

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable J. Derham Cole, Circuit Court Judge

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S.C. SUPREME COURT

DEMETRISS GLENN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2020-001032

APPENDIX

ADAM SINCLAIR RUFFIN
Appellate Defender

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

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

LILLY MEADOWS
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON) COURT OF GENERAL SESSIONS

State of South Carolina,)
PLAINTIFF,) Trial Transcript
-VS-) 2013-GS-32-03101
Demetriss A. Glenn,) 2013-GS-32-03351
DEFENDANT.) 2013-GS-32-03352

BEFORE THE HONORABLE THOMAS A. RUSSO, JUDGE
NOVEMBER 4, 5, 6, 7, 2013
LEXINGTON, SOUTH CAROLINA

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

Shawn Graham, Esq.
Rick Hubbard, Esq.
Eleventh Circuit
Assttistant Solicitors
For the Plaintiff

Casey Cornwell, Esq.
Andrew Sims Radeker, Esq.
Harrison and Radeker, P.A.
923 Calhoun Street
Post Office Box 50143
Columbia, South Carolina 29250
For the Defendant

REMA K. GANTT THOMAS
CIRCUIT COURT REPORTER

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2 (The defendant, together
3 with counsel, was personally present in the
4 courtroom.)

13 (Whereupon, the petit jury
14 panel was qualified, after which the following
15 proceedings were had:)

23 THE COURT: Thank you, sir. Now, ladies
24 and gentlemen, you've heard the State call the case
25 of the State of South Carolina versus Demetriss

1 Alshawn Glenn and for these various indictments.

2 Before we go any further, let me just
3 explain to you, ladies and gentlemen, that to these
4 indictments that the Solicitor just called out, Mr.
5 Glenn has pled not guilty.

6 And that plea of not guilty places the
7 burden of proof on the State to prove the elements
8 of the crimes for which Mr. Glenn has been charged.
9 An indictment is simply a document or a piece of
10 paper that carries the charge that the State has
11 brought against an individual. It is the formal
12 document that brings this case into court.

13 It is not in any way evidence against a
14 defendant. It is merely the allegations that the
15 State has made against that person. He has pled not
16 guilty to these indictments. And so therefore the
17 State is charged with the burden of having to prove
18 the elements of these charges.

19 But I'm going to read to you what the
20 allegations are. As I said earlier, any person that
21 comes before the Court is presumed innocent of the
22 allegations or the charges that have been made
23 against them. And that presumption of innocence
24 remains with the defendant throughout the case
25 unless the State proves guilt beyond a reasonable

1 doubt.

2 And so I'm going to go over it with you so
3 I can explain to you what the allegations that the
4 State has mad against Mr. Glenn. On Indictment
5 2013-GS-32-3101, the State has alleged in that
6 indictment that Demetriss Alshawn Glenn did in
7 Lexington County, South Carolina, on or about June
8 26, 2011, while armed with a deadly weapon did
9 feloniously take from the person or presence of the
10 victim, Timothy Tice, by means of force or
11 intimidation, firearms and/or other personal
12 property belonging to the victim with the intent to
13 deprive the victim of such use of such property in
14 violation of Section 16-11-33(a) of the South
15 Carolina Code of Laws 1976 as amended.

16 Indictment 2013-GS-32-3351 alleges that
17 Demetriss Glenn did in Lexington County on or about
18 June 26, 2011, willfully, feloniously, and with
19 malice aforethought kill one Timothy Tice by
20 striking him in the head with a blunt object and did
21 die as a proximate result thereof in violation of
22 16-3-10 of the South Carolina Code of Laws 1976 as
23 amended.

24 And then Indictment 2013-GS-32-3352
25 alleges that Demetriss Alshawn Glenn did in

1 Lexington County, South Carolina, on or about June
2 26, 2011, did willfully and unlawfully enter the
3 dwelling of Timothy Tice at [REDACTED] Jake's Landing Road,
4 Lot [REDACTED], without consent and with the intent to
5 commit a crime therein and when in effecting entry
6 or while in the dwelling or in immediate flight
7 thereof, he was armed with a deadly weapon and
8 caused physical injury to a person who is not a
9 participant in the crime and/or used or threatened
10 the use of a dangerous instrument and/or displayed
11 what was or what appeared to be a pistol, revolver,
12 or other firearm and/or the entering or the
13 remaining occurred in the nighttime in violation of
14 Section 16-11-311(a)(1), subsections A, B, C, D,
15 subsection 3 of the South Carolina Code of Laws 1976
16 as amended.

17 (Whereupon, the petit jury
18 panel was qualified.)

19 Now, ladies and gentlemen, those are the
20 allegations made against Mr. Glenn to which he has
21 pled not guilty. Is there any member of the jury
22 panel, based on the information that I've given you,
23 who knows anything about this case at all? If so,
24 please stand. Thank you, there are none.

25 Ladies and gentlemen, I'm going to have

1 the attorneys introduce themselves to you. If you
2 would please listen carefully.

3 Solicitor.

4 MR. HUBBARD: My name is Rick Hubbard,
5 Deputy Solicitor here in Lexington County.

6 MR. GRAHAM: My name is Shawn Graham. I'm
7 also a Deputy Solicitor here in Lexington County.

8 THE COURT: Ladies and gentlemen, is there
9 any member of the jury panel related by blood,
10 connected by marriage, or who has any close business
11 or personal relationship with either of the lawyers
12 representing the State or any member of their
13 office? If so, please stand. Thank you, there are
14 none.

15 All right, Mr. Cornwell.

16 MR. CORNWELL: My name is Casey Cornwell,
17 a member of Harrison and Radeker, with Harrison
18 Radeker and Andrew Radeker. We represent Mr. Glenn.

19 THE COURT: And if I could, let me get you
20 to introduce your client as well, Mr. Cornwell.

21 MR. CORNWELL: Mr. Demetriss Alshawn Glenn
22 is our client today.

23 THE COURT: All right, thank you very
24 much.

25 Ladies and gentlemen, is there any member

1 of the jury panel who is related by blood, connected
2 by marriage, or who has any close business or
3 personal relationship with Mr. Cornwell or Mr.
4 Radeker or any member of their law office or who has
5 ever been represented by any member of their law
6 office? If so, please stand. Thank you, there are
7 none.

8 You've met Mr. Glenn. Ladies and
9 gentlemen, is there any member of the jury panel who
10 is related by blood, connected by marriage, or who
11 has any close business or personal relationship with
12 Mr. Glenn? If so, please stand.

13 Ma'am, your name, please?

14 MS. SALTERS: Rhonda Salters.

15 THE COURT: All right, this is juror
16 number 173.

17 And, Mr. Glenn, that was not, that
18 individual she's referring to?

19 MR. GLENN: No, sir.

20 THE COURT: Okay. All right, thank you
21 very much.

22 Anyone else? Now, ladies and gentlemen,
23 that question that I asked you as it pertains to Mr.
24 Glenn -- that is, are you related by blood,
25 connected by marriage, or have any close or personal

1 relationship -- that's the question that I'm going
2 to be asking as it relates to the names I'm about to
3 call out. I'm going to call out several names.
4 These are folks that are potential witnesses that
5 may appear during the course of this trial.

6 They may or may not appear as witnesses,
7 but they are potential witnesses. I'm going to call
8 out these names, and if you hear a name that I call
9 out and that question applies to that individual for
10 you, go ahead and stand.

11 I have several names that I'm going to be
12 calling. So if you hear a name and that question
13 applies, go ahead and stand but continue to listen,
14 because it may be that you know more than one of
15 these folks that appear on this potential list of
16 witnesses.

17 All right, the following are, as I said,
18 potential witnesses that may appear during the
19 course of this trial, Joe Chappell. And if any of
20 these witnesses are in the courtroom, I'd ask that
21 you would stand, face the jury for just a moment,
22 and then you can have a seat.

23 Ken Correll, Cathy Etheredge, Scottie
24 Frier, Bill Freund, James Kemfort, Candy Kyzer, Cain
25 Mayrant, Roy Mefford, Doug Novak, Glenn Ross, Barry

1 Sowards, Renee Strickland, Brian Travis, Barry
2 Wright, John Barron, Catherine Leisy, Angel Adkins,
3 Susan Al-Nageeb, Latonya Busby, Phillip Campbell,
4 Jay Dobbins, Margaret Driggers, Tammy Handy, Melissa
5 Hayes, Jennifer Walls, Tyrone Williams, Kenneth
6 Walters, Robert Greg Tice, Stephanie Quarles, Greta
7 Nance, Charles Plumley, Angela McCallister, Robert
8 Isaac, Patrick Billy Hutto, Preston Houston, Janice
9 Ross.

10 MR. HUBBARD: Your Honor, I did not hear
11 number 24, Moses Edwards.

12 THE COURT: I'm sorry, Moses Edwards.

13 MR. HUBBARD: Thank you, Your Honor.

14 THE COURT: Thank you, sir.

15 All right, sir, who on that list did you
16 know?

17 MR. OWENS: Greg Tice.

18 THE COURT: All right. And are you
19 related to Mr. Tice, or you know him?

20 MR. OWENS: I know him.

21 THE COURT: All right. The fact that you
22 know Mr. Tice and he may appear as a witness in this
23 case, would that in any way affect your ability to
24 be fair and impartial?

25 MR. OWENS: It could. And I went to

1 school with Tim, too.

2 THE COURT: All right. And can I get your
3 name, please?

4 MR. OWENS: Archie Owens, juror 141.

5 THE COURT: One --

6 MR. OWENS: Forty-one.

7 THE COURT: -- forty-one, I'm sorry, okay.

8 All right, Mr. Owens, I want to excuse you for the
9 purposes of this case. So I'm going to get you to
10 have a seat, and we'll take your name off for
11 purposes of this matte.

12 Ma'am, your name, please.

13 MS. CHAFFINS: My name is Connie Chaffins,
14 juror 36.

15 THE COURT: Ms. Chaffins, who on that
16 list?

17 MS. CHAFFINS: Renee Strickland. I go to
18 church with her.

19 THE COURT: All right.

20 MS. CHAFFINS: And Mr. Tice was a neighbor
21 of my mother's.

22 THE COURT: All right.

23 MS. CHAFFINS: My mother is a friend of
24 his mother.

25 THE COURT: All right. With regards to

1 those relationships that you just mentioned, would
2 any of those relationships in any way affect your
3 ability to be fair and impartial?

4 MS. CHAFFINS: Yes, sir, it really does.

5 THE COURT: All right, Ms. Chaffins, I'm
6 going to excuse you from the trial of this case but
7 get you to remain with us, please.

8 Yes, sir.

9 MR. METTS: Number 131, Derek Metts.

10 THE COURT: All right, Mr. Metts. If Ms.
11 Strickland were to appear -- and, again, I don't
12 know whether she would or not. But if she were to
13 appear as a witness in this case, would that in any
14 way affect your ability to be fair and impartial?

15 MR. METTS: No, sir.

16 THE COURT: Thank you, sir. You may have
17 a seat.

18 Ma'am, your name, please.

19 Jessica Yvonne

20 THE COURT: All right. Yes, ma'am, who on
21 that list?

22 Margaret Driggers may be a neighbor of
23 mine, but I don't -- I just know the name. There's
24 a Driggers down the street from me.

25 THE COURT: All right. If Ms. Driggers

23

1 were to appear as a witness in this case, would that
2 in any way affect your ability to be fair and
3 impartial?

4 No, sir.

5 THE COURT: Thank you, ma'am. You may
6 have a seat.

7 MR. CORNWELL: Your Honor, I would like to
8 point out that Margaret Driggers commonly goes by
9 her middle name, Marie.

10 THE COURT: All right, Marie Driggers --
11 either one, okay. But if it is the neighbor that
12 lives down the road, that would not affect your
13 ability, is that correct?

14 That is correct.

15 THE COURT: All right, thank you, ma'am.

16 Ladies and gentlemen, is there any member
17 of the jury panel who either yourself, a relative,
18 or a close member of the family, friend of the
19 family, who has been either charged with or the
20 victim of a violent crime? If so, please stand.

21 MS. CAMPBELL: Yes, sir, I'm number 31,
22 Tionnette Campbell.

23 THE COURT: All right, Ms. Campbell. If
24 you don't mind, Ms. Campbell, I'm going to ask you
25 to step up here, and I'm going to have a couple of

1 additional questions to ask, if you don't mind,
2 ma'am. Yes, ma'am.

3 MS. CAMPBELL: About three years ago, a
4 very close friend of mine was killed in her home --

5 THE COURT: Yes, ma'am.

6 MS. CAMPBELL: -- in Richland County.

7 THE COURT: Okay, all right. Would that
8 have any effect on your ability in this case to be
9 fair and impartial and to give both sides a fair
10 trial?

11 MS. CAMPBELL: I don't think so.

12 THE COURT: Okay, all right. Thank you
13 very much, ma'am. I appreciate that.

14 That's juror number 31.

15 Did you all hear her response?

16 MR. HUBBARD: She had a friend that was
17 murdered.

18 THE COURT: She was killed, right.

19 Yes, ma'am, your name, please.

20 MS. PUGH: Juror number 157, Michelle
21 Pugh.

22 THE COURT: All right, Ms. Pugh, if you'd
23 come forward, please.

24 MS. PUGH: I just want to clarify it,
25 because I'm not sure. Are we just talking about

1 husband side of the family or my family?

2 THE COURT: Either way. Essentially,
3 whether it be a relative or a member of your family
4 or your husband's family or a close friend who's
5 been a victim of a violent crime or been charged
6 with a crime.

7 MS. PUGH: Okay, it would be on my
8 husband's side.

9 THE COURT: Okay.

10 MS. PUGH: He's incarcerated, but I don't
11 know what all happened.

12 THE COURT: You just know he's
13 incarcerated?

14 MS. PUGH: Yes.

15 THE COURT: Okay. Would that in any way
16 affect your ability to be fair and impartial?

17 MS. PUGH: No, sir.

18 THE COURT: Okay, good. Thank you, Ms.
19 Pugh.

20 MS. PUGH: I just wanted to make sure.

21 THE COURT: Thank you, ma'am.

22 That's juror 157.

23 Ladies and gentlemen, is there any member
24 of the jury panel who is either a member of or a
25 contributor, either by financial means or by

1 volunteering or your time -- a member of or a
2 contributor to any organizations such as MADD,
3 Mothers Against Drunk Driving; SADD, Students
4 Against Drunk Driving; CAV, Citizens Against
5 Violence; the South Carolina Troopers Association;
6 South Carolina Law Enforcement Association; the
7 Fraternal Order of Police, any of these types of
8 organizations?

9 Is there any member of the panel that is a
10 member of or a contributor either through finances
11 or through volunteering of your time of any of those
12 types of organizations? If so, please stand.

13 Ma'am, your name, please?

14 MS. BUDENBENDER: Juror number 25, Bonnie
15 Budenbender.

16 THE COURT: All right. And, ma'am, the
17 fact that you are either a member of or a
18 contributor to those type -- I'm sorry.

19 MS. BUDENBENDER: No, it absolutely will
20 not.

21 THE COURT: Okay. My question obviously
22 was would that in any way affect your ability, and
23 you indicated it would not. Thank you very much,
24 ma'am. You may have a seat.

25 Anyone else? Let me get the attorneys to

1 step up here real quick.

2 Ladies and gentlemen, I'm trying to
3 formulate this next question, because it's improper
4 for the Court to make any comment about the facts of
5 a case, because I don't know any of the facts. And
6 that's part of the reason I have difficulty
7 formulating this question.

8 But in discussing with the attorneys, it
9 may be that during the course of this trial, there
10 may be some reference or some issues that may
11 involve illegal drugs and/or prostitution. And,
12 again, just simply those two issues may be end up
13 being an issue in the case.

14 Is there any member of the jury panel who
15 -- if those issues came up during the case, would
16 that in any way that you have such a feeling one way
17 or the other regarding those types of issues that it
18 would affect your ability to be able to give both
19 the State and the defense a fair trial? If so,
20 please stand. Thank you, there are none.

21 Ladies and gentlemen, I hope by now it's
22 clear to you that the reason for asking these types
23 of questions is because our purpose and our goal in
24 any case that comes before this Court, not just this
25 one

1 -- but whether it's a criminal case or a civil case
2 -- any case that's tried before a jury, the Court is
3 always attempting to empanel a jury that can put
4 aside any personal matters that you may have and
5 personal issues that you may be aware of, to put
6 those things aside, because as a jury, you're going
7 to be asked to judge this case, to decide this case,
8 based solely on the facts and the evidence that are
9 presented in this courtroom, setting aside anything
10 that you may have experienced outside this
11 courtroom, and to base your decision solely on the
12 facts and evidence in this case, and in doing that
13 give both the State and the defense a fair and
14 impartial trial.

15 That's the goal. That's the reason we ask
16 questions to determine whether or not anyone is
17 biased in any way to the point that their ability to
18 be fair and impartial may be compromised. So that's
19 the purpose for asking these types of questions.
20 And I could probably ask questions all afternoon to
21 try to determine that.

22 So maybe the best way to go about this is
23 to simply ask you as a panel, is there any member of
24 the jury panel who knows of any reason why you would
25 not be able to sit and listen to the facts and

1 evidence and give both the State and the defense a
2 fair and impartial hearing or a fair and impartial
3 trial? If so, please stand. Thank you, there are
4 none.

5 Are there any additional questions from
6 the State?

7 MR. HUBBARD: No, sir, Your Honor.

8 THE COURT: Anything further from the
9 defense?

10 MR. CORNWELL: No, Your Honor, except with
11 regard to what we discussed in chambers.

12 THE COURT: Let's step up and let me get
13 that clarified real quick.

14 Oh, I've just thought of a question that I
15 haven't asked.

16 (Whereupon, a sidebar
17 conference was held at the bench, after which the
18 following proceedings were had:)

19 THE COURT: Ladies and gentlemen, is there
20 any member of the jury panel or member of your
21 immediate family who is employed, either in a paid
22 position or as a volunteer, with any agency that is
23 involved with law enforcement or who has the power
24 and authority or the commission to arrest?

25 If there any member of the jury panel,

1 either yourself or a member of your family or close
2 circle of friends, that are involved in that type of
3 work?

4 And juror 157 is Ms. Pugh, right?

5 MS. PUGH: Yes, sir.

6 THE COURT: All right, Ms. Pugh. You have
7 either a family member or a close friend?

8 MS. PUGH: My husband.

9 THE COURT: All right. And where is he
10 employed?

11 MS. PUGH: He's a City of Columbia Police
12 Department investigator.

13 THE COURT: All right, ma'am. The fact
14 that you have that relationship, would that in any
15 way affect your ability to be fair and impartial?

16 MS. PUGH: No.

17 THE COURT: Thank you very much, Ms. Pugh.
18 You may have a seat.

19 Yes, ma'am, right here.

20 MS. LEAPHART: Juror number 112, Dianne
21 Leaphart.

22 THE COURT: All right.

23 MS. LEAPHART: I've got a close friend
24 that works for the Town of Lexington.

25 THE COURT: All right. Ma'am, would that

1 in any way affect your ability to be fair and
2 impartial?

3 MS. LEAPHART: No, sir.

4 THE COURT: Thank you, ma'am. You may
5 have a seat.

6 Yes, sir.

7 MR. REED: Juror number 160, Kevin Reed.
8 I've got a family member who is an instructor at the
9 police academy.

10 THE COURT: All right, Mr. Reed. Would
11 that in any way affect your ability to be fair and
12 impartial?

13 MR. REED: I don't see why it would.

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

16 Ma'am, your name, please.

17 MS. ANDERSON: Juror 159, Breanna
18 Anderson.

19 THE COURT: All right.

20 MS. ANDERSON: My husband is a
21 correctional officer for the State.

22 THE COURT: All right. Ms. Anderson,
23 would that in any way affect your ability to be fair
24 and impartial?

25 MS. ANDERSON: No, sir.

1 THE COURT: Thank you very much, Ms.
2 Anderson.

3 Yes, sir.

4 MR. URBATES: Juror 209, Ben Urbates. I
5 have a relative who's an investigator with City of
6 West Columbia.

7 THE COURT: All right. And, sir, would
8 that in any way affect your ability to be fair and
9 impartial?

10 MR. URBATES: No, sir.

11 THE COURT: Thank you, sir. You may have
12 a seat.

13 All right, ladies and gentlemen, what
14 we're going to do at this point now is begin the
15 jury selection process. If you've never been
16 involved in that, let me explain to you how that
17 works. We have a computer program here that will
18 take your list of names.

19 Your names appear on this list in
20 alphabetical order. But what the computer does is
21 it takes this list of names, and it completely and
22 randomly reorders it and just puts everybody's names
23 in different slots and different positions. So, for
24 example, Tommy Russo, if I was on the jury and I was
25 juror number 134, I may show up on this new list as

1 juror number 14.

2 It completely just reorders your names and
3 puts them on another list. Now, from that list,
4 Madam Clerk will then start at the top of that list,
5 and she'll call the first name that appears on that
6 list. If your name is called, I would ask that you
7 come forward, just come through the double doors and
8 stand right here, just like the Bailiff is standing
9 here, facing the back of the courtroom.

10 And if you'll just stand there, she'll
11 first inquire of the State a question along the
12 lines of, for example, "What say you for the State?"
13 The State has two options. They can either excuse
14 you, and if they excuse you, you'll go back and have
15 a seat in the jury pool; or they can present you.

16 If they present you, you'll remain
17 standing. And then she'll inquire of the defense
18 the same question, "What say you for the defense?"
19 or something along those lines. The defense has two
20 options. They can either excuse you, and if they
21 do, you'll go back and have a seat; or they can seat
22 you.

23 And if they seat you, you'll come around
24 and have a seat in the jury box over here. And
25 we'll go through that process until we have selected

1 our jury. When your name is called, there's just no
2 way to know whether or not you're going to go back
3 to your seat or whether you're going to have a seat
4 over here.

5 So if you would, if your name is called,
6 please bring with you any belongings that you
7 brought to the courtroom so that you'll have those
8 items in case you don't return back to your seat,
9 all right?

10 So is the State ready to proceed with jury
11 selection?

12 MR. HUBBARD: The State is ready, Your
13 Honor.

14 THE COURT: Is the defense ready?

15 MR. CORNWELL: Yes, Your Honor.

16 THE COURT: All right. And we're five and
17 10?

18 CLERK OF COURT: Yes, sir.

19 Number 96, Eric Jeffcoat. What say you
20 for the State?

21 MR. HUBBARD: Please present Mr. Jeffcoat.

22 CLERK OF COURT: What say you for the
23 defense?

24 MR. CORNWELL: Please excuse this juror.

25 CLERK OF COURT: Return to your seat,

1 please, sir.

2 One twenty-five, Joan McLellan. What say
3 you for the State?

4 MR. HUBBARD: Please present Ms. McLellan.

5 CLERK OF COURT: What say you for the
6 defense?

7 MR. CORNWELL: Please excuse this juror.

8 CLERK OF COURT: Return to your seat,
9 please, ma'am.

10 One ninety-eight, Jessica Sturkie. What
11 say you for the State?

12 MR. HUBBARD: Please present Ms. Sturkie.

13 CLERK OF COURT: What say you for the
14 defense?

15 MR. CORNWELL: Please seat this juror.

16 CLERK OF COURT: Have a seat in the jury
17 box, ma'am.

18 One thirty-one, Derek Metts. What say you
19 for the State?

20 MR. HUBBARD: Please present Mr. Metts.

21 CLERK OF COURT: What say you for the
22 defense?

23 MR. CORNWELL: Please excuse this juror.

24 CLERK OF COURT: Return to your seat,
25 please, sir.

1 One ninety-one, Stephany Stephenson. What
2 say you for the State?

3 MR. HUBBARD: Please present Ms.
4 Stephenson.

5 CLERK OF COURT: What say you for the
6 defense?

7 MR. CORNWELL: Please seat this juror.

8 CLERK OF COURT: Have a seat in the jury
9 box, ma'am.

10 Sixty-seven, Lakendra Dunlap. What say
11 you for the State?

12 MR. HUBBARD: Please excuse the juror.

13 CLERK OF COURT: Return to your seat,
14 please, ma'am.

15 One forty, Bruce Oliver. What say you for
16 the State?

17 MR. HUBBARD: What was that number, Madam
18 Clerk?

19 CLERK OF COURT: One forty.

20 MR. HUBBARD: Please present Mr. Oliver.

21 CLERK OF COURT: What say you for the
22 defense?

23 MR. CORNWELL: Please seat this juror.

24 CLERK OF COURT: Have a seat in the jury
25 box, sir.

1 Sixty-one, Kristen Degoursey. What say
2 you for the State?

3 MR. HUBBARD: Please present Ms.
4 Degoursey.

5 CLERK OF COURT: What say you for the
6 defense?

7 MR. CORNWELL: Please seat this juror.

8 CLERK OF COURT: Have a seat in the jury
9 box, ma'am.

10 One forty-seven, Amy Paschal. What say
11 you for the State?

12 MR. HUBBARD: Please present the juror.

13 CLERK OF COURT: What say you for the
14 defense?

15 MR. CORNWELL: Please seat this juror.

16 CLERK OF COURT: Have a seat in the jury
17 box, ma'am.

18 Ninety-three, Sara Tucker. What say you
19 for the State?

20 MR. HUBBARD: Please present Ms. Tucker.

21 CLERK OF COURT: What say you for the
22 defense?

23 MR. CORNWELL: Please seat this juror.

24 CLERK OF COURT: Have a seat in the jury
25 box, ma'am.

1 Forty-eight, Michael Cordoni. What say
2 you for the State?

3 MR. HUBBARD: Please present Mr. Cordoni.

4 CLERK OF COURT: What say you for the
5 defense?

6 MR. CORNWELL: Please excuse this juror.

7 CLERK OF COURT: Return to your seat,
8 please, sir.

9 Forty-nine, Ethel Coulson. What say you
10 for the State?

11 MR. HUBBARD: Please excuse Ms. Coulson.

12 CLERK OF COURT: Return to your seat,
13 please, ma'am.

14 One twenty-six, John McSwain. What say
15 you for the State?

16 MR. HUBBARD: Please present Mr. McSwain.

17 CLERK OF COURT: What say you for the
18 defense?

19 MR. CORNWELL: Please seat this juror.

20 CLERK OF COURT: Have a seat in the jury
21 box, sir.

22 Twenty-nine, James Cain. What say you for
23 the State?

24 MR. HUBBARD: Please excuse Mr. Cain.

25 CLERK OF COURT: Return to your seat,

1 please, sir.

2 Number 55, Marsha Culver. What say you

3 for the State?

4 MR. HUBBARD: Please present Ms. Culver.

5 CLERK OF COURT: What say you for the

6 defense?

7 MR. CORNWELL: Please excuse this juror.

8 CLERK OF COURT: Return to your seat,

9 please, ma'am.

10 Fifty-six, Laura Davis. What say you for

11 the State?

12 MR. HUBBARD: Please present Ms. Davis.

13 CLERK OF COURT: What say you for the

14 defense?

15 MR. CORNWELL: Please seat this juror.

16 CLERK OF COURT: Have a seat in the jury

17 box, ma'am.

18 Number 168, Marcus Robinson. What say you

19 for the State?

20 MR. HUBBARD: Please present Mr. Robinson.

21 CLERK OF COURT: What say you for the

22 defense?

23 MR. CORNWELL: Please seat Mr. Robinson.

24 CLERK OF COURT: Have a seat in the jury

25 box, sir.

1 One fifty-four, William Price. What say
2 you for the State?

3 MR. HUBBARD: Please present Mr. Price.

4 CLERK OF COURT: What say you for the
5 defense?

6 MR. CORNWELL: Please excuse this juror.

7 CLERK OF COURT: Return to your seat,
8 please, sir.

9 Number seven, Kathryn Barr. What say you
10 for the State?

11 MR. HUBBARD: Please present Ms. Barr.

12 CLERK OF COURT: What say you for the
13 defense?

14 MR. CORNWELL: Please excuse this juror.

15 CLERK OF COURT: Return to your seat,
16 please, ma'am.

17 One seventy-three, Rhonda Salters. What
18 say you for the State?

19 MR. HUBBARD: Please present Ms. Salters.

20 CLERK OF COURT: What say you for the
21 defense?

22 MR. CORNWELL: Please seat this juror.

23 CLERK OF COURT: Have a seat in the jury
24 box, ma'am.

25 Sixty-three, Sheri Dickert. What say you

1 for the State?

2 MR. HUBBARD: Please present Ms. Dickert.

3 CLERK OF COURT: What say you for the

4 defense?

5 MR. CORNWELL: Please excuse this juror.

6 CLERK OF COURT: Return to your seat,

7 please, ma'am.

8 One fifty-eight, Tsarina Ramos. What say

9 you for the State?

10 MR. HUBBARD: Please present Ms. Ramos.

11 CLERK OF COURT: What say you for the

12 defense?

13 MR. CORNWELL: Please seat this juror.

14 CLERK OF COURT: Have a seat in the jury

15 box, ma'am.

16 One forty-two, Allen Oxendine. What say

17 you for the State?

18 MR. HUBBARD: Please present Mr. Oxendine.

19 CLERK OF COURT: What say you for the

20 defense?

21 MR. CORNWELL: What's his number, again?

22 CLERK OF COURT: He's number 142.

23 MR. CORNWELL: Please excuse this juror.

24 CLERK OF COURT: Return to your seat,

25 please, sir.

1 Number 70, Janelle Frick. What say you
2 for the State?

3 MR. HUBBARD: Please present the juror.

4 CLERK OF COURT: What say you for the
5 defense?

6 MR. CORNWELL: Please seat this juror.

7 CLERK OF COURT: Have a seat in the jury
8 box, ma'am.

9 Alternates, Your Honor?

10 THE COURT: Two alternates. It will be
11 one and two on each.

12 CLERK OF COURT: Yes, sir.

13 Seventy-six, Christy Green. What say you
14 for the State?

15 MR. HUBBARD: Please excuse Ms. Green.

16 CLERK OF COURT: Return to your seat,
17 please, ma'am.

18 Number 20, Pamela Brewer. What say you
19 for the State?

20 MR. HUBBARD: Please present Ms. Brewer.

21 CLERK OF COURT: What say you for the
22 defense?

23 MR. CORNWELL: Please seat Ms. Brewer.

24 CLERK OF COURT: Have a seat in the jury
25 box, ma'am.

1 That's alternate number one, Your Honor.

2 Number 54, David Crouch. What say you for
3 the State?

4 MR. HUBBARD: Please present Mr. Crouch.

5 CLERK OF COURT: What say you for the
6 defense?

7 MR. CORNWELL: Please present Mr. Crouch.

8 CLERK OF COURT: Have a seat in the jury
9 box, sir.

10 That's alternate number two, Your Honor.

11 THE COURT: All right. Are there any
12 motions regarding jury selection from the State?

13 MR. HUBBARD: No, Your Honor.

14 THE COURT: Any motions regarding jury
15 selection from the defense?

16 MR. CORNWELL: No, Your Honor.

17 THE COURT: All right. Ladies and
18 gentlemen, for the remainder of the panel, I'm going
19 to -- do they have the number?

20 CLERK OF COURT: Yes, sir, they have a
21 card with the number and the website.

22 (Whereupon, the balance of
23 the petit jury panel was excused, after which the
24 following proceedings were had:)

25 THE COURT: Ladies and gentlemen, while

1 they're filing out, I'm going to go ahead and send
2 this jury to lunch because I have to take up that
3 other matter. I've got a matter that I need to take
4 up on another case that doesn't involve this case.
5 I'm going to send you home or wherever you'd like to
6 go, and I'll explain.

7 I do have this other matter on another
8 case that I have to handle, and then I have some
9 pre-trial matters to handle in this case which, by
10 taking care of those before trial, will help speed
11 things up as we get into the case. So I'm going to
12 take care of all of those matters this afternoon.

13 And we're going to actually start this
14 trial tomorrow morning. So I'm going to ask you if
15 you would to be back here in the morning. Now,
16 before I excuse you, I need to send you with some
17 instructions. The first is -- and we used to not
18 have to do this, but we live in a day and age now
19 where things as simple as a little phone can access
20 the Internet and access all kind of information and,
21 of course, computers and everything like that.

22 I say all that to tell you this. What I'm
23 going to send you away with, the instruction is
24 basically going to be to do everything within your
25 power to protect your ability to be fair and

1 impartial. When you come back tomorrow, you should
2 not know one more thing about this case than you
3 know right now, okay?

4 So what that means is -- I referenced
5 these devices and these items, and I caution juries
6 all the time -- it would be extremely improper for
7 you to try to do any investigation on your own. You
8 are going to take an oath to try this case and to
9 arrive at a verdict based on the facts and the
10 evidence that are presented in this courtroom.

11 So I tell you that it would be very
12 improper to try and do any independent
13 investigation. So please don't make any effort to
14 do that. I don't know that this case would have any
15 notoriety as far as the newspaper or the television.
16 But if you see anything about this case, don't read
17 it, don't listen to it.

18 Protect your ability to be fair and
19 impartial. Now, in doing that, you're going to go
20 home, and obviously any friends, family, or loved
21 ones will be curious as to whether or not you were
22 selected to be on a panel. You can tell them that
23 you were selected to be on a jury and that you have
24 to be back tomorrow morning at 9:30.

25 But that's really all you can tell them.

1 If it was me, I can tell you my wife would want to
2 know, "Tell me what went on. . What's the case about?
3 Who does it involve?" We'd spend much of the
4 evening talking about it if I would allow it.

5 But what I would have to tell her is,
6 "Honey, I can't tell you anything about the case
7 other than I have to be back at 9:30 tomorrow."
8 "Well, just tell me, what's it about?" "I can't
9 tell you that."

