and if you sealed
23 it?

24 A This is a CPM Visa debit card which belonged
25 to Teresa Seigler. It had her name on it. I

Testimony of Jennifer Snider

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1 collected it from the Trailmaker backpack which
2 was in the Camry, and I sealed it.

3 Q Thank you.

4 MS. SWANSON: That's State's 88 for
5 identification at this time.

6 BY MS. SWANSON:

7 Q Now, several of these items that you packaged
8 separately and sealed were those sent off for
9 analysis?

10 A Yes, they were.

11 (STATE EXH. 93, 12 lighters, was marked for
12 identification.)

13 BY MS. SWANSON:

14 Q I'm going to hand you what's been marked as
15 State's 93 and ask if you collected these items and
16 from where?

17 A Yes, I collected these. These are 12
18 lighters, and these were found in the Trailmaker
19 backpack which was in the Camry.

20 MS. SWANSON: The State would offer 93 at
21 this time.

22 THE COURT: Any objection?

23 MS. CAMPBELL: No objection.

24 (STATE EXH. 93, 12 lighters, was
25 entered into evidence.)

Testimony of Jennifer Snider
(STATE EXH. 94, Three cell phones, was

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marked for identification.)

BY MS. SWANSON:

Q I will take back those lighters. I'll hand you what is State's 94. As what that is, where it came from?

A These are three cell phones, and Alcatel One Touch cell phone, Verizon LG flip phone, and an LG -- just a regular phone. These three phones were found in the Trailmaker backpack inside the Camry.

MS. SWANSON: State offers 94 into evidence.

MS. CAMPBELL: No objection.

THE COURT: Without objection.

(STATE EXH. 94, Three cell phones, was entered into evidence.)

(STATE EXH. 95, Items in Trailmaker backpack, was marked for identification.)

(STATE EXH. 96, Items in Trailmaker backpack, was marked for identification.)

(STATE EXH. 97, Items in Trailmaker backpack, was marked for identification.)

BY MS. SWANSON:

Q I'm going to show you three items that used to be

Testimony of Jennifer Snider

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1 packaged as one. State's 95, 96, and 97. If you can
2 tell me whether or not you collected these items and
3 where you collected them?

4 A These two items are a piece of silver. It
5 was balled up in duct tape and then some black
6 type of tape. And these were both found in the
7 Trailmaker backpack that was in the front seat of
8 the vehicle.

9 Q Okay. And were they originally collected and
10 sealed by you?

11 A Yes. Yes, I sealed them.

12 Q And State's 95?

13 A Yes, that's correct.

14 Q And then later at some point had some testing?

15 A Yes.

16 MS. SWANSON: This is for identification
17 purposes at this point, 95, 96, and 97.

18 (STATE EXH. 91, ES backpack; black
19 electrical tape, empty Newport box, one white rope,
20 two belts, one white pulley, one black dress, two
21 pairs of men's underwear, one pair of men's pants, one
22 speaker, one black and orange glove, one blue cloth, a
23 charger set and some wisdom cards, was marked for
24 identification.)

25 BY MS. SWANSON:

Testimony of Jennifer Snider

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1 Q I'm going to hand you what's been marked as
2 State's 91 and ask what this item is and where it was
3 from?

4 A This is that black and gray ES backpack that
5 had several items inside of it. And we located
6 this, I believe, in the trunk of the vehicle.

7 Q Okay. What items did it have in it?

8 A It had black electrical tape, an empty
9 Newport box, one white rope, two belts, one white
10 pulley, one black dress, two pairs of men's
11 underwear, one pair of men's pants, one speaker,
12 one black and orange glove, one blue cloth, a
13 charger set and some wisdom cards.

14 Q Okay. And can you go into -- can you open that
15 backpack up, please?

16 A Yes.

17 Q Go into the back -- go into the back portion of
18 the backpack where there's an envelope. Whose name
19 appears on that envelope?

20 A Brian.

21 Q And you can place that back in the back portion.
22 In one of the side pockets, what is located?

23 A An orange glove.

24 Q Okay. I'm going to hand to you two items for
25 identification as this point. 98 --

Testimony of Jennifer Snider

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1 MS. SWANSON: I'm sorry. At this time, State
2 would move 91 into evidence.

3 MS. CAMPBELL: No objection.

4 THE COURT: Without objection.

5 (STATE EXH. 91, ES backpack; black
6 electrical tape, empty Newport box, one white rope,
7 two belts, one white pulley, one black dress, two
8 pairs of men's underwear, one pair of men's pants, one
9 speaker, one black and orange glove, one blue cloth, a
10 charger set and some wisdom cards, was marked for
11 identification.)

12 (STATE EXH. 98, Bag for roll of silver duct
13 tape, was marked for identification.)

14 (STATE EXH. 99, Roll of silver duct tape,
15 was marked for identification.)

16 BY MS. SWANSON:

17 Q I'm handing you State's 98 and 99. If you can,
18 describe what these items are.

19 A 98 is a bag for a roll of silver duct tape
20 which was found in the black and gray ES backpack
21 that was just up here.

22 And this, number 99, is the roll of duct
23 tape.

24 Q Okay. And that was located in the same
25 backpack --

Testimony of Jennifer Snider

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1 A The ES backpack that I just had up here that
2 was in the trunk.

3 Q You sealed this duct tape in State's 98?

4 A That's correct, yes.

5 Q Okay. And then it appears to have been sent off
6 for testing; is that right?

7 A That's correct.

8 MS. SWANSON: State's 98 and 99 for
9 identification at this point.

10 (STATE EXH. 100, Package of lighters and
11 wrapper, was marked for identification.)

12 BY MS. SWANSON:

13 Q I hand you what has been marked as State's 100.
14 If you can identify these items.

15 A These are two items and packages of lighters,
16 and one lighter wrapper. And these were also
17 located in the ES backpack which was inside the
18 trunk.

19 MS. SWANSON: The State would offer 100
20 into evidence at this time.

21 MS. CAMPBELL: Without objection.

22 THE COURT: Without objection.

23 (STATE EXH. 100, Package of lighters and
24 wrapper, was entered into evidence.)

25 (STATE EXH. 101, Glass bottle with unknown

Testimony of Jennifer Snider

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1 pills, was marked for identification.)

2 BY MS. SWANSON:

3 Q I'm handing you what has been marked as State's
4 101. Please, tell me what that item is and where it
5 came from?

6 A This is a glass bottle with eight unknown
7 pills. These were also found in the ES
8 backpack.

9 MS. SWANSON: State would move 101 into
10 evidence.

11 MS. CAMPBELL: No objection.

12 (STATE EXH. 101, Glass bottle with unknown
13 pills, was entered into evidence.)

14 (STATE EXH. 102, Bag for homemade dildo, was
15 marked for identification.)

16 (STATE EXH. 103, Homemade dildo, was marked
17 for identification.)

18 BY MS. SWANSON:

19 Q I'm handing you State's 102 and 103 for
20 identification at this time. If you could, describe
21 these items.

22 A Exhibit 102 was one homemade dildo which was
23 found in the ES backpack. And Exhibit 102 --
24 excuse me -- 103 is the homemade dildo that was
25 found inside the ES backpack, and it was sealed

Testimony of Jennifer Snider

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1 originally in this bag.

2 Q So it was sealed -- you located that in the ES
3 backpack.

4 A Yes.

5 Q It was sealed in this bag and then sent off for
6 some sort of testing?

7 A That's correct, yes.

8 MS. SWANSON: 102 and 103 for
9 identification.

10 (STATE EXH. 104, Buccal swab collected from
11 Brian Walls, was marked for identification.)

12 BY MS. SWANSON:

13 Q I'm handing you what's been marked as State's
14 Exhibit 104 for identification only at this time.
15 This was at -- what is this?

16 A This is a buccal swab collected from Brian
17 Walls.

18 Q Okay. What is a buccal swab?

19 A A buccal swab is simply a -- it's DNA. We
20 take it -- we provide a cotton swab, like a big
21 Q-tip and we have the person we're collecting it
22 from put it in their mouth inside their cheek and
23 get it nice and wet so we get a good DNA sample,
24 and then we close the little lid, seal it up, and
25 send it for testing.

Testimony of Jennifer Snider

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1 Q Okay. So did you seal that sample up?

2 A Yes, I did.

3 Q And were you present when he was provided the
4 buccal swab?

5 A Yes, I was.

6 MS. SWANSON: Okay, thank you.

7 State's 104 for identification at this
8 point.

9 BY MS. SWANSON:

10 Q All right. Once you obtained -- did you take
11 pictures of the purse?

12 A Yes.

13 Q The purple purse?

14 A Yes, I did.

15 Q Did you send those to Hannah Seigler?

16 A I did, yes.

17 (STATE EXH. 84, Black cell phone found in
18 center console, was marked for identification.)

19 BY MS. SWANSON:

20 Q Okay. Let me go back to a couple of things. I'm
21 going to hand you State's Exhibit 84 and ask you to
22 identify this?

23 A This is a black cell phone that was found in
24 the center console of the vehicle.

25 MS. SWANSON: All right. State would

Testimony of Jennifer Snider

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1 move 84 into evidence at this time.

2 MS. CAMPBELL: I'm trying to keep track.
3 I'm sorry.

4 MS. SWANSON: This is the cell phone
5 located in the black center console. We can take
6 up contents at a separate time.

7 MS. CAMPBELL: With contents at a
8 separate time, yes. No objection to the physical
9 item.

10 (STATE EXH. 84, Black cell phone found in
11 center console, was admitted into evidence.)

12 (STATE EXH. 90, Black wallet; Priester
13 social security card and birth certificate, was marked
14 for identification.)

15 BY MS. SWANSON:

16 Q And State's 90?

17 A This is a black wallet that has "Take me to
18 the moon" on the front -- or on the side, and it
19 contained -- or contains John Priester's social
20 security card and his birth certificate, and this
21 was located between the passenger seat, the front
22 passenger seat, and the door jam in the Camry.

23 Q In the Toyota in the Toyota Camry?

24 A Yes.

25 Q It contains John Priester's social and birth

Testimony of Jennifer Snider

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1 certificate?

2 A Yes, that's correct. The State moves 90 into
3 evidence at this time.

4 MS. CAMPBELL: No objection.

5 THE COURT: Without objection.

6 (STATE EXH. 90, Black wallet; Priester
7 social security card and birth certificate, was
8 entered into evidence.)

9 MS. SWANSON: Thank you, Miss Snider. I
10 think that's all I have for you at this time. If
11 you can please answer any questions from the
12 defense.

13 THE COURT: Yes, ma'am.

14 MS. CAMPBELL: Thank you, judge.

15 CROSS-EXAMINATION

16 BY MS. CAMPBELL:

17 Q I'm sorry. Your rank?

18 A Sergeant, investigator.

19 Q Is it sergeant?

20 A Either one.

21 Q Thank you. Sergeant Snider, you testified that
22 you went to the Econo Lodge and encountered Kyle Walls
23 and Xavier Walls, right?

24 A Yes.

25 Q And that was on December 7th, 2016, right?

Testimony of Jennifer Snider

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1 A That's correct.

2 Q And the reason you were there is because they were
3 spotted, if you will, in the vicinity of the fire at
4 Teresa Seigler's house, right?

5 A That's correct.

6 Q Okay. And you guys had information that it was
7 Kyle Walls and Xavier Walls, and, I guess the initial
8 description was a black description was a black man,
9 that the three of them had been seen on that road with
10 the red gas can making their way to Teresa's house,
11 right?

12 A I don't believe I had that much information
13 at the time.

14 Q At some point you had enough information, I think,
15 that you provided a photo lineup to someone and had
16 them identify the black man, John Priester?

17 A Yes, that was later.

18 Q Thank you. Did you ever -- the boys fought with
19 you and ran, right?

20 A That's correct.

21 Q Kyle and Xavier. And you said when you got there,
22 they had some backpacks with them, right?

23 A I recall Kyle having a backpack.

24 Q Kyle had a backpack and he fought with you over
25 the backpack, right? Or got agitated and ran?

Testimony of Jennifer Snider

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1 A He got agitated. It wasn't a fight over the
2 backpack.

3 Q Where is that backpack now?

4 A I believe we left it there. We were just
5 checking it for weapons at the time. He said he
6 had a knife on him.

7 Q Okay. So Kyle's backpack was not secured in
8 evidence. Did you get a search warrant for that room
9 at the Econo Lodge where Kyle and Xavier were
10 located?

11 A No.

12 MS. CAMPBELL: Thank you, Sergeant.

13 THE COURT: Redirect?

14 MS. SWANSON: Just briefly.

15 REDIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q Investigator Snider, when were Kyle and Xavier
18 Walls apprehended after fleeing from you?

19 A Within a very short time we made a call on
20 the radio of what had occurred, and we had units
21 that were in the area that responded and they
22 actually apprehended in the Seagull Market in the
23 parking lot over there.

24 Q Okay. So how many blocks from where they fled is
25 that?

Testimony of Jennifer Snider

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1 A Maybe a block, block and a half. It's not
2 very far at all.

3 Q Okay. Were they charged with anything?

4 A They were, but I don't recall what the
5 charges were.

6 Q Were they charged in the arson? Were they charged
7 with arson?

8 MS. CAMPBELL: She already asked that
9 question and the officer answered she doesn't
10 recall.

11 MS. SWANSON: Okay. Thank you.

12 THE COURT: Overruled. Go ahead.

13 THE WITNESS: I don't recall.

14 MS. SWANSON: Okay. Thank you,
15 Investigator. That's all I have for you.

16 THE WITNESS: Thank you.

17 THE COURT: May this witness be excused?

18 MS. SWANSON: Please.

19 THE COURT: Without objection.

20 MS. SWANSON: The State calls Hannah
21 Seigler.

22 THE CLERK: Place left hand on the Bible.
23 Do you solemnly swear or affirm to truthfully
24 answer all questions asked of you by this court,
25 so help you God?

Testimony of Hannah Seigler
THE WITNESS: I do.

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THE CLERK: Thank you. Please state your
name for the record, please.

THE WITNESS: Hannah, H-a-n-n-a-h,
Seigler, S-e-i-g-l-e-r.

WHEREUPON:

HANNAH SEIGLER,
after having been sworn to tell the truth, testified
as follows:

DIRECT EXAMINATION

BY MS. SWANSON:

Q Hannah, how are you related to Teresa Seigler?

A She's my mother.

Q And where did your mother live in December of
2016?

A ■ 6 Falls Road.

Q Where were you living?

A I was actually living across from the
hospital.

Q In Beaufort at the time?

A Yes.

Q Where do you live now?

A In Athens, Georgia.

Q And who lived with your mother?

A No one at the time of her death.

Testimony of Hannah Seigler

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1 Q Did you know anyone to have lived with your
2 mother?

3 A Yes.

4 Q Or stayed there?

5 A Yes.

6 Q Who was that?

7 A Brian Walls.

8 Q How often did you speak to your mom?

9 A About every day. At least every other day.

10 Q All right. And was it unusual if she didn't call
11 you back?

12 A Yes.

13 Q Was your mom on a lot of medications?

14 A Yes, she was.

15 Q What type of health problems did she have?

16 A She had multiple health problems. She had
17 diverticulitis. She had some type of severe back
18 problem. I'm not exactly sure, but where she was
19 wheelchair bound a lot. Like, if we went
20 anywhere, she had to have an electric cart, or her
21 wheelchair had to be loaded and taken too. She
22 actually had a morphine bump and prescribed
23 morphine for that. She had some type of
24 depression. She was on medication for that. She
25 a psoriasis and severe eczema. She had some kind

Testimony of Hannah Seigler

- 1 of lung condition to where she had take her
2 inhaler regularly.
- 3 Q Did she get around easily?
- 4 A No. She had just had a knee replacement not
5 long before her death, about nine months prior,
6 maybe a year. And she was about to get the other
7 one replaced.
- 8 Q So multiple surgeries?
- 9 A And she also had hepatitis C.
- 10 Q Okay. Did she keep notes about her medications?
- 11 A Yes, she did. She had to keep notes about
12 her pain and stuff to report back to her pain
13 doctor because she was in a pain management thing,
14 and she had to go every month and make reports in
15 order for her to get her medicine refilled.
- 16 Q Okay. Do you remember the last time you saw your
17 mother?
- 18 A Three or four day prior to her death. I had
19 brought her some groceries.
- 20 Q Okay. Do you recall when you last spoke to her?
- 21 A I believe the Saturday before her death.
- 22 Q What kind of conversation was that, without
23 getting into what she said?
- 24 A Basically, she was just telling me --
- 25 Q Without saying what she said. Was it normal?

Testimony of Hannah Seigler

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1 A Yeah, it was normal.

2 Q Did you try and reach her on Tuesday,
3 December 6th?

4 A Yes, I did.

5 Q Tell us about that?

6 A Well, she had actually called me Sunday, and
7 I missed the call because I was ill. And one day
8 I was still very sick. And Tuesday, I actually
9 started to feel better so I tried to call her. It
10 sounded like someone answered, but then hung up.
11 And so I didn't think much about it, and I tried
12 to call her again and it just, like, went to voice
13 mail. Like it was being ignored.

14 Q Do you remember what your mother's cell phone
15 looked like?

16 A Yeah. She had just gotten a Smartphone and
17 she a cat on the back of the phone, a sticker of a
18 cat.

19 Q I'm going to hand you what's been entered as
20 State's 92 and ask if you recognize this item as your
21 mother's cell phone?

22 A Yes, I do.

23 Q Do you remember meeting with Investigator Malphrus
24 and Investigator Fraser at Beaufort Memorial
25 Hospital?

Testimony of Hannah Seigler

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- 1 A Yes, I do.
- 2 Q And did they ask you if you had any idea who could
- 3 harm your mother?
- 4 A Yes, they did.
- 5 Q Did you give them a name?
- 6 A Yes, I did.
- 7 Q Whose name did you give them?
- 8 A Brian Walls.
- 9 Q Did you give them any other names?
- 10 A No, I didn't.
- 11 Q Did you ever give your mother advice about
- 12 Brian Walls?
- 13 A Yes, I did.
- 14 Q What did you tell your mother?
- 15 A I asked her to please stay away from him, to
- 16 not have any dealings.
- 17 Q Do you recall Investigator Malphrus and
- 18 Investigator Fraser asking if your mother had anything
- 19 of value?
- 20 A Yes.
- 21 Q And what was your answer?
- 22 A Pills.
- 23 Q Was she a woman of limited means?
- 24 A Yes.
- 25 Q Did she rely on assistance?

Testimony of Hannah Seigler

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1 A Yes, with everything.

2 (STATE EXH. 54, Photo, was marked for
3 identification.)