10 Saying something as innocent as "Well, it
11 involves a charge of an armed robbery or a burglary
12 or a murder or whatever," just naming a charge,
13 could possibly elicit a response that might
14 compromise your ability to be fair and impartial.
15 So it's always better to err on the side of saying
16 absolutely nothing.

17 And if anyone is curious, just ask them to
18 please be patient. When the trial is over, you'll
19 be able to tell them everything that went on here.
20 There's no secrets. This is a public forum, so
21 there's nothing to hide. But as a juror sitting on
22 this case, it's important that you have no
23 conversation with anybody about the case.

24 So just ask them to please respect that,
25 that you cannot discuss the case, you can't even

1 talk about what the charge is, simply that you are
2 on a panel, you have to be back tomorrow, and leave
3 it at that. Now, when you do return back, you'll
4 come back and when you leave here right now, I'm
5 going to get the Bailiff to show you where your jury
6 room is so that when you report back, you'll report
7 back to that jury room tomorrow morning.

8 When you reconvene, we'll have stuff for
9 you, some snacks or drinks or coffee, whatever you
10 might want. But when you reconvene in the jury
11 room, get to know each other, introduce yourselves
12 to each other. But you're not to talk about the
13 case amongst yourselves at all.

14 And sometimes juries will look at me a
15 little funny and they'll go, "Well, I thought that's
16 what our job was." Well, it is, but not until it's
17 appropriate. You're not to have any conversation
18 with anybody -- and that includes your fellow jurors
19 -- until all of the evidence is in, and both sides
20 have had an opportunity to address you with their
21 closing remarks, and I've given you the law.

22 Only then are you in a position where you
23 can discuss the case. So when you come back
24 together, talk about anything else in the world you
25 want, families, football, movies, television, it

1 doesn't matter. But don't talk about the case,
2 okay?

3 So I'm going to excuse you now and ask you
4 to go with the Bailiff to see where your jury room
5 is and then be back in the jury room at 9:30. And
6 let me ask you if you would to do something for me.
7 My wife is one of the most awesome women I've ever
8 known, but no one's perfect.

9 And she's got this thing she thinks if we
10 have to be somewhere across town at 7:00, she thinks
11 we're on time if we leave the house at 7:00. Well,
12 that's just not the case. If you leave your house
13 at 9:30, you're late, okay? If you would, please be
14 in the jury room at 9:30, and we'll get started once
15 we have everybody reconvened, okay?

16 So everyone else remain seated.

17 Ladies and gentlemen, we'll see you back
18 at 9:30 in the morning, okay?

19 (Whereupon, the jury left
20 the courtroom at 12:12 p.m., after which the
21 following in-camera proceedings were had:)

22 THE COURT: We are back on the record
23 regarding our case that we pulled the jury on
24 earlier today, State versus Glenn. And we've got
25 some pre-trial matters that we want to take up at

1 this time.

2 But before we do that, there were some
3 matters I wanted to put on the record with regards
4 to defense's voir dire, question number 11, I think
5 it was. So let's do that, and then we'll get into
6 the pre-trial matters, okay?

7 MR. CORNWELL: Thank you, Your Honor.
8 First, we would take up, if it please the Court,
9 with respect to our requested voir dire number 11
10 concerning self-defense or defense of others. We
11 would note for the record that we believe this is a
12 proper voir dire question.

13 We don't think it's a comment on the facts
14 or a comment on the law to just ask the question
15 about a factual understanding, feelings associated
16 with that factual understanding that people may have
17 about something that happens that intersects with a
18 potential legal theory in this case.

19 To the extent that it might have made or
20 be construed as making any comment on the facts or
21 undue comment on the law, that probably could have
22 been changed simply by changing the language as the
23 Court did with respect to other charges concerning
24 buying and selling drugs and prostitution.

25 Basically saying there may be issues

1 raised in this case concerning this, self-defense or
2 defense of others. Or someone, say, an avowed
3 pacifist or to a lesser extent otherwise opposed to
4 violence even under circumstances that would amount
5 to self-defense or defense of others.

6 That makes it more likely that that person
7 would vote to convict when under the law they should
8 vote to acquit. And so we would note that it would
9 be proper for the Court to have allowed us to go
10 into that on voir dire. If there are such folks on
11 the jury, now we won't ever know, most likely, Your
12 Honor.

13 So, Your Honor, I'd note that the other
14 thing -- and Your Honor has addressed this back in
15 chambers. I know we're just putting our argument on
16 the record right now.

17 THE COURT: Yes.

18 MR. CORNWELL: Another thing we had
19 addressed back in chambers was with regard to
20 strikes for cause to strike all of the jurors in the
21 venire who were married to people in law
22 enforcement.

23 I would note that nothing makes a deep and
24 permanent, for many people, ally like marriage does
25 and that essentially to be married to someone who is

1 in law enforcement would be analogous to having a
2 juror in the venire who has stock in a company who
3 is a civil defendant in a case.

4 THE COURT: Well, you know, I might have
5 agreed with you at one time. But before I took this
6 position, I was a prosecutor. And I can't tell you
7 the number of times my wife argued with me about why
8 in heaven's name did I prosecute that person for the
9 reason I prosecuted them and she disagreed with
10 that, thought it was foolish.

11 So I don't necessarily agree that because
12 you're married to a law enforcement officer that you
13 no longer have the ability to be fair and impartial
14 and you can only look at it from one side.

15 And I know the concern was -- and just for
16 the record, so that the record is clear -- the
17 defense wanted to remove for cause any juror who had
18 a family member that was involved in law enforcement
19 and to strike that juror for cause.

20 And I don't think that simply having a
21 family member in law enforcement is sufficient
22 cause, and I don't think it necessarily creates a
23 person's inability to be fair and impartial. But I
24 want the record to be clear that that was your
25 motion, was to strike those folks for cause.

1 MR. CORNWELL: That's correct.

2 THE COURT: And, of course, I denied that,
3 so I want to note that exception to that.

4 MR. CORNWELL: Thank you, Your Honor. And
5 I think as far as putting what opposition was on
6 those issues on the record, that's all we have,
7 unless you've got questions for me.

8 THE COURT: Okay, all right. And just for
9 the record, I didn't charge number 11. I am going
10 to make your request to charge a Court's exhibit so
11 that it can be in the record.

12 But my thing with regards to number 11 was
13 simply I think it would have required the Court to
14 give a preliminary charge to the jury on self-
15 defense so that they could understand the question:
16 And it just did not seem appropriate at this stage
17 of the trial and the voir dire. And so I declined
18 to ask that question.

19 Rema, make this a Court's exhibit.

20 (Court's Exhibit Number
21 One, Defendant's Voir Dire, was received in
22 evidence.)

23 THE COURT: All right, what else do we
24 have?

25 MR. HUBBARD: I'd assume a Jackson versus

1 Denno hearing, Your Honor, with two material
2 witnesses.

3 THE COURT: All right. Is the defense
4 ready to proceed on that issue, the Jackson v.
5 Denno?

6 MR. CORNWELL: Yes, Your Honor.

7 THE COURT: All right, go ahead, sir.

8 MR. HUBBARD: The State calls Sgt. Barry
9 Sowards.

10 THE COURT: All right, Sergeant, if you
11 could come around to be sworn, sir.

12 (Whereupon, the witness was
13 sworn, after which the following proceedings were
14 had:)

15 CLERK OF COURT: If you'll have a seat,
16 state your name, and spelling your last for the
17 record.

18 MR. SOWARDS: My name is Sgt. Barry
19 Sowards. It's S-O-W-A-R-D-S. I'm employed with the
20 Lexington County Sheriff's Department.

21 BARRY SOWARDS, having first been duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HUBBARD:

25 A Sergeant, what do you do for the Lexington

1 County Sheriff's Department?

2 A I'm the fugitive task force supervisor for
3 the County of Lexington, and we execute warrants and
4 do manhunts for people who have warrants for their
5 arrest for Lexington County.

6 Q And how long have been in that position?

7 A Approximately four and a half years.

8 Q And how long have you been in law
9 enforcement total?

10 A Twenty.

11 Q July 1, 2011, do you remember being
12 involved in a felony takedown arrest of this
13 defendant, Demetriss Glenn?

14 A I do.

15 Q Can you tell very briefly how that came
16 about?

17 A I was in constant communication with the
18 major crimes division, following up on leads. It
19 was basically pursuing -- I don't know how far or
20 deeply you want me to go into this.

21 But as far as the arrest was concerned,
22 that I was involved with, I followed up on some
23 leads to a location, was able to make contact with
24 an individual who knew the whereabouts or could
25 eventually located Mr. Glenn.

Barry Sowards - Direct In-Camera

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1 Later on that day, we was able to get with
2 that person. And basically we knew he was going to
3 be at a location off of Farrell Road at a gas
4 station.

5 And with that being said, we set up a
6 takedown for Mr. Glenn at that gas station and
7 placed him into custody.

8 Q As you were placing him into custody, he
9 was being detained through the handcuffs, wasn't he?

10 A He was.

11 Q Did you read him his Miranda rights?

12 A I did not.

13 Q Did you ask him any questions?

14 A I did not.

15 Q Did you make him -- or did you threaten
16 him in any way?

17 A No.

18 Q Did you make any promises to him?

19 A No.

20 Q When you put your handcuffs -- when you
21 cuffed him, you put him on the ground and cuffed
22 him, correct?

23 A I did.

24 Q In the parking lot of a gas station on
25 Farrell Road?

1 A That's correct.

2 Q What if anything did he say to you?

3 A He said to me -- when I got him out of the
4 car and got him on the ground and handcuffed him, he
5 turned his head away from me as I had him on the
6 ground, and he said, "What am I being arrested for?"
7 And I said, "For murder."

8 Q And then after you responded to his
9 question, what if anything else did he say?

10 A He looked at me with his head turned the
11 same way, and he said, "For what?"

12 Q And how did you respond?

13 A I advised him again, "For murder."

14 Q Did he ask any more questions?

15 A He did.

16 Q Did you ask him any questions?

17 A No, I didn't.

18 Q The statements that he made to you
19 regarding what he was being arrested for, those were
20 made of his own free will?

21 A They were.

22 MR. HUBBARD: Your Honor, that's all the
23 questions the State has for this witness.

24 THE COURT: All right. Anything from the
25 defense?

Barry Sowards - Cross In-Camera

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1 CROSS-EXAMINATION

2 BY MR. CORNWELL:

3 Q How did you detain him? How did you
4 subdue him?

5 A With handcuffs.

6 Q And was there force involved?

7 A Soft empty hand control is the legal term
8 for that. He was pulled out of the vehicle, placed
9 onto the ground, and handcuffs were placed behind
10 his back around his wrists with no lock.

11 Q And where were you at during this? What
12 was the placement of your body?

13 A I think I pulled him out of the back seat
14 of the car on the right rear passenger side away
15 from the gas pumps onto the ground. And I think my
16 back side was to the door we pulled him out of, and
17 I was standing behind him.

18 Q And you didn't have anything near his back
19 or anything of that nature?

20 A I may have.

21 Q How long do you think it was between the
22 time you took him down and the time he gave a
23 statement and the time he asked what he was being
24 arrested for?

25 A Seconds.

1 Q Seconds. So it wasn't that long?

2 A It wasn't.

3 MR. CORNWELL: No further questions, Your
4 Honor.

5 MR. HUBBARD: We have nothing else, Your
6 Honor.

7 THE COURT: All right, thank you very
8 much, sir. You may step down.

9 MR. SOWARDS: Thank you, Your Honor.

10 MR. HUBBARD: The State calls Detective
11 Joe Chappell.

12 (Whereupon, the witness was
13 sworn.)

14 CLERK OF COURT: If you'll have a seat,
15 please state your name, and spell your last for the
16 record.

17 MR. CHAPPELL: My name is Joseph Chappell
18 -- C-H-A-P-P-E-L-L, investigator with Lexington
19 County Sheriff's Department.

20 JOSEPH CHAPPELL, having first been duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. HUBBARD:

24 Q Detective, are you familiar with the case
25 and investigating the charges brought on Demetriss

Joe Chappell - Direct In-Camera

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1 Glenn?

2 A I am.

3 Q Are you the -- what was your role in this
4 case?

5 A The lead investigator on the case.

6 Q And for the Court's clarification, you
7 charged him with -- what three charges is he facing
8 this week?

9 A Charged with murder, armed robbery, and
10 burglary first.

11 Q And were two other people also charged
12 with these same charges?

13 A They were.

14 Q Who are they?

15 A Margaret Marie Driggers and Kenneth
16 Walters.

17 Q Who was the first person y'all arrested?

18 A We arrested Margaret Marie Driggers first.

19 Q Do you recall the first time you came into
20 contact with the defendant, Demetriss Glenn?

21 A I do. It was on June 29, 2011, and it was
22 in front of Marie Driggers' parents' house.

23 Q What were you there for?

24 A I was there to interview Marie Driggers,
25 to ask her to come with me to the Sheriff's

1 Department.

2 Q At that time, was Mr. Glenn a suspect?

3 A Not that we knew about. We didn't have
4 any information on him.

5 Q And when you were there seeing Marie
6 Driggers, did you see the defendant?

7 A I did. He came out with Marie, and I
8 spoke to him in the street in front of her house.

9 Q What if any relationship between Ms.
10 Driggers and Mr. Glenn were you able to establish
11 that day?

12 A That Demetriss was Marie's boyfriend.

13 Q What if any name -- did he introduce
14 himself to you?

15 A He did. He said his name was Demetriss
16 Floyd. He gave me his date of birth, and that date
17 was [REDACTED] 1985. And he gave me his phone number,
18 which he listed as (803) 530-8659.

19 Q The name and the date of birth, did that
20 later prove to be -- did you establish that to be
21 false?

22 A I did.

23 Q And at that time, he was not under arrest
24 and he wasn't a suspect?

25 A We didn't have any information on

Joe Chappell - Direct In-Camera

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1 Demetriss at the time.

2 Q When was the next occasion that you saw
3 Mr. Glenn?

4 A I believe the next time I actually saw him
5 was when we arrested him.

6 Q And what date was that?

7 A On July 1st.

8 Q Was this the same takedown that Detective
9 Sowards was talking about?

10 A Yes.

11 Q And you were present for that?

12 A I was. I wasn't involved. I was present
13 at the gas station. I wasn't involved in putting
14 the handcuffs on him.

15 Q What was your role that day?

16 A I had contact with another individual,
17 Tyrone Williams, that told me where Demetriss would
18 be and said that he would be meeting us at this
19 location, and he would have Demetriss Glenn in his
20 vehicle. So he called me to let me know where
21 they'd be, and that's where we met them.

22 Q So that set up the takedown?

23 A Yes, sir.

24 Q After the takedown, what was your role
25 after he was placed under arrest?

1 A After he was placed under arrest, we
2 transported him back to Lexington County Sheriff's
3 Department.

4 Q Were the one that transported him?

5 A I was.

6 Q At any time while you were putting him in
7 the car or while he was in the car, was there any
8 conversation?

9 A There was.

10 Q Can you please tell the Court how that
11 conversation went?

12 A I asked him what his name was, to confirm
13 his name since the last time we spoke, he gave me
14 Demetriss Floyd. He confirmed that his name was
15 Demetriss Glenn, confirmed his date of birth, and
16 then, you know, he told me he was under arrest for
17 murder. And he asked me why I didn't arrest him the
18 day that I saw him in front of Marie's house.

19 Q Which would have been June the 29th?

20 A Correct.

21 Q Okay.

22 A And then I asked him if he would like to
23 speak to me further in reference to his charges, and
24 he said he did. So I told him I would advise him of
25 his Miranda rights when we got back to the Sheriff's

Joe Chappell - Direct In-Camera

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1 Department and we'd sit down and speak further.

2 Q Did you indicate that you would carry on
3 that conversation in the car as well, or what did
4 you tell him?

5 A No, I told him we would speak later. I
6 told him I would speak to him further once his
7 Miranda rights were read to him, and we would speak
8 at the Sheriff's Department, and he was willing to
9 do so.

10 Q Did he ask you any other questions or make
11 any more comments en route?

12 A He did. He asked what would be done with
13 Tyrone, and I responded that I wasn't aware of what
14 was going to happen with Tyrone since that was a --
15 Richland County was dealing with -- Richland County
16 Sheriff's Department assisted us with the arrest and
17 detention since it was over in Richland County. And
18 I told him they would have to deal -- make a
19 determination of what would happen with Tyrone.

20 Q Okay. What else did he say about Tyrone?

21 A He said that -- he asked that Tyrone not
22 get in trouble because he was only giving him a
23 ride.

24 Q Detective, at that point in time, are you
25 conducting an interview, or these are just questions

1 he has for you?

2 A No, sir. I told him I didn't want to ask
3 him any questions until we got back to the Sheriff's
4 Department and advised him of his rights. These
5 were questions he asked me that I answered for him.

6 Q When you got back to the Sheriff's
7 Department, where did you take him?

8 A Took him back to the interview room at the
9 Sheriff's Department.

10 Q Do you recall if anybody was with you when
11 you interviewed him?

12 A I believe Detective Bill Freund was also
13 with me.

14 Q What if anything did you do when you
15 interviewed Mr. Glenn?

16 A I checked with him if he needed to go to
17 the restroom, made sure he was comfortable. Then we
18 sat down, and I advised him of his Miranda rights
19 with a subject statement form.

20 Q Subject statement form. Do you have that
21 with you?

22 A I do.

23 Q Is that the original?

24 A It is.

25 MR. HUBBARD: And, Your Honor, if I could

Joe Chappell - Direct In-Camera

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1 mark this for State's ID.

2 THE COURT: All right.

3 (State's Exhibit Number
4 One, Statement 7/1/11, was marked for identification
5 purposes.)

6 Q All right, Detective, State's ID Number
7 One, Lexington County Sheriff's statement form,
8 would you please go through and explain how you went
9 over Mr. Glenn's Miranda rights?

10 A We usually fill out the top portion, which
11 is the date, where the interview occurs, what time
12 the interview starts. I fill out his information
13 like name, date, date of birth, where they live, how
14 far they went in school, and any phone numbers,
15 again, make sure he knows who I am and who I work
16 with. And then I go through it with them, read to
17 them while they read along with me, and we go
18 through each right.

19 Q Now, this procedure that you're saying you
20 usually do this, is that what you did in this case?

21 A I do it the same way every time, that way
22 I can explain it later.

23 Q Okay. So you did it in this case that
24 way, as well?

25 A Yes, sir.

1 Q Okay.

2 A I'll read with them the first one, and
3 I'll circle -- you see it's listed. It's listed by
4 number, each right. When I read one to them, I'll
5 circle the one. I'll read it to them and ask them
6 if they have any questions, which I did with Mr.
7 Glenn. I asked him if he had any questions. He
8 didn't, so he initialed after that right, stating
9 that he understood that right.

10 Then I'll place my initials before the one
11 after we discuss it. I'll move on to the second
12 one, read it to them as they're reading along. I'll
13 circle number two, ask him if he has any questions.
14 And if he doesn't have any questions and understands
15 it, he'll place his initials and I place my
16 initials, and we'll go through each one like that.

17 Q Can you go ahead for the Court and read
18 those rights that you read with him?

19 A Number one, "I have the right to remain
20 silent." Then I'll ask him if he understands it.
21 If he understands it, he'll place his initials,
22 which he did. Number two, "Anything I say can and
23 will be used against me in a court of law." I'll
24 ask him if he understands, and he did. He placed
25 his initials.

Joe Chappell - Direct In-Camera

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1 Number three, "I have the right to talk to
2 a lawyer for advice before I'm asked any questions
3 and to have him or her present with me during
4 questioning." I asked him if he had any questions
5 and understood this, and he said he did, placed his
6 initials.

7 Number four, I always have whoever I'm
8 speaking to, and with this with Mr. Glenn, I had him
9 read it to me. So he would read it to me, "If I
10 have no money for a lawyer's fees, the Court will
11 appoint one to represent me without cost to me if I
12 wish." I asked him if he understood that, and he
13 understood it by placing his initials at the end.

14 And, number five -- I'll go back and read
15 that one -- "If I decide to answer questions now
16 without a lawyer present, I will still have the
17 right to stop answering questions at any time. I
18 also have the right to stop answering questions at
19 any time until I talk with a lawyer." I asked him
20 if he understands that right. He said he did, and
21 he placed his initials.

22 Q Detective --

23 A I'm sorry. The last one is -- I'll read
24 that. "I have read this statement of my rights, and
25 I understand what my rights are." And there's a

1 space for initials, which he placed his initials
2 there. And he agreed to make a statement to me
3 without a lawyer present.

4 Q And I didn't mean to interrupt you. But
5 number four, you said you actually had him read
6 number four?

7 A Correct.

8 Q What was your purpose in that?

9 A It kind of backs up -- at the very top, it
10 says, "I have completed so many grades in school."

11 Q How many grades did he say he had
12 completed?

13 A He said seven. And you have to get the
14 person you're speaking to, to write their initials
15 saying that "I can read and write." What this does
16 is just saying that -- it shows me that -- it proves
17 that statement that they can read and write by
18 writing or by reading number four, and we just
19 discussed that.

20 Q And, Detective, he said he was willing to
21 talk to you?

22 A He did.

23 Q Now, as you were warning him of these
24 rights, did you at any time make any promises that
25 if he talked to you, it would be better for him?

Joe Chappell - Direct In-Camera

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1 A No.

2 Q Did you make any kind of threat that if he
3 didn't talk to you or if he didn't tell you the
4 truth, something bad was going to happen?

5 A No.

6 Q Was it ever less than conversational? Was
7 there any type of shouting or yelling during this
8 process?

9 A No.

10 Q Did he appear to be under the influence of
11 any kind of drugs or alcohol at the time?

12 A No, sir.

13 Q Did he appear to understand his rights?

14 A He did, sir.

15 Q If he had not, what would you have done?

16 A I wouldn't have continued the questioning.

17 Q And you said he was willing to talk to
18 you?

19 A Yes, sir, I did.

20 Q Okay. And did you engage him in a
21 conversation at that time?

22 A I did.

23 Q Please tell the Court how that
24 conversation went.

25 A I asked him about his relationship with

1 Marie Driggers, and he had told me that they had
2 been together for about one month. I asked him --
3 kind of went into what Marie's job was and if he was
4 aware of what Marie did. He replied that he knew
5 Marie received money from people who were going on,
6 as he said, "on call." When I asked him to describe
7 what that meant by being on call, he said he
8 essentially didn't know of any kind of claim that he
9 did know what she did and kind of hinted at
10 escorting, is what I got from him.

11 Q Detective, escorting meaning prostitution?

12 A Yes, sir. I asked him what he did on
13 Saturday, referring to the June 26th date, on
14 Saturday.

15 Q Let me ask you this, Detective. Saturday,
16 I think, is the 25th, Sunday is the 26th. I believe
17 that's right?

18 A Yes.

19 Q What's significant about those dates?

20 A The incident -- what we had suggested that
21 the incident occurred Sunday morning early, around
22 anywhere between one and four, around two is what we
23 believe. But that's the information we have. We
24 believe the incident probably started a plan or came
25 up Saturday night.

Joe Chappell - Direct In-Camera

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1 Q I've got you, okay.

2 A We wanted to know kind of leading up from
3 Saturday night on into Sunday morning to get a
4 timeline of where they'd been to determine his
5 involvement, if any, by what information we had. We
6 wanted to start speaking about what he did Saturday
7 on into Sunday.

8 Q So what did he say about Saturday?

9 A He said that he made a few rounds. Those
10 are his words. He made a few rounds, and he
11 probably went to Shaggy's in West Columbia.

12 Q What's Shaggy's?

13 A The bar.

14 Q Okay.

15 A And he said that -- he described that he
16 went hood hopping. I asked him how he got around to
17 these places. He said that Marie may have had some
18 other car or may have borrowed a car but couldn't
19 describe it.

20 And then I asked him about his phone
21 number, and he said the phone number he gave me the
22 first time we met was his correct phone number. I
23 believe it was (803) 530-8659.

24 Q Let me ask you this. When he said he went
25 hood hopping and before you asked him about the car,

1 did he say anything about he and Marie ever not
2 being together?

3 A He said that Marie had left Shaggy's, but
4 then they met back up later on and went to the room
5 together.

6 Q Okay. Okay, go ahead.

7 A I asked him again about Saturday night,
8 what his plans were or what he did. He said he
9 couldn't remember much from Saturday because he was
10 intoxicated and described himself as messed up.
11 Again, I tried to expand on what he did Saturday
12 night. He kept replying that he gassed around or
13 rode around but couldn't remember any details
14 because he was intoxicated.

15 So I asked what he did on Sunday, and he
16 replied that he drove -- he rode across town, drank
17 alcohol, and smoked. Mr. Glenn said that when he
18 gets drunk, he gets "buck naked and wild." And that
19 was pretty much what he told me he did on Saturday
20 and Sunday.

21 Q Did he tell you where he was staying?

22 A I asked him where he was living at. He
23 said he was staying with Marie in between Travelers
24 and the Master's Inn. We later went into him being
25 -- I asked him if he was homeless because I was

Joe Chappell - Direct In-Camera

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1 trying to get an idea where he was living at, and he
2 told me he was homeless -- or I asked him if he was
3 homeless, and he said that he was.

4 Q About that, where would he keep --

5 A I asked him if he had -- he gave me some
6 more information, and I asked where he kept his
7 clothes at and personal effects. He said he kept
8 them at Ty's house, his friend Tyrone's, a girl name
9 Tammy's house, and Robert's house, which was off of
10 Bluff Road.

11 Q Did you ever determine who Tammy or Robert
12 was?

13 A No, sir.

14 Q And Ty is Tyrone Williams?

15 A Tyrone Williams.

16 Q That's the guy that set him to get
17 arrested?

18 A Yes, sir.

19 Q Okay. Let me ask you this. When you were
20 talking to him about where he was staying, he talked
21 about being with Marie, Travelers Inn, and Master's
22 Inn. Did you ever ask him about being involved with
23 anyone else with them?

24 A I did. I asked him if there was another
25 male with them on Saturday night, with him and

1 Marie. He said he couldn't remember exactly, but he
2 did spend time with someone he referred to as Little
3 Gary or Little Scary.

4 Q Did he describe what they looked like?

5 A He said he was a slim, dark-skinned black
6 male, that he thought his name was Gary, but he said
7 that they called him Little Scary.

8 Q Okay. And after you asked him about where
9 he kept his clothes and all, where did the
10 conversation go at that point?

11 A We went back to asking about Saturday
12 night. And I asked him what happened on Saturday
13 night with Marie, and he replied that nothing
14 happened except for some drinking and smoking. And
15 I asked him about going anywhere, any place. He
16 said he couldn't remember.

17 He did ask if he could take a note pad and
18 pen with him back to the jail so he could take some
19 notes and get back with us later. Then he asked
20 that any further questions I had that I write down
21 on a piece of paper and send with him back to the
22 jail so he could think about the questions and write
23 down the answers and get them back to me.

24 Q What was your response to that?

25 A And I told him that it was better to

Joe Chappell - Direct In-Camera

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1 answer the questions while he was sitting in front
2 of me so we could kind of determine, you know, where
3 we were going with the conversation. And then at
4 that time, once I denied giving him a piece of paper
5 with all the questions I wanted to ask him, he asked
6 for a lawyer.

7 Q Now, Detective, at any time while he's
8 talking to you prior to this asking for a lawyer,
9 did he ever say, "I'm done talking with you. I
10 don't know want to talk with you anymore"?

11 A No, sir.

12 Q Did he ever ask for a lawyer at any time
13 during this process until this very whole thing you
14 told me about?

15 A No, sir. Once he asked for a lawyer, we
16 stopped the questioning.

17 Q Now, you've been talking about what he
18 said. Did he ever put what he had to say in
19 writing? Did he give a written statement?

20 A No, sir.

21 Q Was that the end of the conversation with
22 Mr. Glenn?

23 A Yes, sir. Sgt. Mefford and I walked Mr.
24 Glenn back to the detention center.

25 Q Have you had any more conversations or

1 interviews with him since then?

2 A Not conversations, no.

3 MR. HUBBARD: That's all I have at this
4 time, Your Honor.

5 THE COURT: All right, cross?

6 CROSS-EXAMINATION

7 BY MR. CORNWELL:

8 Q Approximately how long would you say your
9 conversation with Mr. Glenn was?

10 A I didn't have it marked down. But based
11 on the sheet I have, at 10:30 that night I was in
12 the jail speaking to Ms. Driggers after booking him
13 in.

14 Q So --

15 A So I'm guessing maybe two and a half hours
16 maybe.

17 Q And he was handcuffed the entire time or
18 in restraints during that time?

19 A I think we put him in booking with a
20 transport belt.

21 Q And you said he never gave a written
22 statement during that time?

23 A He didn't write anything down. Once he
24 signed the suspect sheet, he didn't provide any
25 written statement.

Joe Chappell - Cross In-Camera

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1 Q Was it recorded in any kind of way, his
2 oral statements to you?

3 A No, we don't record statements.

4 Q All right, no further questions.

5 MR. HUBBARD: We have nothing further,
6 Your Honor.

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

9 MR. HUBBARD: That's all the State has,
10 Your Honor.

11 THE COURT: All right.

12 Anything from the defense?

13 MR. CORNWELL: Your Honor, in regards to
14 his being coerced or anything of that nature, we
15 don't have any objections or have any issues to
16 raise in that regard.

17 THE COURT: All right, okay.

18 Anything further from the State?

19 MR. HUBBARD: No, sir, Your Honor, other
20 than we believe some of the statements that we've
21 elicited do not require Miranda, and those that did,
22 particularly this final one in the actual interview,
23 Miranda was properly given. There's no indication
24 the defendant didn't understand what he was doing or
25 what he was saying. And he knew enough at some

1 point to say, "I want my lawyer," and the detective
2 complied.

3 THE COURT: All right, okay. I find that
4 the statements, those that required Miranda, in
5 fact, Miranda was properly given. It does appear
6 that the defendant understood those rights and that
7 any statements that he made subsequent to receiving
8 those rights were not coerced or unduly influenced.

9 All right, is there anything else we need
10 to take up?

11 MR. CORNWELL: Your Honor, we have some
12 motions in limine.

13 THE COURT: All right.

14 MR. CORNWELL: One thing we do want to
15 take up, at this point, we're not putting up the
16 case yet. We have decided that the defendant is
17 probably not taking the stand. However, that may
18 change. That's his right to make that decision.

19 THE COURT: Sure, sure.

20 MR. CORNWELL: We wanted to get the
21 question asked and answered before we get to that
22 point, though, that he has a prior burglary on his
23 record. And we would like to make a motion to
24 exclude the mention of that burglary or the use of
25 that burglary for impeachment purposes or to attack

Joe Chappell - Cross In-Camera

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1 his credibility as a witness, Your Honor. We don't
2 believe --

3 THE COURT: Let me ask you this. Was one
4 of the things the 10-year time frame?

5 MR. CORNWELL: It is within the 10-year
6 time frame.

7 THE COURT: All right. And I'm assuming
8 that your motion is that if the State is allowed to
9 specifically asked about that particular crime that
10 the prejudicial effect would outweigh any probative
11 value --

12 MR. CORNWELL: Exactly, Your Honor.

13 THE COURT: -- based on the fact that he's
14 currently --

15 MR. CORNWELL: Charged with burglary
16 first.

17 THE COURT: -- charged?

18 MR. CORNWELL: With burglary first. That
19 is correct, Your Honor. And we do believe that the
20 prejudicial effect would outweigh the probative
21 value in this case, Your Honor. And we would allege
22 that you have to go for that analysis because this
23 is not an automatic crime of dishonesty.

24 THE COURT: Right, right, okay.

25 Mr. Hubbard or Mr. Graham, would you like

1 to address that issue?

2 MR. HUBBARD: Your Honor, obviously we're
3 not prepared to address it. We figured that we
4 would address it before he testified.

5 THE COURT: All right. Let me just give
6 you a preliminary thought, and I'll be open to
7 listening to whatever you want to say at the time
8 when you are ready to address it. If he were to
9 take the stand, I'm inclined to allow any
10 appropriate prior record in for impeachment
11 purposes.

12 But in a situation where the past crime
13 mirrors the current crime, I typically would not
14 allow you to specifically ask, "Is it true that
15 you've been convicted of a prior burglary?" I would
16 more likely allow it to be asked in a way more
17 generically, such as, "Isn't it true that you've
18 been convicted of a prior felony?"

19 So if that's your concern, Mr. Cornwell, I
20 would more than likely agree with you that it can't
21 be brought out specifically as a prior burglary
22 offense. But I probably would allow it to be asked
23 in terms of it being a prior felony. But we'll
24 address that at the time, if that need arises.

25 MR. CORNWELL: Thank you, Your Honor. The

Joe Chappell - Cross In-Camera

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1 other thing I would like to bring up, Your Honor,
2 there's some testimony offered by some of the
3 witnesses, particularly talking about Marie
4 Driggers' testimony, where she alludes to a lack of
5 remorse on our client's part. We would like that
6 part of her testimony to be excluded, Your Honor.

7 We believe that that is automatically
8 prejudicial, Your Honor. I believe it violates his
9 Fifth and Eighth Amendment rights, Your Honor, in
10 regards to bringing that up, and his Fourteenth
11 Amendment rights, Your Honor. It's just so
12 prejudicial to the client to have to bring that up,
13 just to mention that he had this lack of remorse in
14 her testimony. We just move to exclude any mention
15 of that.

16 MR. HUBBARD: And, Your Honor, we're in
17 agreement with that. We won't bring up anything
18 about remorse or anything like that.