4 BY MS. SWANSON:

5 Q I'm going to hand you State's 54 and ask if you
6 recognize what's contained in this picture?

7 A Yes, I do.

8 Q And what is it?

9 A It's her medicine and her phone and her
10 purse.

11 Q And is that the way you recall seeing it the last
12 time you saw her?

13 A Yes.

14 Q That's what her purse looked like?

15 A Yes.

16 MS. SWANSON: The State would offer 54
17 into evidence at this time.

18 MS. CAMPBELL: No objection.

19 THE COURT: Without objection.

20 (STATE EXH. 54, Photo, was marked for
21 identification.)

22 BY MS. SWANSON:

23 Q Hannah, do you recognize your mother's
24 handwriting?

25 A Yes, I do.

Testimony of Hannah Seigler

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1 Q Do you recall identifying notebooks with your
2 mother's handwriting in them --

3 A Yes.

4 Q -- that were found?

5 A Yes.

6 Q Okay. I'm going to hand you State's 82, and I'll
7 hold these items. This is -- what is this item?

8 A That's my mother's purse.

9 Q Okay. Without getting into the contents of these
10 notebooks, I'm going ask if you can --

11 A Yes. Without a doubt, that's her
12 handwriting.

13 Q Okay.

14 A Yes, ma'am. And that one also.

15 MS. SWANSON: Thank you, Hannah. I have
16 nothing further at this time.

17 THE COURT: Cross-examination.

18 MS. CAMPBELL: Thank you.

19 CROSS-EXAMINATION

20 BY MS. CAMPBELL:

21 Q Good afternoon. Hannah, you were living in
22 Beaufort, I think you told the solicitor, in the fall
23 of 2016; is that right?

24 A Yes, I was.

25 Q Okay. Did you evacuate for Hurricane Matthew?

Testimony of Hannah Seigler

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1 A Yes, I did.

2 Q Okay. Where did you go?

3 A I went to my father's house.

4 Q Where is that?

5 A In Athens, where I live now.

6 Q Thank you. Did your mother evacuate?

7 A Yes, she did.

8 Q And who did she evacuate with?

9 A Well, she told me that there was -- actually
10 Mr. Walls.

11 MS. SWANSON: Objection; hearsay.

12 BY MS. CAMPBELL:

13 Q I just need to know if you know who carried
14 mother --

15 A My mother actually carried Mr. Walls's son
16 and his girlfriend and their baby. That's what
17 she told me. That they went and stayed in a hotel
18 together. That's why she did not come with me.
19 She had a vehicle and her vehicle was driven.

20 Q Okay, thank you. So your mother and Brian Walls
21 and the Walls boys left and evacuated Beaufort
22 together --

23 A Well, she did not say that Brian Walls did.
24 She said that his boys and one of boy's girlfriend
25 did.

Testimony of Hannah Seigler 371

1 Q Okay. At a minimum, the Walls children and your
2 mother -- I'm sorry, and a boyfriend, is that what you
3 said?

4 A No. His stepson's girlfriend and baby -- or
5 she said one of his son's girlfriend, and she had
6 a small daughter. I don't know who exactly.
7 That's all she told me.

8 Q So that group of people, she went away from
9 Beaufort County in the fall 2016 during Hurricane
10 Matthew, she left with them?

11 A Yeah. She helped them because she said they
12 had nowhere else to go, so she went with them and
13 got a hotel out of -- you know, out of Beaufort
14 for safety.

15 Q That's right. Thank you so much for the
16 information.

17 THE COURT: Any redirect?

18 MS. SWANSON: Yes.

19 REDIRECT EXAMINATION

20 BY MS. SWANSON:

21 Q Okay. So, your testimony is that your mom helped,
22 would that Courtney Brock, Brandon Scarborough's
23 girlfriend?

24 A I'm assuming so, since the other ones were so
25 young.

Testimony of Hannah Seigler

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1 Q And their daughter M [REDACTED]?

2 A Yes.

3 Q And she provided everyone a safe place to go
4 during the hurricane?

5 A Yes.

6 Q And do you know if Brian Walls ever borrowed her
7 car?

8 A Oh, yes.

9 Q Okay. In December of 2017, did she have a car?

10 A Yes, she did. It actually had been wrecked
11 and was actually in the shop -- Earl's Body Shop
12 down there.

13 Q Do you have any idea -- do you have any personal
14 knowledge of who was driving it when it was wrecked?

15 A Well, when I went and tried to retrieve the
16 vehicle, it was actually in Walls's last name.
17 That's the name the vehicle was under.

18 Q And do you know if your mom paid for that hotel
19 when she was providing that whole crowd a safe place
20 to go during the hurricane?

21 A I'm not specifically sure.

22 MS. SWANSON: All right. Thank you.

23 THE COURT: Anything further?

24 MS. CAMPBELL: No, Your Honor. Thank
25 you.

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1 THE COURT: You may come down, ma'am.

2 Thank you very much. Can this witness be excused?

3 MS. SWANSON: Yes, please. Although, I
4 believe she'll remain in the courtroom as the
5 victim's daughter.

6 THE COURT: That's fine. You're released
7 from the subpoenas.

8 MS. SWANSON: May we approach regarding
9 scheduling?

10 THE COURT: Yes.

11 I'll tell you what, Ladies and Gentlemen,
12 we're going to talk about scheduling. It may take
13 a few minutes, so just go the jury room. Just
14 relax for a minute, and we'll call you. Don't
15 discuss the case amongst yourselves while you're
16 in the jury room.

17 (Jury exits the courtroom t 3:56 p.m.)

18 THE COURT: That's, according my count,
19 we did 13 witnesses today.

20 MS. SWANSON: Correct. So the next
21 witness that I have ready to go is the lead
22 investigator. I wasn't sure if we wanted to get
23 into that at this juncture. Whatever the Court
24 wishes to do.

25 The remaining witnesses, just so that the

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1 Court is aware, I just wanted to give everyone the
2 heads up about what I have coming up. I'd still
3 like to get into at least the text messages to
4 corroborate my witness's testimony.

5 THE COURT: All right.

6 MS. SWANSON: That can be --

7 THE COURT: Can we leave that for
8 tomorrow?

9 MS. SWANSON: Yes, yes.

10 THE COURT: Can we -- is this lead
11 investigator dependent on that testimony.

12 MS. SWANSON: Well, I guess it depends on
13 how the Court rules. I can have Derek --

14 THE COURT: But you had -- what was his
15 name?

16 MS. SWANSON: Derek Nelson.

17 THE COURT: Nelson.

18 MS. SWANSON: I have him go through it,
19 and he's verified the content of it.

20 THE COURT: So what are you telling me?
21 You want to call Nelson first.

22 MS. SWANSON: I'll call
23 Investigator Malphrus as the lead investigator.

24 THE COURT: All right.

25 MS. SWANSON: He would be my last witness

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1 for the day.

2 THE COURT: Yes. You may not even get to
3 cross.

4 MS. SWANSON: Right. It's only four
5 o'clock.

6 MS. SWANSON: Correct. I will not take
7 that long. I'm not sure how much cross there
8 is.

9 THE COURT: That's fine.

10 MS. SWANSON: Most of the physical --

11 THE COURT: I want to push.

12 MS. SWANSON: Right. Yes. And I don't
13 have that much physical evidence left to get in.

14 Tomorrow, I plan on three witnesses.

15 THE COURT: That's fine.

16 MS. SWANSON: I guess we will plan on if
17 the defense is going put up a case, it will be
18 around lunch time.

19 THE COURT: Tomorrow?

20 MS. SWANSON: I'll be finished before lunch
21 time tomorrow.

22 MS. CAMPBELL: If I understood correctly,
23 we have SLED --

24 MS. SWANSON: Derek Nelson, SLED latents,
25 and John Donahue, DNA.

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1 MS. CAMPBELL: No Hue Tang?

2 MS. SWANSON: No.

3 MS. CAMPBELL: Okay. So only three
4 witnesses then.

5 MS. CAMPBELL: All right. Well, I mean
6 we can go ahead with Malphrus this afternoon.

7 THE COURT: Let's do that.

8 MS. CAMPBELL: I just thought maybe we
9 could have ten minutes ourselves since we didn't
10 have a break earlier.

11 MS. SWANSON: Sure.

12 THE COURT: Yes, you did, but you used it
13 fishing around in those bags. Yeah, go ahead.
14 Let's take a short break. And let's -- I plan to
15 go to 5:30 anyway. Juries seem to appreciate
16 making them work.

17 Ten minutes.

18 (A break was taken from 3:59 p.m. to 4:11 p.m.)

19 THE BAILIFF: All rise. Be seated.

20 THE COURT: State ready?

21 MS. SWANSON: State's ready.

22 THE COURT: Defense ready?

23 MS. CAMPBELL: Yes, Your Honor.

24 THE COURT: Bring the jury.

25 Miss Campbell, I got you having, pending

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1 two motions, which we'll take up before we
2 adjourn.

3 MS. CAMPBELL: Thank you, sir.

4 THE BAILIFF: The jury is entering the
5 courtroom, Your Honor.

6 (Jury enters the courtroom at 4:11 p.m.)

7 THE BAILIFF: The jury is seated, Your
8 Honor.

9 THE COURT: Call your next witness.

10 MS. SWANSON: Thank you. The State calls
11 Jason Malphrus.

12 THE CLERK: Do you solemnly swear or
13 affirm that the testimony you give to the court in
14 this trial shall be truth, so help you God?

15 THE WITNESS: Yes, ma'am.

16 WHEREUPON:

17 JASON MALPHRUS,
18 after having been sworn to tell the truth, testified
19 as follows:

20 DIRECT EXAMINATION

21 BY MS. SWANSON:

22 Q Can you spell your first and last name for court
23 reporter, please?

24 A It's Jason Malphrus, J-a-s-o-n,
25 M-a-l-p-h-r-u-s.

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1 Q Okay. It's probably fairly obvious by now, but
2 who do you work for?

3 A I work for the Beaufort County Sheriff's
4 Office.

5 Q All right. And back in December of 2016, what
6 department were you working in?

7 A I worked in the northern investigation
8 section.

9 Q All right. Were you on duty on December 7th of
10 2016?

11 A I was.

12 Q Were you involved in the investigation into the
13 death of Teresa Seigler?

14 A I was.

15 Q All right. Where did you initially go on
16 December 7th of 2016?

17 A So on December 7th of 2016, I believe it's
18 right around eleven o'clock. I actually believe I
19 was driving on Boundary Street. It was a house
20 fire on Falls Road. The fire department was
21 responding. It turns out there was is person in
22 the case, and they were getting transported to
23 Beaufort Memorial.

24 By this time, the phones are going off. We
25 investigators go to the scene. And myself and two

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1 other investigators went to Beaufort Memorial because
2 that's where the victim was being transported.

3 Q And when you got there, what did you first do?

4 A When I arrived, Miss Seigler was being worked
5 on by the emergency room staff. I guess
6 life-saving procedures, CPR, defibrillators-type
7 thing. When I walked in, that's what was going
8 on.

9 Q Did you photograph Teresa Seigler when she was at
10 the hospital?

11 A I did.

12 Q Okay.

13 A I took photographs of her person.

14 Q And did you provide those photographs to
15 Dr. Tormos?

16 A I know they were provided to Dr. Tormos. I
17 didn't do it, but our office did.

18 Q And what did you notice about the victim when you
19 were photographing her?

20 A When I initially walked in, I mean, I'm not a
21 doctor, but she had appeared to me to be passed
22 away for a day or two. It didn't look like a
23 fresh dead body to me, from what I'd seen. She
24 had some slippage, kind of, going on where her
25 skin was kind of sloughing off on her arm or her

Testimony of Hannah Seigler

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1 leg or her abdomen, but she looked like she had
2 been dead for a little bit.

3 Q Okay. Did you notice any smells?

4 A There was an odor of gasoline on her person.
5 She had a, I think, pink night gown, I guess, for
6 lack of a better word, that smelled of gas. The
7 gurney -- the EMS gurney that she was brought in
8 on had a gasoline odor.

9 Q All right. I'm going to show you what has been
10 identified and marked as State's 80 and ask if this
11 package contains the pink night gown from
12 Teresa Seigler?

13 A Yes, ma'am. It's an outer garment contained
14 in a paint can collected at the office by
15 myself.

16 Q You collected that?

17 A Yes, ma'am.

18 Q And that was the garment that Jennifer Mills
19 testified to that testified positive for accelerant?

20 A Yes.

21 MS. SWANSON: The State moves 80 into
22 evidence at this time.

23 MS. CAMPBELL: No objection.

24 THE COURT: Without objection.

25 (STATE EXH. 80, Paper bag holding can

Testimony of Hannah Seigler

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1 holding debris, was entered into evidence.)

2 BY MS. SWANSON:

3 Q Do you recall talking to Hannah Seigler?

4 A I spoke to Hannah briefly at the emergency
5 room.

6 Q All right. And did you develop an initial suspect
7 at that time?

8 A At this point, all we knew, we had a fire.
9 The lady who was deceased inside, her daughter
10 showed up at the hospital, so I sat down to speak
11 with her, like, who could have done this to your
12 mom? Did she have problems with anybody? And she
13 had referenced Brian Walls.

14 Q And did you conduct a number of other interviews
15 throughout your investigation?

16 A I did. I talked to multiple -- interviewed
17 multiple people.

18 Q And did you develop any other suspects?

19 A I did.

20 Q Who were those?

21 A John Priester and Courtney Brock.

22 Q Now, when I ask if you developed suspects, I'm
23 asking about suspects in the murder?

24 A Yes.

25 Q Did you develop any suspects in the arson?

1 A Yes.

2 Q Well, let ask you this first: Was SLED Arson
3 called out to the scene?

4 A Yes.

5 Q Okay. And did you as a part of your investigation
6 review the findings that were made by the agents from
7 SLED Arson?

8 A I reviewed their report. I don't recall the
9 specifics, but the summary of it, it was an
10 intentionally set fire. I believe the origin was
11 in the bedroom and living room.

12 Q Through your investigation, did you develop
13 suspects for that arson?

14 A We did.

15 Q Did you charge anyone with the arson pertaining to
16 ■ 6 Falls Road?

17 A We did.

18 Q Who did you charge?

19 A John Priester, Kyle Walls, and Xavier
20 Walls.

21 Q And who are the Kyle and Xavier Walls in relation
22 to Brian Walls?

23 A They are his children.

24 Q Okay. Did you go to Chesterfield to help process
25 the 1999 Toyota Camry?

Testimony of Hannah Seigler

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- 1 A I did.
- 2 Q And you were with Investigator Snider as those
- 3 items were recovered?
- 4 A Yes, ma'am.
- 5 Q Did you both wear gloves?
- 6 A Yes.
- 7 Q And take photos during that collection process?
- 8 A We did.
- 9 Q Did you request a number of forensics be done on
- 10 evidence in this case?
- 11 A I did.
- 12 Q What did you request that SLED do in this case?
- 13 A Initially, when the victim was located, she's
- 14 wrapped in a blanket with duct tape around the
- 15 blanket and around her wrist. That duct tape
- 16 around the blankets and on her wrist were sent to
- 17 the South Carolina Law Enforcement Division's lab.
- 18 And what they did is, they processed the tape for
- 19 latent prints, then provided swabs -- like the
- 20 buccal swab that Investigator Snider was talking
- 21 about, swabs of the tape to come back to our lab
- 22 to be processed for DNA.
- 23 Q Okay. So you requested that they look for
- 24 fingerprints on the duct tape that the victim was
- 25 wrapped up in?

1 A Yes.

2 Q Okay. And that they swab some of that duct tape
3 for possible DNA?

4 A That's correct.

5 Q To be processed at the Beaufort County lab?

6 A Yes.

7 Q I know this can get confusing, so I just want to
8 make sure everyone is on the same page.

9 Through your review of the analysis, do you
10 recall seeing any fingerprints evidence on any of the
11 duct tape pertaining to Brian Walls.

12 A His fingerprints were not on the tape.

13 Q Okay. Did you find any gloves in that Toyota
14 Camry?

15 A I believe there were a box of gloves.

16 Q Gloves in the ES backpack and the Trailmaker
17 backpack?

18 A I'd have to look at a photo.

19 Q Okay.

20 A To refresh, to be specific.

21 Q Sure. At some point, did you get DNA swabs from
22 John Priester?

23 A I did.

24 Q Kyle and Xavier Walls?

25 A We did. We got a couple swabs from John,

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1 Kyle, and Xavier.

2 Q And Courtney block?

3 A We did.

4 Q When did Brian Walls get charged with murder?

5 A We did obtain arrest warrants on Mr. Walls.

6 I believe it was February 24, 2017.

7 Q And was that before or after you obtained the
8 results from the forensic testing?

9 A It was after the tape was analyzed and after
10 we got the final autopsy from the Medical
11 University of South Carolina.

12 Q So how long did you investigate this case before
13 these three subjects were charged with the murder?

14 A Well, the original call came out December 7th
15 of 2016, and warrants were obtained February 24th
16 of 2017. I think they were served within the next
17 couple days.

18 Q Going back to something that Miss Campbell asked
19 Amanda Reddish, did she ever tell you that she stayed
20 at ■■■0 Falls Road on December 6th of 2016?

21 A I don't recall that.

22 Q Okay. Was that anywhere in those recorded
23 interviews?

24 A Not to my knowledge. I don't remember her
25 saying that.

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1 Q All right. Do you recall her whereabouts to be
2 what she testified to on the stand?

3 A It's similar to my report. She got a phone
4 call that morning from Brandon when Brandon
5 couldn't find Courtney that morning.

6 MS. SWANSON: All right. Thank you.
7 Please answer any questions that Miss Campbell
8 might have.

9 CROSS-EXAMINATION

10 BY MS. CAMPBELL:

11 Q Good afternoon.

12 A Hey, Miss Traci.

13 Q How are you?

14 A Good.

15 Q I'm looking at your report that you wrote in this
16 case and I just want to go over some of the notes that
17 you detailed. Do you have a copy of your report with
18 you?

19 A Yes, ma'am. What page are you on?

20 Q Well, I just want to make sure you had your report
21 first. And the pages are labeled at the top, so we'll
22 reference them and then I think you can find your way
23 through it.

24 A Okay.

25 Q This testimony you gave when the solicitor asked

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1 about your review of the SLED findings in the arson, I
2 guess, investigation, I believe you said that, based
3 on your review of the those findings, it was an
4 intentionally set fire; is that correct?

5 A Yes, ma'am.

6 Q Okay. Now, over the course of your work on this
7 case, I mean, we're going to focus on a couple of
8 items, but you sent many items to SLED to have them
9 analyzed during this investigation, right?

10 A Yes, ma'am.

11 Q And I'm going to try to find State's 95 and 96, so
12 that we can talk about those.

13 THE COURT REPORTER: Those are in, and those
14 are ID.

15 MS. CAMPBELL: I'll look over here.

16 BY MS. CAMPBELL:

17 Q So 96 that the State has marked for, I guess,
18 identification at this point, was an items that you
19 removed from -- is it the Trailmaker backpack?

20 A What is it?

21 Q It's State's 96. Would you like me to show it to
22 you? Do you know where you removed this from?

23 A I would have to look at our evidence bag it
24 came of.

25 Q Okay.

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1 A Because this would be processed by SLED.

2 Q And 95 and 96 -- so you would have sent -- I think
3 it was some duct tape that you found in the Trailmaker
4 backpack to SLEd to have them do some analysis on it;
5 is that right?

6 A Yes.

7 Q Okay. Just to make sure I'm right on that. So
8 was it a balled up piece of duct tape maybe?

9 A I recall it being two balled up pieces of
10 duct tape.

11 Q And those two balled up pieces of duct tape you
12 sent to SLED to have them analyzed; is that right?

13 A Yes, ma'am.

14 Q And what you, kind of, asked them to do is compare
15 those balled up pieces of duct tape to the duct tape
16 from Teresa Seigler around her hands and around the
17 body, right? You want to know if they were alike or
18 they were matched, right?

19 A There was a fit test requested through SLED
20 essentially to -- because when Miss Seigler's was
21 brought out of the Trailer, she was wrapped up.
22 We heard testimony earlier that one of the firemen
23 cut the tape. And a fit test was requested to see
24 that -- the purpose of that is to see if you can
25 line up the tape together to say, hey, is this a

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1 continuous line of tape or things along that line.

2 Is that what you were --

3 Q That's exactly right. Thank you so much for the
4 explanation for the jury.

5 And, again, in your review of the SLEd
6 findings in that case, they could not match them up,
7 correct?

8 A That is correct. SLED said, once it's cut,
9 they couldn't -- they couldn't put Humpty back
10 together again. They couldn't line the tape up.

11 Q And not only did the fit test not work, they gave
12 you no conclusions at all whatsoever as to whether or
13 not the duct tape from Teresa Seigler and the duct
14 tape in the Trailmaker backpack, or anywhere in the
15 Toyota Camry, was of the same nature as each other.
16 They couldn't say if they matched in any way, correct?
17 It was sort of inconclusive?

18 A They just said similar characteristics.

19 Q But they couldn't make it a match, so that's where
20 you were left, I guess, that's right.

21 A They couldn't mirror the tape.

22 Q Yeah. So, I want to be clear about the sequence
23 of events because the prosecutor asked you about
24 charge John Priester and Kyle Walls and Xavier Walls
25 with arson.

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1 So during the course of your investigation,
2 you received information that John Priester and
3 Kyle Walls and Xavier Walls were walking down
4 Falls Road towards Teresa Seigler's house with a red
5 gas can, correct?

6 A They were in the area before the fire.

7 Q Before the fire?

8 A Yes, ma'am.

9 Q And then the call came in, again, on your
10 timeline, your investigation through you're talking to
11 the people who were witnesses there, putting the three
12 of them there with the red gas can, I mean, you're
13 using that as your evidence for the arson, right?
14 They're in the location with the red gas can, right?

15 A The basis for the arson charges was through
16 interviews of those three.

17 Q Exactly. And so you talked to John Priester and
18 Kyle Walls and Xavier Walls after you received
19 information that they were in the area with the red
20 gas can, right?

21 A That's correct.

22 Q Thank you.

23 Not only were they in the area with the red
24 gas can, again, like the solicitor asked you about
25 Amanda Reddish and her reports to you, you learned

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1 that right -- again, on the 7th of December that
2 John Priester and Kyle Walls were on Falls Road after
3 the fire and acting very strange, correct?

4 A I don't recall that specific comment, but, I
5 mean, through interviews conducted, they were in
6 the area.

7 Q Okay. To be clear, when the solicitor asked you
8 about sending the duct tape that was wrapped around
9 Miss Seigler and the duct tape that was wrapped around
10 her hands to SLED, to be clear, because I didn't
11 understand what you said, Brian Walls's fingerprints
12 were not anywhere on that duct tape, correct?

13 A That is correct. His fingerprints were not
14 on the duct tape.

15 Q Okay.

16 A On that duct tape, yes, ma'am.

17 Q And you asked that the SLED forensic department do
18 the swabbing, if you will -- the Q-tips the forensic
19 examiners use to swab for touch DNA, is that right, on
20 the duct tape?

21 A SLED was asked to swab the duct tape for DNA
22 evidence, to return it to the Sheriff's office
23 lab.

24 Q And they sent that to BCSO to Donahue, right? To
25 John Donahue with the Sheriff's Department?

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1 A Well, it was submitted to the lab. Yes,
2 ma'am.

3 Q If you'll look at page 35 of 87 on your report
4 that you filed on this case, I just -- again, I'm just
5 trying to understand what was written, what you
6 reported about the information you got from this Miss
7 Reddish. Are you with me?

8 A I'm getting there. Hold on one second.

9 Q Okay.

10 A It dated 12/14 of '16.

11 Q Yes, it is.

12 Okay, do you see your first full paragraph
13 there? The paragraph begins with the name Reddish.

14 A Yes, ma'am.

15 Q Come down with me to the sentence that against "On
16 December 6, 2016..." And, if you could, tell us what
17 you reported in that portion of your investigation?

18 A On December 6, 2016, around 15:50 hours, she
19 went to Walls' residence to meet Brandon
20 Scarborough, Courtney Brock's child's father who
21 told her, when she woke up, no one was home, which
22 was unusual.

23 Q And so at some point on December 6th, December 7th
24 Amanda Reddish was asleep at the Walls' home according
25 to your report?

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1 A According to this "she" should have been
2 "he." Probably a typo on my part.

3 Q Then I was confused by your typo.

4 A I don't recall during Amanda Reddish's
5 interview her ever saying that she spent the
6 night, this particular night, when she woke up and
7 Brandon was like, hey, where's Courtney.

8 MS. CAMPBELL: Thank you so much.

9 THE WITNESS: Yes, ma'am.

10 MS. SWANSON: Just briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. SWANSON:

13 Q Miss Campbell asked you about State's 95 and 96.

14 A There's one up here. 96, right here.

15 Q And those are items that I addressed through
16 Jennifer Snider; is that right?

17 A Yes.

18 Q Okay. That came out of the Toyota Camry. So I
19 believe she was looking for State's 95, which is what?
20 Is that a BCSO evidence bag?

21 A It is.

22 Q All right. And what was contained within that
23 bag?

24 A One balled up piece of silver duct tape and
25 one balled up piece of black duct tape.

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1 Q All right. So would that be State's 96 and 97?

2 A Yes.

3 Q And where was that located?

4 A This was in the vehicle. In the black
5 backpack from the passenger seat from the Camry.

6 Q The Trailmaker backpack?

7 A Yes. Well, it says black backpack from front
8 passenger seat. Just kind of paint a picture with
9 this tape and stuff going on. For example, on the
10 initial day, I'm going the hospital --

11 MS. CAMPBELL: Objection, Your Honor.

12 He's going on an errand.

13 THE COURT: Just answer the question.

14 MS. CAMPBELL: Thank you.

15 MS. SWANSON: I'll just show it him.

16 MS. CAMPBELL: Your Honor, I'm going to
17 object. We've already dealt with this issue, and
18 you ruled on it.

19 THE COURT: Photograph?

20 MS. SWANSON: Correct.

21 MS. CAMPBELL: Yeah, 64.

22 THE COURT: Which one?

23 MS. CAMPBELL: 64.

24 MS. SWANSON: May I hand it up?

25 THE COURT: Yeah.

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1 MS. SWANSON: It deals with the --

2 THE COURT: I understand.

3 MS. SWANSON: It deals with the subject
4 of cross-examination. May I hand it up?

5 THE COURT: Sure. You want to identify
6 that?

7 MS. SWANSON: Yes, sir. And enter it.

8 THE COURT: All right. I'm going to
9 allow it.

10 MS. SWANSON: Thank you, Your Honor.

11 MS. CAMPBELL: Over my objection?

12 THE COURT: Yes.

13 MS. CAMPBELL: Thank you, Your honor.

14 THE COURT: It seems more relevant at
15 this time than it did when I first reviewed it.

16 MS. SWANSON: Thank you, Your Honor.

17 (STATE EXH. 64, Photo, was marked for
18 identification.)

19 BY MS. SWANSON:

20 Q I'm going to hand you 64, State's 64. Can you
21 identify what's contained in that picture?

22 A It looks like you got a pair of black gloves,
23 three pills bottles, a rope, a balled up piece of
24 silver duct tape, and a balled up piece of black
25 duct tape.

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1 A Sure.

2 Q Okay. And so, the exact location that you found
3 those items was inside the Trailmaker backpack,
4 right?

5 A Yeah, the items were inside the backpack.

6 Q The Trailmaker backpack, correct?

7 A Yes.

8 Q Okay. And also inside the Trailmaker backpack was
9 Courtney Brock's persona hygiene items, her Victoria's
10 Secret bag, and her clothing, correct?

11 A There was female clothing. Yeah, I think I
12 recall some Lady Speed Stick deodorant.

13 Q And you recall the Victoria's Secret makeup bag
14 that belonged to Courtney black?

15 A There was a Victoria's Secret makeup bag.

16 Q Inside the Trailmaker backpack?

17 A Inside the Trailmaker backpack.

18 Q Thank you.

19 A Yes, ma'am.

20 THE COURT: Is that it? All right. So
21 this witness can be excused, this investigator?

22 MS. SWANSON: Yes.

23 THE COURT: He can remain.

24 MS. SWANSON: Thank you.

25 All right, Ladies and Gentlemen,

Testimony of Hannah Seigler

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1 according to my count, we've been through 14
2 witnesses today. I don't anticipate 14 witnesses
3 tomorrow. But we've had a good day of work and
4 evidence, so I'm going to release you at this time
5 and let you beat the traffic, as they say.

6 I'm going to ask you, again, or at this
7 point, please don't try to -- just relax this
8 evening. I would say watch a basketball game, but
9 they're over. Just do something that you enjoy
10 doing.

11 But I'm going to ask you not to try to do
12 any independent research about this case. I trust
13 that you'll follow those instructions.

14 We'll reconvene tomorrow morning at 9:30.
15 These of moving along according to the schedule
16 very well, and we're on track right now. I can't
17 tell you exactly when because things change from
18 minute to minute sometimes.

19 But, in any event, have a pleasant
20 evening. And, again, don't discuss the case among
21 yourselves when we return to the jury room in the
22 morning. We'll see you at 9:30. Thank you very
23 much for your attention.

24 THE BAILIFF: Please leave your notebooks
25 in your chair there.

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1 THE COURT: They won't be bothered with.

2 The courtroom will be secured overnight.

3 THE BAILIFF: I'll secure them tonight,

4 Your Honor.

5 (Jury exits the courtroom at 4:43 p.m.)

6 THE COURT: All right. We've got a
7 little housekeeping to do. Miss Campbell, you
8 said you wanted to be heard on the testimony of
9 the Chesterfield County officer who said he made a
10 search incident to an arrest, or something to that
11 effect.

12 MS. CAMPBELL: May it please the Court,
13 Your Honor, that is correct. I objected when the
14 officer in response to the State's solicitor
15 eliciting the testimony that he searched the
16 Toyota Camry incident to arrest. And, of course,
17 I objected immediately and we approached.

18 And I'm asking Your Honor at this time,
19 based upon the introduction of the improper
20 character evidence -- I mean, you can't get much
21 worse than testifying what appeared to be that
22 Mr. Walls, you know, had committed some crime and
23 was subject to arrest.

24 THE COURT: Why was the Chesterfield
25 County alerted if there were not arrest warrants?

Testimony of Hannah Seigler

400

1 MS. CAMPBELL: Well, no. That's not
2 before the jury. The only thing that was before
3 the jury was that they -- to comply with the rules
4 is that they encountered Mr. Walls and Miss Brock
5 in Chesterfield County, and that was all.

6 And so to take it past that to say they
7 searched the Camry incident to arrest, again, I,
8 mean, that's sort of one of those cardinal rule
9 violations of improper character evidence.

10 THE COURT: Why is that not --

11 MS. CAMPBELL: That he's a criminal and
12 he's been arrested, and we make a motion for a
13 mistrial.

14 Thank you.

15 THE COURT: But that is what happened.

16 MS. CAMPBELL: Well, it may be what
17 happened technically, but it's not proper to put
18 that before this jury. It's not related in any
19 way and it's improper. It's not related to the
20 proof in this case, and it's improper character
21 evidence.

22 THE COURT: What's the State's
23 position.

24 MS. SWANSON: And, Your Honor, I would
25 like to state for the Court -- and, please, if the

Testimony of Hannah Seigler

401

1 gallery can simmer. I would like to remind the
2 Court what the testimony actually was.

3 And so when Miss Campbell was questioning
4 Lieutenant Jordan about the pictures that
5 Chesterfield County took, in response to her
6 questions, he actually says, oh, yes, well, I
7 didn't take those pictures, one of my narcotics
8 people did.

9 I simply asked him, because things were
10 placed differently, although not taken in or out
11 of the car, I simply asked him, did you obtain a
12 search warrant, trying to get at, did you actually
13 search the car or that was BCSO that did that.
14 That was my purpose in eliciting that testimony.
15 He said, well, we searched it incident to arrest.
16 And I said, oh, do you mean Courtney Brock's for
17 marijuana, and his answer was yes.

18 So I think we successfully dodged the
19 fact that there was any arrest put before the jury
20 subject to the defendant.

21 And, therefore, it does not rise to the
22 level of a mistrial. It doesn't even implicate
23 the defendant being arrested in that context. It
24 implicates Courtney Brock being arrested for
25 marijuana.

Testimony of Hannah Seigler

402

1 THE COURT: Well, I recall that
2 testimony. Of course, it could be -- it could be
3 viewed as Miss Campbell says.

4 But given the facts surrounding the stop,
5 I do not think it amounted to character evidence
6 sufficient to warrant a mistrial. I may be wrong,
7 and somebody else can correct that error, but, at
8 this time, I respectfully deny your motion for a
9 mistrial.

10 MS. CAMPBELL: Thank you, Judge.

11 THE COURT: Now, the next issue that I've
12 got in my -- oh, the issue of the admissibility of
13 the notebooks found in the backpack. And,
14 Miss Campbell, you objected based on the fact that
15 they were -- not necessarily self-serving
16 information. Why don't you state for the record
17 what your objection is if I allowed them to be --

18 MS. CAMPBELL: It's not that --
19 Hannah Seigler has identified the purple purse as
20 her mother's purse.

21 THE COURT: She identified the
22 handwriting.

23 MS. CAMPBELL: Correct. And I'm not
24 looking at it from an authentication standpoint.
25 I'm looking at it from, sort of,

Testimony of Hannah Seigler

403

1 back-door-victim-impact-type of testimony or
2 victim -- eliciting the daily log of the pain and
3 suffering.

4 THE COURT: Have you read it?

5 MS. CAMPBELL: I did. I read it on our
6 break. I read all of it, as best I could.

7 THE COURT: The way they're characterized
8 are reminders of when pills need to be taken and
9 ordered.

10 MS. CAMPBELL: Well, if you could
11 extricate, you know, this is my doctor's
12 appointment on this date and time from the, I
13 don't feel well today, my legs are hurting, or my
14 head is hurting, or my back a hurting, I'm sad,
15 you know, to me it is not relevant in any way.

16 And it, again, is impermissible in terms
17 of her almost speaking to the jury, you know,
18 about the condition of her life, her words.

19 And so, on those bases, we object.

20 THE COURT: State's position.

21 MS. SWANSON: Your Honor, I believe it's
22 relevant. I mean, it's information that's been
23 testified to. She was clearly on a lot of
24 prescription medication. She went to see a pain
25 management doctor. These are notes that were in

Testimony of Hannah Seigler

404

1 her purse that were taken and found with the
2 defendant.

3 THE COURT: Are they dated? Are they
4 dated?

5 MS. SWANSON: I'm not sure. They're
6 scribbblings. I can check to see if they're
7 dated.

8 THE COURT: Well, I'm just curious.

9 MS. SWANSON: But have been identified
10 as --

11 THE COURT: They've certainly not been,
12 in no way, or in any way, are they directed at
13 this defendant.

14 MS. SWANSON: No, sir.

15 THE COURT: Is his name mentioned?

16 MS. SWANSON: Not that I saw. I did not
17 pore through them with a fine-tooth comb.

18 MS. CAMPBELL: His name is on there a
19 couple of times with his phone number. But other
20 than that, that's it.

21 MS. SWANSON: Well then, it seems like
22 they're even more relevant.

23 MS. CAMPBELL: You know, and the Court
24 asked me a question. I'm being completely
25 candid.

Testimony of Hannah Seigler

405

1 THE COURT: I know. I've not seen them.

2 Let me look at them.

3 MS. SWANSON: Yes, sir.

4 THE COURT: And I'll let you know.

5 MS. SWANSON: When would you like them,
6 now or in the morning?

7 THE COURT: No, I'll take them now. I'll
8 go back to chambers and do my due diligence.

9 MS. SWANSON: Yes, sir.

10 THE COURT: I can't rule on something
11 I've never seen. Do I need gloves?

12 MS. SWANSON: No. (Complies.)

13 THE COURT: Let me see. Seems like there
14 was something else. Oh --

15 MS. SWANSON: The cell phone. Oh, right.
16 Well, I mean, I just -- I caved on that. A, I
17 couldn't located it. B --

18 THE COURT: Couldn't locate what?

19 MS. SWANSON: That picture that you had
20 on the bench.

21 And then, B, I just addressed the
22 issue -- the point that I wanted to make through
23 the other picture that we revisited. I think it
24 was State's 64.

25 THE COURT: Take this back.

Testimony of Hannah Seigler

406

1 MS. SWANSON: Thank you.

2 We also have the cell phone evidence.

3 THE COURT: Cell phone, that's right.

4 MS. SWANSON: Right.

5 THE COURT: You still plan to call --

6 MS. SWANSON: Yes, I do plan on calling
7 Derek Nelson.

8 THE COURT: Nelson, yes.

9 MS. SWANSON: To corroborate those text
10 messages with the physical phone that has now been
11 powered up.

12 THE COURT: We're only talking about one
13 phone?

14 MS. SWANSON: Correct.

15 THE COURT: Okay.

16 MS. SWANSON: Without the use of
17 Blacklight or Cellebrite, so there should be no
18 objection to that.

19 THE COURT: Explain that to me as a not
20 very tech savvy guy.

21 MS. SWANSON: Well --

22 THE COURT: What do you mean it's powered
23 up and therefore...

24 MS. SWANSON: The actual phone is in
25 evidence. And just like your phone or my phone,

Testimony of Hannah Seigler

407

1 you can turn it on, go to text messages and look
2 at the text messages from and to Amanda Reddish.