19 THE COURT: Okay, all right.

20 MR. CORNWELL: Thank you, Your Honor.
21 There is also some indication in her testimony,
22 Marie Driggers, and this is another motion in
23 limine. We're moving to exclude any mention of her
24 talking about our client made her touch things. She
25 said he made her touch things in the house.

1 Unless she's going to testify that he
2 physically like grabbed her hands and made her put
3 her hand on things around the house, we think that's
4 just an unfair inference unless she's a mind reader
5 of some sort, because there is no testimony to that,
6 Your Honor. We just think that's just prejudicial
7 also, Your Honor, way more prejudicial than its
8 probative value.

9 MR. HUBBARD: Your Honor, of course, a
10 witness may testify to the events, what they saw,
11 what they did, what others did, what they made them
12 do. So if that comes up, we would argue that is
13 certainly admissible for any witness to make those
14 type of statements.

15 THE COURT: I'm not sure, because I don't
16 know what the testimony is that you're concerned
17 about. But it would appear to me that any witness
18 would be allowed to testify as to things that they
19 actually saw and heard -- in other words, not
20 hearsay but things that they actually saw and heard
21 and felt inclined to do.

22 MR. CORNWELL: Your Honor --

23 THE COURT: And they're subject to cross-
24 examination obviously.

25 MR. CORNWELL: I'm not opposed to that.

Joe Chappell - Cross In-Camera

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1 It's just the fact she's going to say he made her do
2 it. You know, without him making her do it, I don't
3 understand how she can be made to do anything. If
4 she's going to testify that he told her to do
5 something or something like that, that's a different
6 thing entirely. But she says he made her do it.

7 THE COURT: Well, again, she will be
8 subject to cross-examination, and you can certainly
9 -- I don't know how someone can make someone else --
10 you can make people do things without physically
11 assaulting them to get them to do it. But I just
12 don't know if that's the case here, because I
13 haven't heard the testimony. It may be that when we
14 get to that point, we may need to proffer that
15 testimony to determine what the content is. So as
16 far as that, I'm just going to hold off on that
17 until we get to that point, because I don't know
18 what the testimony is going to be.

19 MR. CORNWELL: Yes, sir. Beg the Court's
20 indulgence.

21 THE COURT: Yes, sir.

22 MR. CORNWELL: Your Honor, there's also in
23 regards to Ms. Driggers' statement, she makes a
24 comment about Glenn can pump people up and may have
25 pumped Walters up. We believe that that's

1 speculative. We ask that any mention of that be
2 excluded from her testimony, also. It's kind of
3 vague. We don't know what she means by that. We
4 ask that that testimony be excluded, Your Honor.

5 MR. HUBBARD: Judge, if he doesn't know
6 what it means, that's what cross-examination is
7 about. It goes to credibility. It goes to all
8 those issues that you bring up on cross. Basically
9 what seems to be taking place, he wants to prevent a
10 witness from testifying to what she has to say, you
11 know, should we give her time to be in court under
12 oath.

13 And I don't know how --- it's not fair to
14 Your Honor to do that without hearing it. But it's
15 certainly not fair to the State to basically take
16 testimony away from people before they can testify
17 other than the argument that "It doesn't sound good,
18 or it hurts my client." Well, there's going to be a
19 lot of things we'll be bringing out this week that
20 are going to hurt his client..

21 MR. CORNWELL: No, that's not my complaint
22 at all. I'm saying that these things potentially
23 have a prejudicial effect. We'll read an excerpt
24 from the statement, "Marie said that the other black
25 man was quiet, and she did not think he would do

Joe Chappell - Cross In-Camera

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1 something like this. She said Demetriss could pump
2 people up and may have pumped the other male up.
3 Marie said that when they got into the car,
4 Demetriss told her that she knew too much and
5 thought they would kill her."

6 So it's the stuff like that. That's
7 prejudicial to us, because it's speculative and it's
8 prejudicial, and it has probative value. It does
9 nothing. It adds no probative value to the charges
10 he's charged with.

11 THE COURT: It's pretty impossible for me
12 to make that decision based on just hearing an
13 excerpt out of context. I may agree with you, Mr.
14 Cornwell, but I think I'm going to have to hear this
15 testimony in context and then make the decision at
16 that time. So we may have to just do an in-camera
17 hearing regarding Ms. Driggers' testimony.

18 MR. CORNWELL: All right.

19 THE COURT: Not all of it, just the parts
20 that you're concerned about.

21 MR. CORNWELL: Yes, Your Honor. Also a
22 motion this week, we have some motions with regard
23 to the interview that we just heard about. The
24 police interview with Glenn, they made some
25 statements about his statements being evasive. So

1 that seems he was just exercising his Fifth
2 Amendment rights to the extent that any kind of
3 comments about his statement or commentary that he
4 was close to making comments about his Fifth
5 Amendment rights are raised, Your Honor.

6 So we'd ask that they be stricken in that
7 during a couple of times during the testimony up
8 here where they got kind of close to making a
9 comment on his Fifth Amendment rights. We just feel
10 like that was improper and it was prejudicial, Your
11 Honor.

12 MR. HUBBARD: Your Honor, our response is,
13 of course, he waived his rights. One of the jobs of
14 a detective is not only to ask questions, but one of
15 the more important things other than just listening
16 to the answer is watching the response.

17 MR. CORNWELL: We're talking about in
18 regards to when he was making a comment about taking
19 the written questions back to his cell and things of
20 that nature, Your Honor. He was simply exercising
21 his right not to answer his questions.

22 MR. HUBBARD: Again, that's all cross-
23 examination. The detective should be able to come
24 in and say, "This is what I saw. This is my take on
25 what I saw."

Joe Chappell - Cross In-Camera

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1 THE COURT: He can do that. The detective
2 can testify as to his observations and what he
3 observed. You can certainly cross-examine him on
4 that.

5 MR. CORNWELL: I would beg the Court's
6 indulgence.

7 THE COURT: Yes, sir.

8 MR. CORNWELL: Also, Your Honor, we'd also
9 like to move to excluding reference's to the
10 client's nickname as West Hell or anything of that
11 nature, Your Honor. It was brought up once in one
12 of the potential witness' statements. We would move
13 to exclude that, Your Honor. We feel that that's
14 prejudicial.

15 We feel that it doesn't serve any
16 probative value since he's been identified already
17 as Demetriss Alshawn Glenn, Your Honor. And it's
18 only brought up once in the context where a snitch
19 is talking about conversation that he had with our
20 client, Your Honor.

21 And it's not even verified whether or not
22 that's his real nickname, Your Honor. So we'd ask
23 that that be excluded in reference to West Hell as
24 his nickname, Your Honor.

25 THE COURT: Is there any relevance to

1 bring out that someone called him West Hell?

2 MR. HUBBARD: I'll tell you how it came
3 about, Judge. They didn't have his real name. They
4 had the name he gave them, Demetriss Floyd.

5 THE COURT: Right.

6 MR. HUBBARD: They knew that was false.
7 They knew there was a Demetriss Floyd out there, but
8 they had gotten from the girlfriend, Margaret
9 Driggers, the name West or West Hell, saying that's
10 his nickname. She wouldn't even give his last name.

11 So what they did is they contacted
12 Richland County, the gang unit -- and I know we have
13 to skirt around that in front of the jury -- and
14 said, "Do you have any nicknames, street names of
15 people from the Columbia area using those names?"

16 And you know, Your Honor, they keep names
17 on folks. I don't know if they even have to be
18 charged or convicted or what. It's their
19 intelligence unit. And they said, "We do have a
20 Demetriss Glenn."

21 That's how they got his name. They
22 haven't gone around other than that. That's the
23 only relevance. That's how we got the real name,
24 because nobody else would give us the real name.

25 MR. CORNWELL: Your Honor, my

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1 understanding is that wasn't Driggers. She gave
2 them West. West Hell didn't come up until I think
3 after he was already in custody, and a guy who is a
4 snitch gave them that name as something that he
5 knew.

6 MR. HUBBARD: We'll just say "West," Your
7 Honor. We'll just say "West" --

8 MR. CORNWELL: Yes.

9 THE COURT: Okay.

10 MR. HUBBARD: -- just to avoid any kind of
11 problem.

12 THE COURT: Okay, all right.

13 MR. CORNWELL: Thank you, Your Honor.

14 Also, Your Honor, we'd also move to redact any
15 mention of crack conversation from Mr. Tyrone
16 Williams' statement. He gives a limited
17 conversation in that the entire setting apparently
18 takes place during a ride to purchase some crack.

19 Your Honor, we would move that any
20 reference to this drug activity is prejudicial, Your
21 Honor, and not probative, doesn't have any probative
22 value, Your Honor. We'd ask that those kind of
23 statements be redacted, Your Honor. It took place
24 after the alleged event, Your Honor.

25 MR. HUBBARD: It's not purported as part

1 of the --

2 MR. CORNWELL: Yes.

3 MR. HUBBARD: -- events of the crime.

4 It's just given, as well.

5 THE COURT: Is there any reason to bring
6 that up? This conversation came up after the
7 killing?

8 MR. CORNWELL: It was after the killing,
9 Your Honor. It was a conversation between -- that
10 Mr. Williams overheard between Ms. Driggers and Mr.
11 Glenn.

12 THE COURT: Is it necessary to bring up
13 the fact that they were on their way to make a drug
14 deal?

15 MR. GRAHAM: I believe what Mr. Williams
16 said when I spoke with him was that normally the
17 defendant did not have much money, and that day he
18 went over and had a lot of money and bought a lot of
19 drugs. That he was basically a small-time drug
20 dealer, but on this occasion, he had a lot of cash.
21 And that would have been a day or two after the
22 robbery.

23 THE COURT: Was there a lot of cash taken
24 as a result of this robbery?

25 MR. GRAHAM: I'm sorry, Your Honor?

Joe Chappell - Cross In-Camera

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1 THE COURT: Was there a lot of cash taken
2 as a result of this robbery?

3 MR. GRAHAM: We don't know.

4 MR. HUBBARD: We don't have any evidence.

5 THE COURT: Well, I don't know how that
6 makes it relevant. If you've got a robbery and you
7 had \$10,000 stolen or \$5,000 stolen, and then two
8 days later he's got a lot of money, that's relevant.
9 If you don't have any idea what was taken, then I
10 don't know that it's relevant.

11 MR. GRAHAM: Nobody knows how much money
12 he had at the house except for whoever took what was
13 there. I think it's circumstantial evidence that
14 Mr. Glenn goes from being somebody who's homeless or
15 doesn't have a place to live, who's struggling day to
16 day -- there will be other testimony about that, and
17 Mr. Williams will testify to that, that he normally
18 would pay \$10 or \$20 for a ride.

19 But that day, which would have been two
20 days I think after he's given him the gun to hold
21 for him that's from that robbery, he's already made
22 a statement that he beat somebody, may have killed
23 somebody. And right then, he has a bunch of cash,
24 and they also are talking about jewelry in this
25 conversation that occurred in front of Mr. Glenn.

1 THE COURT: Well, can't he testify to
2 that, without saying it had to do with a drug deal?

3 MR. GRAHAM: I think we can testify that
4 he had more cash than normal that day, yes, Your
5 Honor.

6 THE COURT: Yes. I'm saying all of that
7 seems relevant. I don't know that it has to be in
8 the context of "We're making this drug deal, and he
9 has enough cash to make it."

10 MR. GRAHAM: That's probably true, Your
11 Honor. Would that satisfy Mr. Cornwell?

12 THE COURT: I'm sure they'd like for you
13 not to mention any of it. But I do think if the
14 situation occurred during a drug deal or on the way
15 to make a drug deal that has nothing to do with the
16 events of this evening, I think that can be done
17 without bringing up that it was in that context.

18 MR. CORNWELL: I think they can do it too,
19 Your Honor. I do have some concern about the money
20 not being -- there's no evidence to suggest that the
21 money came from this place. And it's kind of
22 speculation on Mr. Williams' part whether our guy
23 was homeless or not.

24 THE COURT: You can cross-examine him on
25 all that.

4 MR. CORNWELL: Beg the Court's indulgence.
5 We'd also like to make a motion to exclude
6 conversation about Mr. Glenn taking the charges that
7 came up in the context of Mr. Walters' testimony I
8 believe, Your Honor.

14 And we think that that is not probative of
15 anything, and it's prejudicial, Your Honor. So we
16 move to have any reference to that excluded, Your
17 Honor.

24 MR. CORNWELL: That's correct, Your Honor.

25 THE COURT: There's nothing inappropriate

1 with that. You know, I don't know that that's
2 inappropriate.

3 MR. CORNWELL: We think that that's
4 prejudicial, Your Honor.

5 THE COURT: Of course, it is. But it is
6 relevant. A lot of these things you're bringing up,
7 you know, I may have a different view of it if I can
8 hear it in context. But people can testify as to
9 what they've seen, conversations they've had with
10 the defendant. I mean, they can testify to those
11 things.

12 MR. CORNWELL: I understand that, Your
13 Honor. What we're saying is that we don't have --
14 we argue that it doesn't have any probative value
15 and that its only purpose is to have a prejudicial
16 effect. It doesn't go to prove any element of any
17 of the offenses. It's a statement, a hearsay
18 statement, made by --

19 THE COURT: It's not hearsay.

20 MR. HUBBARD: No.

21 THE COURT: It's a statement of the
22 defendant, allegedly. I'm going to overrule that.
23 Now, if it comes back up in more of a context and I
24 see it in a different light, but just based on what
25 you've shared thus far, I don't think that's an

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1 issue, a problem.

2 MR. CORNWELL: There's also a statement --
3 and this has to do with Walters' statement. This
4 may be an issue that you may need to hear more of.
5 It's also a thing that we think is more prejudicial
6 than it goes towards any probative -- having any
7 probative value or relevance. And it's a statement
8 that Walters makes about him being violent before
9 but not towards him specifically.

10 Basically, Kenneth Walters -- and I quote,
11 "Kenneth said that Shawn was violent but never
12 violent towards him." So we don't think that that's
13 probative of anything.

14 We don't think it's relevant to anything.
15 It's just a statement that would just go to
16 prejudice against our client, Your Honor. We'd ask
17 that he be excluded from testifying to that.

18 MR. HUBBARD: Your Honor, obviously I
19 think we can deal with that. If there's an issue, I
20 think your Honor would probably prefer to flesh it
21 out -- if we have to do it in limine, we can do that
22 -- with taking the witness, put the witness up, if
23 that's where we're going with it.

24 But otherwise, Judge, I think it's
25 premature to be ruling on this. It puts you in a

1 situation you haven't even heard the first witness,
2 and it puts you in a very tough spot if you're
3 having to rule on stuff that --

4 THE COURT: I don't even know the
5 allegations other than what I've read in the
6 indictments.

7 MR. CORNWELL: And, Your Honor, if that's
8 how you want to handle it, fine. It's just out of
9 an abundance of caution --

10 THE COURT: Yes.

11 MR. CORNWELL: -- we would rather try to
12 head these things off than be caught in the middle,
13 Your Honor.

14 THE COURT: Sure. I get you. But
15 unfortunately -- and I agree, Mr. Cornwell -- but
16 probably to be able to make any type of an accurate
17 ruling, we'll probably need to deal with them as
18 they come up.

19 It takes a little longer, but I think it's
20 probably better for me to take it in-camera and
21 listen and put it into context and then be able to
22 intelligently rule on your questions on that.

23 MR. CORNWELL: All right, I understand
24 that, Your Honor.

25 THE COURT: We obviously don't have this

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1 issue with every witness. You've mentioned Ms.
2 Driggers, and you've mentioned Mr. Walters. So it's
3 not like it's going to take three weeks to try the
4 case because we have to do every witness in-camera.

5 MR. CORNWELL: No, Your Honor.

6 THE COURT: But there are a couple that
7 you do have concerns about. And on those, that's
8 probably what we'll need to do.

9 MR. CORNWELL: Thank you, Your Honor. We
10 do have another motion. We'd move to have the
11 witnesses sequestered, Your Honor, just to maintain
12 that we could discovery any discrepancies in between
13 their testimony.

14 I don't think it would cause any undue
15 burden on the State to have that happen, Your Honor,
16 to sequester the witnesses. It would ensure the
17 veracity of the testimony to some degree, so there
18 wouldn't be any chance of somebody accusing another
19 witness --

20 THE COURT: We've got listed -- and I
21 realize that we probably won't hear from all these
22 folks -- 39 witnesses here.

23 MR. CORNWELL: And from what I understand,
24 that's not --

25 THE COURT: Your request for

1 sequestration, would it be limited to fact
2 witnesses?

3 MR. CORNWELL: Yes, Your Honor -- yes,
4 sir.

5 THE COURT: Because I'm sure some of these
6 are probably forensic folks?

7 MR. HUBBARD: Yes, Your Honor. There are
8 some that are family. And obviously we're going to
9 try to pare everything thing, and Your Honor knows
10 how we work.

11 THE COURT: Yes, yes.

12 MR. HUBBARD: But if there is family that
13 might testify, we would ask that -- we believe they
14 have a right to be here. And, Judge, if they're not
15 necessarily fact witnesses, they may be going into
16 talking about -- they can talk about property and
17 things like that.

18 THE COURT: Well, I think the concern
19 you've got are the witnesses that are going to
20 testify as to the events leading up to these issues.
21 Is that right?

22 MR. CORNWELL: Exactly, Your Honor. And I
23 don't think the family's testify gets into that.

24 THE COURT: Right. So those fact
25 witnesses, we'll sequester those folks.

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1 MR. HUBBARD: Yes, sir.

2 THE COURT: Others can remain.

3 MR. HUBBARD: We would ask that our chief
4 investigating officer be able to remain too, Your
5 Honor.

6 THE COURT: Sure. You have that right,
7 yes.

8 MR. HUBBARD: Your Honor, I believe the
9 defense has said they're not calling anybody. But,
10 of course, if they decide to, I think it should
11 apply to both sides.

12 THE COURT: Right.

13 So, Mr. Cornwell, if there any possible
14 witness that would possibly testify, just make sure
15 they're not here, as well.

16 MR. CORNWELL: Thank you, Your Honor. And
17 that's all we have at this time in way of pre-trial
18 motions.

19 THE COURT: All right, sir.

20 Anything further from the State?

21 MR. HUBBARD: No, sir, Your Honor.

22 THE COURT: All right, we'll start at
23 9:30, if everybody will be here ready to go at that
24 time.

25 Mr. Cornwell, you all make sure you let me

Joe Chappell - Cross In-Camera

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1 know as the State moves through their witnesses if
2 one of the witnesses in question is about to come
3 up. Make sure to let me know, and we'll stop and
4 take that testimony in-camera.

5 MR. CORNWELL: Thank you, Your Honor.

6 THE COURT: All right.

7 MR. HUBBARD: Thank you, Your Honor.

8 THE COURT: All right, we'll see everybody
9 in the morning, then, at 9:30.

10 MR. CORNWELL: Thank you, Your Honor.

11 MR. HUBBARD: Thank you, Your Honor.

12 - End of Day -

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1 Tuesday, November 5, 2013

2 (The defendant, together
3 with counsel, was personally present in the
4 courtroom.)

5 THE COURT: Is there anything we need to
6 take up before we bring the jury out?

7 I understand you marked exhibits over
8 night. What do we have agreed upon?

9 COURT REPORTER: State's Exhibits 2 thru
10 72, without objection.

11 THE COURT: All right, Is that correct,
12 Mr. Cornwell?

13 MR. CORNWELL: That is correct, Your
14 Honor.

15 THE COURT: All right, I need to get a
16 copy of her list of what is in evidence without
17 objection, State's 2 thru 72.

18 MR. HUBBARD: Not from the State, Your
19 Honor.

20 THE COURT: Would there be anything from
21 the defense?

22 MR. CORNWELL: Nothing from the defense,
23 Your Honor.

24 THE COURT: Then let's go ahead and bring
25 the jury out with us.

1 (Whereupon, the jury
2 entered the courtroom at 10:02 a.m., after which the
3 following proceedings were had:)

4 THE COURT: Good morning, everybody. I
5 hope you had a nice evening. Mine was outstanding.
6 I'm a huge Chicago Bears fan, and they beat Green
7 Bay for the first time in Lambeau Field since 2007.
8 It's sad, but half the time my life being
9 good or bad hinges on athletic teams, which is
10 pretty sad. I hope everyone had a good evening and
11 are well rested, ready to go to work.

12 Before we get started, let me go over a
13 few just logistical things. It's important that all
14 of you are comfortable. And so to the extent we can
15 have some control over the temperature in here, if
16 we need to do that, let us know and we'll try to
17 adjust that to make you comfortable.

18 Also, the worst thing in the world is for
19 everyone -- and I don't ever want anyone to be
20 embarrassed. But the worst thing in the world is
21 for someone to be sitting there and Mother Nature
22 calls, and there's a witness up here, and they're
23 long-winded -- not that they're long-winded, but
24 it's a long-winded examination, it's a lengthy
25 examination.

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1 And you're sitting there thinking "I don't
2 know how long this is going to go." Don't do that.
3 If you need to take a break, if you'll give me some
4 indication that you need to take a break -- any one
5 of you -- we will stop wherever we're at, even in
6 the middle of examination, because we can always
7 start back where we ended up.

8 So if you need to take a break to use the
9 restroom or just need a break, get my attention.
10 We'll stop, and we'll take that break, okay? And
11 please don't hesitate to do that.

12 The other thing is at some point I'm going
13 to ask one of you to serve as the foreperson of the
14 jury. And once that individual is identified,
15 they'll occupy this first seat. And then the two
16 alternates will occupy the two seats that you're in
17 right now.

18 All of the other seats in the jury box are
19 just -- there's in order, in other words. So that
20 when you come in and out of the courtroom, it's
21 probably best for the foreperson and the alternates
22 to maybe lag back and let everyone else go ahead and
23 then just go ahead and sit wherever you normally
24 flow into the jury box, okay? So I'm just trying to
25 avoid people having to step over folks to get to a

1 particular seat.

2 In Florence, we don't have nearly as nice
3 a facility as you have here. And I used to tell
4 jurors, "If you're really taking a hankering to that
5 seat you're in and that's where you want to be,
6 that's fine. You can sit there."

7 But I often had times where jurors were
8 climbing over people trying to get there because
9 somebody said, "This is where I want to sit." And I
10 think it's kind of maybe best to abandon that idea
11 and just have you flow in and sit wherever you end
12 up sitting. It makes it a lot easier for everybody,
13 okay?

14 Now, we're about to begin the trial of the
15 case. Before I make some opening remarks to you,
16 I'm going to ask you to please give Madam Clerk your
17 attention, and she's going to place you under your
18 oath for your role as jurors in this case.

19 (Whereupon, the jury was
20 sworn, after which the following proceedings were
21 had:)

22 THE COURT: All right, ladies and
23 gentlemen, before we get started with the trial of
24 this case, I want to share some things with you.
25 The first thing is to tell you that unless you've

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1 actually sat in on an actual jury trial, I will tell
2 you now this case will more than likely be very
3 different from what you might expect.

4 Most folks' experience with regards to
5 jury trials are what they've watched on television
6 or seen in the movies or what they've read in books.
7 And, of course, those trials are always full of high
8 drama, intense action, riveting circumstances. It's
9 Hollywood. It's designed to entertain you and to
10 keep you interested in the movie.

11 While any number of those things may occur
12 during the course of this trial, what is important
13 for you to understand is this, and that is that this
14 trial is not for your entertainment. This trial is
15 a fundamental part of our democracy. It is a search
16 for the truth and making every effort that justice
17 is done between the parties that are before the
18 Court.

19 Searching for the truth and making sure
20 that justice is done oftentimes is slow, deliberate,
21 sometimes repetitive -- in other words, very
22 different from what you've seen in movies or read in
23 books or seen on television.

24 This courtroom is a place of honor that is
25 dedicated to the protection and to the preservation

1 of citizens' rights through what many have called
2 the greatest justice system ever created.

3 The attorneys that appear before you,
4 ladies and gentlemen, are advocates for the parties
5 that they represent. But first and foremost, they
6 are officers of the Court sworn to uphold the
7 integrity and the fairness of our judicial system
8 and to help you in your search for the truth.

9 You should expect them to be professional,
10 competent, and ethical in the performance and the
11 representation of their client's interest. Now, you
12 have just taken an oath to try this case and to
13 reach a fair and a just verdict. And you are also
14 expected to be professional, reasonable, and ethical
15 in the performance of your duties, which I have
16 absolutely no doubt you will do.

17 And I want to take this opportunity to
18 thank you again for your service to our community
19 here in Lexington County. Now, what I'm going to
20 share with you for the next few minutes is meant to
21 serve as an introduction to the trial of this case.
22 These remarks are not a charge on the law.

23 I will give you the law that applies to
24 this case at the close of the case, before you
25 retire to deliberate and consider your verdict.

Joe Chappell - Cross In-Camera

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1 What I'm going to do now is just basically explain
2 the procedures that we're going to follow during the
3 course of this trial so that you can better follow
4 along what's going on.

5 The defendant in this case, Mr. Glenn, has
6 been charged by indictments that were filed with
7 this Court. In these allegations of these
8 indictments, he is charged with the offense of
9 murder, armed robbery, and burglary in the first
10 degree. The elements of these allegations I will
11 explain to you later when I give you the charge on
12 the law.

13 The indictments, ladies and gentlemen, are
14 simply the charge by which the case is brought into
15 this Court, and they are not in any sense evidence
16 of any of the allegations that are contained in
17 these indictments.

18 To these indictments, Mr. Glenn has pled
19 not guilty, and the State therefore has the burden
20 of proving each of the elements of these indictments
21 beyond a reasonable doubt.

22 It is going to be your duty, ladies and
23 gentlemen, to decide whether or not the State has
24 met that burden. Your purpose as jurors is to find
25 and to determine the facts of this case.

1 You are the sole judges of the facts in
2 this case. If at any time I make any comment
3 regarding the facts, you must disregard those
4 comments, because only you, the jury, can decide
5 what the facts are during this trial.

6 You are to determine the facts from the
7 testimony that you hear from the witness stand and
8 then any other evidence that is introduced during
9 the course of this trial. It will be up to you to
10 determine what inferences you feel may be properly
11 drawn from that evidence.

12 It is especially important that you
13 perform your duty of determining the facts
14 diligently and conscientiously, because ordinarily
15 there's no way for us to correct an erroneous
16 determination of facts by a jury. Now, on the other
17 hand but with equal emphasis, the same law that
18 makes you the judges of the facts makes me the judge
19 of the law.

20 The law as given to you by the Court is
21 the only law that you may consider. You must accept
22 and follow it even though you may disagree with it.

23 I'm not allowed to tell you about the
24 facts in this case or make any comment about the
25 facts in this case. And you, on the other hand, are

Joe Chappell - Cross In-Camera

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1 not allowed to disagree with me about what the law
2 is or what the law should be.

3 Your job is to take the law as I give it
4 to you, apply it to the facts as you find the facts
5 to be from testimony of witnesses and any other
6 exhibits that may come in during the course of this
7 trial.

8 Now, until I advise you that it's
9 appropriate to begin your deliberations, you must
10 not discuss this case with anyone. That includes
11 amongst yourselves.

12 You'll be back in the jury room from time
13 to time during the course of the trial. And during
14 those times, it's important that you have no
15 conversation about anything that is going on in this
16 case.

17 It is very important, ladies and
18 gentlemen, that you keep an open mind and that you
19 do not decide any issue in this case until all of
20 the evidence has been presented, the parties have
21 made their closing arguments, and that I have
22 instructed you on the law.

23 It is your solemn responsibility to
24 determine the guilt or innocence of the defendant,
25 and your verdict must be based solely on the

1 evidence as it has been presented to you during this
2 trial and on the law as I instruct you at the close
3 of the trial.

4 Now, in just a moment, the Solicitor is
5 going to have an opportunity to make what is called
6 an opening statement. In that statement, he will
7 explain to you what the issues are in this case or
8 at least what he believes the issues are in this
9 case.

10 Once he has concluded his remarks, then
11 one of the attorneys for the defense will have an
12 opportunity to also make an opening statement,
13 although they're not required to do that.

14 What is important for you to understand is
15 this, ladies and gentlemen. What the lawyers tell
16 you in their opening statements is not evidence. I
17 repeat, it is not evidence. It is merely their
18 contention as to what they believe the evidence in
19 this case will show.

20 The evidence in this case that you will
21 consider will be presented to you by the testimony
22 of witnesses who are placed under oath and take the
23 stand and testify from the witness stand, as well as
24 any exhibits or documents which may come into
25 evidence during the course of this trial.

Joe Chappell - Cross In-Camera

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1 Now, from time to time during the case,
2 you may hear one of the lawyers say something along
3 these lines, "Judge, we've got a matter of law we
4 need to take up with the Court," or "Your Honor, may
5 we approach the bench?" During those times, ladies
6 and gentlemen, depending on what the situation is, I
7 may ask you to step back into your jury room.

8 Sometimes when I am having to deal with an
9 issue or a matter of law, in dealing with that issue
10 it may require that I make some comment about the
11 testimony or some comment about the evidence that's
12 been presented in connection with a ruling that I'm
13 required to make.

14 Now, as I said earlier, I'm not to have
15 any influence over you with regards to the facts in
16 this case. And so if I ask you to step back into
17 the jury room while I take up a matter of law, it is
18 simply so that I don't step into your role,
19 interfere with your role as the fact-finder.

20 It's to protect you from any comments that
21 I may need to make in connection with a ruling so
22 that I don't influence you in any way with regards
23 to the facts of this case.

24 In determining what the true facts are in
25 this case, you're going to have to decide whether or

1 not the testimony of a witness is believable or not.
2 It's going to be my responsibility to decide whether
3 certain testimony is allowed into court at all. But
4 once testimony is allowed, whether or not you
5 believe it is going to be solely up to you to
6 decide.

7 In deciding whether to believe a witness,
8 you have the right to consider the interest of any
9 witness, the bias of any witness, the opportunity
10 for the witness to have seen the matters and the
11 things about which that witness testifies, and the
12 way the witness acts on the witness stand.

13 You have the right, ladies and gentlemen,
14 to consider anything that's in this record that will
15 help you in evaluating the testimony of witnesses.

16 That means that it is very important for
17 you to pay close attention to the witnesses, observe
18 them, listen carefully to the witnesses, and pay
19 close attention to the attorneys and to the Court.

20 Try hard not to let your thoughts wander
21 but stay focused and listen carefully to all of the
22 testimony that has been presented, listen to the
23 attorneys as they argue to you when they have their
24 opportunities, and to the Court.

25 After all of the testimony is in and the

Joe Chappell - Cross In-Camera

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1 evidence is in, the lawyers have had an opportunity
2 to address you with their closing remarks, and I've
3 given you the law, you will then be in a position to
4 go back into the jury room, discuss the facts as you
5 heard them, discuss the evidence, apply the law to
6 that evidence, and arrive at a verdict.

7 Now, before we go any further, let me
8 first inquire of the State.

9 Are there any objections or exceptions to
10 the Court's opening remarks?

11 MR. HUBBARD: No, sir, Your Honor.

12 THE COURT: Anything from the defense
13 regarding those remarks?

14 MR. CORNWELL: No, Your Honor.

15 THE COURT: All right, thank you,
16 gentlemen.

17 Now, ladies and gentlemen, again, if you
18 would, please give the lawyers your undivided
19 attention as they address you with their opening
20 remarks.

21 OPENING STATEMENT

22 BY THE STATE

23 MR. HUBBARD: Thank you, Your Honor. "I
24 handled it, didn't I?" Those words -- "I handled
25 it, didn't I?" -- were spoken June 26, 2011, by the

Opening Statement by the State

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1 defendant -- "I handled it, didn't I?" He spoke
2 those words to his girlfriend, Marie Driggers, after
3 a fight. Marie Driggers, Demetriss Glenn, and
4 another friend by the name of Kenneth Walters went
5 into a man's home and things didn't go as they had
6 planned.

7 When he was done handling it, it was a man
8 facedown on the floor in his own blood in his own
9 home June 26th. June 25th, this man, Demetriss
10 Glenn, was with her girlfriend, Marie Driggers, and
11 Kenneth Walters. You're going to hear a little bit
12 more about that. They were running together on the
13 25th.

14 Folks, in the animal world, when you get
15 several animals together, several dogs, several
16 wolves, they form a pack, and there's a hierarchy in
17 every pack. This man is the alpha male of a pack of
18 criminals.

19 Marie Driggers, his girlfriend, a woman
20 devoted to him, a prostitute and drug addict;
21 Kenneth Walters is kind of like the Barney Phife of
22 the crowd, slim build, small, follows whatever he is
23 told to do. That's the pack.

24 The man in charge, the man who comes in to
25 handle something when it goes wrong, the man who has

Opening Statement by the State

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1 the final say is the man on trial today, Demetriss
2 Glenn.

3 Now, the victim in this case, that man
4 dying on his own kitchen floor, has a name. His
5 name is Timothy Tice.

6 Margaret Driggers knew Timothy Tice. She
7 knew him from her work. Timothy Tice was a big man,
8 not as tall as me, but three times my size, a big
9 guy. But you'll also hear he's a man with a big
10 heart, a nice man. He lived on Jake's Landing. You
11 all know where that is. Going down Highway 6 to the
12 dam, there's a shell station on the left. You turn
13 right there, and you go out.

14 There's a bunch of mobile homes, but these
15 are people who have been out there forever, a quiet
16 community. Timothy Tice lived at Jake's Landing
17 right on the lake, a 40-something-year-old man,
18 single, divorced, living out there by himself.
19 Everybody likes him, but he did have secrets. He
20 got involved with some meth, and he got involved
21 with women like Marie Driggers.