3 THE COURT: And we don't need those --

4 MS. SWANSON: Correct.

5 We can also access a picture of Brian
6 Walls's ID and some selfie videos of himself on
7 that phone.

8 THE COURT: This is his phone.

9 MS. SWANSON: That is the State's
10 position, because it contains selfie videos of
11 him, a picture of his ID, and it's the phone
12 number that Amanda -- or Amanda Reddish testified
13 about those text messages in great detail, and her
14 phone number is in there and her name is in there
15 with text messages to and from.

16 THE COURT: Reddish identified his phone
17 number?

18 MS. SWANSON: She did, but we -- okay.
19 This is something that Derek can explain, but
20 there is no SIM card in that phone. So when you
21 pull it up, it doesn't have a phone number that
22 pulls up as it's associated with. Amanda Reddish
23 is in there as a contact. It has the whole string
24 of text messages that she testified to, when they
25 came in, and what the content was.

Testimony of Hannah Seigler

408

1 THE COURT: All right. So we don't need
2 his testimony about it.

3 MS. SWANSON: Don't need whose testimony?

4 THE COURT: Nelson, about these
5 machines.

6 MS. SWANSON: Correct. Just physically
7 going into the cell phone.

8 THE COURT: Okay. And what do you plan
9 to do? How do you plan to offer that?

10 MS. SWANSON: Well, I'm open. I'm
11 wondering what Miss Campbell's objections are
12 going to be.

13 THE COURT: We're going to find out.

14 MS. SWANSON: We can take screen shots of
15 those text messages. We can just have him testify
16 and confirm that certain text messages are on that
17 phone, that there are -- I don't think that the
18 video selfies of the defendant are particularly
19 relevant, other than the fact that it goes to show
20 that it's his phone. I mean, it's him singing
21 Pour Some Sugar On Me on a boat without a shirt
22 on.

23 So, you know, there's a lot of porn on
24 it, too, which, of course, I don't intend to get
25 into.

Testimony of Hannah Seigler

409

1 THE COURT: All right. Miss Campbell?

2 MS. CAMPBELL: So first, in answer to
3 Your Honor's questions to the State, no,
4 Amanda Reddish did not testify to Brian Walls's
5 phone number. So that is not in evidence at this
6 point.

7 And I would suggest that one of two
8 options be available to the State. The screen
9 shot of the messages is certainly fine with the
10 defendant, or the testimony about the content of
11 the messages.

12 I understand that without Cellebrite and
13 Blacklight as an impediment, this is the actual
14 phone, these are the actual messages, and that
15 they will do their best to attribute that phone to
16 Brian Walls, but I think the State has, you know,
17 admitted Courtney Brock used that phone as well.

18 And so I will just handle that as best we
19 can. That's the only option we have.

20 The phone itself should not go back to
21 the jury room. There's plenty of material on
22 there. Again, I only had a minute to go through
23 everything through the process.

24 THE COURT: It may not come out for
25 several hours.

Testimony of Hannah Seigler

410

1 MS. CAMPBELL: Right. I just feel like
2 limiting it to the screen shots that the solicitor
3 suggested, which is fine, or the actual testimony
4 coming from the witness stand to the content of
5 those messages.

6 THE COURT: All right.

7 MS. SWANSON: I'll just plan on having
8 Mr. Nelson testify to the content that I need him
9 to testify to.

10 THE COURT: That's fine.

11 MS. SWANSON: No screen shots. Phone
12 won't go back.

13 THE COURT: That's fine.

14 Anything else before we adjourn?

15 MS. CAMPBELL: Not from the defense.

16 THE COURT: All right. Well, I'm sure
17 you'll think of something overnight. We'll start
18 at 9:30 in the morning. We'll stand at ease until
19 9:30 in the morning.

20 MS. SWANSON: Thank you, Your Honor.

21 (The proceedings were adjourned at 4:59 p.m.)

22

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24

25

Testimony of Hannah Seigler
CERTIFICATE OF REPORTER

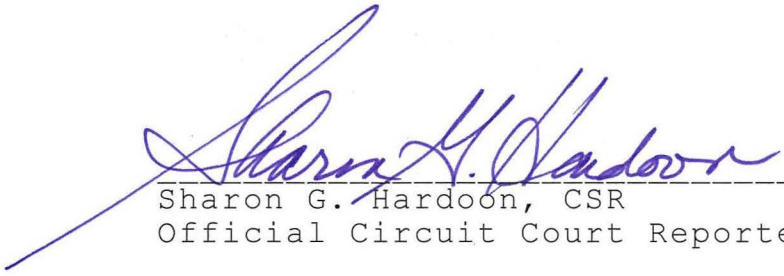
411

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I, SHARON G. HARDOON, Official Circuit Court Reporter, II for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in General Sessions for Beaufort County, South Carolina.

I do further certify that I am neither kin, Counsel, nor interest to any party hereto.

August 18, 2019



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF BEAUFORT

4 State of South Carolina,
5 Plaintiff,

6 vs.

Transcript of Record
Case No.: 2017-GS-07-0328

7 Brian David Walls,
8 Defendant.

9
10
11 April 10, 2019
12 Beaufort, South Carolina
Volume III of IV

13 B E F O R E:

14 The HONORABLE G. THOMAS COOPER

15
16 A P P E A R A N C E S:

17 Hunter Swanson, Representing the State of Carolina
18 Trasi Campbell, Representing the defendant
19 James Bell, Representing the defendant
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1 THE BAILIFF: All rise. The Honorable G.
2 Cooper presiding.

3 THE COURT: Sorry for the delay, Counsel.
4 State ready to proceed?

5 MS. SWANSON: State's ready.

6 THE COURT: Defense ready to proceed?

7 MS. CAMPBELL: Yes, sir.

8 THE COURT: All right. I have reviewed
9 the notebooks handed to me yesterday belonging to
10 the deceased. I find they're irrelevant, have no
11 probative value, and I guess that's saying enough.
12 They're not admissible.

13 MS. SWANSON: Thank you, Your Honor.
14 I'll put it back with the other evidence.

15 THE COURT: They know there were
16 notebooks.

17 MS. SWANSON: She's already identified
18 that's her mother's handwriting.

19 THE COURT: That's the other thing that I
20 meant. The daughter, Hannah, has already
21 identified her mother's illnesses and her
22 conditions, and I think that's sufficient.

23 Ready for the jury?

24 MS. SWANSON: Yes, sir.

25 MS. CAMPBELL: Yes, sir.

Testimony of Derek Nelson

417

1 THE COURT: Bring the jury.

2 THE BAILIFF: The jury is entering the
3 courtroom, Your Honor.

4 (Jury enters the courtroom at 9:53 a.m.)

5 THE BAILIFF: The jury is seated,
6 Your Honor.

7 THE COURT: Thank you. Good morning,
8 Ladies and Gentlemen.

9 JURY PANEL: Good morning.

10 THE COURT: We're now ready to continue
11 with the trial. Solicitor, call your next
12 witness.

13 MS. SWANSON: Thank you, Your Honor. The
14 State calls Derek Nelson.

15 THE CLERK: Do you solemnly swear or
16 affirm that the testimony you give to this Court
17 in this trial shall be the truth, so help you God?

18 THE WITNESS: I do.

19 WHEREUPON:

20 DEREK NELSON,
21 after having been sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q If you can spell your first and last name for the
25 court reporter?

Testimony of Derek Nelson

418

- 1 A It's Derek, D-e-r-e-k, Nelson, N-e-l-s-o-n.
- 2 Q Back in December of 2016, were you working for the
- 3 Sheriff's Office?
- 4 A I was.
- 5 Q And in what department were you working?
- 6 A I was working in the computer crimes, digital
- 7 evidence lab.
- 8 Q All right. So were you given a phone, and I'm
- 9 going to show you what's been entered as State's 84,
- 10 were you given this phone to analyze?
- 11 A Yes, ma'am. I was.
- 12 Q And look through?
- 13 A Yes, ma'am.
- 14 Q Okay. And have you reviewed the contents of that
- 15 phone?
- 16 A I have.
- 17 Q Were you able to find anything in that phone that
- 18 links it to Brian Walls?
- 19 A I did. I found a photograph of a driver's
- 20 license belonging to Brian Walls, and also there
- 21 was some selfie pictures of Brian, along with a
- 22 video of him singing a Def Leppard song.
- 23 Q Were there any text messages that were written to
- 24 Brian?
- 25 A Yes, ma'am.

Testimony of Derek Nelson

419

- 1 Q Okay. Now, I want to point you specifically to
2 text messages from Amanda Reddish.
- 3 A Okay.
- 4 Q Or Amanda.
- 5 A Amanda, okay.
- 6 Q Correct. Were there a series of text messages
7 from Amanda and to Amanda on December 5th of 2016?
- 8 A There was.
- 9 Q All right. And what time did those text messages
10 start?
- 11 A On December 5th, they started at about
12 11:36 p.m.
- 13 Q And what was the general context of those text
14 messages?
- 15 A For Amanda to call her and to spend some
16 time, that he's got some money and some pills in
17 order for them to meet up.
- 18 Q Okay. So he mentions pills. Does he mention pain
19 meds?
- 20 A Specifically, no. He just mentions pills
21 and -- pills and money.
- 22 Q I'm going to point you to a text from 12/5/2016 at
23 23:49. Do you see that one? And it may be in the
24 notes that you have front of you?
- 25 A At 12/5, 23:49?

Testimony of Derek Nelson

420

- 1 Q Uh-huh.
- 2 A I do, but that one is not to Amanda.
- 3 Q That one is what?
- 4 A It's not to Amanda.
- 5 Q Oh, okay. Let's see. What does it say?
- 6 A The content of that message is, "We got
- 7 Molly."
- 8 Q And then what about at 12/5/2016, text at 23:57,
- 9 also not to Amanda?
- 10 A Correct.
- 11 Q What does that say?
- 12 A It says, "I got pain meds."
- 13 Q Okay. And the 12/5/2016, 23:58, not to Amanda?
- 14 A That one says, "I got Molly pills and money."
- 15 Q What time did the text messages to Amanda start on
- 16 December 6th of 2016?
- 17 A They start at approximately 2:09 p.m. in the
- 18 afternoon.
- 19 Q And what is that first text message?
- 20 A It's, "Yo, what up. It's Courtney. We need
- 21 a ride, man, and we got gas money and some pills."
- 22 Q All right. Are there a series of texts back and
- 23 forth?
- 24 A There are.
- 25 Q Okay. About the ride?

Testimony of Derek Nelson

421

1 A Yes, ma'am.

2 Q Okay. Can you read the response from
3 December 6th, 2016 at three o'clock from Amanda?

4 A From them, it says, "I need gas money. I
5 have no gas and no cigs. I'm not feeling good."

6 Q What is the response from Brian's phone?

7 A It says, "We got money and so you don't want
8 the meds. I got them for real this time, and
9 Xavier really, really need a ride."

10 Q On 12/6/2016 at 3:23 p.m., are there a series of
11 about 20 unanswered texts from Amanda's phone?

12 A Yes, ma'am. There's 17 of them.

13 Q Okay.

14 MS. SWANSON: That's all I have. Thank
15 you.

16 MS. CAMPBELL: May it please the Court?

17 THE COURT: Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q Officer Nelson, you spent a good bit time at the
21 Beaufort County Sheriff's Office before you became an
22 employee of the Solicitor's Office, right?

23 A That's correct.

24 Q The phone that you're calling Brian Walls with --

25 A Yes, ma'am.

Testimony of Derek Nelson

422

1 Q -- there are text messages that clearly indicate
2 they're coming from Courtney Brock to someone else
3 through that phone, right?

4 A That's correct.

5 Q And, physically, you have no knowledge who
6 actually had physical possession of that item on
7 December 5th or December 6th, 2016, correct?

8 A I have no knowledge. No, ma'am.

9 Q And you -- in your review of the messages on that
10 phone, there's clear indication, when Courtney
11 messages Amanda, saying things like, hey, it's
12 Courtney, right?

13 A Yes, ma'am.

14 Q So I guess then to your mind, I mean, she's saying
15 it's Courtney, it must be Courtney, right?

16 A Sounds logical.

17 Q Okay. Additionally, when you reviewed that piece
18 of evidence, you noted that there are text messages on
19 that phone that are dated from 2011, right?

20 A Yes, ma'am.

21 MS. SWANSON: May we approach? Actually,
22 go ahead. I'm sorry. I withdraw.

23 BY MS. CAMPBELL:

24 Q And, again, this is your evidence. So 2011,
25 right?

Testimony of Derek Nelson

423

1 A Correct.

2 Q Okay. And in those messages that that phone dates
3 as originating in 2011, the substance of the text
4 messages is, ^M [REDACTED] is sick. She needs Courtney,"
5 right?

6 A Yes, ma'am.

7 Q Not only did you review that phone, but you also
8 reviewed other phones in this case, correct?

9 A Correct.

10 Q And some of those other phones you reviewed, you
11 attributed them to being Courtney Brock's phone for
12 her personal use, right?

13 A Correct.

14 Q And, in your review of Courtney Brock's personal
15 use phone, were you not seeing the information that
16 ^M [REDACTED] was born in 2014?

17 A That sounds right. Yes, ma'am.

18 Q Now, in your experience as a law enforcement
19 officer, when Courtney is talking about pills and
20 Molly, Molly would be a street name, a street drug, if
21 you will.

22 A Correct.

23 Q Is that fair?

24 A Yes, ma'am.

25 Q So Molly is not a medication or some sort of a

Testimony of Derek Nelson

424

1 pill that your doctor would prescribe for you, right

2 A No, ma'am.

3 Q And I may have asked you this before, but the
4 Alcatel Pixi Eclipse phone, have you researched when
5 that phone was first offered for sale in the
6 United States?

7 A No, ma'am.

8 Q So we don't know if that phone was on the market
9 for sale and use in 2011, do we?

10 A No, ma'am.

11 MS. CAMPBELL: That's all I have. Thank
12 you.

13 THE COURT: Redirect?

14 MS. SWANSON: Just briefly.

15 REDIRECT EXAMINATION

16 BY MS. SWANSON:

17 Q Derek, does your testimony here today have
18 anything to do with your employment at the Solicitor's
19 Office?

20 A No, ma'am.

21 Q It has to do with what you did as an employee with
22 Beaufort County in this investigation, right?

23 A That's correct.

24 Q Can you explain -- do you have an explanation for
25 these 2011 text messages and dates that Miss Campbell

Testimony of Derek Nelson

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1 asked you about?

2 MS. CAMPBELL: Objection.

3 THE COURT: Explain your objection.

4 MS. CAMPBELL: Calls for opinion.

5 THE COURT: Restate your question.

6 MS. SWANSON: Miss Campbell opened the door
7 to that.

8 THE COURT: I understand. I do. I
9 overruled the objection, but I asked you to
10 restate your question.

11 BY MS. SWANSON:

12 Q Do you know why there are 2011 -- what is this
13 2011 date? Where does that come from?

14 A It's coming from the internal clock on the
15 phone.

16 Q Okay. Explain, that please.

17 A Currently, the phone I have -- the phone in
18 hand right now, the date and time set on the phone
19 right now, it's saying that it's January 1, 2012
20 at 7:29 p.m. And the explanation for why it's
21 there is, after these phones have been powered off
22 for a long period of time, they fall back to
23 default setting. And when you power them back up,
24 this particular phone is set to -- was saying that
25 it was December 31, 2011 yesterday when I

Testimony of Derek Nelson

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1 originally powered it up.

2 Q But we're not talking about 2011 texts here. The
3 texts that I asked you to read about were from
4 December 5th and 6th of 2016, right?

5 A Correct.

6 Q Do you have any reason to think that those dates
7 are not accurate?

8 MS. CAMPBELL: Objection. Same
9 objection.

10 THE COURT: Overruled.

11 THE WITNESS: No, I believe they're
12 accurate.

13 MS. SWANSON: Thank you.

14 MS. CAMPBELL: Briefly?

15 THE COURT: Yes, ma'am.

16 MS. CAMPBELL: Thank you, Judge.

17 RECROSS-EXAMINATION

18 BY MS. CAMPBELL:

19 Q So, Mr. Nelson, you powered that phone up in
20 February of 2017. I think February 20th, to be exact,
21 correct?

22 A Correct.

23 Q And when you powered it up in February of 2017,
24 February 20th of 2017, the information that you got
25 off of that phone, the dates and times, you've?

Testimony of Jeff Crooks

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1 testified to here today?

2 A Yes, ma'am.

3 Q It's not changed?

4 A No, ma'am.

5 Q 2011 text messages were there in 2017, correct?

6 A Yes, ma'am.

7 MS. CAMPBELL: Thank you. That's all I
8 have.

9 THE COURT: All right. Thank you. You
10 may come down. Can this witness be excused?

11 MS. SWANSON: Please.

12 THE COURT: You're free to go.

13 MS. SWANSON: The State calls
14 Jeff Cross.

15 THE CLERK: Place your left hand on the
16 Bible and raise your right hand. Do you solemnly
17 swear or affirm that the testimony you give to the
18 Court in this trial shall be the truth, so help
19 you God?

20 THE WITNESS: Yes, ma'am.

21 WHEREUPON:

22 JEFF CROOKS,
23 after having been sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. SWANSON:

Testimony of Jeff Crooks

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1 Q Can you please state your first and last name for
2 the record?

3 A My name is Jeff Crooks.

4 Q I'm sorry. I called you Cross. I meant, Agent
5 Crooks with SLED?

6 A Yes, ma'am.

7 Q Tell us what department of South Carolina Law
8 Enforcement Division you work under?

9 A I am the supervisor of the Latent Print
10 Department, which is part of the forensic
11 laboratory.

12 Q Okay. And tell us a little bit about your
13 education and background in this field?

14 A I have Bachelor's of Science degree from the
15 Citadel. I successfully completed the SLED crime
16 scene, as well as the latent print examination
17 in-house training programs, which consists of more
18 than 1,000 hours of training. I successfully
19 completed courses provided by the South Carolina
20 Criminal Justice Academy in crime scene
21 investigation as well as latent print examination.
22 I successfully completed courses by the Federal
23 Bureau of Investigation in latent print
24 examination. I've also successfully completed
25 courses recognized by the International

Testimony of Jeff Crooks

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1 Association for Identification and crime scene
2 investigation and latent print examination. Those
3 external courses represent approximately 192
4 additional training hours.

5 Q Okay. Have you ever testified in court as an
6 expert in latent prints?

7 A Yes, ma'am. I have testified more than 50
8 times in court. I testified as an expert in
9 latent fingerprints 28 times in the state courts
10 of South Carolina, North Carolina, as well as
11 federal court.

12 Q Okay.

13 MS. SWANSON: At this time, the State
14 would offer Agent Crooks as an expert in latent
15 fingerprints.

16 THE COURT: Any voir dire or objection?

17 MS. CAMPBELL: No voir dire and no
18 objections.

19 THE COURT: Thank you. He's qualified.

20 MS. SWANSON: Thank you, Your Honor.

21 BY MS. SWANSON:

22 Q Did you have an occasion to analyze evidence that
23 you received from the Beaufort County Sheriff's Office
24 in a case involving the death of Teresa Seigler?

25 A Yes, ma'am. I did.

Testimony of Jeff Crooks

430

1 Q Okay. I'm going to first show you what has been
2 entered as State's 76, and ask if this is an item that
3 you received from Beaufort County and analyzed or
4 analyzed portions of?

5 A This is the packaging for four items of
6 evidence that I received. One item was described
7 as duct tape from the victim. Another item was
8 described as a green in color blanket. Another
9 item was a purple colored bedsheet. The fourth
10 item was duct tape that was observed on both the
11 green blanket and the purple bedsheet.

12 Q Okay. And so what was your first step in
13 analyzing that item?

14 A We were contacted by the Beaufort County
15 Sheriff's Office and notified that they wanted to
16 submit this evidence for us to examine for both
17 DNA as well as fingerprints. The latent print
18 department, we are trained to collect DNA evidence
19 to submit, typically, to our DNA department. In
20 this case, it was returned to the Sheriff's Office
21 so that their DNA laboratory could conduct
22 examinations. So I examined the evidence that was
23 submitted to me for both the presence of the DNA
24 as well as fingerprints.

25 Q All right. When you swabbed portions of the duct

Testimony of Jeff Crooks

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1 tape for DNA, was the tape still around the blankets?

2 A Yes, ma'am. When I took it out of the
3 packages, I laid it on a large examination table
4 that we have in one of our laboratory rooms.
5 There was tape observed on both the green blanket
6 and the purple bedsheet. Some of the tape was
7 wrapped around portions of the blanket and the
8 bedsheet. Other pieces of tape were stretched
9 across the blanket as well as the purple
10 bedsheet.

11 Q Okay. I'm going to show you what's been marked as
12 State's 69 and 70, and ask if you can identify what's
13 contained in these photos?

14 A Yes, ma'am. These are photographs that I
15 took once I took out the evidence from its
16 container and put it on our examination table. I
17 took these photographs to depict how the evidence
18 appeared when I received it because I knew that
19 part of my process was going to require removing
20 some of the tape. When I collected the DNA swabs,
21 I swabbed the tape.

22 Q Let me stop you right there and ask if these are
23 fair and accurate depictions of the blankets and the
24 tape when you received them?

25 A Yes, ma'am. Parts of both.

Testimony of Jeff Crooks

432

1 Q Okay.

2 A It doesn't depict the whole thing, but, yes,
3 ma'am, it does.

4 Q When you received them, they were sealed?

5 A Yes, ma'am. I had to break the seal open for
6 the package to get the evidence out.

7 MS. SWANSON: And, Your Honor, I would
8 request to publish and request that Agent Crooks
9 be allowed to come down from the stand and explain
10 how he swabbed these items as I put them on the
11 projection.

12 MS. CAMPBELL: No objection.

13 THE COURT: All right.

14 MS. SWANSON: Thank you.

15 BY MS. SWANSON:

16 Q And you may come down. If you can, come over
17 here, I'm sorry, Agent Crooks. I'm publishing item
18 69, or State's 69. And if you can explain, again,
19 what we're looking at, and you can use this pencil if
20 that aids in your testimony about how you swabbed this
21 item.

22 A This photograph depicts the blanket.

23 THE COURT: Point it out. Use the
24 pointer. Point it out on the picture. Show it on
25 the screen.

Testimony of Jeff Crooks

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1 THE WITNESS: This portion of the blanket
2 was the side of the green blanket opposite the
3 purple bedsheet. They were together. The duct
4 tape, which was observed through here, this was a
5 knotted portion where it looked like the blanket
6 had been, kind of, knotted up. So that's why it
7 appears that the duct tape goes around the blanket
8 here, comes back around, and then goes over this
9 way.

10 When conducting the swabs, we have
11 sterile swabs that come in two to a pack. The
12 swab was removed. One swab was treated with
13 deionized water. The other swab remained dry.
14 The swab was then used to rub across the gray or
15 the silver portion of tape to DNA -- or, I'm
16 sorry, the tape to try to locate any DNA that may
17 have been present. But entire areas that could be
18 reached without having to manipulate the blanket,
19 without having to untie it or handle it, or try to
20 handle it as little as possible were the areas
21 that were swabbed. So the areas that I could
22 easily access were the areas that I swabbed with
23 the swab.

24 This was done by taking both swabs and
25 rubbing across the duct tape where it was visible.

Testimony of Jeff Crooks

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1 Once that was done, the swabs were allowed to dry
2 and then they were sealed in a paper envelope
3 designed for swabs. The envelope was labeled as
4 to where it came from. It was given a -- what we
5 refer to as a subitem number with the duct tape
6 being logged in as an item, the swabs were
7 considered a subitem of the duct tape. And then
8 once the swabs were dry, they were packaged,
9 sealed and then containerized for return to the
10 Sheriff's Office.

11 Q Okay. Now, in looking at this picture, it appears
12 that there are several layers of duct tape that had
13 been looped around this ball and blanket. Is that
14 what you recall?

15 A There were several areas on the blanket as
16 well as the purple sheet where duct tape overlaid
17 other duct tape. There were also areas where it
18 was, kind of, overlaid, wrinkled up on itself on
19 the individual strands. This tape actually went
20 around and through some of the knotted area that
21 you see there.

22 Q Thank you. And I'm going to put Exhibit 70 up and
23 ask where you swabbed on this piece of evidence, the
24 duct tape?

25 A This area right here was part of the sheet

Testimony of Jeff Crooks

435

1 that was, kind of, balled-up and then tape was
2 wrapped around it. There was another area right
3 here that was the same thing, but there appeared
4 to be extensive fire and heat damage to that
5 portion.

6 So this was the area on the purple sheet that
7 I swabbed using the same approach that I described
8 earlier with the green blanket using two sterile swabs
9 and rubbing the nonadhesive side or the silver side of
10 the duct tape, swabbing the areas that could be
11 accessed without having to manipulate the sheet.

12 Q Thank you. You can go have a seat.

13 So, in your examination of those items, you
14 did note significant heat and fire damage to portions
15 of the duct tape?

16 A There were areas of the duct tape that looked
17 to me to be affected by heat. Yes, ma'am.

18 (STATE EXH. 108, Portions of tape of
19 blankets, was marked for identification.)

20 BY MS. SWANSON:

21 Q I'm going to hand you what's been marked as
22 State's 108. I believe -- well, it's a number of --
23 there are a number of pieces of tape in here with
24 various SLED lab numbers. Are these the portions of
25 tape that you took off the green and purple blankets?

Testimony of Jeff Crooks

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1 A Yes, ma'am, they are. When the -- the tape
2 was removed because I wanted to try to see if I
3 could develop latent prints or fingerprints on the
4 adhesive side or the sticky side of the duct tape.
5 It is fairly common for us to recover fingerprint
6 evidence on that side of the tape. Because when
7 you handle tape, it pulls skin cells off of your
8 fingers or your palms when you're handling the
9 tape, and it's actually a good surface to try to
10 lift fingerprints from.

11 So what I did with both the green blanket as
12 well as the purple sheet and also the first item, the
13 duct tape from the victim I received, the tape that I
14 could get removed and expose adhesive side from those
15 items, I processed with a technique to try to develop
16 latent fingerprints.

17 Q Okay.

18 A Once I do that -- the method that I use
19 requires water, so I had to allow the tape to dry
20 once the process was completed. Once they were
21 dried, it was packaged in the manner shown in an
22 effort to try to keep the tape from sticking --
23 the strips of tape from sticking to each other
24 after I packaged it, and those strips of tape bear
25 my initials.

Testimony of Jeff Crooks

437

1 Q All right. All these separate pieces coming from
2 separate areas are labeled with your initials and
3 packaged?

4 A Yes, ma'am. I did not remove all the tape
5 from all the items. I only removed those portions
6 that I could effectively get off without doing too
7 much damage to the tape itself. Particularly of
8 interest were the portions of tape that overlapped
9 each other.

10 MS. SWANSON: The State would offer 108
11 at this time.

12 MS. CAMPBELL: No objection.

13 THE COURT: Without objection.

14 (STATE EXH. 108, Portions of tape of
15 blankets, was marked for identification.)

16 BY MS. SWANSON:

17 Q And the swabs for the DNA were prior to you using
18 the method where water was used to analyze the latent
19 prints?

20 A Yes, ma'am. The tape was swabbed as it was
21 on the blanket and the sheet. The item one duct
22 tape described as being from the victim was also
23 swabbed prior to doing anything with fingerprint
24 development techniques.

25 (STATE EXH. 106, Paper bag with items 10

Testimony of Jeff Crooks

438

1 though 17 envelopes, was marked for identification.)

2 BY MS. SWANSON:

3 Q I'm going to hand you what has been marked as
4 State's 106. Contained within State's 106 are one,
5 two, three, four, five, six, seven separate envelopes.
6 Are these the envelopes that contained your swabs from
7 the duct tape that you sealed and submitted to be
8 returned to BCSO?

9 A Yes, ma'am. These are the envelopes that I
10 filled out that I placed the swabs in once they
11 were dried, and they bear my initials and
12 information regarding each swab as far as where
13 they came from.

14 Q Just from the blanket. I mean, the --

15 A The purple sheet. Yes, ma'am.

16 Q Okay. We can put these back in 106. This is just
17 for identification purposes at this point.

18 (STATE EXH. 67, Photo, was marked for
19 identification.)

20 (STATE EXH. 68, Photo, was marked for
21 identification.)

22 BY MS. SWANSON:

23 Q I'm going to show State's 67 and 68 and ask if you
24 can identify these items or what's contained in these
25 pictures?

Testimony of Jeff Crooks

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1 A Yes, ma'am. These are photographs of some of
2 the fingerprints that I was able to develop on the
3 adhesive side of some of the duct tape.

4 Q And are those fair and accurate depictions of the
5 way the tape appeared when you analyzed it?

6 A Yes, ma'am. After it was processed, this is
7 documentation of what I have observed.

8 MS. SWANSON: State would move 67 and 68
9 into evidence at this time.

10 MS. CAMPBELL: No objection.

11 MS. SWANSON: And I would move to publish
12 to the jury.

13 (STATE EXH. 67, Photo, was entered into
14 evidence.)

15 (STATE EXH. 68, Photo, was entered into
16 evidence.)

17 BY MS. SWANSON:

18 Q And, Agent, you can stay seated this time. I'll
19 just point you to the monitor in front of you to
20 explain what we're looking at.

21 This is State's 67. And, if you can, tell us
22 where this piece, where subitem 1.3 came from and what
23 you found on it.

24 A Yes, ma'am. 1.3 is -- represents the ridge
25 detail observed in the center of the duct tape

Testimony of Jeff Crooks

440

1 just below the scale tape. The scale is the gray
2 sticker that indicates 1 inch and has SLED written
3 on it.

4 Initially, when I filled out the scale for
5 that tape, I had written that it was subitem 4.11
6 before I realized I had wrote the wrong number on it.

7 So the correct number 1.3 was added to the
8 image after the photograph was taken. The ridge
9 detail is located just below and towards the center of
10 the tape. It's the dark lines that's observed below
11 the tape, right just to the left of the finger, of the
12 glove finger that's on the right of the photograph.
13 And that is the adhesive side or the sticky side of
14 the duct tape.

15 Q Okay. And where did this piece of duct tape come
16 from?

17 A That was item 1. It was submitted to us as
18 item 1 and described as duct tape from the
19 victim.

20 Q Okay. From the physical victim, not from the
21 green and purple blanket?

22 A That is correct.

23 Q Okay. So we're talking about duct tape from
24 wrists. 1.3, did you find a fingerprint and match it
25 to someone on there?

Testimony of Jeff Crooks

441

1 A I did develop a fingerprint. The print that
2 is observed there. I conducted an examination and
3 I did identify that fingerprint to an
4 individual.

5 Q Who was that individual?

6 A John Donte Priester.

7 Q I'm going to put State's 68 up, and, if you can,
8 describe what we're looking at here.

9 A That is a portion of duct tape from the --
10 which is listed as item 4.6. Again, 4.6 is a
11 subitem of item 4. Item 4 being the duct tape
12 from the blanket and the purple sheet. When I
13 processed the adhesive side, just -- it looks like
14 a 9, but it's actually upside down where I wrote
15 .6 on the tape. But above the .6, there's ridges
16 observed basically right above where that piece of
17 scale is. Yes, ma'am. All through that area
18 there was ridge detail observed that I examined.

19 Q Was that a usable print for comparison?

20 A Yes, ma'am. It was.

21 Q And were you able to identify an individual with
22 that print?

23 A Yes, ma'am. I was. It was a palm print that
24 was identified to Elizabeth Courtney Brock.

25 Q Okay. Now, you attempted to find other prints on

Testimony of Jeff Crooks

442

1 all of that duct tape, right?

2 A Yes, ma'am. I did develop additional latent
3 print evidence on the adhesive side of the tape.

4 Q Okay. And what were your results from those?

5 A There was one latent impression -- well, all
6 the latent impressions that were developed also
7 came to the item 4 duct tape, which was the duct
8 tape from the blanket and the sheets.

9 One of the latent impressions was not
10 identified -- or I'm sorry. It was inconclusive with
11 three individuals that were examined, and it was not
12 identified with two other individuals that were
13 examined.

14 Q What item was that?

15 A That was item 4.7. And then there were three
16 additional latents that were developed, 4.8, 4.9,
17 4.10. All three of those latent impressions were
18 not of sufficient value to conduct a comparison,
19 which means ridge detail was observed, but there
20 was not enough ridge detail, or the detail that
21 was present was not clear enough to allow for an
22 effective comparison of known prints.

23 Q Okay. So going back to item 4.7, you had
24 inconclusive results regarding three possible
25 people?

Testimony of Jeff Crooks

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1 A Yes, ma'am.

2 Q Who were those people?

3 A The inconclusive result was with Brian Walls,
4 Courtney Elizabeth Brock and John Donte
5 Priester.

6 Q All right. And then latents were not identified
7 with who?

8 A Kyle Eaton Walls and Xavier Lee Walls.

9 Q Okay. And then no more usable prints, right?

10 A That is correct.

11 Q From the blanket and the duct tape.

12 A That is correct.

13 Q Okay. So, two, out of all of this duct tape, is
14 what you were able to find?

15 A I'm sorry. Can you repeat that?

16 Q Two usable prints out of all of the duct tape is
17 what you were able to find?

18 A Well, there were three. Two were identified.
19 One was deemed inconclusive with the standards I
20 received.

21 Q Okay. Did you analyzed a second round of items
22 submitted to you from the Beaufort County Sheriff's
23 Office?

24 A Yes, ma'am. I did.

25 (STATE EXH. 95, Evidence bag; items 13 and

Testimony of Jeff Crooks

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1 14, was marked for identification.)

2 (STATE EXH. 96, item 14, balled-up duct
3 tape, was marked for identification.

4 (STATE EXH. 97, black balled-up electrical
5 tape, was marked for identification.)

6 BY MS. SWANSON:

7 Q All right. I'm going to hand you what's been
8 marked as State's 95, and ask if this an evidence bag
9 containing SLED items 13 and 14. These are -- SLED
10 item 14 is State's 96. SLED item 13 is State's 97, a
11 black balled-up electrical tape and balled-up duct
12 tape.

13 A Yes, ma'am. This is the actual envelope, or
14 the paper bag that I received these items in from
15 the Sheriff's Office, and I wrote on the bag the
16 items that were received in the bag, item 13 and
17 14, as well as my initials.

18 This is the -- item 13, duct tape, and item
19 14, tape, was packaged by me in these Ziploc bags, and
20 they also bear my initials.

21 MS. SWANSON: Okay. The State would move
22 95, 96, and 97 into evidence at this time.

23 MS. CAMPBELL: No objection.

24 THE COURT: Without objection.

25 (STATE EXH. 95, Evidence bag; items 13 and

Testimony of Jeff Crooks

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1 14, was entered into evidence.)

2 (STATE EXH. 96, item 14, balled-up duct
3 tape, was entered into evidence.)

4 (STATE EXH. 97, black balled-up electrical
5 tape, was entered into evidence.)

6 BY MS. SWANSON:

7 Q Did you perform swabs on these items as well?

8 A Yes, ma'am. They requested that I conduct
9 the same examinations for those items as I did for
10 the first four that I previously mentioned. They
11 wanted me to look for touch DNA, or any DNA that I
12 might observe, as well as process for fingerprint
13 evidence.

14 Q Okay. So how did you -- did you swab items 13 and
15 14, State's 96 and 97 in the similar way as the duct
16 tape that was found on the blanket?

17 A Yes, ma'am. The nonadhesive, the nonsticky
18 sides of the tape, I swabbed for both items in 13
19 and 14. I swabbed the nonsticky side for touch
20 DNA. And I processed the adhesive or the sticky
21 side for fingerprint evidence using the same
22 techniques.

23 Q Were you able to locate any usable fingerprints on
24 either of these items?

25 A No, ma'am. I was not.

Testimony of Jeff Crooks

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1 Q I'm sorry. Going back to SLED item 1, I think I
2 may have confused you. I'm handing you State's 74 and
3 75. This is duct tape listed found on the ground near
4 driveway and vents. Is this SLED item 1 that you
5 analyzed and found John Priester's print on?

6 A Yes, ma'am. I wrote on the tape item 1, the
7 lab number, which is our case number assigned to
8 the case, as well as my initials to these three
9 pieces of duct tape.

10 Q Okay. And that's the physical duct tape that we
11 saw a picture of on the screen with the fingerprint
12 from John Priester, right?