22 And that was his undoing, because they
23 smell blood. Margaret Driggers knew Timothy Tice
24 might have drugs, and he had guns. If he didn't
25 want it, he would sell it. Here's a man that would

Opening Statement by the State

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1 let anybody in his house. He opened to everybody.
2 He's a target. They smelled blood.

3 June 25th, these three individuals get in
4 a car, and they start heading to Timothy Tice's
5 house. It's at night. You're going to hear
6 Margaret Driggers contact Timothy Tice. They talk.
7 He's expecting her. But you're going to hear he's
8 home alone, had not expecting company that day.

9 It's late at night. He's not expecting
10 anyone else, but she's bringing two others. In the
11 plan you're going to hear about, it's formulated as
12 they drive. She's going to go in, do whatever she
13 does.

14 And when he's in a position where he's
15 either asleep or not in a position to defend his
16 home, she's going to text Walters and Glenn, who are
17 waiting out in the car, to let them know it's time
18 to come in.

19 And she does exactly that. What goes
20 wrong is only one person goes in. You're going to
21 hear it's Walters, the little guy. But he doesn't
22 go in without anything. He goes in with a gun.
23 That's what you'll hear. You'll hear the gun came
24 from him, Mr. Glenn.

25 And when Timothy Tice sees an intruder

Opening Statement by the State

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1 coming into his house, he wasn't afraid. In fact,
2 the gun didn't scare him at all. He started beating
3 the living daylights out of the man who came into
4 his house to rob him. He did what he had a right to
5 do. You'll hear that.

6 Margaret Driggers, who was going to play
7 the "I don't know what's going on," runs out to get
8 the alpha. "It's going bad. We need you." And he
9 comes in, and he handles it. He handles it by
10 killing the victim in this case, Mr. Tice. by
11 hitting him in the head, not once but over and over.

12 And while that's happening, the pack was
13 looting the place, stealing. One of the items taken
14 was a 30-30 Winchester rifle. And, folks, it's not
15 a great rifle, but it meant something to Timothy
16 Tice because it came from Timothy Tice's dad. And
17 that rifle ends up in the hands of a man by the name
18 of Tyrone Williams.

19 And you're going to hear more about
20 Tyrone. But what's significant about that is Tyrone
21 doesn't know Kenneth Walters. He's met him with
22 Marie Driggers. In fact, they don't know each
23 other. Mr. Glenn calls him brother. There's no
24 blood relationship. In fact, there's no
25 relationship at all.

Opening Statement by the State

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1 You're going to hear Tyrone Williams turns
2 that evidence over to law enforcement. He sets this
3 man up to be arrested. The judge talked to you about
4 TV and all those law shows, CSI and all those
5 investigator shows. They are different from real
6 life. If that's what you expect, it's going to be
7 very different.

8 And those are designed for entertainment.
9 The things they say they can do on TV are just for
10 entertainment. So much of it is just things. What
11 you're going to hear today is not. What you're
12 going to hear tomorrow is not anything
13 entertainment.

14 Like the judge said at the beginning of
15 the trial, he's going to give you the law. He'll do
16 that at the end of the trial. So you may have
17 questions, like if one person takes something, can
18 everybody be responsible? If one person does the
19 killing, can the other two people be responsible?
20 He'll explain it all to you.

21 He'll explain all the law. The other thing
22 he's going to tell you is reasonable doubt. He'll
23 say the State has the burden of proving this case
24 beyond a reasonable doubt. We accept that burden.
25 And what that means is we have to leave you firmly

Opening Statement by the State

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1 convinced that that man is guilty.

2 At the end of the trial, after you've
3 heard the testimony and looked at the evidence,
4 ladies and gentlemen, you will be firmly convinced
5 that Mr. Glenn is guilty of armed robbery. If
6 you're firmly convinced that he's guilty of burglary
7 in the first degree, then you're going to be firmly
8 convinced that he is guilty of the brutal murder of
9 Timothy Tice.

10 THE COURT: Thank you, Mr. Hubbard.

11 Mr. Cornwell?

12 MR. CORNWELL: May it please the Court?

13 THE COURT: Yes, sir.

14 OPENING STATEMENT

15 BY THE DEFENSE

16 MR. CORNWELL: Mr. Hubbard is right. A
17 man is dead. It's tragic. Timothy Tice, a nice
18 guy. But just because somebody is dead, just
19 because somebody tells you a story doesn't mean you
20 should believe it. You will hear some facts or some
21 versions of a story that very well may support what
22 is said.

23 But I'll tell you what else you'll hear.
24 You'll also hear the story about how Mr. Glenn knew
25 nothing about what was going on or what was going to

Opening Statement by the Defense

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1 happen that night. You'll hear the story about how
2 his co-defendants, Ms. Marie Driggers and Kenneth
3 Walters, were together on this without the knowledge
4 of Mr. Glenn.

5 You'll hear that Mr. Glenn was in the back
6 seat passed out, knocked out, while this whole thing
7 was going on. You'll hear that there was some
8 discussion beforehand about this robbery. And
9 you'll hear that this idea was Marie Driggers' idea.
10 You'll hear that this was all planned by Marie
11 Driggers.

12 You'll hear that she brought this up, and
13 her idea was frowned upon by the people she brought
14 it up in front of. You'll hear that. Nobody wanted
15 to go along with her. But you'll also hear that she
16 found someone to go along with her, Mr. Kenneth
17 Walters. You'll hear that they discussed it, and
18 that she texted Kenneth Walters while she was in the
19 house. You'll hear that.

20 You'll also hear that our client had no
21 part in the planning of this robbery. You'll hear
22 that Kenneth Walters was in that home, and you'll
23 hear that he got in a struggle with Mr. Tice, the
24 victim. But you'll also hear that Marie Driggers
25 was in that home, ran outside when she saw the

Opening Statement by the Defense

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1 struggle to get Mr. Glenn out of the car. You'll
2 hear that.

3 But what you'll also hear is Mr. Glenn was
4 in the car sleeping. Alfa boys don't sleep if the
5 pack is in danger. They stay on guard. They keep
6 watch with their pack. He was asleep in the back
7 seat. You'll hear that.

8 You'll hear he rushes in to save his
9 friend. You'll hear that. You'll hear that he used
10 words first before he even picked up the chair. He
11 said "stop." You'll hear that.

12 You know why? Because Tice knew him.
13 They knew each other. You'll hear that. You'll
14 hear that once he didn't stop, that's when he picked
15 up the chair. You'll hear people testify to that.
16 You'll hear that the only reason he struck him was
17 to get him off the person whom he believed was being
18 attacked. You'll hear that.

19 You'll hear that he struck him. And once
20 he fell, he stopped him. You'll hear that. You know
21 why, because Tice knew him. They knew each other.
22 You'll even hear that he did not want to do this.
23 You'll hear that.

24 What we are saying is that you should keep
25 an open mind and listen to all the facts, because

Opening Statement by the Defense

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1 there's more than one story coming out of this.
2 Matter of fact, you may find it hard to keep track
3 of the different stories that come out of some of
4 this. But we do have multiple stories. There's not
5 just one story.

6 And you are the jury and are the finders
7 of the facts. It's your job to sift through these
8 stories. It's your job to decide whether you
9 believe who is believable and who is not believable.
10 That's your job. You're the finders of the facts.

11 The judge instructed you on that, or he
12 told you that. That is what you are to do. You've
13 heard him talk about the law. That's correct. The
14 judge will instruct you on what the proper law is to
15 apply to this case. He will instruct you as to how
16 to apply that law. It may take a long time but we
17 encourage you to pay close attention, because that's
18 going to make a big difference in the case of the
19 trial.

20 Listen to what he says when you go back
21 there. Because I think you'll find, once you hear
22 the stories and you sift through what is nonsense
23 and what is facts, you'll find that Mr. Glenn's
24 actions is not consistent with the crime that
25 they're alleging he committed.

Opening Statement by the Defense

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1 One thing to keep in mind is that you will
2 find the truth. When there is justice to be meted
3 out, that's the judge's job. The jury's job is to
4 find the facts. Just because someone is dead
5 doesn't mean that you should send an innocent man to
6 jail.

7 Keep in mind whose idea it was. Keep in
8 mind that there are multiple stories that are going
9 to be heard. And keep in mind that's it your job to
10 separate the truth from what is fiction. I thank
11 you.

12 THE COURT: Thank you, Mr. Cornwell.

13 You may call your first witness.

14 MR. HUBBARD: Thank you. The State calls
15 Melissa Hayes.

16 Ms. Hayes, if you would please come around
17 to be sworn.

18 (Whereupon, the witness was
19 sworn.)

20 CLERK OF COURT: And once you're seated
21 ma'am, please speak up loud and clear, state your
22 full name, spelling your last on the record, please.

23 MS. HAYES: My name is Melissa Hayes -- H-

24 A-Y-E-S.

25 MELISSA HAYES, having first been duly

Opening Statement by the Defense

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1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. HUBBARD:

4 Q Ms. Hayes, where do you currently reside?
5 You don't have to give the street address, but what
6 area?

7 A West Columbia.

8 Q Back in 2011, where was your dad living?

9 A Jake's Landing.

10 Q Did he know Timothy Tice?

11 A He did. He worked with him.

12 Q And did you have an occasion in June of
13 2011 to meet Mr. Tice?

14 A I did.

15 Q Was that the first time you had ever met
16 him?

17 A Yes, that was the first time I had met
18 him. I knew of him living in Jake's Landing, but
19 that was the first time that I had got to know him.

20 Q Was he friends with your dad?

21 A Yes, sir.

22 Q And your dad, what was his living
23 arrangements at Jake's Landing?

24 A He lives in a camper.

25 Q When you would visit your dad, who if

Melissa Hayes - Direct

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1 anybody would you take with you?

2 A My son.

3 Q What's your son's name?

4 A Trace.

5 Q Back in 2011, how old was Trace?

6 A He was -- he'll be eight Friday, so he was
7 six at the time.

8 Q When you and Trace would go visit your dad
9 at Jake's Landing, does your dad have restroom
10 facilities in his camper?

11 A He does, but not a big shower. It's a
12 small camper.

13 Q And when you went to meet him or visit
14 your dad back in June of 2011, you say that's when
15 you met Mr. Tice?

16 A Uh-huh -- yes, sir.

17 Q What if anything did Timothy Tice offer
18 you?

19 A To use his restroom and his shower as me
20 and my son may need it. He was very open to
21 kindness to let me and my son stay there if we
22 needed to, you know, use the facilities.

23 Q Was there any requirement that you pay him
24 or anything in exchange for using his facilities?

25 A None whatsoever.

Melissa Hayes - Direct

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1 Q Would you take your belongings over there?

2 A Yes, I would.

3 Q Did you leave anything over there?

4 A I did.

5 Q What type of items did you leave at his
6 place while you were visiting your dad?

7 A I left a bag of shoes there and some other
8 stuff, like a towel and stuff when we were gone.

9 Q Now, your dad, what part of Jake's Landing
10 or what part of that area did he live in?

11 A At that time, he lived at the very top of
12 the landing, which is a good ways away from Timmy's
13 house.

14 Q Was it near the Shell station and the
15 condos?

16 A Yes, sir.

17 Q When you first pull in?

18 A Uh-huh.

19 Q What part did Timmy Tice live in?

20 A All the way down in the very end, the
21 opposite end on the water.

22 Q So he was like on the point?

23 A Yes, sir.

24 Q On June 25th, what if any plans did you
25 have for the evening?

Melissa Hayes - Direct

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1 A I was going to the Dam Bar and Grill to
2 meet some friends that night about 10:30.

3 Q Where did you go to change?

4 A I got dressed -- showered and got dressed
5 at Timmy's house.

6 Q Did you have another name for Timmy?

7 A Timmy T.

8 Q Did other people call him Timmy T?

9 A Uh-huh.

10 Q Who was with you when you were at his
11 house?

12 A Me and my son.

13 Q And you said this was around what time?

14 A We had been there all day, enjoying the
15 water and the boats and stuff. But as the evening
16 got on, I started getting dressed later on, to
17 shower later on that evening. But when I left, it
18 was about 10:30.

19 Q What if anything had Timmy Tice or Timmy T
20 been doing that day?

21 A Working on the boat and just working,
22 piddling in the yard and stuff like that. But he
23 had started not to go, so he got overheated or hot
24 or something. So he called it in later and was
25 going to go in and rest. And he cooked dinner while

Melissa Hayes - Direct

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1 I was in the shower and fed my son, and then I ate
2 when I got out.

3 Q So he fixed dinner for y'all?

4 A Uh-huh.

5 Q And when you got all set to go, did he
6 have any plans?

7 A No, he actually offered to -- my son fell
8 asleep on the couch and offered to just let my son
9 stay there since I was just going up to the Dam Bar
10 and Grill, which is close, offered to keep my son
11 there. And he wasn't feeling good, and he was just
12 going to rest.

13 Q What did you do?

14 A I decided to take my son to my dad's and
15 not leave him just, you know, which I would have
16 left him because I trusted him or what not. But
17 something just told me to take my son, thank gosh.

18 Q So you left around 10:30?

19 A Yes, sir.

20 Q The next day, what did you do the next day
21 when you got up?

22 A Say that again, please?

23 Q The next day -- where did you stay that
24 night?

25 A That night after we closed down the Dam

Melissa Hayes - Direct

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1 Bar and Grill, I had went and stayed at my dad's
2 where my son was at, at his camper.

3 Q About what time did you get up and get
4 ready for breakfast?

5 A I'd say it was about nine-ish or something
6 like that. We got up, and we got dressed, me, my
7 dad, and my son. And we drove the golf cart down to
8 Tammy's house to eat breakfast.

9 Q Is that a woman by the name of Tammy
10 Handy?

11 A Yes.

12 Q Whereabouts did she live at Jake's
13 Landing?

14 A As my dad is up front, she is closer to
15 Timmy T's house, but you can't see his house from
16 hers, but down in Jake's Landing.

17 Q And the plan was to have breakfast there?

18 A Uh-huh.

19 Q Who else was supposed to be showing up for
20 breakfast?

21 A Timmy T.

22 Q Did he show up?

23 A No, sir.

24 Q What did you do?

25 A We ate, and we made the comment that he

Melissa Hayes - Direct

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1 was supposed to come. And Tammy said, "I ain't
2 talked to him yet this morning." And I said, "Well,
3 I'm going to go down there and get my towel and
4 stuff off of the front porch and get my sunglasses
5 and whatever, you know, see what's up, see where's
6 at." So I, myself, drove the golf car down to his
7 house.

8 Q What happened when you got down to his
9 house?

10 A The back door was wide open. And when I
11 pulled up in the golf cart, I was on the phone,
12 noticed the door was open, kind of looked around to
13 see if Timmy T was around the yard. And I was still
14 on the phone, so I drove the golf cart around to the
15 front of the house to get my towel and my sunglasses
16 and stuff, still looking for Timmy T as I'm on the
17 phone.

18 I didn't see him, so I drove back around
19 to the back where the front door was open or the
20 back door was open. And I told my friend, "Okay,
21 we'll I'll see you in a few." She was coming to the
22 landing to go on the boat. And I put my phone down,
23 and I got off the golf cart and went to walk in the
24 back door. And that's when I found Timmy.

25 Q What did you see?

Melissa Hayes - Direct

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- 1 A I saw lots of blood.
- 2 Q Where was Timmy?
- 3 A On the ground, facedown.
- 4 Q What room of his house was it?
- 5 A The kitchen.
- 6 Q I'll show you some photographs that have
- 7 already been placed into evidence without objection.
- 8 State's Exhibit Two, is this one of the doors, the
- 9 open door you're talking about?
- 10 A That's the one.
- 11 Q Now, since I'm close up, I'm still going
- 12 to ask you to speak up. You referred to it as a
- 13 back door. Technically, it would be on this mobile
- 14 home, is that correct?
- 15 A Yes, sir. Technically, it would be, but
- 16 that would be the front door as you pull up.
- 17 Q Is that what everybody used as the front
- 18 door?
- 19 A Uh-huh.
- 20 Q State's Exhibit Three.
- 21 A Timmy T.
- 22 Q Timmy T. Okay, this is a just a photo of
- 23 him?
- 24 A Uh-huh. I'm sorry, yes.
- 25 Q State's Exhibits Four and Five, do you

Melissa Hayes - Direct

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1 recognize these items?

2 A Yes, sir. That's my bag, both bags of
3 mine.

4 Q Are these in his residence?

5 A Yes, sir, on the kitchen table.

6 Q State's Exhibit Six, is that a picture of
7 Timmy T on the floor?

8 A Yes, sir.

9 Q Is that how you found him?

10 A Uh-huh -- yes, sir.

11 Q Looking at State's Exhibit Two, this
12 photo, again what I'm talking about, you've referred
13 to it as a back door. But is this what everyone
14 used as the front door?

15 A Yes, sir.

16 Q And that's the door that was open?

17 A Yes, sir.

18 Q How open was the door?

19 A Just like that, wide open.

20 Q State's Exhibit Three, who is that?

21 A Timmy T.

22 Q Is he a big man?

23 A He is, like a teddy bear.

24 Q State's Exhibit Four, that bag with the
25 number 17 on it, whose bag is that?

Melissa Hayes - Direct

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- 1 A That's mine.
- 2 Q What items were in that bag?
- 3 A Every pair of shoes I owned.
- 4 Q State's Five, what item is that?
- 5 A That was my beach bag that had my towel
- 6 and stuff to go on the boat.
- 7 Q Now, on State's Six, you say this is how
- 8 you found Timmy T that day?
- 9 A Yes, sir.
- 10 Q Do you see in this same photo that bag
- 11 with your shoes and that beach bag in this photo, as
- 12 well?
- 13 A Yes, sir.
- 14 Q Did you leave those items in that
- 15 residence?
- 16 A Yes, sir.
- 17 Q After you found Timmy T?
- 18 A Yes, sir.
- 19 Q When you went in this residence, did you
- 20 touch anything?
- 21 A I didn't even go in. I stepped my foot
- 22 right in the step, right in the step-up to walk into
- 23 the house. And as soon as I could see that, I
- 24 turned back around and ran.
- 25 Q Where did you go?

Melissa Hayes - Direct

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1 A I ran up to -- well, I got on my golf
2 chart, almost got off the golf cart because it
3 wasn't going fast enough, to run up to Tammy's house
4 to call the cops.

5 Q And did somebody call 911?

6 A Tammy did.

7 Q If you would, please answer any questions
8 that the defense has for you.

9 A Yes, sir.

10 THE COURT: Mr. Cornwell.

11 CROSS-EXAMINATION

12 BY MR. CORNWELL:

13 Q Now, Ms. Hayes, you can't testify as to
14 how Mr. Tice was killed, can you?

15 A No, sir.

16 Q And you weren't there at the time he was
17 killed?

18 A No, sir.

19 Q And you don't have any personal knowledge
20 of who participated at that killing, do you?

21 A Not at all.

22 Q Thank you.

23 MR. HUBBARD: No follow-up, Your Honor.

24 THE COURT: All right, thank you very
25 much, ma'am. You may step down.

Melissa Hayes - Cross

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1 MR. HUBBARD: Your Honor, she's free to go
2 as far as we're concerned.

3 THE COURT: Any objection to this witness
4 being excused?

5 MR. CORNWELL: No, Your Honor.

6 THE COURT: All right, thank you very
7 much, ma'am. You're free to go.

8 MR. GRAHAM: The State calls James
9 Kemfort.

10 (Whereupon, the witness was
11 sworn, after which the following proceedings were
12 had:)

13 CLERK OF COURT: Once you're seated, speak
14 up loud and clear. State your full name, spelling
15 your last for the record, please.

16 MR. KEMFORT: My name is James Kemfort --
17 K-E-M-F-O-R-T.

18 JAMES KEMFORT, having first been duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. GRAHAM:

22 Q Mr. Kemfort, where are you currently
23 employed, and what do you do?

24 A I am currently employed by Lexington
25 School District Four. I'm a business education

James Kemfort - Direct

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1 teacher.

2 Q When did you start working for the school
3 district?

4 A August 16th.

5 Q Prior to that, did you work for the
6 Lexington County Sheriff's Department?

7 A I did.

8 Q How long were you in law enforcement?

9 A I was in law enforcement altogether 12
10 years and with Lexington County the last seven
11 years.

12 Q What were your job duties as a deputy
13 sheriff?

14 A I had multiple functions. I was in patrol
15 for several years. I also was a school resource
16 officer for four years, and my last job function
17 there was as a major crimes detective.

18 Q Back on June 26, 2011, what was your
19 position?

20 A I was working in patrol, as a patrolman.

21 Q What did you do as a patrolman?

22 A I was in a marked unit and in a uniform in
23 a marked vehicle. We were patrolling, answering
24 calls for service on a shift.

25 Q Lexington County is divided up into

James Kemfort - Direct

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1 regions, is that correct?

2 A That's correct.

3 Q What are the different regions?

4 A We have southwest and north region, and I
5 was assigned to west region patrol, which is
6 Batesburg-Leesville, Gilbert, and part of the
7 Lexington area.

8 Q Does that include the part of Lexington
9 County over by the dam on Highway 6?

10 A That's correct. Yes, it does.

11 Q Do you remember receiving a call for
12 service around 11:30 a.m. on June 26, 2011?

13 A Yes, I do.

14 Q And what was the call for service for?

15 A It was a call for service to assist EMS, a
16 standby. Someone had called saying there was a man
17 lying on the floor with a lot of blood. And, of
18 course, EMS doesn't go into those situations until
19 we arrive first. So it was a call for service to
20 assist in that capacity.

21 Q What time did you arrive on scene?

22 A I arrived on scene at 11:53.

23 Q Do you remember the address of the
24 location?

25 A It was [REDACTED] Jake's Landing Road, Lot -- I

1 believe it was [REDACTED].

2 Q Where is that? If you had to describe
3 where it was, how do you get there?

4 A Yes, sir, it's Jake's Landing Road, just
5 right off of North Lake Drive, Highway 6, just
6 outside the Lexington town limits as if you're going
7 towards the dam to go across the dam into Irmo.
8 Before you get to the dam, there's actually an Exxon
9 station and a restaurant, bar and grill. It used to
10 be at that time, it was called the Dam Bar and
11 Grill. I think it's now called Bentley's Beach
12 House. It's directly behind that.

13 Q Once you exit Highway 6 and you start
14 going down towards Jake's Landing, how do you get to
15 Lot [REDACTED]?

16 A It's a little convoluted. There are
17 multiple lots on the lake. Each of them are
18 assigned a letter and number. You go back, it winds
19 to the left and back to the right. After it goes to
20 the right, it's a loop, a looping circle. And you
21 have to go all the way back to the far right. Lot
22 E4 was on the lake. It's a waterfront lot on the
23 south part of the lake.

24 Q And is that in Lexington County?

25 A Yes, it is.

James Kemfort - Direct

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1 Q The roads themselves, are they wide,
2 double-lane paved roads, or how would you describe
3 them?

4 A No, they're roughly paved roads to start
5 with, and it turns into rock, gravel, and dirt. So
6 the primary loop where everybody lives is primarily
7 just more of a dirt path than it is a road.

8 Q Now, are these big brick houses with
9 yards?

10 A No, these are very old trailer homes.
11 Some of them are RV campers, in fact, these people
12 live in.

13 Q How close together are they?

14 A It varies. Some of them are within 15 to
15 20 feet. Some of them are about maybe 40 feet
16 apart, 40 to 50 feet apart. And speaking of a
17 neighborhood, they're really close together.

18 Q When you drove up to Mr. Tice's house, Lot
19 E4, what did you initially see? What did his house
20 look like compared to the surrounding area at the
21 time that you arrived?

22 A When I first arrived, there were several
23 people standing outside. His door was open. And I
24 spoke with the people that were there. There were
25 like four or five people standing around outside,

James Kemfort - Direct

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1 and they were all saying, you know, "He's inside.
2 He's on the ground."

3 It's sort of a dirt drive entrance.
4 There's sort of a shed building to the left, and the
5 house is here. I don't know if you'd call it the
6 front door or the back door. It looks like the
7 primary entrance where the car drives up, where
8 vehicles pull up, the other side faces the lake.

9 Q And was that the door open or closed when
10 you arrived?

11 A It was open when I arrived.

12 Q Let me show you State's Exhibit Number Two
13 on the overhead and ask if you recognize that.

14 A Yes.

15 Q And what does that depict?

16 A That's a view at an angle from when you
17 pull up, the door that was open that you first see.

18 Q Now, did you arrive by yourself, or did
19 someone come with you?

20 A It might actually be a -- there was
21 another vehicle with me that was my assistant shift
22 supervisor. He also responded. He arrived at the
23 same time I did.

24 Q So when the two of you arrive and you see
25 some people standing outside, what's the first thing

James Kemfort - Direct

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1 you do?

2 A The first thing we needed to do was secure
3 the area, find out exactly what we had. Being the
4 first people on the scene, all we had was -- the
5 only information we had was a man on the floor with
6 a bunch of blood. So we had to decide what we had
7 and secure the area, which is what we did.

8 We went into the residence. We stepped
9 into that door, and you could see immediately that
10 there was a pool of blood. Master Deputy Ward was
11 my supervisor. He went inside across to the left,
12 and I went to the right to look to make sure there
13 was nobody else inside the residence. We had
14 everybody that was standing outside to say outside.

15 Q Did you have your guns drawn at this
16 point?

17 A No, sir. We didn't have our guns drawn at
18 this point, because we understood that people had
19 already been inside the house. The people who
20 called, they had already been inside the house. So
21 we didn't have any expectation that they were still
22 in there, but we wanted to make sure.

23 Q Did you find anybody else inside other
24 than --

25 A No, sir. There was nobody else.

James Kemfort - Direct

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1 Q -- Timmy Tice?

2 A Nobody else.

3 Q I'm going to show you State's Exhibit
4 Number Seven, which is already into evidence, and
5 ask if you recognize that photo?

6 A Yes, sir. That's the view when I first
7 stepped into the door.

8 Q So when you came in the door that was wide
9 open, you stepped in at the threshold, and this is
10 what you see?

11 A Yes, sir.

12 Q What were you looking at?

13 A Specifically, as I noted in my report,
14 when I first walked in, the first thing I noticed
15 and observed was a bar stool that was upside-down.
16 I thought that was kind of out of place because
17 there's a washer and dryer to the right. And this
18 was sort of a hallway by a bathroom. Washer and
19 dryer utility area and the refrigerator is the long
20 left side on the left. You can see kind of where
21 the door hinges are. That's the refrigerator. This
22 is the kitchen area. Yes, sir, that's the
23 refrigerator. So that bar stool being upside-down
24 seemed out of place. In fact, there were some items
25 that were tossed and moved around.

James Kemfort - Direct

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1 Q So you walk in, and you see the bar stool.

2 A Correct.

3 Q When you pass the refrigerator, what do
4 you see?

5 A Yes, you can actually see blood right
6 there by the corner of the refrigerator. But as you
7 step into the mat -- yes, sir, as you step onto that
8 black mat, you can actually see to the left. It's a
9 very small, tight, hideaway hallway. You can see to
10 the left there was just a large pool of blood that
11 had already begun separating.

12 Q On the overhead State's Exhibit Number
13 Six, do you recognize that photo?

14 A Yes, sir.

15 Q And what did you see when you came in?

16 A When I came in, I stepped in. I saw a
17 large pool of blood. Like I said, it was already --
18 the blood was already starting to separate, so you
19 could tell it had been there for a little bit. I
20 saw a white male laying on the floor. You could
21 actually see the discoloration on the lower part of
22 the body where the blood had already settled in his
23 body.

24 So you could tell he had been there for a
25 little bit. And he was laying in there. Things

James Kemfort - Direct

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1 were moved around. The table seemed to have been
2 off-kilter. There were things moved around in the
3 kitchen, just out of place, moved around. We
4 noticed that there were other bar stools inside the
5 living room that still were upright and had cushions
6 on them. And then I noted that that bar stool I
7 noticed didn't have a cushion on it.

8 Q Looking back at State's Number Seven, when
9 you go to -- you come in the door and go to the
10 right. You talked about coming in and clearing the
11 house and going to the right?

12 A Correct, I went right initially. There's
13 just a bedroom over there. So I noticed the bedroom
14 over there to the right.

15 Q What if anything did you notice about the
16 bedroom?

17 A It just looked tossed. It looked like not
18 disarray like someone is just not clean. It was
19 more of it looked literally tossed, like there were
20 drawers open. There were things kind of out hanging
21 around. There were things that just shouldn't have
22 been like that. It was literally tossed.

23 Q You said the master deputy who was with
24 you went to the left?

25 A He went to the left to clear the left side

James Kemfort - Direct

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1 of the house.

2 Q And that would have been going around
3 through this entrance by the refrigerator, that way?

4 A Correct.

5 Q Taking you into what part of the house?

6 A He went over towards the other side.
7 There are some bedrooms over there and the living
8 room. He went over towards the living room and the
9 bedrooms to be sure there was nobody in the back
10 half of the house.

11 Q Did you have an opportunity to go through
12 that part of the house as well after he had already
13 cleared it?

14 A I did not go through that part of the
15 house.

16 Q Once you and Master Deputy Ward cleared
17 the house, what did you do?

18 A We, of course, checked the body and could
19 tell there were no signs of life, nothing we could
20 do for him. We backed out and secured the
21 perimeter. We set up crime scene tape on the
22 outside of the house and, of course, moved everybody
23 away from it, and started getting the information
24 from the people that were outside the residence. We
25 also contacted the coroner -- our dispatcher to

James Kemfort - Direct

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1 notify the corner, major crimes, and our crime
2 scene.

3 Q Talking to the people outside, do you
4 remember how many people that were neighbors or
5 friends or whatever?

6 A About four or five. And a couple of them
7 would come and go because they were right next door.

8 Q Was there any indication in speaking with
9 them that any of them had gone into the house and
10 altered anything?

11 A No indication at all. When speaking with
12 them, they were all very genuinely upset, disturbed,
13 bothered by the situation. No, there were no signs
14 of any kind of false, over-dramatic statements --
15 sometimes you'll get that -- or any signs of lack of
16 concern that sometimes you'll see if someone may
17 have been involved or done something. But everybody
18 seemed very genuinely concerned and upset about the
19 situation.

20 There was no evidence that they had
21 bothered anything. In fact, when we did talk to
22 them, everything that they said was, "We didn't
23 touch anything. We only went so far because of the
24 blood." With the amount of blood in there, it was
25 really difficult to reverse getting back there. So

James Kemfort - Direct

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1 they all stayed -- everyone we spoke to had stated
2 that they didn't go in and bother anything.

3 Q After you cleared the house, did EMS go
4 inside?

5 A Yes, they did.

6 Q And what did EMS do?

7 A The EMS lieutenant went in, because EMS
8 has to check for signs of life. The EMS lieutenant
9 went in by himself. He actually told the others
10 they didn't have to go in. But he went in by
11 himself and determined there were no signs of life.

12 Q After you cleared the house and EMS had
13 gone in, did you make any phone calls?

14 A Just to -- I did not make the phone calls.
15 Master Deputy Ward who was on the scene made phone
16 calls to major crimes -- to dispatch to notify major
17 crimes and the coroner.

18 Q What's the purpose of the coroner?

19 A The coroner's -- only by law the coroner
20 can pronounce someone deceased, so he has to come to
21 the scene and pronounce him deceased.

22 Q And did that happen?

23 A Yes, that's what happened.

24 Q When you said "major crimes," what is
25 major crimes?

James Kemfort - Direct

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1 A Major crimes investigations, those are the
2 detectives who come out to investigate something.

3 Q Major crimes being things like armed
4 robberies, burglaries, and murders?

5 A Armed robberies and murders, yes.

6 Q And who arrived from major crimes?

7 A I believe Detective Freund and
8 Investigator Chappell arrived.

9 Q What time did they arrive on scene?

10 A Investigator Chappell arrived around 1230
11 hours.

12 Q In addition to major crimes, did Master
13 Deputy Ward also contact the crime scene
14 investigators?

15 A That's correct, yes. They had been
16 notified.

17 Q What's their purpose?

18 A Their purpose as crime scene detectives,
19 investigators to really process the crime scene.
20 They do the photographs. They collect evidence and
21 store it for processing.

22 Q And do you remember who was the first
23 officer arriving from crime scene?

24 A Investigator Glenn Ross. He arrived and
25 signed in at 12:50.

James Kemfort - Direct

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1 Q In addition to that, obviously other
2 police officers arrived, as well?

3 A Yes, sir. Investigator Bill Freund and
4 Detective Cathy Etheredge also arrived to assist
5 with the investigation.

6 Q And did you end up -- you started a log,
7 or someone started a log of --

8 A Yes.

9 Q -- who was going into the house, correct?

10 A When I secured the residence after we came
11 out -- we secured it, we placed crime scene tape
12 around it -- I immediately began a crime scene log,
13 which is a log of all the people who have been in
14 the residence or inside the crime scene so we get
15 all the names and information so that we can always
16 go back and talk to them if we need to. But I began
17 a crime scene log, and each person that arrived on
18 the scene and entered the crime scene had to sign
19 that.

20 Q Let's talk about putting up tape. What do
21 you mean?

22 A I'm sorry. It's yellow plastic caution
23 tape. It says, "Crime Scene - Do Not Cross." We
24 put that around the area to set up a perimeter.

25 Q Do you remember who assisted you in

James Kemfort - Direct

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1 putting it up?

2 A Master Deputy Ward did.

3 Q Thank you, Mr. Kemfort. Please answer any
4 questions the defense has.

5 A Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. CORNWELL:

8 Q You mentioned that some people were there
9 when you arrived, that's correct?

10 A Neighbors, yes, sir.

11 Q And how many people had entered in terms
12 of going in the house without touching anything?
13 How many people would you say?

14 A There were a couple of them that said that
15 they went in. Most of them said they just went to
16 the door.

17 Q So more than two or three people?

18 A I don't believe it was more than two or
19 three, no.

20 Q But they had all said that they had been
21 to the door?

22 A At least been to the door, yes, sir.

23 Q Did anybody say they went in?

24 A I remember at least one person. I don't
25 remember which one it was. But I do remember one

James Kemfort - Cross

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1 person saying they had gone in, but they didn't go
2 in any further than
3 those black mats, is what they told me.

4 Q And you didn't take any statements about
5 anybody saying anything related to a murder?

6 A No, sir.

7 Q You didn't take any statements in regard
8 to anybody seeing anything that may have seemed
9 suspect or anything like that?

10 A No, sir.

11 Q Did you personally observe anyone there
12 when you got to the home that night?

13 A No, no one besides those I've already
14 mentioned, no, sir.

15 Q You didn't see anyone at the scene that
16 was a suspect?

17 A No, sir.

18 Q Thank you.

19 MR. GRAHAM: Nothing else, Your Honor.

20 THE COURT: Thank you very much, sir. You
21 may step down.

22 MR. KEMFORT: Thank you.

23 MR. HUBBARD: The State calls Glenn Ross.

24 (Whereupon, the witness was
25 sworn, after which the following proceedings were

James Kemfort - Cross

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1 had:)

2 CLERK OF COURT: Once you're seated, speak
3 up loud and clear. State your full name, spelling
4 your last on the record, please.

5 MR. ROSS: My name is Glenn Ross -- R-O-S-
6 S.

7 GLENN ROSS, having first been duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HUBBARD:

11 Q Investigator Ross, where do you work?

12 A Lexington County Sheriff's Department.

13 Q How long have you worked for Lexington
14 County?

15 A About six or seven years.

16 Q What do you do with Lexington County?

17 A Crime scene investigator.

18 Q CSI unit?

19 A Yes, sir.

20 Q Have you been with CSI since you've been
21 with the Sheriff's Department?

22 A Yes, sir. I was recruited from the City
23 of Columbia. I was a crime scene investigator
24 there.

25 Q How long were you with CSI in Columbia?

Glenn Ross - Direct

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1 A Total amount of time, I've worked crime
2 scenes 13 years and been assigned to a crime scene
3 unit 10 years between the City and Lexington.

4 Q What's your total time in law enforcement?

5 A Over 23 years.

6 Q As a crime scene investigator, do you have
7 classes and things you have to do to maintain what
8 you do?

9 A Yes, sir. We go to continuing training,
10 update on techniques and different ways of doing
11 things, yes, sir.

12 Q Have you done that throughout the years?

13 A Yes, sir, continually try to find classes
14 and go to updated types of techniques and things of
15 that nature.

16 Q What type of things does a CSI
17 investigator do?

18 A That's a wide range of scope there,
19 anything that pertains to the crime scene as far as
20 collection and documenting evidence, anything that
21 pertains to a crime that has been committed to where
22 we may be able to obtain evidence any way that you
23 may obtain that evidence.

24 Q The evidence that y'all collect, are y'all
25 taught to collect in a certain manner?

Glenn Ross - Direct

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1 A Yes, sir.

2 Q Is that purpose not to contaminate it?

3 A Yes, sir.

4 Q Do you also look for things like
5 fingerprints?

6 A Yes, sir, we do.

7 Q DNA, blood?

8 A DNA, fingerprints, ballistic evidence,
9 GSR, blood spatter, any shoe impressions, tool
10 impressions, all of these types. There's all kind
11 of different avenues of doing that.

12 MR. HUBBARD: Your Honor, I think it would
13 be proper at this time to offer him as an expert in
14 the collection and processing of crime scenes.

15 THE COURT: Any objection to his being
16 qualified as an expert?

17 MR. CORNWELL: No, Your Honor.

18 THE COURT: All right, without objection.

19 Q Investigator Ross, were you called out to
20 the scene at Jake's Landing in this case?

21 A Yes, sir, I was.

22 Q Were you the first CSI investigator there?

23 A I was.

24 Q Did anybody eventually come to assist you?

25 A Whenever we have a homicide, protocol is

Glenn Ross - Direct

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1 to call a second CSI unit to assist. So I called
2 Crime Scene Investigator Strickland to assist me.

3 Q When you come to a crime scene such as the
4 one you've got at Jake's Landing, what's the first
5 thing you do?

6 A The first thing we do, of course, is make
7 contact with the responding officer and any
8 investigators and detectives that may be there to
9 kind of get an overview what has taken place. Then
10 at that point, what we do is a walk through. Of
11 course, once a search warrant gets there -- we wait
12 on the search warrant.

13 And once a search warrant gets there, we
14 do a walk through just to prioritize and see what we
15 really have. It's just like anything else you do,
16 you prioritize to see what you need. And so we do a
17 walk through. And then after the walk through, we
18 come out, and I do exterior photographs and then
19 start interior photographs.

20 Q When you do photographs, is there a
21 certain procedure you follow doing photographs?

22 A I usually take photographs exterior then
23 interior. You photograph the whole interior of the
24 residence. I usually photograph from the ceiling to
25 the floor. It's kind of like cutting a pie where

1 you can put them next to one another and see the
2 whole room. Then you can do a few wide angles but
3 mainly from the ceiling to the floor.

4 And then you start to take closer
5 photographs of items that you believe you're going
6 to collect. Once you find those items that you
7 believe you need for your case and then also
8 checking with the detectives to see what they may
9 need also, then we start putting placards with those
10 items. And once we take pictures of those placards,
11 that's when we start assigning a number or a letter
12 to a piece of evidence in order for it to be
13 collected.

14 Q If there's something to be processed such
15 as fingerprints, crime fingerprints, what do you do?
16 Do you process them right there on the scene or
17 analyze them on the scene?

18 A Depending on what you do find, you can do
19 the processing there and collect what you may have
20 there. But if there's items that you can take to
21 the crime lab that would be a better area to
22 possibly process where you've got more tools
23 available to you, then you would take it to the
24 crime lab and process it there. So you'd just
25 collect it from the scene.

Glenn Ross - Direct

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1 Q If you find something that appears to be
2 blood, what do you do?

3 A Well, with blood we have a presumptive
4 test, a phenolphthalein test. And with
5 phenolphthalein, you take a swab of the area you
6 believe is blood. In the kit, it has three
7 different things that you add to that swab. You add
8 alcohol, and then phenolphthalein, and then hydrogen
9 peroxide. And with those three added to it, it
10 reacts to the hemoglobin if there's blood present.
11 And you get a pink or purple reaction in the swab
12 that would let you know there's blood.

13 Q When you crime collect, you take an
14 additional swab for analysis?

15 A You can, or you can actually use that
16 swab, because the phenolphthalein test does not
17 deteriorate DNA.

18 Q Now, you're not the one that analyzes DNA
19 --

20 A No, sir.

21 Q -- and blood, correct?

22 A No, sir.

23 Q At what point do you start actually
24 collecting physical items?

25 A Once the initial photographs are done,

Glenn Ross - Direct

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1 when you go through and you see the items that you
2 believe that are relevant to your case and checking
3 with the detectives also before you finish. There
4 may be something that they need that they believe is
5 more pertinent to use also. And so once we have
6 that, we start putting the placards and letters and
7 numbers and also writing it down and drawing a rough
8 sketch diagram to show what we have and where it's
9 located. And so then we also put that in our notes.
10 So between pictures and reports and diagrams,
11 everything should match and show where everything
12 is.

13 Q You mentioned diagrams. You actually do a
14 diagram of the scene, as well?

15 A Yes, sir.

16 Q I want to show -- and obviously you did
17 diagrams in this case?

18 A Yes, sir.

19 Q I'm going to show you a couple of diagrams
20 that have been marked into evidence already, State's
21 Eleven, State's Twelve. Did you do these diagrams?

22 A Yes, sir.

23 Q I'll use this easel if it will cooperate,
24 but you never know. Looking at State's Eleven, can
25 you see that?

Glenn Ross - Direct

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1 A Yes.

2 Q I'm going to hand you a pointer in case
3 there's a question about it. Can you walk us
4 through that diagram? Is that the entire residence?

5 A Yes, sir, it is.

6 Q And I notice on this one there's no
7 evidence indicated. Is this just to show the
8 layout?

9 A Yes, it's just to show the general layout.
10 The problem with doing all of it in one diagram is
11 it can be very confusing between measurements and
12 all the evidence. So what I choose to do is usually
13 two or three depending on what I have. And so this
14 one is just the general layout of the residence.

15 Q Now, you have "front" down at the bottom
16 pointing toward the door. What door are we calling
17 that door?

18 A I believe that it was the rear door that
19 they used. But for us, we call it the front. He
20 had a porch that went along here. I think it would
21 be used as a front door. But we came in here, so we
22 were using that. So that's my front door for
23 everything that I did.

24 Q This room right here, is that a bedroom?

25 A Yes, sir.

Glenn Ross - Direct

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1 Q I'm just going to walk through since
2 you've got it listed up here, bathroom?

3 A Yes, sir.

4 Q So you walk in the door, and the first
5 thing you see is a bathroom?

6 A Yes, sir.

7 Q This is not to scale, correct?

8 A No, sir.

9 Q It's not supposed to be a work of art?

10 A No, sir.

11 Q Okay. If you walk in and you hang a left,
12 is this the kitchen area?

13 A Yes, sir.

14 Q And then what is this item here in the
15 kitchen?

16 A It's like the bar off of the counter.

17 Q So you can see over the bar?

18 A Yes, sir, you can.

19 Q And where is this?

20 A The den.

21 Q And then this last room on the far end of
22 the house, what is that?

23 A The second bedroom.

24 Q Like a spare bedroom?

25 A Yes, sir.

Glenn Ross - Direct

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1 Q I'll show you State's Twelve. In State's
2 Twelve, we see a lot of items and numbers and
3 letters. We also see some red. What are we looking
4 at here?

5 A The red, of course, is the victim's blood
6 that had run down into the kitchen. The individual
7 numbers are items of evidence that we took all
8 through the residence. The letters are swabs that
9 we collected and also tested with phenolphthalein
10 that would be considered blood.

11 Q So every letter and number corresponds to
12 some form of evidence you collected?

13 A Yes, sir.

14 Q Now, I notice that other bedroom, the main
15 bedroom, is not depicted on here. Is this just the
16 main area you're focusing on, the kitchen and the
17 bathroom and the den area?

18 A We did not collect anything out of this
19 room, and this is where the majority of what we were
20 concentrated on was in this area.

21 Q Looking at State's Two -- and I know we've
22 been looking at this a little bit here -- is this
23 what would normally be the back door but what they
24 treated as the front door?

25 A Yes, sir.

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1 Q I'm going to show you some other photos.

2 You took all these photos, did you not?

3 A Yes, sir, I did.

4 MR. HUBBARD: And, Your Honor, for the
5 record, all these are in evidence by consent.

6 THE COURT: All right.

7 Q State's Exhibit Eight, what does that
8 show?

9 A What I call the back door, but I believe
10 it was his front door.

11 Q Is that the door that led out to the lake?

12 A Yes, sir, it was.

13 Q State's Number Nine, what is that?

14 A It's a blue barrel trash can by a tree
15 towards the back of the residence.

16 Q I'm going to bring your attention to this
17 item right here. What is that?

18 A If I may make reference to my report, I
19 believe --

20 Q This might help you. I'll show you
21 State's Number Ten. I think it's a close-up
22 photograph?

23 A Yes. It's a brown bag with a bottle of
24 beer.

25 Q Did you have any indication this was

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1 involved in the case at all?

2 A No, we just -- between looking around and
3 seeing the things that may be pertinent, if you have
4 a beer bottle that has a good possible surface for
5 fingerprints or DNA in proximity to something of
6 this magnitude, it's a good idea to collect items
7 whether they're pertinent to the case or not. It's
8 better to get it than not to.

9 Q I'll show you some more photos. State's
10 Twenty-Three -- it's a little out of focus -- what
11 view is that?

12 A That is from inside the residence
13 photographing the inside of the door as you go out
14 here.

15 Q So, again, this is the door we're
16 referring to as the front door?

17 A The front door.

18 Q So this is inside looking out?

19 A Yes, sir, inside of the front door.

20 Q Now, I notice you have a little marker
21 here. What is that?

22 A We found what we believed to be blood at
23 that location, and so we scaled it and photographed
24 it and tested it.

25 Q State's Fourteen, is that scaling of that

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1 particular item?

2 A Yes, sir.

3 Q And this material here, did that test
4 positive for blood?

5 A It did.

6 Q State's Seven. If you turned around from
7 that front door, is this what you would see?

8 A Yes, sir. As you're going in this door
9 here, the stool was right there. So you're going
10 into the residence, and you see the stool in front
11 of the restroom.

12 Q At that point in time, was there any
13 indication whether the stool had any importance?

14 A At that time, we were not aware of the
15 importance. A crime when you go into it, it's like
16 a jigsaw puzzle dumped out on a table, and you're
17 sitting and trying to determine what parts and
18 pieces go together. And at that time, we didn't
19 know the significance of the stool.

20 Q And in fairness, I see from your chart,
21 your diagram, it looks like a lot of overturned
22 items. You didn't take all those items back to the
23 Sheriff's Department?

24 A No, sir, we did not.

25 Q State's Fifteen, where is this item?

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1 A In the kitchen.

2 Q As you're walking into the kitchen?

3 A Yes, sir.

4 Q Okay. Coming out of that little hallway?

5 A Yes, sir.

6 Q Did you see some items on the ground?

7 A Yes, sir.

8 Q Can you even tell what that little item

9 is? I don't know if you can.

10 A It's kind of distant, but that may be the

11 key.

12 Q State's Sixteen, is that close up?

13 A Yes, sir.

14 Q And you've got it marked as number three,

15 and that number three would correspond to your

16 board?

17 A Yes, sir. Of course, it's not perfect,

18 but it's in the general area. It's not to scale,

19 but's in the area.

20 Q And, again, you didn't know if this key

21 had any significance at the time?

22 A No, sir.

23 Q State's Seventeen is very similar to the

24 photograph I just showed you, but it's kind of dark.

25 But is that the island beyond the chair we're

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1 looking at and on into the den?

2 A Yes, sir, it is.

3 Q That's just showing another view?

4 A Yes, sir.

5 Q There's -- you can barely see it -- some
6 bottles and things here. I want to show you State's
7 Eighteen. Is that a close-up of those bottles?

8 A Yes, sir.

9 Q What kind of beverages are these?

10 A Wine, bottles of wine.

11 Q And what's right next to them?

12 A Red Solo cups.

13 Q State's Nineteen, what are we looking at
14 here?

15 A That is a cabinet that is sitting right
16 here.

17 Q As you walk into the kitchen, this little
18 hutch or cabinet would be right to your right --

19 A Yes, sir.

20 Q -- against the wall?

21 A Yes, sir.

22 Q And I know you probably can't see it, but
23 there's a little item down on the bottom of this
24 photograph, and I want to see if that corresponds to
25 State's Number Twenty, under the hutch. What is

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1 that?

2 A We found lots of nuts and bolts in the
3 floor. We believe this was the container that was
4 holding the nuts and bolts that were scattered all
5 over the floor. It was plastic, and then we found
6 this piece and other pieces of plastic that were
7 broken that we believe held those nuts and bolts.

8 Q State's Twenty-One, is that another
9 picture of that same hutch?

10 A Yes, sir.

11 Q What is this object right up here on this
12 hutch?

13 A I believe that is a holder for a cell
14 phone.

15 Q Did you in searching through this house
16 ever find a cell phone?

17 A We did not locate any cell phones, and
18 that's pretty common, if we come across a cell phone
19 of any kind, whether it's old or new, we will
20 collect it or the detective will want it so we can
21 extract data from the cell phone.

22 Q There's typically a lot of information to
23 be found on a phone, correct?

24 A Yes, sir.

25 Q So that's something you would always want?

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1 A Yes, sir.

2 Q But all you found was a little empty case
3 for one?

4 A Just an empty case.

5 Q I'm going to approach you to show you this
6 photo. State's Number Six, is this how you found
7 the victim in the kitchen?

8 A Yes, sir.

9 Q And at that time, had it appeared anybody
10 had bothered him or tampered with his position?

11 A No, sir.

12 Q From your chart, your diagram, you show a
13 swath of red. Were there any footprints or foot
14 tracks through it?

15 A Nothing of that sort, no, sir.

16 Q When you found him, was there any
17 indication like towels or anything like that that
18 might show that someone was trying to help him?

19 A No, sir, I didn't see anything, no.

20 Q So this is exactly as you found him?

21 A Yes, sir.

22 Q In that same photo, there is a table with
23 this bag. Is that your marker on that bag?

24 A Yes, sir.

25 Q Again, you didn't know who it belonged to?

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- 1 A No, sir.
- 2 Q And out of this picture, there's a chair
3 over here, State's Number Five. Is that the object
4 you collected from that chair?
- 5 A Yes, sir.
- 6 Q And there's little red droplets. Is this
7 near where the victim was found?
- 8 A Yes, sir.
- 9 Q What do those appear to be?
- 10 A We believe them to be blood spatter from
11 the victim.
- 12 Q Again looking at State's Six, do you see
13 the same bags near the victim on the table?
- 14 A Yes, sir, on the table and on the chair.
- 15 Q Okay. So the bag in the chair actually
16 has what appears to be blood spatter on it?
- 17 A Yes, sir.
- 18 Q State's Twenty-Two, is this also in the
19 kitchen?
- 20 A Yes, sir.
- 21 Q Again, I'll reference State's Number Six.
22 State's Twenty-Two, is that how you found the
23 drawers?
- 24 A Yes, sir.
- 25 Q Pulled out?

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1 A Yes, sir.

2 Q That's near the body?

3 A Yes, sir.

4 Q This object right here, State's Twenty-
5 Two, what is that?

6 A I can't quite make that out.

7 Q I'll walk it up to you. It's kind of hard
8 to see. I think we lose a lot putting it on the
9 screen, State's Twenty-Two.

10 A Trash can.

11 Q Okay. So in the kitchen, the trash can,
12 that silver item is a trash can that's knocked over,
13 as well?

14 A Yes, sir. It was all right in this area
15 right over here.

16 Q Let me ask you what sounds like a stupid
17 question, and it may be. Signs of struggle?

18 A Yes, sir. When we did our initial walk
19 through, we could tell there had been some type of
20 altercation in the residence.

21 Q State's Number Twenty-Three, can you tell
22 me what we're looking at here?

23 A That is going to be walking from this
24 door.

25 Q All right, let's look at Twenty-Three. Is

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1 it twenty-three? Hang on just a minute. I've got
2 you misdirected.

3 A Okay.

4 Q Looking at State's Twenty-Four, Item G,
5 where is that?

6 A That is going to be right here at the ends
7 of the bar.

8 Q If you could speak up just a little bit.

9 A That's at the end of the bar.

10 Q Okay. Is that on the bar or on the floor,
11 or where is this that we're looking at?

12 A That is on the ceiling of the mobile home.

13 Q So going back to State's Twenty-Three,
14 what are you looking at in State's Twenty-Three?
15 What is of importance to you?

16 A That's cast-off.

17 Q Okay. When we say "cast-off," what are we
18 talking about?

19 A Where you already have bloodletting on an
20 individual from impact with an item and a movement
21 is made with that item, it would cast blood off.

22 Q Did you test --

23 A We did.

24 Q -- this stuff? What did it come out --
25 what was the presumptive test?

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1 A It came out positive for blood.

2 Q So is this in close proximity to the
3 victim?

4 A Yes, sir.

5 Q I just want to show you a couple of photos
6 if they come out, of the bedroom area in your
7 diagram, the main bedroom. You have it as bedroom
8 number one?

9 A Yes, sir.

10 Q State's Twenty-Five, is this the doorway
11 into that bedroom?

12 A Yes, sir.

13 Q What is this white object? It's kind of
14 hard to see right here.

15 A It's like a wicker chest of drawers or
16 cabinet.

17 Q What is this on the floor in the bedroom?

18 A It's one of the drawers out of the
19 cabinet.

20 Q So a drawer is on the floor?

21 A Yes, sir.

22 Q And there's stuff all strewn everywhere?

23 A On the bed.

24 Q State's Twenty-Six, is this another view
25 of those wicker cabinets --

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1 A Yes, sir.

2 Q -- or dresser? You see one drawer pulled
3 out and one drawer on the floor?

4 A Yes, sir.

5 Q If I move it down just a touch, is this
6 actually like a cabinet door on this same dresser?

7 A Yes, sir.

8 Q And it's open?

9 A Yes, sir.

10 Q And that's how you found it?

11 A Yes, sir.

12 Q Is there any indication that a fight had
13 occurred in that bedroom?

14 A You couldn't clearly tell there was an
15 altercation in there. Sometimes the way folks live
16 and some of the situations we go in, that's just the
17 way folks live. And so it looked like it had been
18 rifled through but not necessarily whether an
19 altercation had taken place.

20 Q So it was more like somebody had gone
21 through those drawers?

22 A Yes.

23 Q I've got a couple of photos of the
24 bathroom, State's Twenty-Seven. And, again, these
25 are kind of dark. But is this just the doorway into

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1 the bathroom?

2 A Yes, sir.

3 Q Obviously, what are we looking at here?

4 A The toilet.

5 Q And right next to the toilet, what is
6 that?

7 A It's a trash can.

8 Q Did you find anything of significance
9 there?

10 A We did.

11 Q I'm going to show you State's Twenty-
12 Eight. Is that your evidence marker?

13 A Yes, sir.

14 Q What did you find in the trash can?

15 A Item number 13 is a used condom.

16 Q Now, again, not knowing this case, did you
17 know if it had any significance?

18 A We didn't know at that time what the
19 significance may be. But with something like that,
20 you would collect it.

21 Q That's just something you would always
22 look for and collect?

23 A Yes, sir.

24 Q I've got some photos of what we were
25 calling the spare bedroom on the far side of the

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1 house. State's Twenty-Nine, it's really hard to see
2 on this. But is this the door going into the
3 bedroom?

4 A Yes, sir.

5 Q I want to show you C. What are you
6 looking at on the door?

7 A We believed it to be blood spatter, and so
8 we were photographing it and labeling it.

9 Q Did y'all do a presumptive test on Item C?

10 A We did. It came back positive.

11 Q Positive for blood. Inside that bedroom,
12 State's Thirty-One, behind the door that we were
13 just looking at, what are these?

14 A Several long guns that were behind the
15 door.

16 Q Now, we see some pieces. Were all of
17 these guns in operating order?

18 A We didn't test them to see if they were in
19 operating order. He had several guns throughout the
20 residence. I think it was kind of a hobby for him.

21 Q State's Thirty-Two, is this the doorway
22 still going into that bedroom?

23 A Yes, sir.

24 Q I see you have two markers, number nine
25 and number ten. What are we looking at?

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1 A Number nine is the wine bottle and napkin,
2 and number ten is an Outback hat.

3 Q State's Thirty-Three, is this another
4 picture of that bottle and napkin?

5 A Yes, sir.

6 Q State's Thirty-Four, is that a close-up of
7 the hat?

8 A Yes, sir.

9 Q And, again, with the hat, did you know any
10 significance to it?

11 A We believed it to be the victim's at the
12 time.

13 Q Now, the broken bottle, we have not shown
14 photos of the den area yet. But did you find broken
15 glass in the den?

16 A We did. Number nine and ten was in this
17 area here. And as you progress through this part of
18 the den, you'll find more broken glass.

19 Q I'm going to show you State's Thirty-Five.
20 I may have to approach. This one's kind of dark.
21 Is this a photograph of the den?

22 A Yes, sir..

23 Q What view or vantage point do we have in
24 this picture?

25 A I'm standing closer to the bedroom here

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1 and taking a photograph across the kitchen this way
2 to show what's in the room.

3 Q Since it's dark, I'm just going to -- does
4 it show the disarray in the den?

5 A It shows where we believe an altercation
6 had taken place with items all in the middle of the
7 den floor.

8 Q And when you're looking at that photograph
9 which is State's Thirty-Five, can you see the victim
10 in that same photograph?

11 A Yes, sir.

12 Q And there is a red cup?

13 A Yes, sir.

14 Q Did you document that cup, as well? Let
15 me show you another photograph, number thirty-six.

16 A Okay, item number 12, yes, sir.

17 Q Is that the same red cup?

18 A Yes, sir.

19 Q State's Thirty-Seven, what room are we
20 looking at right here?

21 A That is the back bedroom.

22 Q Okay, that spare bedroom?

23 A This area here.

24 Q And this may sound apparent. But what
25 object are we looking at in the back of the picture?

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- 1 A The sofa.
- 2 Q Are these cushions on the floor?
- 3 A Yes, sir.
- 4 Q This item that's turned over here, can you
5 tell what that was?
- 6 A It's a lamp clock, clock lamp. They're
7 together.
- 8 Q Now, looking at State's Thirty-Seven, do
9 you see a cushion is missing off the sofa?
- 10 A Yes, sir.
- 11 Q State's Thirty-Eight, is that a close-up
12 of the sofa without the cushion?
- 13 A Yes, sir.
- 14 Q What is on this portion of the sofa?
- 15 A I believe that's a piece of glass from the
16 wine bottle that's broken.
- 17 Q State's Thirty-Nine, is that a close-up of
18 that piece of bottle?
- 19 A Yes, sir. It would be considered the
20 bottom of the wine bottle.
- 21 Q Using that, that's your item number six
22 that we're looking at, is that correct?
- 23 A Yes, sir.
- 24 Q State's Forty, what are we looking at that
25 you've got a marker as number eight?

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1 A Those are multiple pieces of glass,
2 smaller pieces that we collected that's in close
3 proximity to item number six, which was the broken
4 bottom of the glass.

5 Q State's Forty-One, we see an item marker
6 number seven on the floor. It's hard to see what's
7 there. But by your notes, do you know what you've
8 got there?

9 A It's a label for a wine bottle.

10 Q Looking at State's Forty-Two, is that that
11 wine bottle label?

12 A Yes, sir.

13 Q Arbor Mist merlot blackberry?

14 A Yes, sir.

15 Q Now, there's a label, but is there also
16 glass on the back side?

17 A There's glass on the back side of that
18 label where it's broken.

19 Q Going back to the sofa, item 43, State's
20 Exhibit Forty-Three, again, this is the sofa. What
21 are we looking at here, these spots on the sofa?

22 A What we believed to be blood.

23 Q Did you take them or take swabs to see if
24 they tested presumptively for blood?

25 A We did.

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1 Q And what was the result?

2 A Depending on which letter --

3 Q I'll tell you what, I'll go specifically.

4 A Okay.

5 Q Looking at State's Forty-Four, what you
6 have marked as E.

7 A Yes, sir. That tested positive for blood.

8 Q State's Forty-Five is another little looks
9 like red right near that one spot. State's Forty-
10 Six, going back to the sofa again -- and, again, you
11 can't really see that -- but was there other
12 indications of something that might appear to be
13 blood on the sofa?

14 A Yes, sir. We ended up collecting several
15 right along the back of the sofa.

16 Q Okay. Let's look at what you have marked
17 as D, which is State's Exhibit Forty-Seven. What
18 part of the sofa is that? And, again, do you have
19 that marked on your diagram?

20 A D, that's going to be the top part of the
21 cushion here on the back of the sofa.

22 Q Did you do a presumptive test on that?

23 A We did, and it came back positive.

24 Q Positive for blood?

25 A Yes, sir.

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- 1 Q This photograph may be too dark, but,
2 again, it's just showing another angle. You do kind
3 of a panorama of the room?
- 4 A Try to do that, yes, sir.
- 5 Q State's Forty-Eight, the sofa and
6 cushions, is that what we're looking at?
- 7 A Yes, sir.
- 8 Q And some other overturned items?
- 9 A Yes, sir.
- 10 Q State's Forty Nine, we see some more
11 stools?
- 12 A Yes, sir, there's another stool.
- 13 Q What room is this in?
- 14 A It's right here, this part of the den.
15 You've got the stand and items on top of it.
- 16 Q And this blue dark box, what is that, if
17 you know?
- 18 A I believe that holds tools, a type of
19 tools.
- 20 Q State's Fifty, what are we looking at that
21 you've got marked as number two?
- 22 A Cigarette.
- 23 Q And that's also on your diagram?
- 24 A Yes, sir, right by the victim's right leg.
- 25 Q And, again, did you know if it had any

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1 significance at all?

2 A Not at the time. It just looked like it
3 was in pretty good condition to be in an area where
4 there had been an altercation.

5 Q State's Fifty-One, this shows some more of
6 the furniture?

7 A Yes, sir. It's the same area.

8 Q State's Fifty-Two, on the left side of
9 this photograph, what is this we're looking at?

10 A That's the bar on the den side.

11 Q And what are these items near the bar?

12 A Two stools.

13 Q Do they have cushions on them?

14 A Yes, sir.

15 Q And what is this object here?

16 A That's a chair, a recliner.

17 Q And up on the bar, again -- we've already
18 talked about these -- what's up here on the bar?

19 A Wine bottles.

20 Q So it's kind of going all the way around
21 the room.

22 A Yes.

23 Q I want to direct you back to what you've
24 got marked as A on your chart, State's Fifty-Three.
25 Where is this found?

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1 A Down here in the corner of the sofa, down
2 here.

3 Q Okay. Is this on the wall behind the
4 sofa?

5 A Yes, sir, on the wall.

6 Q What did that appear to be, and what was
7 the significance there?

8 A It appeared to be blood spatter to us, so
9 we swabbed it, and did a test, and it came out
10 positive for blood.

11 Q What is this -- we're looking at the wall.
12 It looks like there's some kind of indentation or
13 tear. What is that?

14 A It's like an indentation in the fiber wall
15 of the mobile home.

16 Q Like force that had busted the wall?

17 A Looked like it had been broken, yes, sir.

18 Q State's Fifty-Four, I'm going to go back
19 to what we're calling the back door. Is that what
20 this is a picture of?

21 A Yes, sir.

22 Q And, again, you can't really see it, but
23 there's stuff right here. Is that what drew your
24 attention to this area?

25 A Yes, sir. We had quite a bit of that.

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1 Q State's Fifty-Five, what you've got marked
2 as B --

3 A Yes, sir.

4 Q -- did you do a presumptive test on that?

5 A We did.

6 Q What did it come back as?

7 A It came back negative.

8 Q Negative?

9 A That it was not blood. We believed it to
10 be the contents of the wine bottle, which we had
11 some of the droplets looked to be a very pale
12 pinkish instead of the normal reddish brown that you
13 get from blood with our experience. But we tested
14 it anyway to be sure, and it turned out to be
15 negative.

16 Q Okay, let me get these back straight here
17 so I don't lose them.

18 You can turn the lights off. Thank you,
19 sir.

20 Investigator, I want to approach you and
21 show you three photos of the victim, State's Fifty-
22 Six, Fifty-Seven, Fifty-Eight. State's Fifty-Six,
23 what are you photographing here?

24 A This is over the victim's right shoulder
25 towards the right side of his face as he was lying

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1 on the floor.

2 Q What if anything is of significance? Why
3 are you taking that photo?

4 A It shows the blood that is on the other
5 side of his arm and that is on his left arm as he's
6 right there.

7 Q Does State's Fifty-Seven show a close-up
8 of that same shot?

9 A Yes, sir.

10 Q On his left arm, there's kind of a dark
11 spot. Does that appear to be blood?

12 A Yes, sir.

13 Q Next to his arm on the floor, next to his
14 right arm on the floor, you see red, as well?

15 A Yes, sir.

16 Q And is there a term for that?

17 A It's called aspirated blood. It's where
18 it's in the person's breathing in and out, and
19 there's air in the blood, air bubbles, and it's
20 called aspirated blood that had come out there and
21 also on the floor and on his left arm.

22 Q State's Fifty-Eight --

23 A That's correct.

24 Q -- is that a better depiction of it?

25 A Yes, sir.

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1 Q So this is blood from the victim breathing
2 out?

3 A Yes, sir.

4 Q Referring to your chart again -- I want to
5 get the exhibit number -- State's Twelve, you've got
6 here at what we normally call the front door but
7 we're calling the back door 14, 15, 16. What are
8 those items?

9 A Those are latent prints that we lifted
10 from the back glass door right in here between the
11 door and the outer glass door.

12 Q And who if anybody analyzed those prints?

13 A I did.

14 Q Were you able to identify who made those
15 prints?

16 A Item 14 is a latent lip print. I don't
17 analyze latent lip prints, but we did collect it, so
18 it was a lip print that we had. Fifteen and sixteen
19 were latent fingerprints. They were collected and
20 entered into AFIS, which is the Automated
21 Fingerprint Identification System. And a
22 confirmation hit was made on Timothy Tice. It came
23 back to be his fingerprint.