13 A The one that was labeled 1.3, yes, ma'am.

14 Q Okay. And it came to you in this evidence bag,
15 State's 74?

16 A Yes, ma'am. It bears my initials.

17 Q Thank you for clarifying that.

18 MS. SWANSON: State would move 74 and 75
19 into evidence at this time.

20 MS. CAMPBELL: No objection.

21 THE COURT: Without objection.

22 (STATE EXH. 74, Photo, was entered into
23 evidence.)

24 (STATE EXH. 75, Photo, was marked for
25 identification.)

Testimony of Jeff Crooks

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1 (STATE 102, Evidence bag, was marked for
2 identification.)

3 (STATE 103, Items 18, homemade dildo and 19,
4 silver duct tape from item 18, was marked for
5 identification.)

6 BY MS. SWANSON:

7 Q I'm going to hand you State's 102 and 103, and ask
8 if this is -- if 103 is an item that you examined and
9 if it came in 102?

10 A Item 18 was an item I received with the same
11 request for latent fingerprints as well as DNA.
12 And this is the package that it was received in.
13 I wrote on the package -- this actually contained
14 item 18 and item 19, which I wrote on the bag and
15 it also bears my initials.

16 Item 18 was described, by the submitting
17 agency, as one homemade dildo.

18 Item 19 was described as silver duct tape
19 from item 18.

20 Q Okay. Did you swab that item as well as look for
21 latent prints?

22 A Yes, ma'am. They're located on -- item 18
23 was black electrical-style tape or black tape, as
24 well as silver duct tape.

25 Q Okay.

Testimony of Jeff Crooks

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1 A The nonadhesive side of item 18 was swabbed
2 for DNA. No further processing was done on that
3 portion.

4 The item 19 tape, which would have been the
5 silver duct tape from item 18 was removed. It was
6 swabbed for touch DNA on the nonadhesive side, the
7 nonsticky side, and then the adhesive side was
8 processed for latent prints.

9 MS. SWANSON: State would move 102 and
10 103 in at this time.

11 MS. CAMPBELL: No objection.

12 THE COURT: Without objection.

13 (STATE 102, Evidence bag, was entered
14 into evidence.)

15 (STATE 103, Items 18, homemade dildo and 19,
16 silver duct tape from item 18, was entered into
17 evidence.)

18 BY MS. SWANSON:

19 Q And I'm going to hand you State's 72 and ask if
20 you recognize what's contained in this picture?

21 A Yes, ma'am. This is actually -- when I
22 received item 18, it had a sock as well as a
23 condom on it. Both the sock and the condom were
24 removed. And then that exposed or made visible
25 the silver duct tape and the black tape that was

Testimony of Jeff Crooks

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1 underneath, so I photographed that and this is the
2 photograph that I took.

3 Q So this depicts what you labeled as item 19?

4 A Yes, ma'am. Item 19 being the duct tape
5 that's observed in the photograph.

6 Q Okay.

7 A I wanted to photograph it as it was before I
8 removed the tape.

9 MS. SWANSON: The State would move 72
10 into evidence.

11 MS. CAMPBELL: No objection.

12 THE COURT: Without objection.

13 (STATE EXH. 72, Photo, was entered into
14 evidence.

15 MS. SWANSON: And request to publish.

16 THE COURT: Granted.

17 BY MS. SWANSON:

18 Q All right. So when you took this swab, you
19 swabbed this duct tape?

20 A Yes, ma'am. I swabbed it as it was the way
21 you see it there. And then once the swabs were
22 completed, the silver duct tape was removed.

23 Q Okay. I'm handing you State's 98 and 99. Is this
24 a package in evidence that you received in that
25 package from the Sheriff's Office to analyze?

Testimony of Jeff Crooks

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1 A Yes, ma'am. This paper bag was the evidence
2 container that I received the item 17, roll of
3 duct tape. I wrote the item number and my
4 initials on the bag, and the duct tape is
5 contained in a Ziploc bag that I put it in. And I
6 label the bag and the item number as well as my
7 initials and also sealed it.

8 Q Okay. And did it come to you sealed?

9 A Yes, ma'am. It was sealed in the paper
10 bag.

11 Q Did you take swabs of SLED item 17, the roll of
12 duct tape?

13 A Yes, ma'am. The exposed portions of the
14 nonadhesive side of the tape was swabbed. In
15 other words, it was swabbed the way you see it. I
16 didn't pull back any tape or anything. I just
17 swabbed it the way it was depicted.

18 Q Around and then on the sides as well?

19 A No, ma'am.

20 Q Okay.

21 A I would not have done the sides because of
22 the sides would have had a little bit of adhesive.
23 It would have been sticky. And that tends to be
24 an issue with trying to get DNA off of it.

25 Q So just the nonadhesive portion?

Testimony of Jeff Crooks

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1 A Yes, ma'am.

2 Q Thank you.

3 MS. SWANSON: The State would move 98 and
4 99 into evidence at this time.

5 MS. CAMPBELL: No objection.

6 (STATE EXH. 98, Bag for roll of silver duct
7 tape, was entered into evidence)

8 (STATE EXH. 99, Roll of silver duct tape,
9 was entered into evidence.)

10 BY MS. SWANSON:

11 Q Lastly, let me hand you what's been marked as
12 State's 107 for identification and ask if this
13 contains the swabs that you took and packaged for
14 return to BCSO from the second batch of items that we
15 just spoke about?

16 A Yes, ma'am. Swabs from items 13, 14, 15, 16,
17 17, 18 and 19, these are the envelopes that I
18 filled out with the information relating to where
19 the swabs came from. They bear my initials and
20 they were sealed.

21 Q And did you retrieve any usable prints from any of
22 the items that we just spoke about?

23 A No. On items 13, 14, no fingerprint evidence
24 was observed. On item 17 and item 18 fingerprint
25 evidence was observed, but it was determined to be

Testimony of Jeff Crooks

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1 of no value. Again, ridge detail was observed but
2 it wasn't enough or it wasn't suitable clarity to
3 allow for an examination to a known standard.

4 MS. SWANSON: Thank you. Please answer
5 any questions that Miss Campbell may have for
6 you.

7 MS. CAMPBELL: I have no questions.

8 THE COURT: All right. You may come
9 down. Thank you very much.

10 THE COURT: Can this witness be excused?

11 MS. SWANSON: Yes, please, Your Honor.

12 MS. SWANSON: If we can take just a brief
13 recess before the final witness.

14 THE COURT: Oh, certainly.

15 All right. Ladies and Gentlemen, the State's
16 asked for a brief recess. We'll take it at this time.
17 Just go to the jury room, relax, and we'll call you
18 when we're ready. Don't discuss amongst yourselves
19 while you're in the jury room. Thank you very much.

20 (Jury exits the courtroom at 10:46 a.m.)

21 THE COURT: Stand at ease. Probably
22 reconvene about 11:00.

23 (A break was taken from 10:46 a.m. to
24 11:06 a.m.)

25 THE COURT: State ready to proceed?

Testimony of John Donahue

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1 MS. SWANSON: State is ready.

2 THE COURT: Defense ready?

3 MS. CAMPBELL: Yes.

4 THE COURT: Bring the jury.

5 THE BAILIFF: The jury is entering the
6 courtroom, Your Honor.

7 (Jury enters the courtroom the 11:06 a.m.)

8 THE BAILIFF: The jury is seated, Your
9 Honor.

10 THE COURT: Call your next witness.

11 MS. SWANSON: The State calls John
12 Donahue.

13 THE CLERK: Do you solemnly swear or
14 affirm that the testimony you give to the Court in
15 this trial shall be the truth, so help you God?

16 THE WITNESS: I do.

17 WHEREUPON:

18 JOHN DONAHUE,
19 after having been sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. SWANSON:

22 Q Mr. Donahue, can you state and spell your name for
23 the court reporter?

24 A John Donahue, D-o-n-a-h-u-e.

25 Q Thank you. Who do you work for?

Testimony of John Donahue

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1 A I work for the Beaufort County Sheriff's
2 Office, Forensic Services Laboratory.

3 Q What is your association with the BCSO lab?

4 A I'm a DNA technical leader in the forensic
5 biology section.

6 Q And can you briefly describe the training and
7 education that led to your position in this field?

8 A I have a bachelor's degree with a major in
9 zoology from the University of Tennessee. I have
10 a master's degree from Indiana University with a
11 major in microbiology. I've been in the field
12 since 1997 through different laboratories. I
13 started at the Texas Department of Public Safety,
14 Regional Crime Lab in Garland, Texas in 1997,
15 October of 1997.

16 In January, late January of 2002, I moved to
17 the Charlotte Mecklenburg Police Department to take a
18 position there as the DNA technical leader. The same
19 role that I'm doing now. And I was there until
20 January of 2000 -- No, I started here February of 2008
21 and I've been here since February of 2008 as a DNA
22 technical leader.

23 Q Okay. Have you ever testified in court as a DNA
24 analyst, as an expert in DNA analysis?

25 A Yes.

Testimony of John Donahue

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1 Q All right. How many times?

2 A It's got to be close to a hundred by now in
3 different states, different courts in different
4 states.

5 Q Okay.

6 MS. SWANSON: At this time, Your Honor,
7 the State would offer Mr. Donahue as an expert in
8 DNA analysis.

9 THE COURT: Any voir dire or objection?

10 MS. CAMPBELL: No voir dire, no
11 objections.

12 THE COURT: Qualified.

13 BY MS. SWANSON:

14 Q Mr. Donahue, did you have a number of items
15 submitted to you for testing in the investigation into
16 the death of Teresa Seigler?

17 A I did.

18 Q And if we can just start out by kind of going over
19 some of the rules of your lab. Do you test unsealed
20 items for DNA?

21 A No.

22 Q So all of these items would have come to you
23 sealed?

24 A Yes.

25 Q And do you wear gloves?

Testimony of John Donahue

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1 A Yes.

2 Q Can you talk about just the quality control rules
3 that you have at the lab?

4 A So there are a number of rules that we apply
5 for our testing to try to avoid contamination of
6 samples, both from sample to sample and from
7 ourselves to samples that we touch. One of the
8 first ones is that we only handle one sample at a
9 time.

10 So we'll take a package, we'll open it up,
11 log it into the computer, process that sample, and
12 then return it to the package and seal it back up and
13 return it to our vault and then get the second sample.

14 We also will spray down with bleach our bench
15 tops that we use for -- to bring the sample out on.
16 And after spraying it out with bleach and wiping it
17 down, we cover it with a piece of butcher paper to
18 protect, basically, the bench from the sample and the
19 sample from the bench. That sample, it gets put away.
20 The paper gets thrown away, and the bench gets bleach
21 again. So as you can imagine we go through a lot of
22 bleach.

23 We wear lab coats to protect ourselves from
24 the evidence and to protect the evidence from
25 ourselves. Gloves, as we already mentioned, we

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1 actually bleach our gloves before handling items of
2 evidence because the amount of DNA that we can test
3 can be pretty small, so we want to try to avoid as
4 many areas of contamination as we possibly can.

5 As we do our testing, we carry through what
6 are called blanks. So the samples are extracted, the
7 DNA is taken from them in the liquid chemicals. We
8 will add liquid chemicals to a tube that has not had
9 DNA in them, and that blank is there to identify any
10 contamination that might be in the chemicals. Right?
11 So there's sampling the chemicals. So those blanks
12 should show no DNA in them. If we see DNA in a blank,
13 it means we've got some contamination in one of our
14 chemicals somewhere.

15 The blank samples are treated exactly like
16 all the rest of the samples. They're handled the same
17 way. They're tested the same way just to confirm that
18 process. And we have other blanks at other steps,
19 particularly in the copying stage, the amplification
20 stage of DNA which is extremely sensitive
21 contamination, so we'll have an extra set of blanks
22 there just to ensure that we don't have any
23 contamination.

24 And when we do find something unexpected,
25 then we have to stop and try to figure out what

Testimony of John Donahue

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1 happened.

2 Q Okay. Do you have any idea how many cases you
3 have analyzed evidence on for the Sheriff's Office,
4 ballpark?

5 A Me personally?

6 Q Yes.

7 A Well, let's see. We started DNA testing in
8 2010. So, in that time, 600, 700 cases, maybe.
9 Maybe more.

10 Q Ballpark, in each of those cases, how many items
11 do you get results on? Is it unusual not to get
12 results on a number of items?

13 A No, it really depends on the sample. So we
14 have -- basically, to break it down, there's a
15 type of sample that has good DNA, a lot of DNA,
16 and it's something like blood, semen, a body fluid
17 where we expect to find a lot of DNA. And,
18 normally, when we're handling those, we expect to
19 get something out of it.

20 The other types of items we test would be,
21 like, handled items, what we call touch DNA. Say a
22 weapon, some clothing, something like that. And those
23 can be hit or miss. Actually, I would say, in
24 those -- at this point, maybe 30 percent of the time,
25 we might get something. And of that 30 percent,

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1 maybe, I don't know, half of those is something that
2 we can actually get a pretty decent result on. So
3 with touch DNA it can be hit or miss.

4 Q Okay. Did you -- would you say, in your
5 experience, that you received a large number of
6 evidence in this particular case to analyze?

7 A Yes.

8 Q All right. And you issued how many reports?

9 A Four reports in this case.

10 Q Now, some of these items, you didn't swab
11 yourself, right?

12 A That is correct.

13 Q Okay. And so, did you receive swabs from SLED to
14 do DNA testing in your lab?

15 A I did. I received a total of -- you want me
16 to check my report here?

17 Q Not quite yet. I'm going to start showing you
18 some pieces and have you identify them.

19 A Okay.

20 (STATE EXH. 105, Items 1 through 9, was
21 marked for identification.)

22 BY MS. SWANSON:

23 Q I'm going to hand to you what's been marked as
24 State's 105 and ask if you recognize this item?

25 A I do recognize this item.

Testimony of John Donahue

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1 Q Okay. And is it -- what is it?

2 A This is an item under our case number, our
3 laboratory case number of items -- my items 1
4 through 9 that I labeled on December 19, 2016.

5 Q Okay. Did you unseal that bag?

6 A I did.

7 Q From BCSO evidence?

8 A I did. I unsealed it in our laboratory, so I
9 cut it open here at the bottom. When I was
10 finished, I resealed it with a piece of tape with
11 my initials here, the date I sealed it, and my
12 code number.

13 Q Okay. And is there a blood sample from victim
14 Teresa Seigler contained in here?

15 A Item number 1, yes.

16 Q Were you able to establish a profile of the victim
17 from the blood sample?

18 A I did.

19 MS. SWANSON: State would offer item 105
20 into evidence.

21 MS. CAMPBELL: No objection.

22 THE COURT: Without objection.

23 (STATE EXH. 105, Items 1 through 9, entered
24 into evidence.)

25 (STATE EXH. 104, Item 19, Buccal swab from

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1 Brian Walls, was marked for identification)

2 BY MS. SWANSON:

3 Q I'm going hand you what's been marked as State's
4 104 and ask if you analyzed this item and what it is.

5 A I did analyze this item. This is my item
6 number 19, which was labeled as the buccal swab
7 collected from Brian Walls.

8 Q All right. And you were the one who unsealed
9 that?

10 A I did. I was, yes.

11 Q And do the analysis on it?

12 A I did do it.

13 Q Were you able to come up with a DNA profile for
14 Mr. Walls?

15 A I did.

16 MS. SWANSON: State would move 104 into
17 evidence at this time.

18 MS. CAMPBELL: May we approach?

19 THE COURT: Certainly.

20 (Bench conference.)

21 MS. CAMPBELL: As far as this item, I
22 would just say in response to that in the record
23 subject to my prior objections relative to the
24 pretrial motions.

25 THE COURT: Okay.

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1 MS. CAMPBELL: Thank you, Judge. I would
2 say prior to my objections in that light.

3 THE COURT: Over the objections of the
4 defendant, it's admitted.

5 MS. SWANSON: Thank you, Your Honor.

6 (STATE EXH. 104, Item 19, Buccal swab
7 from Brian Walls, was entered into evidence.)

8 (STATE EXH. 106, Paper bag with items 10
9 though 17, was marked for identification.)

10 (STATE EXH. 109, Nonadhesive side of duct
11 tape located on the end of green blanket, purple sheet
12 end, SLED item 4.4, was marked for identification.)

13 (STATE EXH. 110, SLED item 4.5 swabs from
14 nonadhesive side of duct tape on purple sheet, was
15 marked for identification.)

16 BY MS. SWANSON:

17 Q All right. Mr. Donahue, I'm going to hand you
18 item 106 and I've also separately marked 109 and 110.
19 These are my State numbers. If you can, identify what
20 these are, please, and if these are swabs that you
21 received from SLED that you tested in your lab?

22 A Yes. The paper bag originally held my items
23 number 10 through 17, and the envelopes here are
24 my items number 12 and number 13.

25 Q Okay. And so these swabs were received from SLED

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1 and unsealed by you?

2 A They were, yes.

3 Q I want to talk specifically about State's 109 and
4 State's 110 that you tested.

5 MS. SWANSON: And at this time I would
6 move 106, 109, and 110 into evidence.

7 MS. CAMPBELL: No objection.

8 THE COURT: Without objection.

9 (STATE EXH. 106, Paper bag with items 10
10 though 17, was entered into evidence.)

11 (STATE EXH. 109, Nonadhesive side of duct
12 tape located on the end of green blanket purple sheet
13 end, SLED item 4.4, was entered into evidence.)

14 (STATE EXH. 110, SLED item 4.5, swabs from
15 nonadhesive side of duct tape on purple sheet, was
16 entered into evidence.)

17 BY MS. SWANSON:

18 Q First, I would like to hand you State's 109, which
19 is labeled as nonadhesive side of duct tape located on
20 the end of green blanket, purple sheet end, SLED item
21 4.4, and this is your item 13, I believe. So if I can
22 hand you State's 109 and ask what your results on this
23 item were?

24 A From this item, I received -- or I obtained a
25 mixture of DNA.

Testimony of John Donahue

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1 Q Okay. Could you connect that to anyone?

2 A Sure. After examining it, I determined that
3 it was a mixture of at least three people. When
4 we deal with these more complex mixtures, we are
5 fortunate that we have a computer system that we
6 use to try to take apart the mixtures and try to
7 identify people who might have contributed to
8 them.

9 And after processing in our computer system,
10 it's call TrueAllele, I determined that Teresa Seigler
11 could not be excluded as a possible contributor to
12 this mixture on these swabs.

13 And after assuming her as a known
14 contributor, what we can do then is, tell the
15 computer, okay, this person is here, see if you can
16 figure out who these other people might be. And after
17 doing that, I was able to determine, for this item, a
18 match to Brian Walls that was approximately
19 246,000,000 times more likely than a coincidental
20 match to another unrelated person.