24 Q And when you collect those fingerprints,
25 do you put them in a file?

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- 1 A Yes, sir.
- 2 Q Are these the actual physical prints you
3 took from that door?
- 4 A Yes, sir.
- 5 Q And you individually packaged them?
- 6 A Yes, sir.
- 7 Q Are they just on like a white card? I'm
8 not going to ask you to hold this.
- 9 A No, it's tape, and it has a fold-over
10 card. These were some that are already pre-made. A
11 lot of times we just use fingerprint tape. We put
12 it on a 3x5 card that we have ourselves. This one
13 is pre-made, so you just lift it off and you have a
14 pre-made card for it to go on. It's a backing card
15 so you can see it.
- 16 Q Again, you collected -- all the items that
17 we see with markers, you collected?
- 18 A Yes, sir.
- 19 Q Did you collect this item? What does this
20 appear to be to you?
- 21 A It's the wine bottle and the napkin.
- 22 Q And all the glass that you saw, did you
23 collect that, as well?
- 24 A Excuse me?
- 25 Q All the glass that you saw --

1 A Yes, sir.

2 Q -- did you collect that, as well? That
3 phone, the empty phone case, you collected that?

4 A No, sir.

5 Q Was that collected later?

6 A Yes, sir.

7 Q Let's see if you can tell us who did it,
8 or if it's even marked on here. I don't believe it
9 is. I'm going to show you a photograph. I don't
10 know -- you didn't collect this, so I won't. But
11 let me ask you this. What's the note?

12 A Is that O-T-T-E-R?

13 Q Otter?

14 A Otter.

15 Q Like an otter box?

16 A Yes, sir.

17 Q You didn't find a phone in the residence,
18 is that what you testified?

19 A No, sir, we did not.

20 Q Again, when you went to that residence,
21 was there any signs of foot marks or any movement in
22 that blood pool?

23 A Not that we saw whatsoever.

24 Q If there had been some, would you have
25 documented that?

Glenn Ross - Direct

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1 A Oh, yes, sir. It would have been very
2 apparent with the amount of blood flow we had in
3 this area here. There are some photographs of it,
4 and there's no indication of an impression in it.

5 Q But, again -- and I know I've asked you
6 this, but just to be sure -- was there any evidence
7 that anyone had tried to assist him with a towel or
8 bandaging or anything like that?

9 A Not that we saw.

10 Q I believe that's all I have for you right
11 now, Investigator Ross. Please answer any questions
12 the defense has.

13 THE COURT: Ladies and gentlemen, why
14 don't we take a short break before we start cross-
15 examination, okay? Now, if you need anything while
16 you're back there, just let us know, and have no
17 conversation about the case while we're on the
18 break, okay? But let's just take a short break.

19 (Whereupon, the jury left
20 the courtroom at 12:04 p.m.)

21 THE COURT: All right, we'll be in recess
22 for a few minutes.

23 MR. HUBBARD: Thank you, Your Honor.

24 (Court in recess.)

25 THE COURT: All right, anything before we

Glenn Ross - Direct

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1 resume? I think we're ready to start with the
2 defense's cross. Anything before we get started?

3 MR. HUBBARD: Not from the State, Your
4 Honor.

5 MR. CORNWELL: Not from the defense, Your
6 Honor.

7 THE COURT: All right, let's bring the
8 jury out, please.

9 (Whereupon, the jury
10 entered the courtroom a 12:22 p.m., after which the
11 following proceedings were had:)

12 THE COURT: All right, ladies and
13 gentlemen, if you recall when we took the break, Mr.
14 Hubbard had just concluded his direct examination
15 and Mr. Cornwell was about to begin his cross-
16 examination. So we'll pick up with that.

17 Mr. Cornwell.

18 MR. CORNWELL: If it please the Court,
19 Your Honor.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. CORNWELL:

23 Q Mr. Ross, I heard you testify that you
24 come out and you collect evidence from the scene, is
25 that correct?

Glenn Ross - Cross

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- 1 A Yes, sir.
- 2 Q And you testified that you collected some
- 3 fingerprints from the scene?
- 4 A Yes, sir.
- 5 Q Do you remember or recall what areas you
- 6 collected fingerprints from?
- 7 A The only fingerprints that we found were
- 8 in this area right here, inside the rear glass door.
- 9 Q And that's the door facing the lake?
- 10 A Yes, sir.
- 11 Q That's the only fingerprints you found?
- 12 A Yes, sir.
- 13 Q And there were some photographs of the
- 14 house. You said it looked like it had been rummaged
- 15 through, is that correct?
- 16 A Yes, sir.
- 17 Q Did you check for fingerprints in the
- 18 other rooms in the house where you noticed this
- 19 rummaging?
- 20 A We looked for the best possible surface
- 21 conducive for fingerprints. Mainly entrance and
- 22 exit ways are always very pertinent in situations
- 23 like that because folks have to come in and out.
- 24 And unfortunately the doors were textured, so we
- 25 looked for the best possible opportunity.

1 Q Now, as far as physical evidence, did you
2 collect any hair from the crime scene?

3 A Any hair.

4 Q Any hair?

5 A No, sir.

6 Q Did you -- you mentioned also that the
7 blood -- there was some aspirated blood, is that
8 correct?

9 A Yes, sir.

10 Q And maybe just to clarify so maybe I can
11 understand, what does that mean?

12 A It's air -- or blood in the airway, I'm
13 sorry.

14 Q That's all right.

15 A Blood in the airway and a person is
16 aspirating that blood through their airway.

17 Q All right.

18 A And that's what we saw on his left arm and
19 the floor next to him outside of his right arm that
20 was bent.

21 Q So he was breathing out --

22 A Yes, sir.

23 Q -- out blood?

24 A Yes, sir. And it usually has air bubbles
25 that are very small, and it's hard to get in a

Glenn Ross - Cross

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1 photograph, and sometimes we can detect that also.

2 Q Thank you. No further questions.

3 REDIRECT EXAMINATION

4 BY MR. HUBBARD:

5 Q Just one quick follow-up. Aspirated
6 blood, that means somebody is actually breathing?

7 A Yes, sir, it does. It's not enough for it
8 to just be there. It's being forced out with air.

9 Q Thank you. No further questions.

10 THE COURT: All right, any objection to
11 this witness being excused?

12 MR. HUBBARD: None from the State.

13 MR. CORNWELL: None from the defense.

14 THE COURT: Thank you very much, sir.

15 MR. HUBBARD: The State calls Renee
16 Strickland.

17 (Whereupon, the witness was
18 sworn, after which the following proceedings were
19 had:)

20 CLERK OF COURT: Once you're seated, speak
21 up loud and clear. State your full name, spelling
22 your last on the record.

23 MS. STRICKLAND: My name is Marsha Renee
24 Strickland, last name S-T-R-I-C-K-L-A-N-D.

25 MARSHA RENEE STRICKLAND, having first been

Glenn Ross - Redirect

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1 duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. HUBBARD:

4 Q Ms. Strickland, where are you employed,
5 ma'am?

6 A Lexington County Sheriff's Department.

7 Q How long have you been with the Lexington
8 County Sheriff's Department?

9 A I began my employment with Lexington
10 County Sheriff's Department in 2009, November of
11 2009.

12 Q And what various job duties have you held
13 with the Sheriff's Department?

14 A When I began with the Sheriff's
15 Department, I was a crime scene investigator and
16 about a year ago transferred into the major crimes
17 unit as an investigator.

18 Q How long did you spend in the crime scene
19 unit?

20 A I was there from when I started in 2009
21 until about a year ago when I transferred.

22 Q In general terms, what do you do as a
23 crime scene investigator?

24 A Basically as a crime scene investigator,
25 our job is to respond to crime scenes as requested

Renee Strickland - Direct

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1 and document the crime scene and gather any
2 evidence, anything that's of evidentiary value,
3 process the scene for latent prints and things of
4 that nature, and try to reconstruct the scene as
5 best we can.

6 Q And do you have any classes on that?

7 A Yes, sir.

8 Q What kind of classes are those?

9 A I've had well over 500 hours of seminars
10 and courses in crime scene and crime scene related
11 topics. Some of them specifically related to the
12 forensic examination of violent crime scenes, blood
13 spatter, latent print analysis. I also completed a
14 very structured in-house training program with the
15 State Law Enforcement Division when I was employed
16 previously with Lexington County and was certified
17 in latent print analysis and also in crime scene
18 analysis. And that in-house training program is
19 taught under the supervision of other court-
20 qualified examiners.

21 Q On June 26, 2011, were you working as a
22 crime scene investigator at that time?

23 A I was.

24 Q And did you have an opportunity to respond
25 to Jake's Landing, Lot [REDACTED]?

1 A I did.

2 Q And did you assist Crime Scene
3 Investigator Glenn Ross in processing this crime
4 scene?

5 A I did.

6 Q Behind you up on an easel is a diagram.
7 Do you recognize that diagram?

8 A I do recognize it.

9 Q I'm talking about State's Exhibit Number
10 Twelve. What does that diagram show us?

11 A That diagram is of the residence of
12 Timothy Tice, which is Jake's Landing -- ■ Jake's
13 Landing, Lot ■, which is where we processed that
14 crime scene that day.

15 Q What was your purpose in going there?

16 A I was there in an assisting or support
17 capacity. It's our policy that when there is a case
18 that's a homicide that the lead crime scene
19 investigator will call out a secondary crime scene
20 investigator to assist with processing the scene.

21 Q The numbers and the letters that are on
22 State's Number Twelve up there, what do those
23 represent?

24 A Those represent places and areas where
25 items of evidence were gathered. Generally, items

Renee Strickland - Direct

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1 that are taken back to the lab for analysis receive
2 a number, and swabs and things of that nature
3 receive a letter. So those would designate places
4 where we gathered things that we deemed to be of
5 evidentiary value.

6 Q You assisted in collecting the evidence
7 with Investigator Ross?

8 A I did.

9 Q How do you actually collect this evidence?
10 Let's say you were going to collect some broken
11 bottles like you did in this case. What would you
12 have done?

13 A Basically, what we start out and what
14 Investigator Ross would have done is to begin by
15 taking photographs, and he's probably already
16 explained that, but 360 photographs of the inside of
17 the residence.

18 Once we do that and photograph everything
19 where it is originally, we go back and items which
20 we are going to examine or collect or process are
21 then labeled with a placard -- a yellow placard --
22 with a number on it.

23 Then it's photographed again prior to us
24 collecting it so that we can designate what came
25 from where. The same thing with the letters, if we

Renee Strickland - Direct

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1 take a swab, we photograph that with a letter and
2 code it to a number.

3 Q The numbers and the letters up on the
4 chart, those actually make their way onto the
5 physical bags that you put the items in that you've
6 collected?

7 A Yes.

8 Q So when we start looking up there,
9 Investigator Ross and you photographed and collected
10 these items, and then you bagged them and you said
11 you took them back to the lab for processing?

12 A Right.

13 Q When you say taking them back to the lab
14 for processing, what are we talking about?

15 A Basically when we take items back to the
16 lab, some items will have to be dried, and we have a
17 drying cabinet for that. Then anything that has a
18 surface that is conducive for latent prints, which
19 means something that might possibly have a latent
20 print on it or blood on it, is examined and tested
21 for that.

22 Q In going through State's Number Twelve,
23 item number one, what was item number one? It's
24 going to be up there where the body is. Do you have
25 your report with you?

Renee Strickland - Direct

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1 A I do not have that particular report.

2 Q Let me show you Investigator Ross' report,
3 which you would have assisted in. Do you recognize
4 that?

5 A Item number one is listed on here as the
6 victim's fingerprints.

7 Q Item number two, what was item two?

8 A Item number two is listed as one cigarette
9 from the floor behind the victim, the victim's foot.

10 Q That was collected. Was there any
11 analysis done on that, that you're aware of?

12 A Not in our lab, no.

13 Q Item number three, what was that?

14 A Item number three is a key from the
15 kitchen floor.

16 Q As far as you know, was there any analysis
17 done on that?

18 A No, not as far as I know.

19 Q Item four.

20 A Item four is a broken plastic container
21 from the kitchen floor.

22 Q Do you know if anything was done on that
23 item?

24 A Nothing was done with that. It was
25 saturated, so the surface was not conducive to any

Renee Strickland - Direct

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1 testing.

2 Q When you say "saturated," what was it
3 saturated with?

4 A It was saturated with blood.

5 Q Item number.

6 A Item number five is the lid to the plastic
7 container, and the same was true with that, as well.

8 Q Did that appear to relate to item number
9 four? Were you able to tell whether they were
10 related?

11 A Yes, it seemed to the same item, but it
12 was in pieces.

13 Q And were you able to tell what was in the
14 plastic container?

15 A I believe what was in the container was
16 some miscellaneous screws and things of that nature.
17 I'm not certain. I don't recall. I think
18 Investigator Ross might have collected those.

19 Q Item number six, what was item number six?

20 A A broken wine glass bottle -- a piece of a
21 broken wine glass bottle.

22 Q Let me show you an item and ask if you
23 recognize that.

24 A I do recognize that, yes.

25 Q And how do you recognize that?

Renee Strickland - Direct

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1 A This is a piece of glass that we
2 collected, and I packaged it. My handwriting is on
3 the outside with my initials.

4 Q Your handwriting, your initials, and I see
5 a number six on there. And that's going to relate
6 to the number six on here?

7 A Right, correct.

8 Q So we're talking about a piece of glass.
9 What part of the wine bottle was that?

10 A That's the bottom portion of the wine
11 bottle from the kitchen.

12 Q It shows a bunch of black-looking dust.
13 Why is there black dust on there?

14 A The black dust is on there because that's
15 how we process it for latent prints. We go through
16 a process where fume items in a chamber with Super
17 Glue. If you heat Super Glue, it turns into a gas,
18 and it adheres to latent prints. Then we dust the
19 item with black powder. And if there are latent
20 prints on the surface, then that will enhance it and
21 we'll be able to see them and then lift them.

22 Q When we talk about latent prints, we're
23 talking about fingerprints?

24 A Fingerprints -- yes, fingerprints.

25 Q On item number six, were you able to lift

Renee Strickland - Direct

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1 any latent prints from that?

2 A No, I was not.

3 Q How about item seven? What was item
4 seven?

5 A Item seven is another piece of a broken
6 wine bottle, the label.

7 Q And where was that found?

8 A That was found it looks like from the sofa
9 from a portion of -- or the den floor. Excuse me,
10 I'm sorry. I'm looking at the wrong one -- a
11 portion from the den floor.

12 Q Let me show you another and ask if you
13 recognize that with your handwriting as being item
14 number seven.

15 A That is my handwriting and initials on the
16 bag.

17 Q And, again, this was collected and it was
18 taken back, and you processed this item?

19 A I did process that.

20 Q And what did you process it for?

21 A I processed it for latent prints with the
22 same procedure, cyanoacrylate, which is Super Glue
23 fuming and black powder.

24 Q Again, were you able to develop any
25 fingerprints off of that?

Renee Strickland - Direct

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1 A No.

2 Q Now, does it surprise you that you weren't
3 able to lift fingerprints? How long have you been
4 involved with collecting fingerprints and analyzing
5 them?

6 A Since 2007.

7 Q How many fingerprints do you think you've
8 collected in all that time?

9 A Thousands.

10 Q How many of those are good enough for you
11 to actually match?

12 A A smaller portion that you would think.
13 It all depends on -- there's various factors that
14 affect latent prints. Some people have the
15 misconception that if you touch something, there is
16 going to be a latent print. It depends on
17 environmental conditions, whether or not the item is
18 covered with something, whether somebody had
19 something covering their hand, the condition of the
20 person's skin who touched it.

21 If someone was swimming previously, they
22 may not leave a print. If someone is involved in
23 some sort of occupation such as a brick mason and
24 has very rough fingers, they may not leave plain
25 prints. So it just doesn't always happen, and it's

1 not surprising.

2 Q Sometimes you don't collect anything, and
3 sometimes you collect some that aren't very good?

4 A Right.

5 Q Let me show you another item and ask if
6 you recognize this by your handwriting.

7 A I do.

8 Q And what is that?

9 A Those are various pieces of broken wine
10 bottle that were collected from the sofa.

11 Q And is that labeled as number eight?

12 A It is, yes.

13 Q And where was that found?

14 A That was found on a sofa cushion.

15 Q And did you process those, as well?

16 A I did.

17 Q Any luck on those?

18 A No.

19 Q Number nine, what was number nine?

20 A Number nine is the neck portion of the
21 wine bottle and a napkin that was collected from the
22 back bedroom floor.

23 Q And that's shown up there by the number
24 nine on the diagram?

25 A Correct.

Renee Strickland - Direct

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1 Q Let me show you an item and ask if you
2 recognize that.

3 A I do recognize that.

4 Q Is that item nine the napkin and the neck
5 of the wine bottle that you were discussing?

6 A It is.

7 Q And you collected that and put it inside
8 of a bag and sealed it?

9 A I did.

10 Q Now, did you process this for
11 fingerprints?

12 A I did not process the napkin. The napkin
13 was sent for DNA analysis, I believe -- but the wine
14 bottle.

15 Q And in fact, didn't you at some point take
16 this napkin and the neck of this wine bottle and
17 take it over to Richland County, I believe, for DNA
18 processing?

19 A I did.

20 MR. HUBBARD: We'd mark this one for ID at
21 this time, Your Honor.

22 THE COURT: Any objection? This is
23 State's what number?

24 COURT REPORTER: Seventy-three, Your
25 Honor.

1 THE COURT: State's Seventy-Three?

2 MR. HUBBARD: For ID.

3 THE COURT: It's just being marked for ID?

4 MR. HUBBARD: Yes, sir.

5 THE COURT: You're not moving it in?

6 MR. HUBBARD: No, sir.

7 THE COURT: Okay, all right.

8 (Whereupon, State's Exhibit
9 Number Seventy-Three, Broken Wine Glass, was marked
10 for identification purposes.)

11 Q That was item number nine. What is item
12 number 10?

13 A Item number 10 is a medium size Outback
14 hat from the bedroom floor.

15 Q And that would have been photographed like
16 all the other items. Did you perform any analysis
17 or anything on that hat?

18 A No.

19 Q Item number 11, what was that?

20 A Multiple pieces of glass from the den
21 floor.

22 Q It's shown on the diagram right there
23 going into the bedroom?

24 A Yes.

25 Q Let me show you another item and ask if

Renee Strickland - Direct

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1 you recognize that to be item number 11 that we're
2 talking about.

3 A Yes, I do.

4 Q Again, your handwriting on number 11,
5 right?

6 A Uh-huh.

7 Q Did you attempt to process those shards of
8 glass?

9 A I did.

10 Q And were you able to find anything on
11 that?

12 A No, sir.

13 Q Item number 12, what was that?

14 A That is a red plastic cup, and that was
15 collected from the ottoman in the den.

16 Q Let me show you an item and ask if you
17 recognize that.

18 A Yes, it's a red Solo cup.

19 Q The red Solo cup. And that's talking
20 about number 12 --

21 A Number 12.

22 Q -- is that right? And do you recognize
23 that because of your handwriting on the outside?

24 A I do.

25 Q And you collected that. Did you process

Renee Strickland - Direct

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1 that for anything?

2 A That was also sent to Richland County.

3 Q And the purpose of it going to Richland
4 County was what?

5 A For DNA analysis.

6 Q And you actually took this over to
7 Richland County as well, didn't you?

8 A I did.

9 MR. HUBBARD: The State would move the red
10 Solo cup -- mark it for ID, Your Honor.

11 THE COURT: All right, we'll mark it for
12 identification.

13 COURT REPORTER: State's Number Seventy-
14 Four for ID.

15 (Whereupon, State's Exhibit
16 Number Seventy-Four, Red Solo Cup, was marked for
17 identification purposes.)

18 Q Item number 12. What about number 13?

19 A Number 13 is a used condom that we
20 collected from the bathroom trash. This is the
21 bathroom right here in the door.

22 Q Let me show you an item and ask if you
23 recognize that as being number 13. There's also
24 tape on the back as well, and there's tape on the
25 other items. What's that tape for?

Renee Strickland - Direct

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1 A That's evidence tape or what we commonly
2 refer to it as seal tape. It just has the initials
3 of whoever seals the bag. It's tamper evident so if
4 the seal is broken, you can tell that that's been
5 tampered with.

6 Q And you didn't perform any analysis on
7 that. Where did you take it?

8 A Transported it to Richland County
9 Sheriff's Department for DNA analysis.

10 MR. HUBBARD: Your Honor, the State would
11 mark that for identification, as well.

12 THE COURT: All right, sir.

13 COURT REPORTER: Seventy-five for ID.

14 (Whereupon, State's Exhibit
15 Number Seventy-Five, Condom, Evidence, was marked
16 for identification purposes.)

17 Q Investigator Strickland, 14, 15, and 16
18 are what?

19 A Those are all latent prints that were
20 lifted from the back door.

21 Q Now, there was an item 17 as well. What
22 is that?

23 A That is a "Tommy" bag. I believe that's a
24 Tommy Hillfiger bag. It had miscellaneous shoes,
25 female shoes, inside the bag. That was collected

Renee Strickland - Direct

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1 from the dining table in the kitchen area.

2 Q Was there any processing done on that?

3 A No.

4 Q Item number 18, what was that?

5 A It's a brown bag beer bottle. We got that
6 from the front yard. It was not tested either.

7 Q No more numbers. We'll move to the
8 letters now. Why are we switching from numbers to
9 letters?

10 A We're switching to letters because there's
11 no -- there's not an actual piece of evidence that
12 we're going to collect with a bag and the taped bag.
13 This is a gathering of a sample from an item of
14 evidence. It was a swab that we believed to be
15 blood, so it gets assigned a letter as opposed to a
16 number.

17 Q So letter A, what is that?

18 A That is a swab that was taken from the
19 wall behind the sofa.

20 Q Did you do any presumptive test on that?

21 A We did do a phenolphthalein test, which is
22 a presumptive test for blood. It tests for -- if we
23 locate something that we believe to be blood, we
24 would swab it and test it with phenol. And if it's
25 positive, that indicates that it is blood because it

Renee Strickland - Direct

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1 tests for the presence of hemoglobin. So that's
2 what we do. If we have a positive test, then we
3 collect that sample as blood and as evidence.

4 Q So A is a swab that was taken from the
5 wall that was positive for blood?

6 A That's correct.

7 Q How about B?

8 A B was a swab that was taken from the rear
9 door.

10 Q And, again, did you do a presumptive test
11 on that?

12 A I did do a presumptive test on that, and
13 that was negative.

14 Q C?

15 A C is a swab from the bedroom door, and it
16 tested positive.

17 Q D?

18 A D is a swab from the middle cushion from
19 the sofa on the back, and it also tested positive.

20 Q E?

21 A E is a swab from the end cushion of the
22 sofa. It also tested positive.

23 Q How about F?

24 A F is a swab that was collected from the
25 inside of the front door. It tested positive, as

Renee Strickland - Direct

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1 well.

2 Q Let me show you an item and ask if you
3 recognize that.

4 A I do recognize that.

5 Q And how do you recognize that?

6 A It's got a piece of evidence tape on it
7 that has my handwriting, the date, and initials.

8 Q And what item is that?

9 A This is Item F.

10 Q And that's the one we're talking about
11 that was a swab from the --

12 A Front door.

13 Q -- front door. And you performed or
14 Investigator Ross performed the presumptive test,
15 and that was negative or positive for blood?

16 A This one was positive for blood.

17 Q That one was sent to SLED because the
18 outside bag is a SLED bag, isn't it?

19 A Yes, sir.

20 Q And did you actually take that to SLED?

21 A I actually did. I am listed as the
22 sealing official with the date, and that's my date
23 and initials across the bag.

24 MR. HUBBARD: Your Honor, the State would
25 mark this for identification, as well.

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1 THE COURT: All right, sir.

2 COURT REPORTER: State's Number Seventy-
3 Six for ID.

4 (Whereupon, State's Exhibit
5 Number Seventy-Six, Evidence Bag (Strickland), was
6 marked for identification purposes.

7 Q Investigator Strickland, what is G?

8 A G is a swab from the ceiling in the
9 kitchen/den right in the bar area where there's a
10 transition from the den to the kitchen.

11 Q And did you perform any tests on that?

12 A Yes, we performed the presumptive test on
13 that as well, and it tested positive.

14 Q Does that pretty sum up your involvement
15 of the crime scene where Mr. Tice was killed?

16 A Yes, sir.

17 Q That wasn't the only thing you did on this
18 case, was it?

19 A No.

20 Q Did you in fact go to the autopsy of Mr.
21 Tice?

22 A I did.

23 Q When and where was that?

24 A The autopsy was conducted on the 27th, the
25 following morning, at 9 a.m. at Newberry County

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1 Memorial Hospital, at Newberry Pathology.

2 Q What's the purpose of you or a crime scene
3 investigator going to an autopsy?

4 A The purpose for us attending the autopsy
5 is to gather any evidence that the pathologist may
6 gather during autopsy, also to document injuries
7 further, and to receive what we refer to as an
8 autopsy packet from the pathologist. That is the
9 packet of samples that they take from the body that
10 then goes to SLED for analysis.

11 Q What is an autopsy packet? What does that
12 mean?

13 A An autopsy packet will include anything
14 that the pathologist might take from the body --
15 fingernail clippings, in this case several samples
16 of blood from different veins, mostly iliac vein
17 blood. They'll take a sampling of bile. They also
18 take a sampling of vitreous fluid from the eye and
19 then gastric fluid or stomach contents.

20 Q Let me show you another item and see if
21 you can identify this.

22 A I recognize a bunch of labels, yes.

23 Q And at time, that didn't have the blood
24 and tissue samples and at one time may contain the
25 items that you were just discussing that you

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1 collected from the autopsy of Mr. Tice?

2 A Right, correct.

3 Q And you said that you also went there for
4 another purpose, and what was that?

5 A To document injuries to the body during
6 the autopsy. They clean up the body, and sometimes
7 you can get just a better vantage, a better view,
8 and can document the injuries further.

9 Q And did you do that in this case?

10 A I did.

11 Q What injuries did you note on Mr. Tice
12 when you were present during autopsy?

13 A I noticed -- photographed and noted that
14 most of his injuries were localized in the head
15 area. He had several lacerations to his scalp. He
16 had bruising that was present near his right temple,
17 a very large laceration on the top rear portion of
18 his head. His skull had been penetrated.

19 And at autopsy, even prior to removing the
20 scalp, the brain was visible. Upon removing the top
21 of the victim's skull, which is standard in a head
22 examination, there was visible trauma to the brain.
23 There was blood present on the brain, which is
24 indicative of trauma to the head.

25 Q So what were you saying about the injuries

Renee Strickland - Direct

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1 to the skull and his brain that was visible prior
2 to --

3 A There's a --

4 Q There was an external examination --

5 A Right.

6 Q -- before anything else was done?

7 A Right. There's a portion before they take
8 the top of the skull cap off. Once they removed the
9 scalp, there was a visible portion of his skull that
10 had been pushed in, for lack of a better term, and
11 his brain was actually visible prior to the removal
12 of the top of the skull portion.

13 Q Once you documented those injuries, you
14 took the autopsy packet that had the various blood
15 and tissue samples, and you left?

16 A I did.

17 Q What did you do with the autopsy packet?

18 A I brought the autopsy packet back to our
19 evidence department. It has to be logged in to our
20 evidence department before we can transport it
21 anywhere else, so I brought it to them for them to
22 log it in.

23 Q And then you had it logged in there, what
24 did you do with it?

25 A Transported it to SLED.

Renee Strickland - Direct

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1 Q And the purpose of transporting it to SLED
2 was what?

3 A They will -- it's standard in any homicide
4 that the autopsy packet go to SLED so they can
5 divide it up and send the DNA for analysis,
6 toxicology, things of that nature.

7 Q One of the things that they would do at
8 SLED would be to take the sample of Mr. Tice's blood
9 and actually make a dry standard, is that they call
10 it?

11 A A blood standard.

12 Q A blood standard. Do you know how they do
13 that?

14 A I believe that they -- I'm not certain,
15 but I believe that they take one of the tubes that's
16 designated for that -- there are several tubes of
17 blood that they collect -- and they just dry it on -
18 - it's similar to blotting paper, I think -- a dry
19 sample, and they store that as a DNA standard.

20 MR. HUBBARD: Your Honor, the State would
21 mark this bag that contains the autopsy packet for
22 identification.

23 THE COURT: All right, sir.

24 COURT REPORTER: State's Number Seventy-
25 Seven for ID.

Renee Strickland - Direct

218

1 (Whereupon, State's Exhibit
2 Number Seventy-Seven, autopsy packet, was marked for
3 identification purposes.)

4 Q Investigator Strickland, after you took
5 the packet out to SLED, which would have been the
6 autopsy packet that they would made the blood
7 standard from, did you in fact go back out to SLED
8 to get the blood standard?

9 A I did.

10 Q And what was your purpose in doing that?
11 Why did you do that, and where did you take it?

12 A I got the blood standard. We had some
13 items of evidence that we had sent to Richland
14 County for DNA analysis, and they needed the
15 victim's blood standard to test against that.

16 Q And did you in fact get that blood
17 standard and take it over to Richland County?

18 A I did.

19 Q That was in the same place that you took
20 the condom, and the Solo cup, and the neck of the
21 wine bottle and napkin?

22 A Correct.

23 Q So in addition to going to the autopsy,
24 did you also get involved with a search warrant on
25 July 1, 2011?

Renee Strickland - Direct

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1 A I did, yes, sir.

2 Q And what was the purpose of that, and
3 where did you go?

4 A The purpose of that was that Detective
5 Chappell, who's the lead detective in this case, had
6 received some information that some items belonging
7 to Mr. Tice were at this residence. And a search
8 warrant was obtained by Detective Prestigiacomo. I
9 got the call to respond there to assist in
10 processing that scene and retrieving the evidence
11 there.

12 Q What was your understanding of why you
13 were going there?

14 A The understanding of why I was going there
15 is that the homeowner, whose name was Tyrone
16 Williams, I believe, had provided information that
17 his nephew had brought him a gun and some ammunition
18 and left it at his home. We were there to perform
19 that search warrant and collect that evidence.

20 Q Let me show you a series of photographs --
21 this is State's Fifty-Nine through Sixty-Three,
22 they've already been admitted -- and ask if you
23 recognize those.

24 A I do recognize them.

25 Q And are those photographs that you took?

1 A They are.

2 Q State's Number Fifty-Nine, what is that?

3 A That's an exterior photograph of the
4 residence which is at [REDACTED] Dundee Lane in Columbia.

5 Q And what did you collect inside?

6 A I collected one Winchester Model 94 30-30
7 rifle -- would you like me to read the serial
8 number? -- serial number 2709280. It had a brown
9 leather sling with a deer head embossed on it.

10 Q Looking at State's Sixty-Three, one of the
11 ones you looked at -- I don't know if it shows up
12 very well there -- is that the gun that you
13 collected?

14 A That is the gun I collected, yes, sir.

15 Q That's the picture I took?

16 A That's the picture I took.

17 Q State's Number Sixty-Two, is that a full
18 shot of the gun you collected?

19 A It is.

20 Q Where was the gun located when you came
21 into the house?

22 A The gun was located in a rear bedroom to
23 the immediate right of a bathroom, sort of in the
24 back of the house. It was lying on top of a pile of
25 clothing, and it had been wrapped in a fitted sheet.

Renee Strickland - Direct

221

1 Q Looking at State's Number Sixty-One on
2 there, what is that? There's a marker, too. What
3 does that photograph depict?

4 A That's a photograph of the gun prior to me
5 collecting. It's wrapped in a fitted sheet
6 underneath a leopard print piece of clothing there.

7 Q Now, you collected not only a gun from
8 this marker. You collected something else?

9 A I also collected the fitted sheet that the
10 gun was wrapped in.

11 Q Those items, the gun and the fitted sheet,
12 do you know if they were sent to SLED?

13 A I believe that they were, yes.

14 Q You, yourself, did not do any processing
15 on it, right?

16 A No, I did not. Other than photographing
17 them, I did not.

18 Q State's Sixty, which has marker number
19 one, what does that show?

20 A That is a Crown Royal bag that contained
21 unfired ammunition, specifically, six unfired 30-30
22 cartridges and five unfired .22 long cartridges. It
23 was located on a bookshelf type piece of furniture
24 in the front room in the house, the living room.

25 Q I'm going to show you an item and ask if

Renee Strickland - Direct

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1 you recognize the contents -- the bag and its
2 contents.

3 A I do recognize that, yes, sir.

4 Q Is that your handwriting is why you know?

5 A It is.

6 Q The Crown Royal bag which is in there --
7 Your Honor, the State would mark this for
8 identification.

9 THE COURT: All right, sir.

10 COURT REPORTER: State's Number Seventy-
11 Eight for ID.

12 (Whereupon, State's Exhibit
13 Number Seventy-Eight, Crown Royal Bag, was marked
14 for identification purposes.)

15 Q The Crown Bag that we're looking at on
16 State's Sixty with the marker number one, when you
17 collected that, what was inside of it?

18 A Unfired ammunition or unfired cartridges.

19 Q Do you remember or did you note down the
20 caliber, the number and the caliber?

21 A I did. Six unfired 30-30 caliber rifle
22 cartridges and five unfired .22 long rifle
23 cartridges.

24 Q The 30-30 caliber -- now, what was the
25 caliber of the rifle that you collected?

Renee Strickland - Direct

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1 A Thirty-thirty.

2 Q So this ammunition would be the right type
3 of ammunition for that gun?

4 A It would be.

5 Q What if anything did you do as far as
6 processing the Crown Royal bag or the ammunition?

7 A I didn't perform any processing on the
8 Crown Royal bag because of the fabric. The
9 cartridges themselves were processed with the same
10 process that I explained earlier, the cyanoacrylate
11 and black powder.

12 Q Were you able to develop anything off of
13 that?

14 A No.

15 Q Let me show you another item and ask if
16 you recognize that.

17 A I do, yes, sir.

18 Q How are you recognizing that?

19 A It's got my handwriting, initials, and the
20 date on it.

21 Q And what is that item?

22 A That's the fitted sheet that was collected
23 on the first warrant at this residence that the
24 rifle itself was wrapped in.

25 Q So you collected it and put it inside this

Renee Strickland - Direct

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1 brown bag, wrote on it, sealed it up, and turned it
2 in to evidence, and then it goes to SLED, correct?