21 Q All right. And that is your item 13.

22 I'm going to hand you State's 110, this would
23 be SLED item 4.5, swabs from nonadhesive side of duct
24 tape on purple sheet. Your item 12. If you can
25 please tell us about the results that you got from

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1 analyzing this swab.

2 A I performed the same procedure on this DNA
3 sample as I did on the other one. And, again,
4 obtained a mixture of DNA from at least three
5 individuals. Similar to the first one, I was able
6 to identify Teresa Seigler. She could not be
7 excluded as a possible contributor to this. I
8 went through the same process again. Told the
9 computer again, assume that she's a known
10 contributor, what else might be there.

11 And after doing that, I was able to -- well,
12 I should say, the computer was unable to determine a
13 match to Brian Walls. It was what we would term
14 inconclusive.

15 What that means is that there's a range of
16 statistics for this testing where if the match score
17 comes in above this range, then we classify it as a
18 match. If it's below this range, we classify it as an
19 exclusion or a non-match. And if it's in between, in
20 the middle of this range, there's a window where we
21 can't tell if it's a match or not a match. It could
22 be a false match. It could be a true match. It could
23 be a false exclusion. It could be a true exclusion.
24 There's so little match information that we can
25 ascertain from this sample that any comparison to

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1 Brian Walls would be inconclusive for these purposes.

2 So my answer to that is, I don't know.

3 Q So are you saying that there is not enough data to
4 match him or exclude him from that swab?

5 A Yes.

6 Q Okay.

7 MS. SWANSON: I believe I've entered 106,
8 109 and 110. If I have not, I would move to do so
9 now.

10 THE COURT: Without objection.

11 (STATE EXH. 107, SLED evidence bag, was
12 marked for identification.)

13 (STATE EXH. 111, Swabs from smooth side of
14 item 13 silver duct tape, 13.1, was marked for
15 identification.)

16 (STATE EXH. 112, Homemade dildo, marked for
17 identification.)

18 (STATE EXH. 113, Sample, was marked for
19 identification.)

20 BY MS. SWANSON:

21 Q Continuing on with swabs that you received from
22 SLED, I'm going to hand you State's 107 with
23 separately marked packages 111, 112 and 113 that were
24 contained in this bag. Are these samples that you
25 received from SLED for testing in your lab and

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1 unsealed and did so?

2 A I received them from our evidence section.

3 But prior to that, they were at SLED, yes.

4 Q All right. And you were the one to unseal those
5 and test them?

6 A Yes, I was.

7 MS. SWANSON: All right. At this time, I
8 move 107, 111, 112 and 113 into evidence.

9 MS. CAMPBELL: No objection.

10 THE COURT: Without objection.

11 (STATE EXH. 107, SLED evidence bag, was
12 entered into evidence.)

13 (STATE EXH. 111, Swabs from smooth side of
14 item 13 silver duct tape, 13.1, was entered into
15 evidence.)

16 (STATE EXH. 112, Homemade dildo, was entered
17 into evidence.)

18 (STATE EXH. 113, Sample, was entered into
19 evidence.)

20 BY MS. SWANSON:

21 Q I'm going to ask you about State's 111, which is
22 labeled as swabs from smooth side of item 13, the
23 silver duct tape. It's 13.1, and your item 33. And
24 this is State's 111. If you can, tell us about your
25 findings on this piece of evidence from this sample.

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1 A Yes. From this sample, I performed the same
2 procedures I did beforehand. I obtained again
3 from this a DNA mixture which I assumed, for the
4 computer to solve, as having either four or five
5 contributors. I wasn't able to determine that.

6 From this, with respect to Brian Walls, the
7 computer was able to determine a match to him that's
8 about two billion times more likely than a
9 coincidental match to an unrelated person.

10 Q And this item 33?

11 A Yes. I should also point out that in
12 comparison to Teresa Seigler, resulted in a -- for
13 this purpose, called an uninformative likelihood
14 ratio, which is the same inconclusive that I
15 discussed before. I can't make any determination
16 as to whether she might be on this tape or not. I
17 don't know.

18 Q Did you find anyone else's DNA on there?

19 A A person called Courtney Brock. There was a
20 match to her. About 46 quintillion times more
21 likely than coincidence to an unrelated person.

22 Q Could you tell who was the major contributor?

23 A I can examine my data if you'd like for me to
24 do that. But based on the match, I'm going to say
25 it's Courtney Brock.

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1 Q But both came back as DNA -- their DNA on the
2 balled-up duct tape?

3 A There was a match to both of them, yes.

4 Q That you testified to, okay.

5 All right. I'm going to hand you swabs from
6 item 19. This was an item created by SLED. 19.1,
7 your item 39, swab of the tape coming from the
8 homemade sex toy, State's 112, what were you able to
9 determine from that?

10 A Again, I obtained a DNA mixture from that
11 item which I instructed the computer to assume
12 four and five contributors again. And with
13 respect to this mixer, a match to Brian Walls. It
14 was identified by the computer at about 381
15 quadrillion times more likely than a coincidental
16 match to an unrelated person.

17 Teresa Seigler was, again, inconclusive. I
18 could not determine anything with respect with her.

19 And with respect to Courtney Brock, the same
20 result. It was inconclusive. I couldn't say.

21 Q So a match to Brian Walls?

22 A Yes.

23 Q Swabs from smooth side of item 13. This is the
24 balled-up duct tape. State's 111 -- I'm sorry. We
25 already talked about 111 and 112. Okay, thank you.

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1 All right. So we are looking at SLED item
2 17, your item 37, which is a roll of duct tape, swab
3 taken from that, State's 113. What can you tell us
4 about your analysis of that?

5 A Similar to the other two items, I obtained a
6 DNA mixture from this piece. I instructed the
7 computer to assume either five or six contributors
8 to this mixture, so there were at least five or
9 six people on this.

10 I obtained from this a match to
11 Courtney Brock that was about 17 trillion times more
12 likely to a coincidental match to an unrelated person.
13 Comparisons to Teresa Seigler and Brian Walls, again,
14 were inconclusive for this mixture, so I could neither
15 determine a match or an exclusion.

16 Q Okay.

17 MS. SWANSON: Beg the Court's
18 indulgence.

19 (STATE EXh. 114, Evidence bag with swabs,
20 was marked for identification.)

21 BY MS. SWANSON:

22 Q All right. I'm also handing you another envelope
23 that came out of State's 107, which was the bag with a
24 number of swabs. I had labeled this one State's 114.
25 It is SLED item 14.1, a swab of crumpled up piece of

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1 duct tape, and your item 34. Can you tell us what
2 your findings were pertaining to that swab?

3 A From this swab, I processed it in the same
4 manner and obtained a DNA mixture. I instructed
5 the computer to solve for three contributors.
6 From this piece, I determined that Teresa Seigler
7 could not be excluded as a potential contributor
8 to this DNA mixture. Brian Walls and Courtney
9 Brock, any comparison to them was inconclusive as
10 before, meaning that I could determine neither
11 match nor an exclusion.

12 Q So not enough DNA data on the balled-up piece of
13 black tape to match to Courtney or Brian?

14 A Correct.

15 Q Thank you.

16 MS. SWANSON: State would move 114 into
17 evidence at this time.

18 MS. CAMPBELL: No objection.

19 (STATE EXH. 114, Evidence bag with swabs,
20 was entered into evidence.)

21 BY MS. SWANSON:

22 Q I'm going to hand you what's been marked as
23 State's 89, and ask you to identify this item and
24 whether or not you analyzed it.

25 A I do recognize this item. This is my item

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1 number 28 that I labeled on August the 2nd, 2017.

2 And the description is, label peel from medicine
3 bottle prescribed to Teresa Seigler, tizanidine.

4 Q Okay. Were you able to come to any conclusions
5 regarding that label?

6 A I was.

7 Q All right. What were those?

8 A Referring to my report. Once again, I
9 determined a DNA mixture from this item. I asked
10 the computer to solve it for four contributors. I
11 eliminated Teresa Seigler as a contributor to this
12 mixture. Comparison to Brian Walls, again, was
13 inconclusive, could not determine a match or an
14 exclusion to that. I did identify a match to
15 Courtney Brock that was one quadrillion times more
16 likely than a coincidental match to an unrelated
17 person.

18 Q What about John Priester?

19 A I have an exclusion to John Priester for this
20 item.

21 Q All right.

22 MS. SWANSON: State would move 89 into
23 evidence at this time.

24 MS. CAMPBELL: No objection.

25 (STATE EXH. 89, Label for tizanidine, was

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1 marked for identification.)

2 BY MS. SWANSON:

3 Q I'm going to hand you what's marked as State's 88,
4 and ask what this item is and whether you analyzed it?

5 A This is my item number 29 which I labeled on
6 August the 2nd, 2017. It is listed as a CPM Visa
7 debit card belonging to Teresa Seigler.

8 Q Okay. What were your conclusions regarding that
9 debit card?

10 A Processed the debit card as everything else
11 in this case. I obtained a DNA mixture from this
12 item which I asked the computer to solve for four
13 and five contributors. I could not exclude
14 Teresa Seigler as a possible contributor to this
15 DNA mixture.

16 For Brian Walls there was an uninformative
17 likelihood ratio, again, stating that I could neither
18 determine a match or an exclusion for this item.

19 Courtney Brock, as well, was uninformative,
20 so I could not determine a match to her or not.

21 And then to John Priester, the computer
22 determined a match to John Priester that was
23 approximately four million times more likely than a
24 coincidental match to an unrelated person.

25 Q And that was on Teresa Seigler's debit card?

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1 A Yes.

2 Q Was that the only match for DNA that you found in
3 analyzing evidence in this case for John Priester?

4 A Let me refer to my lab reports here.

5 Q It might be easiest to look at the summary.

6 A It was the only -- the only sample that
7 returned a match to Priester, yes.

8 Q Okay.

9 MS. SWANSON: I'd like to enter State's
10 88, if I haven't already.

11 MS. CAMPBELL: No objection.

12 THE COURT: Without objection.

13 (STATE EXH. 88 CPM Visa debit card; T.
14 Seigler, was entered into evidence.)

15 BY MS. SWANSON:

16 Q I'm going to hand you State's 86, and ask if these
17 are items that you analyzed, unsealed, and what your
18 results are?

19 A These are my items 25, 26, 27. 25 was a
20 bottle from Teresa Seigler. I don't know if I'm
21 pronouncing this right, furosemine, 26 was a
22 bottle from Teresa Seigler, promethazine, and 27
23 was a bottle that was unlabeled. So there was no
24 label on that bottle. When I received these
25 bottles, there were no swabs from them, so I

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1 collected swabs from them myself.

2 So I swabbed for the furosemine bottle. I
3 swabbed a cap of the bottle where you would grab it
4 and take it off, and I swabbed the label from the
5 bottle where you have to hold it when you're opening
6 it up. I did the same thing for the promethazine
7 bottle. I collected two swabs from that, and the same
8 thing for the unlabeled bottle, although, obviously, I
9 wasn't swabbing a label on that one. But I have the
10 cap and the side. From those bottles and cap swabs, I
11 obtained DNA mixtures from those items.

12 Q Okay. Starting with the furosemine, your item
13 25 --

14 A Yes.

15 Q -- what were your results in relation to
16 Brian Walls and Courtney Brock?

17 A In relation to Brian Walls and Courtney
18 Brock, both of the matches that I got to that were
19 inconclusive, so I couldn't neither determine a
20 match nor an exclusion from the cap of the bottle.
21 From the label, those results were the same.

22 Q Okay.

23 A They were inconclusive.

24 Q And the next bottle, promethazine?

25 A That would be my item 26. My next item is

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1 26.1 and 26.2. And from both of those, the cap
2 and the label swabs for Brian Walls and
3 Courtney Brock, the results were inconclusive. I
4 could determine neither a match nor an exclusion.

5 Q Not enough touch DNA on those.

6 A Correct.

7 Q And, finally, the unlabeled bottle, or item 26.

8 A That would be 26.1, the cap, and 26.2, the
9 side of bottle. Both of those again were
10 inconclusive for matches to Brian Walls and
11 Courtney Brock.

12 Q On the unlabeled bottle?

13 A Did you say --

14 Q 27.1.

15 A Oh, 27.1. 27.1 is the cap of the unlabeled
16 bottle. I'm sorry. To that, I was able to
17 determine a match to Brian Walls that was
18 6,000,000 more times likely than coincidence to an
19 unrelated person, and a match to Courtney Brock
20 that was 40 trillion times more likely than a
21 match to an unrelated person.

22 Q Okay. So match to both on that unlabeled
23 bottle?

24 A On the cap, yes.

25 Q On the cap of that unlabeled bottle.

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1 MS. SWANSON: The State moves 86 into
2 evidence at this time.

3 MS. CAMPBELL: No objection.

4 (STATE EXH. 86, One bottle of promethazine,
5 one bottle of furosemide, and one bottle of Lasix
6 pills, was entered into evidence.)

7 BY MS. SWANSON:

8 Q I'm going to hand you State's 87 and ask if these
9 are items that you received unsealed and analyzed?

10 A They are. They are my items 22, 23, and 24,
11 which were -- my item 22 was a bottle from
12 Teresa Seigler labeled morphine. From that I
13 collected a swab from the cap and a swab from the
14 label. Bottle 23 was a bottle from Teresa
15 Seigler, colozazepam, which I swabbed the cap and
16 the label of those, and item 24, a bottle -- I'm
17 sorry -- a box of sumatriptan from Teresa Seigler,
18 and I collected a swab from the entire box of that
19 item, number 24.

20 Q What were your results regarding your item 22, the
21 morphine?

22 A Item 22 -- item 22.1, which was the cap of
23 the morphine bottle, from that I was able to
24 exclude Brian Walls as a possible contributor to
25 DNA mixture on the cap, and I excluded

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1 Courtney Brock as a contributor to the DNA mixture
2 to the cap as well.

3 Q What about from the bottle portion?

4 A Item 22.2, the swab from the label, I
5 determined with respect to Brian Walls that the
6 statistic was inconclusive so I could not
7 determine a match on exclusion to that. However,
8 to Courtney Brock I was able to determine a match
9 to Courtney Brock for approximately 92,000 times
10 more likely than coincidence to an unrelated
11 person.

12 Q On the label of the morphine bottle?

13 A Yes.

14 Q Not enough touch DNA on Brian Walls for that?

15 A I couldn't tell anything about him, no, on
16 that.

17 Q Item 23?

18 A Item 23 was the colozazepam bottle. 23.1
19 being the swab from the cap. From that swab, the
20 match to Brian Walls was inconclusive. I couldn't
21 determine a match nor an exclusion. And
22 Courtney Brock for item 23.1 was excluded, so I
23 eliminated her from that mixture. Item 23.2,
24 which would be the label swab from that bottle, I
25 excluded Brian Walls from that mixture and

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1 determined a match to Courtney Brock of about
2 288,000 times more likely than coincidence to an
3 unrelated individual.

4 Q Okay. Did you get any results from item 24?

5 A I did not obtain any DNA from the swabs that
6 I took from that box.

7 Q Okay. From the box of sumatriptan?

8 A Yes.

9 Q Okay.

10 MS. SWANSON: State would enter item 87
11 at this time.

12 MS. CAMPBELL: No objection.

13 THE COURT: Without objection.

14 (STATE EXH. 87, One empty bottle of
15 morphine, colozazepam, sumatriptan, was entered into
16 evidence.)

17 BY MS. SWANSON:

18 Q Now, let me ask you this: Did you perform a
19 serology on the swabs that were prepared by SLED?

20 A I do not believe I did, no.

21 Q Would you know or be able to determine whether
22 that was touch DNA or some other type of DNA like
23 sweat?

24 A We don't have a test for sweat. If they were
25 colored red, I would have done a presumptive test

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1 for blood because the red color is the first
2 indication. Obviously, the blood might be
3 present. So if they're red, then I'll go ahead
4 and do a test for blood.

5 If there's an indication of an item being --
6 say, having a sexual component to it, then I might do
7 a test for semen or for saliva.

8 But in this case for items, for these
9 specific items, the bottles, the SLED swabs from the
10 tape, there was no indication that I was provided for
11 that.

12 Q Okay. We could be talking -- if we're talking
13 about touch DNA, we could be talking about skin cells
14 or sweat?

15 A Well, the sweat would contain skin cells as
16 well.

17 Q Okay. But it would also -- you would also be able
18 to get a DNA profile from the sweat?

19 A Potentially, with the same limitations as any
20 other type of touch item.

21 Q Oh, let me ask you this: Did you analyze the gas
22 can in this case?

23 A I did, yes.

24 Q Okay. Let me show you item 79, and ask what your
25 findings were on this.

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1 MS. SWANSON: At this time, I move 79
2 into evidence.

3 MS. CAMPBELL: No objection.

4 THE COURT: No objection.

5 (STATE EXH. 79, Gas can, was entered into
6 evidence.)

7 THE WITNESS: This is my item number 20,
8 which was a gas can that I received. I collected
9 swabs from the handle of that gas can, as well as
10 from the bottom of the gas can. And from the --
11 let me refer to my report briefly.

12 From the handle of the gas can, I did not
13 obtain any DNA on that so I couldn't tell you
14 anything about it. The bottom of the gas can, I
15 obtained a DNA mixture that was of at least two
16 people. I was able to identify -- or I should
17 say, I was not able to exclude Teresa Seigler as
18 being a contributor to the mixture of that gas
19 can. Brian Walls was excluded as a possible
20 contributor to that mixture.

21 BY MS. SWANSON:

22 Q And you were not able to link that gas can to any
23 of the other profiles that you had?

24 A No. Everyone else that I tested was excluded
25 from that, from the bottom of the gas can.

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1 Q Was that John Priester?

2 A Yes.

3 Q Kyle and Xavier Walls?

4 A Yes.

5 Q Okay.

6 MS. SWANSON: I beg the Court's
7 indulgence.

8 BY MS. SWANSON:

9 Q Can heat degrade the quality of DNA?

10 A Yes.

11 MS. SWANSON: Thank you. I have nothing
12 further at this time. Please answer any questions
13 that Miss Campbell may have.

14 THE COURT: Cross-examination.

15 MS. CAMPBELL: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. CAMPBELL:

18 Q Good morning, Mr. Donahue.

19 A Morning.

20 Q You recall that you and I met a couple weeks ago
21 to go over all of this evidence that you processed,
22 right?

23 A I do.

24 Q Okay. And when we met, you provided to me, I
25 guess, for lack of a better term, all of the back

1 data, you know, that's behind what you're reading from
2 now in your reports, right?

3 A Yes. I gave Miss Campbell a copy of my case
4 file, so all the documents in my case file.

5 Q And, in that case file, you have the DNA profiles
6 for Xavier Walls, for Brian Walls, and for Kyle Walls,
7 correct?