3 A Correct, yes, sir.

4 MR. HUBBARD: We'd marked that for
5 identification as well, Your Honor.

6 THE COURT: All right, sir.

7 COURT REPORTER: State's Number Seventy-
8 Nine for ID.

9 (Whereupon, State's Exhibit
10 Number Seventy-Nine, Sheet, Bed, was marked for
11 identification purposes.)

12 Q In addition to that, what you collected,
13 you also were handed something by Detective
14 Chappell?

15 A I was, a 2-gigabit macro SD card.

16 Q And what was your understanding of where
17 that came from?

18 A I believe that was given to Detective
19 Chappell by Mr. Williams.

20 Q Let me show you that and ask if you
21 recognize that.

22 A I do.

23 Q And it's sealed up and your handwriting on
24 it is why you recognize it?

25 A Right, handwriting and initials.

Renee Strickland - Direct

225

1 Q And what is a micro SD card?

2 A A micro SD card is a media storage card
3 that goes in a cell phone or some small item. It's
4 a storage, data storage, device.

5 Q Are these your photographs?

6 A Correct, yes.

7 MR. HUBBARD: Your Honor, the State would
8 mark that for identification, as well.

9 THE COURT: All right, sir.

10 COURT REPORTER: State's Number Eighty for
11 ID.

12 (Whereupon, State's Exhibit
13 Number Eighty, Media SD Card, was marked for
14 identification purposes.)

15 Q Did you get anything more at [REDACTED] Dundee
16 Lane?

17 A No, sir.

18 Q And we've talked about processing, from
19 there?

20 A Correct.

21 Q But you're still not done with the case
22 yet, are you?

23 A No, not yet.

24 Q And what's the next thing you do on this
25 case?

1 A The next thing that I did on the case, I
2 responded, along with Detective Chappell -- and this
3 would have been on the seventh of July -- we went
4 back out to the original scene at Jake's Landing,
5 Lot ■■■, to collect a wooden stool.

6 Q Do you know why you were going to collect
7 that wooden stool?

8 A According to a witness, Detective Chappell
9 had received information that this stool was used to
10 strike the victim.

11 Q When you went out there on July 7, 2011,
12 did you find this stool?

13 A I did, yes, sir.

14 Q And where was it?

15 A The stool was located on I believe it was
16 the washing machine. There's a washing machine and
17 dryer -- washer and dryer that was on top of the
18 washer just inside the door to the residence.

19 Q Let me show you five photographs that are
20 marked sixty-four through sixty-eight that are in
21 evidence and ask if you recognize those.

22 A I do recognize those.

23 Q And those are photographs you took of the
24 stool?

25 A Yes, sir.

Renee Strickland - Direct

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1 Q Looking at State's Number Sixty-Four, what
2 is it we're looking at?

3 A That is a picture of the stool where it
4 was located when we went back to collect it, on top
5 of the washing machine.

6 Q And what if anything did you notice about
7 the stool just looking at it?

8 A Just looking at the stool, I observed that
9 the top portion appears to be separated from the
10 bottom. You can see the small dowel rods that
11 connect the back portion of the stool to the seat
12 portion, and it also appeared to have -- it had
13 reddish brown colored stains on it that would be
14 consistent with the appearance of blood.

15 Q State's Sixty-Five, is that the stool from
16 a different angle?

17 A It is.

18 Q And do you notice the separation from the
19 dowels that you just discussed on the other side?

20 A No, the separation is on the opposite side
21 of the stool.

22 Q State's Sixty-Six, what is that we're
23 looking at?

24 A That's one of the reddish brown stains I
25 was referring to that's consistent with the

Renee Strickland - Direct

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1 appearance of blood.

2 Q State's Number Sixty-Seven.

3 A That's a closeup photograph of the seat
4 portion that has some damage to it. Also, it's a
5 little hard to see, but in the middle section there
6 is a reddish brown stain that's consistent with
7 blood, as well. Also in the left-hand portion of
8 the photograph, you can see the separation of the
9 seat from the bottom portion of the stool where the
10 dowel rod is visible.

11 Q State's Number Sixty-Eight.

12 A That is, again, more reddish brown stain
13 coloring. And also over to the left, right there,
14 that is material that is consistent with human hair.

15 Q Once you photographed the stool, what did
16 you do with it?

17 A Once I photographed the stool, I took it
18 back to our crime lab -- that, along with the red
19 cushion which was visible in one of the other
20 photographs. It also had a red cushion that went
21 with it.

22 I swabbed all the areas of reddish brown
23 stain for the same presumptive test that we did on
24 the scene, the phenolphthalein test. All areas that
25 were swabbed, were collected, tested positive.

Renee Strickland - Direct

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1 There were eight swabs total. I labeled them A
2 through H, also labeled them on the stool, and I
3 submitted those as evidence.

4 In addition to that, after I was done with
5 collecting the DNA samples or the blood samples, I
6 did the cyanoacrylate and black powder method for
7 latent prints and processed it for latent prints as
8 well.

9 Q Okay. You processed what for latent
10 prints?

11 A The entire stool but not the red cushion,
12 but the legs of the stool, the top, the entire
13 stool.

14 Q And you processed those for latent prints
15 in what manner?

16 A The Super Glue fuming and black powder.

17 Q I don't know whether we talked about that
18 before. What does that mean? And how do you do
19 that?

20 A We take regular run-of-the-mill Super
21 Glue. It goes in a tin. It gets heated. Once the
22 Super Glue is heated, it creates a gas or a fume,
23 and it will adhere to any latent print that's on an
24 item. And it makes it more fixed and permanent and
25 more visible.

1 The term "latent" by definition means like
2 hidden or invisible. So we're looking for things
3 that we can't see with the naked eye. It will
4 adhere to the prints, and once you apply the black
5 powder, the print becomes visible. And then you can
6 lift it with lifting tape.

7 Q What was the stool made out of?

8 A Wood.

9 Q And was it unfinished or finished?

10 A It's finished. It was finished wood.

11 Q Do you know how it was finished? Do you
12 remember?

13 A I believe that the legs are painted and
14 the top is some sort of varnish.

15 Q Have you ever tried to collect latent
16 prints from that type of material before?

17 A Yes.

18 Q Have you had success doing that before?

19 A Before, yes.

20 Q So when you began to process this, did you
21 have any expectations of whether you would find
22 anything?

23 A I never really have expectations of
24 whether or not I'm going to gather latent prints,
25 just because sometimes we do and sometimes we don't,

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1 depending on what happened with the item.

2 You know, it can wiped down or wiped away,
3 or the item can be exposed to, you know, any sort of
4 environmental condition that may affect the latent
5 print.

6 Q Let me show you an item and ask you to
7 look at that item and see if you recognize it.

8 A I do.

9 Q If you'll go ahead and open it and see if
10 you recognize it.

11 A This would be the red cushion that I
12 collected.

13 Q And was that cushion -- I didn't see that
14 in your photographs. Where was the cushion?

15 A In the first photograph, you can see it
16 over to the left.

17 Q Now, you had been in the house June 26th
18 with Investigator Ross, is that correct?

19 A I had.

20 Q This is not where the stool was at the
21 time or where the cushion was, was it?

22 A When I arrived on scene, as I explained
23 earlier, I was there in an assisting capacity. So
24 the scene was already being processed. I've seen
25 the photographs, the initial photographs taken by

Renee Strickland - Direct

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1 Investigator Ross, and that stool was not there. It
2 was placed up there out of the way.

3 Q So when you got there and assisted
4 Investigator Ross, it was already up there?

5 A Yes.

6 Q Okay. Looking on the cushion itself, I
7 see some ink marks. What is the purpose of that?

8 A The ink marks right here, that's an I and
9 those are my initials. That's where I swabbed and
10 took a sample at the scene that I saw that was
11 consistent with blood.

12 Q Did you do any presumptive test on that?

13 A I did.

14 Q And presumptively what did that stain
15 show?

16 A That it was positive for blood.

17 Q If you would put that back in there for
18 me. Let me show you another packet and ask if you
19 recognize that.

20 A I do recognize that, yes, sir.

21 MR. HUBBARD: And before we go on, Your
22 Honor, I'd like to mark the bag and the cushion for
23 ID, as well.

24 THE COURT: All right.

25 COURT REPORTER: The cushion bag is

Renee Strickland - Direct

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1 State's Number Eighty-One for ID.

2 (Whereupon, State's Exhibit
3 Number Eighty-One, Cushion Bag, was marked for
4 identification purposes.)

5 Q What did I just hand you?

6 A This is a bag of swabs that I collected
7 from both the stool and the cushion.

8 Q And the hair, did you collect the hair, as
9 well?

10 A I also collected the hair, yes, sir.

11 Q So you swabbed the cushions swabbed the
12 stool and collected the hair that we were discussing
13 in the photograph before, and all that went to SLED?

14 A It did, yes, sir.

15 Q To be analyzed?

16 A Right.

17 Q I'll show you another item and ask if you
18 recognize this.

19 A I do.

20 Q And what is this?

21 A This is the actual stool itself that was
22 collected from the residence at Jake's Landing.

23 Q And you recognize that how?

24 A By the date and my initials right here.
25 This is also my handwriting, and the case number,

Renee Strickland - Direct

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1 the date, and initials are on the bag.

2 MR. HUBBARD: Your Honor, the State would
3 mark this for identification, as well.

4 THE COURT: All right, sir.

5 COURT REPORTER: That will be State's
6 Number Eighty-Two for ID, the stool.

7 (State's Exhibit Number
8 Eighty-Two, Stool, was marked for identification
9 purposes.)

10 MR. HUBBARD: And, Your Honor, if there's
11 no objection, I would like for the witness to come
12 down and show the jury the stool itself.

13 THE COURT: All right.

14 Q What you're holding is what is in the
15 photograph?

16 A It is.

17 Q That's is what you collected and what you
18 processed. All this material is what was in that
19 bag?

20 A Yes.

21 Q What is it made out of?

22 A Wood.

23 Q The black that we're seeing on there, what
24 is that?

25 A This black coloring right here, that's

Renee Strickland - Direct

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1 black powder, what we use to process for latent
2 prints.

3 Q And that was negative. You weren't able
4 to find anything?

5 A Right.

6 Q And there was also numerous Sharpie
7 writings in various places. Could you explain what
8 all those are?

9 A The areas labeled A this is the part,
10 probably the easiest to show you. That's a closeup
11 of the reddish brown stain we talked about earlier.
12 Anywhere there's a reddish brown stain, it would
13 have been blood.

14 And where I took a swab from, I labeled A,
15 B, C, D all the way through H, I believe. There's
16 also some on the top, and that would just correspond
17 to where I took swabs from for analysis.

18 Q There are also -- so in addition to -- do
19 you note on here whether they were positive or
20 negative?

21 A No.

22 Q That would be in the report?

23 A In my report they were all positive.

24 Q In the photograph, State's Sixty-Four,
25 that we're looking at, you were talking about the

Renee Strickland - Direct

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1 seat being raised from the dowels. Where is that on
2 here?

3 A It's right here on this portion, which is
4 the same side of the stool -- you can see the
5 separation.

6 Q If you would come over here. There
7 appears to be around the rim some kind of scratch
8 marks. Are there any other marks anywhere on the
9 stool that you see?

10 A On the same side of the stool where the
11 dowels separated there are some markings.

12 Q Before we go any further let's switch and
13 you face her.

14 If you could walk further down that way so
15 they can see down there and then people can see what
16 we're seeing.

17 A This on the same side -- is a separation
18 from where the dowel is visible. Right there and
19 right there and also right there, those are all
20 samples that were taken and processed.

21 Q The photograph, State's Sixty-Eight, you
22 were talking about there were some samples there and
23 also the hair that was there.

24 A Right.

25 Q Where was that on the stool?

Renee Strickland - Direct

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1 A That is right on top, right here. You can
2 see the same markings right here on the photograph.
3 That's where the hair was, right in this area.

4 Q And all the swabs that you collected,
5 Investigator Strickland, were also positive from the
6 and the stool. And you took all of those swabs and
7 the hair and sent them to SLED, is that correct?

8 A Yes, that's correct.

9 Q Is there anything else that you've done on
10 this case? We've talked about four different
11 places.

12 A I believe that it's.

13 Q Thank you very much, Investigator
14 Strickland.

15 And, Your Honor, apparently I forgot to --
16 the last packet I had opened, I don't know that I
17 got the bag with the swabs marked for
18 identification. It was just pointed out to me.

19 THE COURT: All right.

20 MR. HUBBARD: That would be for ID, too,
21 Your Honor.

22 THE COURT: All right.

23 COURT REPORTER: State's Number Eighty-
24 Three for ID.

25 (State's Exhibit Number

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1 Eighty-Three, Swabs, was marked for identification
2 purposes.)

3 MR. HUBBARD: Thank you, Investigator.

4 THE COURT: Cross-examination?

5 MR. CORNWELL: If it please the Court.

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. CORNWELL:

9 Q Ms. Strickland, you said that you were
10 responsible for taking the DNA samples over to test
11 it?

12 A Yes, sir.

13 Q Are you aware of the results of that test?

14 A No.

15 Q Okay, all right. You talked about an
16 ammunition bag. You said you found two different
17 kinds of ammo in that bag?

18 A Correct.

19 Q All right. You also said that when you
20 went to process the stool, you found it on top of
21 the washing machine?

22 A Washing machine, that's correct.

23 Q All right.

24 Beg the Court's indulgence. No further
25 questions, Your Honor.

Renee Strickland - Cross

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1 THE COURT: Anything further of this
2 witness?

3 MR. HUBBARD: No, Your Honor, thank you.

4 THE COURT: Thank you very much, ma'am.
5 You may step down.

6 All right, let me get the lawyers to step
7 up here real quick.

8 (Conference at the bar
9 between counsel and the Court.)

10 Ladies and gentlemen, first, let me
11 apologize to you for going this long. I don't
12 usually make people wait this long to go to lunch,
13 but there was a lot of information that needed to
14 come in with that witness, and I didn't want to
15 break that up.

16 So typically I'll try to be more aware of
17 the time in the future. But we're going to break at
18 this time for lunch. I'm going to ask you to be
19 back in the jury room at 3:00. So that's going to
20 give you about an hour and 40 minutes for lunch.

21 Now, when you leave her, the same
22 admonition that you had when you left here
23 yesterday, have no conversation with anybody about
24 the case. Don't allow anyone to talk with you about
25 the case. Just enjoy your lunch, let your minds

1 relax, and if you would be back in the jury room at
2 3:00, and we'll start back at that time.

3 If everyone else would please remain
4 seated.

5 Ladies and gentlemen, we'll see you back
6 at three.

7 (Whereupon, the jury left
8 the courtroom at 1:21 p.m., after which the
9 following proceedings were had:)

10 THE COURT: All right, anything before we
11 adjourn for the lunch break, anything we need to
12 take up?

13 MR. HUBBARD: Not from the State.

14 MR. CORNWELL: Not from the defense, Your
15 Honor.

16 THE COURT: Okay. We'll start back at
17 3:00, then.

18 (Court in recess.)

19 THE COURT: All right, let's bring the
20 jury in, please.

21 (Whereupon, the jury
22 entered the courtroom at 3:10 p.m., after which the
23 following proceedings were had:)

24 THE COURT: All right, ladies and
25 gentlemen, we will resume now. You recall when we

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1 took the break that the State was on their case, and
2 we'll continue now with the State's case.

3 MR. HUBBARD: Thank you, Your Honor.

4 THE COURT: Mr. Hubbard.

5 MR. HUBBARD: Your Honor, the State calls
6 Greg Tice.

7 (Whereupon, the witness was
8 sworn, after which the following proceedings were
9 had:)

10 THE CLERK: Have a seat, please, sir.
11 Once you're seated, sir, state your full name,
12 spelling your last on the record, please.

13 MR. TICE: My name is Robert Gregory Tice
14 -- T-I-C-E.

15 ROBERT GREGORY TICE, having first been
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. HUBBARD:

19 Q Mr. Tice, obviously by your last name
20 you're related to Tim. What's your relationship
21 with Tim?

22 A He's my brother, he was my older brother.

23 Q How much older is he than you?

24 A Three years.

25 Q And how old are you now?

Gregory Tice - Direct

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- 1 A I'm 44.
- 2 Q So he'd be 47 now?
- 3 A Yes, sir.
- 4 Q This happened a couple of years ago, so he
5 was about 45?
- 6 A Yes, sir.
- 7 Q Was Tim married at the time?
- 8 A No, sir. He was divorced, and he one
9 daughter by his first marriage. And he had a second
10 marriage and no kids. And then he's got a little
11 girl that he never did get to see. He was murdered
12 beforehand. He never got to lay eyes on her.
- 13 Q Do you know if at the time of his death he
14 had any specific girlfriend, or no one in particular
15 at that time?
- 16 A No, sir, not really. He was just a happy
17 person. He liked to have a good time. He had a
18 bunch of friends.
- 19 Q Let's talk about that. He was a big
20 fellow, wasn't he?
- 21 A Yes, sir. He was real big.
- 22 Q Now, was he much taller than you?
- 23 A He wasn't a whole lot taller than me, but
24 he was a lot wider.
- 25 Q How many of you would make your brother?

Gregory Tice - Direct

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1 A He would make about three or four of me.

2 Q We've talked about a big heart, too.

3 A He'd do anything for anybody.

4 Q Let me ask you this. If someone came by
5 and asked him for money or needed something, what
6 would Tim do?

7 A He'd help them in any way he could. He
8 wouldn't just give -- a lot of times, he'd tell you
9 to wash his dishes or clean the yard or something
10 like that if you needed money. But if you was in a
11 bind and needed money right then, if he had it, he'd
12 give it to you. If you were stuck in a ditch or
13 something, he'd come pull you out.

14 Q Let me ask you about how long he lived out
15 there at Jake's Landing. How long had he been out
16 there?

17 A He was there over 10 years. He was the
18 life of the landing.

19 Q All right. What annual event would he
20 hold out there?

21 A Fourth of July. We'd have a party up at
22 his house, all the friends from -- he was from
23 Eastover originally, and all of our friends from
24 down in Eastover would come up.

25 And friends from Jake's Landing and the

Gregory Tice - Direct

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1 community around here, they'd come up there. And he
2 would cook a hog and throw a big shindig at his
3 house.

4 Q Was he preparing for that about the time
5 of this?

6 A Yes, sir. He was getting ready for it.
7 We went ahead and -- we had the party in memory of
8 him, because he wasn't there, last year.

9 Q I want to ask you about how he kept the
10 house.

11 A Now, he had dirty dishes, but his house
12 stayed clean. He wouldn't have -- he didn't live
13 junky. He had everything in order pretty much,
14 nice. His spare bedroom back there, he'd have a lot
15 of -- I would say his hobbies would be back there in
16 his back room.

17 Q Okay, is that where those gun parts were
18 found?

19 A Yes, sir.

20 Q What was that about?

21 A He had just bought out a gunsmith, and he
22 was getting them and repairing guns. There was an
23 old -- he had a bunch of old Mausers, long rifles as
24 I would call them.

25 But he was trying -- he would take two or

Gregory Tice - Direct

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1 three guns and make one, try to build one. He had a
2 bunch of parts in the shed.

3 Q Let me ask you this. After this incident,
4 what if anything gun-wise did you all find missing?

5 A Well, afterwards I found that there was I
6 know two guns -- I had just lost my daddy the year
7 before. And he had a bunch of guns, and me and Tim
8 split them up. They were given to us, and we split
9 them up.

10 And I know of two guns that have not been
11 recovered and are still missing probably. And the
12 30-30 rifle that he kept in the kitchen at all
13 times, it was missing.

14 Q So that one was actually kept in the
15 kitchen?

16 A Yes, sir, it was. I can tell you exactly
17 where it was. It was right there at the end of the
18 bar, leaned up against -- there's a white cabinet
19 awning or whatever you call the thing you put stuff
20 on. It leaned right up against it right in the
21 kitchen, right beside his kitchen table.

22 Q I want to show you a couple of
23 photographs, State's Sixty-Two and Sixty-Three since
24 we're talking about that rifle. Does that look
25 familiar?

Gregory Tice - Direct

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1 A That's it, because the strap on the rifle,
2 if I'm not mistaken, me or my daddy one give it to
3 him for Christmas. And I put it on the rifle for
4 him.

5 MR. HUBBARD: With the Court's permission,
6 I've got that rifle, Your Honor, but it's wrapped
7 and sealed in plastic. I'm not going to put it in
8 evidence. I'd just like to see if he can identify
9 it.

10 THE COURT: All right, sir.

11 Q Take a look at this rifle.

12 A Yes, sir. I've shot that rifle a bunch of
13 times. I shot it when we had it.

14 Q And that is the rifle?

15 A Yes, sir. There's no doubt about it.
16 There's marks on it -- you can see marks where I
17 walked through the woods, knocking brush down with
18 it and stuff. That's why it's scarred up a little
19 bit, because it's been used.

20 Q And this strap, what do you recall about
21 this strap?

22 A Like I say, me or my daddy one bought it
23 and give it to him for a birthday or Christmas. I
24 can't remember exactly. But I put it on the rifle
25 for him. I put them clips on here. I don't know if

Gregory Tice - Direct

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1 that screw was there, because that screw was out --
2 it was stripped out -- and I had to put epoxy on the
3 bottom of it to get that piece that holds the clip
4 on there.

5 Q So there's no doubt in your mind this is -

6 -

7 A No doubt.

8 Q -- this is your family rifle?

9 A Yes, sir. It come down my granddaddy.

10 Q Greg, I appreciate you answering my
11 questions. Please answer any questions the defense
12 might have.

13 MR. CORNWELL: Your Honor, the defense
14 doesn't have any questions for this witness.

15 THE COURT: All right, sir, thank you very
16 much. You may step down.

17 MR. HUBBARD: The State calls Catherine
18 Leisy.

19 (Whereupon, the witness was
20 sworn, after which the following proceedings were
21 had:)

22 CLERK OF COURT: Have a seat, please,
23 ma'am. Once you're seated, state your full name,
24 spelling your last on the record.

25 MS. LEISY: Catherine Leisy -- L-E-I-S-Y.

Gregory Tice - Direct

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1 CATHERINE LEISY, having first been duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. HUBBARD:

5 Q Ms. Leisy, where are you employed, ma'am?

6 A I work for the South Carolina Law
7 Enforcement Division, more commonly known as SLED.

8 Q What did you do there at SLED?

9 A I am a forensic scientist assigned to the
10 DNA serology unit.

11 Q What is DNA serology?

12 A Serology is the study of bodily fluids as
13 they relate to criminal cases, so the identification
14 of bodily fluids such as blood, semen, or saliva.
15 And through DNA testing, we try to identify the
16 possible contributor of an unknown biological stain
17 that's been found at a crime scene or on a specific
18 item of evidence.

19 Q What kind of educational background do you
20 have?

21 A I have a Bachelor of Science degree in
22 genetic engineering from Cedar Crest College in
23 Allentown, Pennsylvania.

24 Q And have you ever testified as an expert
25 in DNA serology in any courts in South Carolina?

Catherine Leisy - Direct

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1 A Yes, I have.

2 Q Approximately how many times?

3 A In South Carolina, approximately 50 times.

4 MR. HUBBARD: Your Honor, at this time the
5 State would move to offer Ms. Catherine Leisy as an
6 expert in DNA serology.

7 THE COURT: Any objection?

8 MR. CORNWELL: No objection, Your Honor.

9 THE COURT: All right, you may proceed.

10 Q Ms. Leisy, did you have an opportunity to
11 do some DNA work on this case?

12 A Yes, I did.

13 Q Specifically, you ran I guess three
14 different series of tests on this case, is that
15 correct?

16 A That's correct.

17 Q The first series I believe was back on
18 March 15, 2013. Does that sound correct?

19 A That was the date that my original report
20 was issued, yes.

21 Q Prior to that, can you tell the jury what
22 samples you had submitted to you for you to look at?

23 A The first submission of samples I received
24 included a blood standard from Timothy Tice that was
25 to be used to develop a known profile for that

Catherine Leisy - Direct

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1 individual for comparison. I received fingernail
2 scrapings from Mr. Tice. I also received swabs that
3 were identified as being taken from the trigger of a
4 Winchester firearm.

5 I received a swab and possible hairs from
6 a fitted sheet. I also received a number of swabs
7 that were taken from a bar stool. I received swabs
8 that were taken from the cushion of a bar stool. I
9 received hair that was recovered from the cushion of
10 the bar stool. And I received swabs from a pistol
11 grip.

12 Q How do you go about -- what's the first
13 thing you do once you have all those items?

14 A The first thing that I do is run a
15 preliminary test looking for the possible presence
16 of blood on particular items. I tested the swabs
17 from the stool for the possible presence of blood
18 and received a positive result indicating the
19 presence of that bodily fluid. I then developed DNA
20 profiles from the items of evidence and compared
21 those profiles to the DNA profile of Timothy Tice.

22 Q On the swabs from the bar stool, those are
23 the only ones that had blood on them, is that
24 correct, that and the cushion?

25 A That's correct. Those swabs were all

Catherine Leisy - Direct

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1 positive for the possible presence of blood.

2 Q Let's talk about how do you actually get
3 DNA off of something.

4 A You can do a number of different things to
5 remove DNA from an item of evidence. You can use a
6 sterile swab. I'll usually wet it with a little bit
7 of sterile water or a buffer and then rub it against
8 the items you collect whatever bodily fluid has been
9 left on that item.

10 You can also do the same thing to remove
11 what we call touch DNA, which is just skin cells
12 that have been deposited on an item when they come
13 in physical contact with a person. You can also
14 take a direct sample. So, say, from a sheet, you
15 can take a cutting and extract DNA from just a
16 direct sample.

17 Q How do you actually -- what is DNA?

18 A DNA stands for deoxyribonucleic acid.
19 It's the genetic material found in all of our body
20 cells with the exception of our red blood cells.
21 DNA is packaged into structures called chromosomes,
22 which contain our genes. And genes are simply
23 strands of DNA that code for our physical
24 characteristics, such as our height or our eye
25 color.

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1 We receive half of our DNA from our mother
2 and half from our father, and therefore we have two
3 copies of every gene. Approximately 99.9 percent of
4 an individual's DNA is identical to that of everyone
5 else's. And it's the variation in that remaining .1
6 percent that allows us to tell two people apart.

7 Q Let's go through some of the items that
8 you took a look at. Under the right-hand fingernail
9 that was collected at autopsy, the right-hand
10 fingernails of Mr. Tice, what if anything were you
11 able to develop as far as any DNA?

12 A The DNA profile developed from the right-
13 hand fingernail clippings is a mixture of at least
14 two individuals. The DNA profile developed from the
15 major contributor to this mixture is attributable to
16 Timothy Tice, and the DNA profile developed from the
17 minor contributor to this mixture is from an
18 unidentified individual.

19 Q Do you know whether that entered into
20 CODIS?

21 A It was.

22 Q And what is CODIS.

23 A CODIS stands for Combined DNA Index
24 System. It's an electronic database that consists
25 of DNA profiles of known individuals or DNA profiles

Catherine Leisy - Direct

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1 collected from crime scenes that we can compare our
2 unknown DNA profiles to, to see if we can get a hit
3 to either identify the source or to link that
4 profile to another case.

5 Q Did you ever get a notice that there was a
6 CODIS hit on that minor contributor?

7 A To my knowledge, there has been no hit on
8 that minor contributor, no.

9 Q The left-hand fingernail samples, were you
10 able to develop any DNA profiles from that?

11 A I was. The DNA profile developed on the
12 left-hand fingernail scrapings is a mixture of at
13 least three individuals. Again, the major
14 contributor developed from this mixture is
15 attributable to Timothy Tice. And the DNA profile
16 developed from the minor contributors to this
17 mixture is not suitable for CODIS entry.

18 Q What does it mean that it's not suitable
19 for CODIS entry?

20 A We have to meet certain guidelines in
21 regards to what we can and cannot enter into the
22 database to be searched. It could be that there was
23 not enough information, or it could be that there
24 were DNA types from too many individuals present
25 that it didn't meant the guidelines for entry and

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1 search.

2 Q The swab from the shoes, were you able to
3 develop any profile from the sheet?

4 A I was. The DNA profile developed from the
5 swab taken from the sheet contained a mixture of at
6 least three individuals, and Timothy Tice is
7 excluded as a possible contributor to this mixture.

8 Q The swab -- there are multiple swabs from
9 the bar stool, and I think earlier you testified
10 that they all tested presumptively positive for
11 blood, is that correct?

12 A That's correct.

13 Q What does that mean?

14 A We run a preliminary chemical test on the
15 item. A positive result indicates the possible
16 presence of blood. There are other things that can
17 cause us to have what we call false positives. We
18 just use this test to help us to determine what
19 items may be useful for further testing. Coming up
20 with a positive again just indicates the possible
21 presence of blood and indicates to me that it's a
22 worthwhile item to take forward to DNA testing.

23 Q Earlier, when you said "false positives,"
24 what kind of items could give you false positives?

25 A In terms of false positives, it could be

Catherine Leisy - Direct

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1 either the presence of rust. It could be to plant
2 or mineral extracts. Chemicals can sometimes cause
3 false positives. It depends on what's on the item
4 when it's tested.

5 Q Of the items that came off of the -- the
6 multiple swabs that came off the bar stool, were you
7 able to -- they all tested positive for blood. Were
8 you able to extract and develop a DNA profile from
9 any of those swabs?

10 A I developed a partial DNA profile from
11 what was identified as SLED Item 16.1, which was a
12 swab from the bar stool. And a partial profile just
13 means that I wasn't able to develop DNA types at all
14 of the locations that I tested. Almost all of them,
15 but in this particular case, there just wasn't
16 enough DNA present to develop a full profile.

17 Q And 16.1 was a swab from the bar stool.
18 How is that described in your description? Is it
19 designated which swab that was?

20 A It was designated as swab A.

21 Q Swab A. And who did that profile match?

22 A The partial DNA profile developed from
23 that particular swab matches the DNA profile of
24 Timothy Tice.

25 Q Are you able to develop numbers to go

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1 along with that to explain how confident you are
2 that that's Timothy Tice?

3 A I am. The probability of randomly
4 selecting an unrelated individual having a DNA
5 profile matching this item is approximately one in
6 twenty billion.

7 Q And those come under zero basing for math,
8 is that correct?

9 A That's correct.

10 Q Item 17.1, what was that?

11 A 17.1 was the possible hair that was
12 collected from the cushion of the stool.

13 Q And were you able to develop a profile
14 from that?

15 A I was, and that DNA profile also matches
16 the DNA profile of Timothy Tice.

17 Q To be able to develop a DNA off of the
18 hair, what do you have to be able to do?

19 A What we're looking for on the hair is the
20 presence of the root. That's actually the skin
21 cells that are still attached to the hair. Without
22 the root, we're not able to develop the DNA profile.
23 So this particular hair appeared to have a root, and
24 I took it forward for DNA testing.

25 Q How about the rifle? You swabbed the

Catherine Leisy - Direct

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1 rifle?

2 A The Winchester?

3 Q Yes, ma'am.

4 A I received swabs that were identified as
5 being taken from the trigger of a Winchester
6 firearm.

7 Q And what were you able to do with those?

8 A With that particular item, I was only able
9 to develop a partial DNA profile. And it was
10 insufficient for reliable interpretation. That just
11 means that with such an unlimited amount of
12 information, I'm not comfortable making a comparison
13 with any known individual for that particular item.

14 Q The other items that came off of the --
15 the other swabs from the sheet, the other swabs from
16 the bar stool, and the swabs from the cushion, the
17 bar stool and the cushion I think were all
18 presumptive for blood. Were you able to develop any
19 profiles from any of those?

20 A I was not.

21 Q Now, were there other items that were
22 submitted to you later for further analysis?

23 A Yes, there were.

24 Q There's another report of June 3rd. Do
25 you have that one with you, as well?

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1 A Yes, sir.

2 Q Some items that were submitted to you at
3 that time were buckle swabs, I think is the right
4 term, is that correct?

5 A Yes, it is.

6 Q What is that?

7 A A buckle swab is basically just a sterile
8 Q-tip or cotton swab that is rubbed against the
9 inside of an individual's cheek to collect cells.
10 We use that sample to develop what we call a known
11 standard for that individual. We then use that
12 standard to compare to the evidence to determine
13 whether or not that person contributed DNA that we
14 found on the evidence.

15 Q Specifically, you received buckle swabs
16 from the defendant, Demetriss Glenn; co-defendant
17 Kenneth Walters; and co-defendant Margaret Driggers,
18 is that correct?

19 A That's correct.

20 Q And were you able to develop profiles from
21 each one of those swabs?

22 A Yes, I was.

23 Q Once you had those, did you then attempt
24 to go back and compare them with some of the unknown
25 that you had from the first time that you did

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1 analysis?

2 A That's correct.

3 Q And going back to the right-hand
4 fingernails that was a mixture of two individuals,
5 what if anything did you find when you compared the
6 defendants in this case, Demetriss Glenn, Margaret
7 Driggers, and Kenneth Walters?

8 A I found that all three individuals were
9 excluded as being possible contributors to that
10 particular mixture.

11 Q So as you sit here today, you don't know
12 whose DNA that is, do you?

13 A No, sir, I don't.

14 Q The left-hand fingernail, that was a
15 mixture of three individuals. Comparing Mr. Glenn,
16 Mr. Walters, and Ms. Driggers, what did you
17 discover?

18 A Again, all three individuals are excluded
19 as possible contributors to this mixture.

20 Q The swab from the sheet which is your
21 15.1, when you compared them -- Mr. Glenn, Mr.
22 Walters, and Ms. Driggers -- to those, what did you
23 discover?