8 A Yes.

9 Q And Brian Walls in your case file, he is labeled
10 as -- what number is he labeled, item number for you?

11 A Item number 19.

12 Q He's 19. And then Kyle Walls is item number...

13 A 31.

14 Q And Xavier Walls is item number...

15 A 32.

16 Q So when you are dealing with DNA samples from a
17 father and sons, you have -- they are clearly related
18 individuals, if the father has biologically fathered
19 the boys, right?

20 A Yes, that's correct.

21 Q And just so a little 7th grade, I guess, science
22 here. So for the boys, the father is going to
23 contribute all the Y DNA, right?

24 A Yes, the Y chromosome.

25 Q And the mother will contribute the X, right?

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1 A Yes, for a boy.

2 Q So, again, when we talk about this, the boys
3 should have exactly the same Y DNA as their father,
4 right?

5 A That's correct.

6 Q And, in this case, is it not true that Kyle Walls
7 and Xavier Walls have all the Y DNA of Brian Walls?

8 A I did not test a -- so we have two different
9 types of tests that we can do. The first type of
10 test is called autosomal, which is -- so you have
11 23 pairs of chromosomes in your cells. Half of
12 those chromosomes come from your mother, half are
13 from your father. Of these chromosomes, 22 pairs
14 are called autosomes, which means they're present
15 in both men and women. Then you have the sex
16 chromosome. The X chromosome and the Y
17 chromosome. The X chromosome in a female have two
18 X chromosomes, one from the mother, one from the
19 father. A male has an XY typing, which is X
20 chromosome from the mother and a Y chromosome from
21 the father.

22 The autosomes come from both parents. And
23 that's the initial test that we like to do because of
24 basically the ability of genes to recombine prior to
25 conception, you can get an individualized DNA profile.

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1 So barring identical twins, your DNA profile would be
2 different from anyone else's.

3 With a Y chromosome, they're transferred
4 directly from father to son. The only changes --
5 well, I should say, there's no genetic recombination.
6 The only changes are random mutations, which don't
7 happen very often. So that's -- a Y chromosome test
8 is a secondary test that we try to do in instances
9 where we can't find enough male DNA.

10 So, for example, a sexual assault where there
11 are no sperm cells, maybe the man is not producing
12 sperm, we can get cells, I guess, of the urethra. But
13 since there aren't very many of those, we have to use
14 a Y chromosome test instead, because the only thing
15 we'll see on the autosome is the female.

16 With this test, I didn't do any Y chromosome
17 testing.

18 Q Thank you. So what you did was autosomal testing,
19 right?

20 A Right.

21 Q So you did not do any Y-STR testing, correct?

22 A Right.

23 Q In order to separate father from son, correct?

24 A Right. A Y test in this situation, whether
25 it was Brian Walls, Kyle Walls, or Xavier Walls,

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1 we would expect to see the exact same Y chromosome
2 STR profile, and we wouldn't be able to
3 distinguish between anyone.

4 Q And in your report dated January 26, 2016, if I
5 could take you to that, your item 13 --

6 A Yes.

7 Q -- which is designated as the swabs from the
8 nonadhesive side of the duct tape at the other end of
9 green blanket, slash, purple sheet, SLED item 4.4,
10 right?

11 A That's what I had, yes.

12 Q And your conclusions were a match to Brian Walls
13 was 264,000,000 times more likely than a coincidental
14 match to an unrelated individual, right?

15 A Yes.

16 Q It would be fair to say that a biologically
17 related father and son could change that number,
18 correct?

19 A Yes. Fortunately, in this case, we had -- we
20 did have the profiles from Kyle and Xavier, so I
21 was able to compare those.

22 Q So in comparing -- I'm trying to find the notes
23 here. In comparing Kyle Walls to this particular
24 item, help me understand where we are on that?

25 A That would be my report dated 9/21/2017.

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1 Q So that brings me to the next point. So you take
2 this DNA profile, and I think when we talked about
3 it -- and you explained it to the jury when we talked
4 about the term "inconclusive." So on a spectrum, one
5 end of the spectrum is called included.

6 A Yes.

7 Q You're included in the group.

8 A Right. We would say that you would have a
9 match. We wouldn't necessarily say your DNA is
10 there. We would say there's a portion that
11 matches your DNA.

12 Q And I know the term "match." But that does fall
13 in the spectrum of what we call included, correct?

14 A Yes.

15 Q And then at the other end of the spectrum you have
16 this excluded section, correct?

17 A Yes. That's where the evidence is certain
18 that -- there's enough certainty in the
19 information there that we can eliminate that
20 person.

21 Q The gray area, the middle area, where we call
22 "inclusive," so maybe you're included, maybe you're
23 excluded; is that fair?

24 A That's fair to say, yes.

25 Q Thank you. So we talked about your study and your

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1 education on these topics of touch DNA about the case
2 that's been detailed in for forensic science from 2012
3 in California. Could you briefly explain the
4 importance of that touch DNA situation there to the
5 jury?

6 A You haven't told them about that?

7 Q No, I can't testify.

8 A You're right. Of course.

9 Q But I'm asking you to. Thank you.

10 A So what happened, real briefly, there was a
11 man who was murdered in California. They swabbed
12 from under his fingernails and found a DNA profile
13 that didn't come from him. They entered it into
14 an offender data base where they searched for
15 matches against convicted offenders. They found a
16 match to a convicted offender, and they were
17 considering prosecuting him. And what turned out
18 to be -- the problem is, there was no connection
19 between the two people.

20 And after doing some investigation, they
21 found out that the convicted offender had been, I
22 believe, in a DUI accident earlier that night. EMS
23 had provided, I guess, emergency services for him.
24 They put the probe on his finger to measure his pulse.
25 Their policy is that, after doing that, that probe is

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1 supposed to be thrown away and discarded. They did
2 not throw that probe away and they were able to
3 determine that that probe for the convicted offender
4 got reused on the man who was murdered.

5 So they were able to then, through that,
6 identify that the convicted offender had left his DNA
7 on the finger probe which then went on the other man's
8 finger and transferred the DNA to him from that
9 item.

10 Q And so this would be a concern of the phenomena of
11 transferring DNA from one place to another. That's
12 called, in your circles, transfer DNA, correct?

13 A We call that secondary transfer.

14 Q Oh, right. Secondary transfer. And I think you
15 illustrated for me your example of how secondary
16 transfer DNA occurs. You know, can you help us out
17 with that?

18 A The best way I can think of to describe it is
19 probably because I had this experience at home
20 with my kids, maybe you have too, when you put
21 paint on a wall and you've got fresh paint, and
22 your kids touch the paint and then touch something
23 else and leave the paint behind on another
24 surface.

25 The paint was never actually -- I didn't

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1 paint that surface, right? I put the paint on the
2 wall, but it was my son that touched the wet paint and
3 left it somewhere else.

4 And then, potentially, you can sit on that
5 wet paint and transfer it to your clothing. You never
6 actually leaned up against the wet wall, but you
7 contacted the wet paint on the chair.

8 That's, I guess, the best way that I can
9 illustrate the phenomenon because it's happened in my
10 house many times.

11 Q Thank you, John. Would it be fair, also, in that
12 scenario, in your home, that you and your family and
13 all of us are shedding our DNA continuously?

14 A Yes.

15 Q And the DNA shed freely transfers between people
16 and objects?

17 A Yes.

18 Q A handshake or touching a doorknob, I could pick
19 up someone else's DNA onto me, correct?

20 A Potentially, yes.

21 Q I guess the next logical conclusion then would be
22 that touch DNA could falsely link someone to a crime,
23 correct?

24 A It could potentially do that.

25 Q And isn't the best evidence then, with touch DNA,

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1 where you find that somewhere that the suspect has
2 never been?

3 A Right. The more times that you -- I mean, if
4 you think about it conceptually, the more times
5 that you come into contact with a certain place
6 that -- we can't determine age, so I can't tell
7 you when something was left behind. I can only
8 tell you that it matches or doesn't match.

9 The more times that you come into contact
10 with somebody, you can conceivably have more
11 opportunities to leave more DNA behind.

12 Q Okay. So that, sort of, brings me to my next
13 point, that DNA can hang around for a long time,
14 right?

15 A Yes.

16 Q You know, we talked about in a home, you know,
17 like, maybe -- you know, something -- I think you said
18 six weeks to forever?

19 A It really depends on the conditions, how
20 things are treated. DNA can last for quite a
21 while, really. The heat and humidity are the big
22 killers of DNA. We can obtain DNA from monies
23 that are thousands of years old, but they've been
24 kept underground for thousands of years and it's
25 dry and fairly cool.

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1 On the other hand, I've tested DNA samples
2 that have been out here in the woods here for a few
3 weeks and got nothing. You know, it's hot and humid.

4 So, based on the conditions, if it's kept in
5 controlled conditions, low humidity, low heat, you can
6 obtain DNA for quite a while.

7 Q And you wear gloves every time you perform these
8 tests, correct?

9 A Right. I put a pair of gloves on for each
10 item, and then change them out and wipe them down
11 with bleach.

12 Q And you wear those gloves so that you don't
13 transfer your DNA to these items, right?

14 A Yes.

15 Q So that if you're wearing gloves, you're not going
16 to transfer your DNA to an item, correct?

17 A Yes, that's why we wear them.

18 MS. CAMPBELL: That's all I have. Thank
19 you.

20 MS. SWANSON: If I may redirect, Your
21 Honor, briefly?

22 REDIRECT EXAMINATION

23 BY MS. SWANSON:

24 Q Where do you all typically store DNA samples?

25 A So once --

1 Q Do you have refrigerators?

2 A Right. So once the DNA -- we take a cutting,
3 we put it into the tube. That we keep at room
4 temperature, dry in the tube. Once the DNA is
5 extracted, it's stored in a liquid chemical
6 buffered solution and those are stored in the
7 refrigerator, yes.

8 Q Okay. So, in your expert opinion, would a
9 fully-engulfed trailer that's on fire be a good
10 storage facility for DNA?

11 A No.

12 Q Okay. Miss Campbell asked you about DNA samples
13 from fathers and sons and how they have this similar Y
14 chromosome. Not a test that you did, right?

15 A I did not do any Y testing in this case, no.

16 Q Because you have full profiles from Brian, Kyle,
17 and Travis; isn't that right?

18 A Yes, that's correct. Xavier?

19 Q I'm sorry. Xavier, you're correct.

20 So on SLED item 4.4 that Miss Campbell asked
21 you about, you testified that it came back to a match
22 to Brian Walls, and it was inconclusive as to Kyle and
23 Xavier.

24 A That's correct.

25 Q Is there any way the match from Brian could have

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1 actually been Kyle or Xavier?

2 A Not at that match score, no. 264,000,000
3 times is well into our range where we would call
4 that -- classify that as a match.

5 The inconclusive matches are, again, in that
6 gray window area where we just don't know. We can't
7 tell if it's a match or an exclusion.

8 Q Okay. So, I mean, identical twins have the same
9 DNA, but fathers and sons do not.

10 A Yes, that's correct.

11 Q And Miss Campbell asked you about the gray area or
12 classified the gray area. In looking at your summary,
13 how many gray-area findings do you have in reference
14 to Brian Walls? How many inconclusives?

15 A I have --

16 Q From all the items that you tested.

17 A For Brian Walls you said?

18 Q Correct.

19 A Eleven total.

20 Q And how many matches from all of the items that
21 you tested do you have for Brian Walls?

22 A Five.

23 Q Okay. Is there any specific test for transfer?

24 A No, there's not.

25 Q Okay. So you don't know, ever, if it's

1 transferred DNA?

2 A I can't tell you that, no. I have no way of
3 knowing.

4 Q Okay. And the case that you and Miss Campbell
5 were discussing, this California case where there was
6 no connection between these two people, do you have
7 any reason to believe that the facts of that case,
8 where somebody is wrongfully convicted, are at all
9 similar to the facts of this case?

10 MS. CAMPBELL: Objection. That's not his
11 expert opinion on the testing.

12 THE COURT: All right. I'll sustain the
13 objection.

14 MS. CAMPBELL: Thank you, Judge.

15 BY MS. SWANSON:

16 Q Do you know if any of these people had any
17 connection?

18 A My information was that they did.

19 MS. SWANSON: Thank you. Nothing
20 further.

21 MS. CAMPBELL: I have no more
22 questions.

23 THE COURT: You may come down, sir.
24 Thank you very much. May this witness be excused?

25 MS. SWANSON: This witness may be.

1 excused, and the State rests its case.

2 THE COURT: That's it.

3 At this time, you heard the solicitor say
4 the State has rested its case. That's all the
5 evidence you're going to hear from the State in
6 this case. Now, there are a number of legal
7 matters I need to take up with the attorneys.
8 It's going to take up a little bit of time, so not
9 to hold you here, I'm going to give you a little
10 longer break for lunch today. We'll take our
11 lunch -- two-hour break now, and I'll ask you to
12 be back in the courtroom -- I mean, back in the
13 jury room at 2:00 at which time we'll continue
14 with the trial.

15 I'll ask you again not to discuss the
16 case with anyone over the lunch break or among
17 yourselves when you return to the jury room.
18 Thank you very much.

19 (Jury exits the courtroom at 12:13 p.m.)

20 THE COURT: Any motions?

21 MS. CAMPBELL: May it please the Court?
22 On behalf of Mr. Walls, at this time, I would make
23 a motion for a directed verdict, the basis of that
24 motion being the following: The State relies on
25 three principal areas to try and connect Mr. Walls

1 to this case and to the murder of Teresa Seigler.
2 Touch DNA, wherein we have the situation of it
3 being near suspicion in that there's testimony in
4 the record and testimony from just recently, the
5 expert in forensics, that when individuals live a
6 home, they shed their DNA. And the fact that
7 Mr. Walls' DNA would have been on every item
8 within that home where he lived, according to the
9 testimony, does not rise to a level more than
10 suspicion. If he had never been in that home, if
11 he had never had any interactions with Teresa
12 Seigler, then I think it would be a very different
13 scenario on that issue of evidence.

14 The second area where they rely is cell phone
15 text messages, and you have had in front of you,
16 Your Honor, no testimony as to who actually had
17 possession of the phone that the State just almost
18 arbitrarily assigns to Brian Walls through some
19 photographs on the phone and a video of him on the
20 phone. There's clear testimony that Courtney Brock
21 had access to that phone and used that phone. I will
22 also say that that also is suspicious. But mere
23 suspicion at this juncture is what we're talking
24 about.

25 And, lastly, the Toyota Camry and the

1 Trailmaker backpack where almost every single item
2 that Mr. Donahue testified about came from related
3 to Teresa Seigler, principally pill bottles and a
4 debit card. Again, Mr. Walls is not matched to
5 the debit card in any way. And I would say, as
6 far as suspicion is concerned, that the items were
7 concealed within the Trailmaker backpack, which
8 has clearly been testified to as identified as
9 being the property of Courtney Brock.

10 And, you know, close proximity for
11 Mr. Walls to those items may seem suspicious, but,
12 again, that's the juncture we're at, which is, on
13 behalf of Mr. Walls, these things may seem
14 suspicious. But rising to the level that the
15 State would need to be at this point, we would
16 contend it fails. Thank you, Judge.

17 THE COURT: What the State's position?

18 MS. SWANSON: Thank you, Your Honor.

19 Obviously, at this juncture, we're at a
20 directed verdict motion, the facts are taken in
21 the light most favorable to the State, and the
22 State's position is that we have presented
23 substantial circumstantial evidence that
24 definitively points to the defendant Brian Walls.

25 The State's case is not only based on the

1 fact that his DNA is on the duct tape that bound
2 the murder victim. He is caught fleeing in a car
3 that doesn't belong to him with all of the murder
4 victim's belongings after having tried to convince
5 Amanda Reddish to steal some of those belongings
6 just a few days before the murder.

7 So he certainly had the motive, means,
8 and opportunity as well as "the kit" that, you
9 know, was in his car. We've got duct tape,
10 knives, gloves, all kinds of stuff. Duct tape
11 that he could have used to bind the victim.

12 We've also got his children, and the new
13 guy, John Priester, who's the fall boy that have
14 to go clean up Brian's mess. And so the link
15 between Brian and all of the people involved and
16 the three of them in particular, Brian, Courtney,
17 and John Priester, I believe, that we have
18 presented evidence to point to the fact that
19 Brian, along with co-defendants committed this
20 murder. Thank you.

21 THE COURT: All right. As to the motion
22 for directed verdict, I feel that the evidence
23 goes beyond that of mere conjecture or suspicion,
24 and that there is evidence either direct or
25 circumstantial, or some combination of both which

1 reasonably tends to prove the guilt of the
2 defendant or from which that guilt might be
3 logically and reasonably deduced, if that evidence
4 is taken in the light most favorable to the State.

5 So I, therefore, must respectfully deny
6 your motion for directed verdict.

7 Now, Miss Campbell, I'd like to advise your
8 client of his 5th amendment rights.

9 MS. CAMPBELL: I would appreciate it if
10 the Court would advise him of those rights, and I
11 would, at that time, ask the state to place on the
12 record any prior convictions that they believe
13 they could use to impeach him should he decide to
14 testify.

15 THE COURT: Okay.

16 MS. CAMPBELL: Would you like us to stand
17 or remain sitting?

18 THE COURT: I want the State to advise
19 you first -- or your client first of any
20 impeachable offenses, convictions.

21 MS. SWANSON: The convictions that fall
22 within the 10 years are going to be assaults,
23 which I do not believe go toward truthfulness. I
24 beg the Court's indulgence. I'm sorry. We do
25 have a 2012 -- so there's a 2012 assault and

1 battery, second degree, which under 69 does carry
2 in excess of one year and is within the past
3 10 years. And we have a shoplifting from 2012
4 within the past 10 years, which, although it
5 doesn't carry one year, it is a crime of
6 dishonesty.

7 2013, contributing to the delinquency of
8 a minor, which does carry over a year and is
9 within the last 10 years. I'm not sure that the
10 contributing is relevant. It doesn't have
11 anything to do with dishonesty.

12 I would seek to impeach him on the
13 shoplifting and the assault and battery.

14 THE COURT: Understood?

15 MS. CAMPBELL: Yes, sir.

16 THE COURT: All right. Yes, I'd like
17 your client to stand.

18 MS. CAMPBELL: Thank you. Stand up,
19 please.

20 THE COURT: Mr. Walls, at this time, I'm
21 going to explain to you certain of your rights.
22 If you do not understand anything I say, please
23 let me know. If you want me to explain anything
24 in more detail, please let me know. Do you
25 understand?