24 A All three individuals are excluded as
25 possible contributors to this mixture.

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1 Q And then did you do another round of
2 analysis on October 17th of this year?

3 A Yes, I did.

4 Q And what new items did you have submitted
5 for you?

6 A I received a swab that was identified as
7 being taken from marker F. I also received several
8 sets of swabs identified as being taken from 30-30
9 Winchester cartridges and sets of swabs identified
10 as being taken from .22L cartridges.

11 Q As to the swabs taken from the 30-30
12 cartridges and the .22 long rifle cartridges, were
13 you able to develop any DNA profiles from that?

14 A I was able to develop partial DNA profiles
15 from three of those samples. From SLED Item 23,
16 which was a swab from the 30-30 Winchester rounds, I
17 developed a partial DNA profile that was a mixture
18 of at least two individuals.

19 From SLED Item 24, I developed a partial
20 DNA profile from an unidentified individual. And
21 from SLED 27, again, swabs from 30-30 Winchester
22 rounds, I developed a partial profile from an
23 unidentified individual.

24 Q As far as these swabs from the three
25 cartridges, 30-30 cartridges that you were just

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1 discussing, comparing those to Mr. Tice, Ms.
2 Driggers, Mr. Walters, and Mr. Glenn, what did you
3 discover?

4 A I determined that all four of the
5 individuals for whom I had known standards are
6 excluded as possible contributors to these items.

7 Q When we talk about somebody's DNA being
8 not present, does that mean that they didn't touch
9 an item?

10 A It just means that based on the DNA
11 profile I developed from that item, I can't include
12 them as a contributor. It may still be there. It
13 just means I can't detect it.

14 Q Specifically then talking about marker F,
15 which was collected from the door of the crime scene
16 at Jake's Landing, did you do a presumptive test on
17 that to see whether there was the presence of blood
18 or not?

19 A I did, and I received a positive result
20 indicating the possible presence of blood.

21 Q And were you able to develop a DNA profile
22 from that swab?

23 A I was.

24 Q Comparing that to the known standard you
25 have, what did you discover?

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1 A The DNA profile developed from the swab
2 from marker F matches the DNA profile of Kenneth
3 Walters. And the probability of randomly selecting
4 an unrelated individual having a DNA profile
5 matching this item is approximately one in 9.6
6 quadrillion.

7 Q And how big is a quadrillion?

8 A One quadrillion would be a one with 15
9 zeroes behind it. It is significantly larger than
10 the current population of the earth.

11 Q Is it fair to say that it's just one?

12 A I could say that within a reasonable
13 degree of scientific certainty, it's my opinion that
14 Mr. Walters is the contributor of the DNA on that
15 item.

16 Q As part of your analysis, you developed
17 profiles of Mr. Tice, Mr. Glenn, Mr. Walters, and
18 Ms. Driggers, is that correct?

19 A Yes, sir.

20 Q And you're aware that there were some
21 items that were taken to the Richland County DNA
22 lab, as well?

23 A Correct.

24 Q Did you share the DNA profiles you
25 developed on Mr. Glenn, Walters, and Driggers with

Catherine Leisy - Direct

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1 Richland County?

2 A I did, and the profiles I developed were
3 forwarded to their laboratory for comparison.

4 Q And that would have been to John Barron,
5 who's a DNA analyst there?

6 A That's correct.

7 Q Thank you, Ms. Leisy. Please answer any
8 questions the defense has.

9 A Yes, sir.

10 THE COURT: Mr. Cornwell.

11 MR. CORNWELL: If it please the Court,
12 Your Honor.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. CORNWELL:

16 Q So you did get a hit on a DNA match from
17 the swabs and the samples that you took from the
18 scene?

19 A The only -- with respect to which
20 individual, sir?

21 Q Kenneth Walters.

22 A Kenneth Walters' profile did match the DNA
23 profile developed from the swabs from marker F, yes,
24 sir.

25 Q So you did not find a match for the

Catherine Leisy - Cross

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1 profile of Demetriss Glenn?

2 A I did not.

3 Q Thank you.

4 MR. HUBBARD: Nothing else, Your Honor.

5 THE COURT: Thank you very much, ma'am.

6 MS. LEISY: Thank you, sir.

7 THE COURT: You may step down.

8 MR. GRAHAM: The State calls John Barron.

9 (Whereupon, the witness was
10 sworn, after which the following proceedings were
11 had:)

12 CLERK OF COURT: Have a seat, please, sir.
13 Once you're seated, state your full name on the
14 record, spelling your last.

15 MR. BARRON: My name is John Barron -- B-
16 A-R-R-O-N.

17 JOHN BARRON, having first been duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MR. HUBBARD:

21 Q Mr. Barron, where are you currently
22 employed, sir?

23 A Richland County Sheriff's Department.

24 Q And what do you for the Sheriff's
25 Department?

John Barrow - Direct

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1 A I am a DNA analyst, a forensic serologist,
2 and also administer the local database for DNA.

3 Q And how long have you been working with
4 DNA and serology?

5 A I was first employed at SLED in serology
6 back in the eighties. Since 1999, I've been in DNA.
7 And in 2004, I left SLED to help start the DNA
8 laboratory for Richland County.

9 Q What's your educational background?

10 A I have a Bachelor of Science degree in
11 microbiology from Clemson University. I also have
12 graduate-level courses in molecular biology and
13 statistics from the University of South Carolina.
14 And I've been employed, like I said, at SLED
15 originally, trained by those experts there in
16 serology and DNA, and have testified numerous times
17 in the state of South Carolina, Georgia, and North
18 Carolina.

19 Q How many times do you think you've been
20 qualified as an expert to testify on DNA and
21 serology?

22 A Well, serology probably several hundred
23 times. I testified numerous times in serology prior
24 to DNA, and then in DNA about 60 times.

25 MR. GRAHAM: Your Honor, the State would

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1 offer Mr. Barron as an expert in DNA and serology.

2 THE COURT: Any objection?

3 MR. CORNWELL: No objection, Your Honor.

4 THE COURT: Without objection. You may
5 proceed.

6 Q Mr. Barron, did you have an opportunity to
7 look at some items on this case, looking to try to
8 develop DNA and then match those to known profiles?

9 A Yes.

10 Q Specifically, back on July 22, 2011, did
11 you issue a report developing some items that you
12 had looked at?

13 A Yes, I did.

14 Q What items did you receive from the
15 Lexington County Sheriff's Department relating to
16 this case on the first round of analysis?

17 A I received a red plastic Solo cup, a used
18 condom, a broken neck portion of a wine bottle, a
19 napkin, and known DNA blood samples and buckle swabs
20 from Timothy Tice.

21 Q Let's go into this. How did you go about
22 extracting DNA off of those items?

23 A DNA is extracted in the laboratory by
24 either swabbing the sample or cutting the sample,
25 depending on the medium that it is. In the case of

John Barrow - Direct

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1 a Solo cup or a wine bottle, I would have swabbed
2 the sample. And in the case of a napkin with blood
3 on it, I would have just cut it out.

4 It is placed inside of a tube. The proper
5 chemicals are put on it to extract the DNA. And
6 then it's purified, quantitated, and then amplified
7 to develop a DNA profile. And then if we get a
8 profile, we compare it to known individuals involved
9 in the case.

10 We also put it in the combined DNA
11 indexing system, or CODIS, which is the DNA database
12 that we have locally. We have local suspects at the
13 state level. At SLED, they have the convicted
14 offenders. And then it's uploaded nationally to
15 search convicted offenders or felony arrestees
16 throughout the United States.

17 Q At this time, were you -- the first time
18 back in July of '11, were you able to develop a
19 known DNA profile for Timothy Tice?

20 A Yes, I was.

21 Q On the red Solo cup, were you able to
22 extract DNA from that and develop a profile?

23 A Yes, I was.

24 Q And what did you discover regarding the
25 Solo cup?

John Barrow - Direct

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1 A Well, just like many DNA samples you
2 receive, we get mixtures of multiple people
3 involved. So in the case of a cup, if more than one
4 person has either handled it or sipped out of it,
5 drank out of it, then we can find multiple people on
6 the cup. In this case, I did find a mixture of two
7 people on the cup.

8 Q Were you able at that time -- with a known
9 standard of Timothy Tice, were you able to determine
10 whether Mr. Tice's profile was found in the mixture
11 that you found in the Solo cup?

12 A Yes, Mr. Tice is definitely involved in
13 touching or putting his mouth on the Solo cup.

14 Q As far as the condom that was collected
15 and sent to you, what were you able to discover on
16 that?

17 A The used condom did contain a liquid of it
18 which I determined was seminal fluid, identified as
19 sperm, so it is a male ejaculate. I proceeded then
20 to determine if possible if I could get a profile
21 from the semen, and I did.

22 It also matched Timothy Tice. And with a
23 condom that has been used, then we proceed to swab
24 the outside of the condom to ascertain if possible
25 the female involved in the sexual intercourse. The

John Barrow - Direct

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1 female's vaginal cells would be on the outside of
2 the condom.

3 I was able to develop a female profile.
4 At the time, I did not have a female standard to
5 compare to. Since it was involved in a potential
6 homicide case, it was submitted to the national DNA
7 database for comparison to known convicted
8 offenders.

9 Q Did you get a -- that's CODIS, is that
10 correct?

11 A That's correct.

12 Q Were you able -- do you know whether there
13 was a CODIS hit on that?

14 A Yes. I received a CODIS hit from SLED to
15 a female individual that was in the database.

16 Q And the name of the individual, do you
17 know who it was?

18 A Yes, that individual was Dana Jones.

19 Q The napkin which is your item number four
20 that was submitted with the neck of the broken wine
21 bottle, what were you able to tell about the napkin?

22 A I was able to -- when I examined the
23 napkin, there was a reddish stain on it. I
24 determined it was blood, and I proceeded to
25 determine that it was the blood of Timothy Tice,

John Barrow - Direct

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1 based on DNA.

2 Q As far as the neck portion of the broken
3 wine bottle, what if anything were you able to do
4 with that item?

5 A I swabbed that, and I again developed a
6 mixture. The major person involved in that was
7 Timothy Tice. There was a very, very small amount
8 of DNA from another individual that statistically
9 speaking is too weak to match to anybody.

10 Q Does that mean even if you had known
11 samplings, you wouldn't be able to do anything with
12 it?

13 A No, I wouldn't -- I wouldn't test that
14 one. It has to be a certain amount of DNA, and it
15 has to be enough to ascertain some sort of
16 statistical value to add weight to it. If it
17 doesn't reach that level, then it's just too weak
18 for any type of match purpose.

19 Q And that's what you developed off the wine
20 bottle?

21 A That's correct.

22 Q Later on, in September of this year, did
23 you receive known standards for the three suspects
24 in this case -- Demetriss Glenn, Kenneth Walters,
25 and Margaret Driggers -- from Catherine Leisy, a DNA

John Barrow - Direct

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1 analyst at SLED?

2 A That is correct.

3 Q Once you had those DNA profiles, were you
4 able to go back and look at the other items that you
5 had previously analyzed?

6 A Yes.

7 Q And what did you find when you did that
8 comparison?

9 A Of the three known DNA profiles that were
10 submitted from SLED, Margaret Driggers was
11 determined to be the other contributor to the DNA on
12 the red Solo cup.

13 Q What kind of quantitative numbers can you
14 provide to help us understand why it's Margaret
15 Driggers?

16 A When we have a mixture, statistically
17 speaking we approach it from two opposing theories,
18 one theory being that the DNA is from Timothy Tice
19 and, in this case, Margaret Driggers, who would
20 match, or it's a mixture from Timothy Tice and
21 another unknown, unrelated individual that is not
22 Margaret Driggers that just happens to have the same
23 DNA profile. This is a valid statistical measure to
24 do mixtures with.

25 And the determination was that the mixture

John Barrow - Direct

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1 is 50 trillion times more likely to be that of
2 Timothy Tice and Margaret Driggers than Timothy Tice
3 and another unknown, unrelated individual. And 50
4 trillion is several times larger than the population
5 of planet Earth. So statistically speaking from a
6 scientific valid viewpoint, that is the two people
7 involved in this mixture.

8 Q Thank you, Mr. Barron. Please answer any
9 questions the defense has.

10 THE COURT: Mr. Cornwell.

11 MR. CORNWELL: If it please the Court,
12 Your Honor.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. CORNWELL:

16 Q You said you did not find the DNA of
17 Demetriss Glenn on any of the items you tested?

18 A No, I did not.

19 Q But you did find the DNA of Margaret
20 Driggers?

21 A Correct.

22 Q Did you find any other people's DNA on the
23 items you tested besides the victim's?

24 A I found indications of another individual
25 there, but I am not able to make a determination as

John Barrow - Cross

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1 to who it could be.

2 Q Thank you.

3 No further questions, Your Honor.

4 MR. GRAHAM: Nothing else, Your Honor.

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

7 MR. HUBBARD: The State calls Detective
8 Cathy Etheredge.

9 (Whereupon, the witness was
10 sworn, after which the following proceedings were
11 had:)

12 CLERK OF COURT: Have a seat, please,
13 ma'am. Once you're seated, please state your full
14 name, spelling your last on the record, ma'am.

15 MS. ETHEREDGE: My name is Cathy
16 Etheredge.

17 CATHY ETHEREDGE, having first been duly
18 sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. HUBBARD:

21 Q Ms. Etheredge, where are you employed,
22 ma'am?

23 A Lexington County Sheriff's Department.

24 Q And how long have you been in law
25 enforcement?

Cathy Etheredge - Direct

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1 A Since 1978. I was a dispatcher for the
2 Sheriff's Department.

3 Q Twenty-six years -- more?

4 A More.

5 Q What various jobs did you say you've held
6 at the Sheriff's Department?

7 A I was a jailer/dispatcher, and I came to
8 the County as a telecommunications operator. I
9 transferred over to Cayce as a public safety officer
10 and firefighter. And I came back to the County as a
11 victim's advocate and an SRO. And currently I'm a
12 major crimes investigator.

13 Q How long have you been in major crimes?

14 A For the last almost eight years.

15 Q And what does a major crimes investigator
16 do?

17 A We investigate crimes that have occurred
18 in Lexington County involving assaults on people,
19 deaths, sexual assaults, any crimes that are against
20 a person. We handle those type cases.

21 Q Back on June 26, 2011, you were working as
22 a major crimes detective?

23 A Yes, sir.

24 Q And did you receive a call requiring you
25 to get out and respond to a scene?

Cathy Etheredge - Direct

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1 A I did. Our team was on call that week,
2 and Detective Chappell called me. We were on the
3 team together, and he called me to come out to the
4 scene of Mr. Tice, that he needed assistance from
5 the entire team.

6 Q You're talking about Detective Chappell,
7 and that's the guy sitting back here?

8 A Yes, sir.

9 Q You talked about a team approach. Tell me
10 what that means.

11 A We have four teams that are in the major
12 crimes unit, and our team usually handles domestic
13 violence. But we were on call. We handled all
14 crimes of major crimes. And Detective Chappell,
15 myself, Detective Freund, our sergeant was Sgt. Ken
16 Correll, we were all on the team together.

17 Q When you responded to the crime scene,
18 what did you do at that time?

19 A When I arrived, Sgt. Correll told me to go
20 in. I went in and spoke with Detective Chappell,
21 and I saw what we had. And he asked me to canvass
22 the area and get statements from the neighbors to
23 see if they had saw or heard anything that occurred
24 at Mr. Tice's trailer.

25 Q There's a team, but there's a lead

Cathy Etheredge - Direct

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1 detective, is that correct?

2 A That's correct.

3 Q And does that vary around by the
4 particular call?

5 A It just depends on which one of us get
6 called out, and it's assigned to that case by the
7 sergeant. At that time, it was Detective Chappell.

8 Q Did you canvass the area and talk to
9 people?

10 A I did.

11 Q Did you discover anything that is relevant
12 here to our trial today?

13 A When talking to the neighbors, some of the
14 neighbors told that they had heard maybe noises.
15 They heard Mr. Tice when he was coming in. And I
16 talked to some of the people that had gone into his
17 mobile home prior to our arrival, but they didn't go
18 in and touch anything.

19 Q That was on June 26th, correct?

20 A That's correct.

21 Q The next day, June 27th, what if anything
22 did you do that morning?

23 A On the 27th, we have what's called a lead
24 assignment worksheet. Anytime we get a crime and
25 someone may call in and give us a tip, we'll fill

Cathy Etheredge - Direct

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1 that assignment sheet out. And you're given that
2 sheet to do a follow-up on that particular tip or
3 that lead. And I was given a lead assignment sheet
4 to call a Ms. Sherry Anderson.

5 Q And did you talk to a Ms. Sherry Anderson?

6 A I did.

7 Q And were you able to determine whether Ms.
8 Sherry Anderson had a daughter?

9 A Ms. Anderson told me that was the mother -
10 - her daughter is Marie Driggers.

11 Q And did she tell you whether Marie
12 Driggers had any nicknames?

13 A She had the nickname of Roxie.

14 Q Did she tell you where you might be able
15 to locate her?

16 A At the Masters Economy Inn on Commerce
17 Drive in Cayce.

18 Q And what if anything did you do in
19 attempting to locate Ms. Margaret Driggers at the
20 Masters Inn in Cayce?

21 A I called the Masters Inn, and I asked them
22 to connect me to the room that Ms. Anderson said
23 that Ms. Driggers was staying in, which was Room
24 209. I called that room, and I spoke with the
25 female that was in there. I asked her if she was

Cathy Etheredge - Direct

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1 Roxie, and she asked why was I calling. And I told
2 her I needed to speak to her about an incident
3 involving Mr. Tice, and she hung up on me.

4 Q So as soon as you mentioned Mr. Tice's
5 name, what happened?

6 A She hung up.

7 Q After she hung up on you -- that was on
8 the 27th -- did you pursue that lead again on the
9 28th?

10 A I did. The morning of the 28th when I was
11 going in to work, I was on I-26 not far from the
12 Masters Economy. And I called the motel again and
13 asked to be connected to Room 209, and the same
14 female that I spoke with the night before answered
15 the phone. And she told me that she was Marie
16 Driggers.

17 And I told her that I needed to speak to
18 her concerning an incident involving Mr. Tice. And
19 she told me she was about to get into the shower.
20 And I went on and pulled into the parking lot and
21 waited. And I told her that "Well, I'll just wait
22 until you finish, and I'll be outside. You can come
23 out, and I can talk with you."

24 Q Did ultimately she come outside?

25 A She did.

Cathy Etheredge - Direct

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1 Q Let me show you a photograph and ask if
2 you recognize it.. It's already been in evidence as
3 State's Number Sixty-Nine.

4 A Yes, that is Marie Driggers.

5 Q And she came out and met with you in the
6 parking lot of the Masters Inn?

7 A Yes, sir.

8 Q Did you have any arrest warrant or
9 anything like that at the time for her?

10 A No, sir.

11 Q Did you ask her questions?

12 A I did.

13 Q What did you ask her?

14 A I asked her if she knew Timmy Tice and
15 when was the last time she had seen or talked with
16 him. And she wrote a statement for me about her
17 last encounter with him. And we sat there and just
18 talked about -- she said that Mr. Tice was a real
19 good friend of hers.

20 Q Did you notice anybody who caught your
21 attention as you were speaking to and interviewing
22 Ms. Driggers?

23 A Having worked in the Cayce area and at
24 that motel, you notice a lot of foot traffic. And I
25 noticed on the second floor, when I was sitting in

Cathy Etheredge - Direct

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1 the car with Marie, we were on the Cayce side of the
2 motel. And I noticed that a black male with
3 dreadlocks was standing on the second floor, the
4 balcony, and he was looking over towards my car.

5 And I asked Marie, "Do you know that guy?"
6 And she said, "No." He had on a red shirt, was
7 dark-skinned, and he kept looking. So I didn't want
8 whoever this guy was to think that maybe Marie was
9 giving me information about some of the activity
10 that was going on out there.

11 So I told her, "We'll move around to the
12 other side of the motel," which we did. And as we
13 moved around to the other side, she wrote her
14 statement. We talked for a few more minutes. And
15 when I looked up again, the same black male, red
16 shirt, dreadlocks, was standing now on the inside of
17 the balcony looking over at my car.

18 And I asked her, "Do you know him, because
19 he keeps looking over here?" And she said, "No, I
20 don't know anybody out here."

21 Q What happened next?

22 A I sat there -- after she finished her
23 statement, I sat there for a few minutes. I was
24 making some phone calls on my cell phone. And I
25 noticed that -- well, Marie had told me that they

Cathy Etheredge - Direct

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1 had to be checked out of that motel by 11:00 and
2 that she was expecting a ride to come pick her up.
3 So as I'm sitting there, I notice no cars were
4 coming in.

5 And I noticed a real dark-colored Cadillac
6 pulled up, white female, heavysset driver. And it
7 drew my attention because Marie was coming down to
8 that vehicle, and I also noticed that the same black
9 male, red shirt, dreadlocks, dark skin, was coming
10 down with Marie and getting into that vehicle.

11 Q And what did you do?

12 A I thought it was strange. This was a
13 person she said that she didn't know, that they were
14 getting into a vehicle together. And as they were
15 riding off, I decided I'm going to find out whose
16 vehicle that is. And I wanted to let Marie know
17 that "I saw you. The person you told me you don't
18 know you're getting into the vehicle with."

19 So I followed them and got the tag that
20 was on the vehicle. I ran that. As we got there in
21 the West Columbia at 302 and 321 right there by
22 Piggie Park, I made sure that Marie saw that I
23 looked at her. I pulled right up beside them. And
24 when she looked over, I waved at her. And when she
25 saw me, she sat back. And that's when the black

Cathy Etheredge - Direct

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1 male even looked over. Even the driver looked over
2 at me.

3 Q Later on, did you see that black male that
4 you saw on the balcony looking at you and Ms.
5 Driggers and also the same black male that was in
6 the car?

7 A I saw a picture of him. Detective
8 Chappell had done some follow-ups, and he had found
9 a lead. And I saw that photograph of him. And the
10 next time I saw him in person, he was sitting in one
11 of our interview rooms.

12 Q Do you see him in the courtroom today?

13 A Yes, sir.

14 Q Can you point him out, please?

15 A He's over here.

16 Q Which direction on the table?

17 A Real dark-skinned black male.

18 MR. HUBBARD: Your Honor, let the record
19 reflect that she has identified the defendant, Mr.
20 Demetriss Glenn.

21 THE COURT: It will so reflect.

22 Q Let me show you a photograph that's
23 State's Number Seventy and ask if you recognize
24 that.

25 A I do.

Cathy Etheredge - Direct

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1 Q That's Mr. Glenn, as well?

2 A That's correct.

3 Q That's what he looked like at the time of
4 his arrest?

5 A Yes, sir.

6 Q Detective, that's going to take us through
7 the 28th. Tell me what happened on the 30th -- June
8 30, 2011. Excuse me, moving forward to July 1,
9 2011, did you have an opportunity to interview Ms.
10 Driggers again?

11 A I believe that's when Detective Govan and
12 I had interviewed her, and she -- on the first, she
13 tells me that she was sorry for lying to me.

14 MR. CORNWELL: Objection, Your Honor.

15 Q Without going in --

16 That's fine, Your Honor.

17 THE COURT: All right, sustained.

18 Q Detective, without going into exactly what
19 she said to you, after speaking with her, did you
20 have two suspects that you were looking for?

21 A Yes, sir.

22 Q And who were those two suspects?

23 A A black male that she referred to as
24 Little Dude. She really didn't know his name.

25 Q What description -- what kind of person --

Cathy Etheredge - Direct

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1 you had the name of Little Dude. What physical
2 description of a person were you looking for?

3 A She said he was a black male about 30
4 years of age, about maybe 5'10". He had a brown
5 complexion and short hair, wore sunglasses, and she
6 described the clothing he was wearing.

7 Q What area of the town were you looking for
8 that person in?

9 A She told us that it was in the Columbia --
10 in Richland County, Columbia area, near Washington
11 Street.

12 Q You had a physical description. Was there
13 anything else in particular about this person that
14 you went out looking for trying to find the suspect
15 that you were looking for?

16 A Black male that had a black eye.

17 Q A black eye. After getting that
18 information, did you have an opportunity to speak
19 with Detective Chappell as to any information that
20 he had developed?

21 A I did, and he had the name of Demetriss.
22 He had his name, and he later found out that the
23 Little Dude, as she referred to him, was a guy named
24 Kenny that lived in the apartments down at the end
25 of Washington Street.

Cathy Etheredge - Direct

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1 Q I asked you earlier, and I forgot to
2 follow up. In your conversations with Roxie,
3 Margaret Marie Driggers, the day before, she gave
4 you a description of Little Dude and the physical
5 description of a black eye. You were also looking
6 for somebody else after speaking with her, weren't
7 you? Were there two names that were developed out
8 of that?

9 A You mean Kenny and Demetriss?

10 Q Demetriss.

11 A Right.

12 Q As the name of the other one. So after
13 you got the name of Kenneth Walters from Detective
14 Chappell, what if anything did you do in attempting
15 to locate him?

16 A Detective Freund and I went down, and we
17 sat across -- if you go down Washington Street, it's
18 like a dead end, and it loops around to a park. And
19 there's a parking lot, so we sat there. And we were
20 really looking for this guy to maybe come home,
21 because we heard he lived in one of those
22 apartments. So we sat there, and we waited.

23 And then Detective Freund went into the
24 parking area for the apartments, trying to canvass
25 it and talk to people. But no one ever talked to

Cathy Etheredge - Direct

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1 him. And then I went over after he did and began to
2 talk to some of the people. They would talk to me.
3 And one older lady told us that the person I was
4 looking for lived in the apartment across the street
5 from -- across the little walkway from her
6 apartment.

7 Q Did you make contact with anybody in the
8 apartment that she referred you to?

9 A I did. I made contact with Kenny's
10 mother, Ms. Lula Pearson.

11 Q And what if anything did you tell Ms.
12 Pearson about why you were there?

13 A I told her that her son had been in a
14 fight and that I wanted to check on him to see how
15 he was doing -- he had been in a fight earlier. And
16 she said that he was down the country and that she
17 would get word to him. I left my number with her
18 for either her or her son to give me a call.

19 Q And what day was that conversation with
20 her on? Was that still on July 1st?

21 A I think it was July 1st, yes, sir.

22 Q Or the second? I think it was the second,
23 not on the first.

24 A Second, yes, sir.

25 Q On the fourth, did you get a phone call

Cathy Etheredge - Direct

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1 from somebody identifying themselves as Kenny
2 Walters?

3 A I did. Detective Chappell and I that
4 morning had been following up some other leads, and
5 we had left to go home. And I got a call not three
6 minutes after we parted from each other from Kenny,
7 and he was telling me that he had heard I was
8 looking for him, and he was calling me, said he was
9 at the Sonoco station on Garners Ferry Road over in
10 Richland County.

11 And he really wasn't familiar with that
12 area, so I began to ask him if there's a car
13 dealership that's situated across the street to his
14 right, and he said yes. I asked him was there a
15 Shoney's right across the street from him, and he
16 said yes. And I told him, "I know where you are.
17 We'll come right there and pick you up."

18 Q And did you go there?

19 A Detective Chappell and I met back up, and
20 we did go over and pick him up.

21 Q Let me show you a photograph and ask if
22 you recognize it, referring to State's Number
23 Seventy-One in evidence.

24 A Yes, sir.

25 Q And who is that?

Cathy Etheredge - Direct

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1 A That is Kenny, the one that they referred
2 to as Little Dude.

3 Q What did he look like? His nickname is
4 Little Dude. You said that multiple times. Can you
5 describe him?

6 A He is a small-framed black guy, short
7 hair. He's dark-skinned or brown-skinned. And when
8 we pulled up, he was sitting on the curb. And he
9 saw our vehicle, and he gets up. And when he gets
10 up, you can -- I can see from where I was sitting in
11 the passenger seat that he still had a black eye.

12 Q Let me show you State's Seventy-Two and
13 ask if you recognize that. Does that fairly and
14 accurately represent the black eye and injury that
15 you saw on Kenneth Walters?

16 A It does. I took those photographs, and I
17 noted even in his eyes you can see the blood that's
18 still in his eye.

19 Q And are you aware that Mr. Walters -- you
20 didn't arrest him at that time, did you?

21 A No, sir.

22 Q Are you aware that ultimately on July 7th,
23 he was placed under arrest?

24 A Yes, sir.

25 Q Thank you, Detective. Please answer any

Cathy Etheredge - Direct

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1 questions Mr. Cornwell has.

2 A Yes, sir.

3 MR. CORNWELL: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. CORNWELL: If it please the Court.

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. CORNWELL:

9 Q What statements if any did Mr. Walters
10 make when you talked to him?

11 A Kenny?

12 Q Yes. Did he make any oral statements to
13 you?

14 A He did. He told us that "I didn't kill
15 anybody," was one of the statements that he made.
16 And he was adamant about that. He said that
17 repeatedly.

18 Q All right. And that was when you went and
19 talked to him at his house or when you talked to him
20 on the phone?

21 A I never talked to him at his house.

22 Q Okay, I'm sorry. You talked to his mom at
23 his house?

24 A Correct.

25 Q And when you talked to him on the phone,

Cathy Etheredge - Cross

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1 he was at a gas station. You met him at the gas
2 station. Do you remember when he said that?

3 A We didn't ask him any questions at all.

4 Q He just --

5 A No, no.

6 Q He just spit it out?

7 A We didn't ask him any questions when we
8 picked him up at the Sonoco before we got back to
9 the Sheriff's Department and he was Mirandized. And
10 we told him why we were going to talk to him, and
11 what we were going to talk to him about was Mr.
12 Tice's death.

13 Q And that's when he gave a statement?

14 A That's when he makes the statement "I
15 didn't kill anybody."

16 Q Thank you.

17 A Uh-huh.

18 REDIRECT EXAMINATION

19 BY MR. GRAHAM:

20 Q When you interviewed him on that day,
21 Detective, when he said that he didn't kill anybody,
22 you're talking about Mr. Walters, correct?

23 A Correct.

24 Q During that interview, what if any emotion
25 did Mr. Walters show?

Cathy Etheredge - Redirect

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1 A As we were talking to him, he started
2 crying, and he began just weeping. And he said, "I
3 didn't kill anybody."

4 Q Thank you, Detective.

5 A Okay.

6 THE COURT: Anything further?

7 MR. CORNWELL: No questions.

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

10 MR. HUBBARD: The State calls Sgt. Barry
11 Sowards.

12 (Whereupon, the witness was
13 sworn, after which the following proceedings were
14 had:)

15 CLERK OF COURT: Have a seat, please, sir.
16 Once you're seated, state your full name, spelling
17 your last.

18 MR. SOWARDS: My name is Sgt. Barry
19 Sowards -- Barry S-O-W-A-R-D-S -- employed with the
20 Lexington County Sheriff's Department.

21 BARRY SOWARDS, having first been duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HUBBARD:

25 Q Sgt. Sowards, what do you do for Sheriff

Barry Sowards - Direct

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1 Metts?

2 A I'm a fugitive task force supervisor. I
3 basically supervise those who have -- a team of
4 detectives who go out and execute warrants, warrant
5 services, on people who have warrants issued for
6 their arrest.

7 Q Today has already been a long day for you,
8 is that correct?

9 A Yes.

10 Q What time have you been up since this
11 morning?

12 A Three-thirty this morning.

13 Q And what have you been doing today?

14 A The exact same thing. We put about 40
15 people in jail on about 78 arrest warrants today.

16 Q June 26, 2011, what were you doing with
17 the Sheriff's Department at that time?

18 A I was also executing a warrant for the
19 arrest of Demetriss Glenn.

20 Q On June 26th, back up to when you first
21 became involved in this case. Didn't you respond to
22 Jake's Landing?

23 A I did. I responded to Jake's Landing in
24 reference to a homicide. Once I arrived there, I
25 met up with James Kemfort and began to secure the

Barry Sowards - Direct

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1 crime scene with crime scene tape. I started to get
2 a little more information. And where I came into
3 the investigation for the matters that I was
4 involved with was through phone-tracking
5 capabilities.

6 Q Tell me what you did regarding Tim Tice's
7 phone records in this case.

8 A We secured Mr. Tice's phone number,
9 prepared an order for his phone number to the phone
10 company which he had service with. And we requested
11 historical data, cell site tower pings, just about
12 any type of data that you could request from a phone
13 ping service or from a phone company, in reference
14 to the homicide. And we had that sent to us in
15 reference to Tim's phone.

16 Q Did you become aware in assisting in the
17 investigation that Tim Tice's was never recovered?

18 A That's correct.

19 Q Were you able to determine with the phone
20 company what kind of phone Tim Tice had?

21 A Yes, we were. It was a Thunderbolt, I
22 believe it was, a pretty new phone, a Thunderbolt.
23 Through the phone company, they advised us exactly
24 what type of phone he had.

25 Q Is that like a Smart phone?

Barry Sowards - Direct

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1 A Yes, it's a Smart phone.

2 Q In pulling the historical data and records
3 and things like that, what's the purpose of doing
4 that?

5 A Well, it's a lot of investigative
6 information that you can get from phone records,
7 cell site information such as where the phone was
8 located at a certain time, sometimes voice-mail
9 records off of those phones, even text messages,
10 depending on the types of phone. However, for this
11 purpose, historical data was paramount in the
12 investigation to find out Mr. Tice had been talking
13 to and who was talking to him.

14 Q So the historical data you're talking
15 about is incoming and outgoing texts, incoming and
16 outgoing phone calls?

17 A That's correct.

18 Q Were you able to identify and provide to
19 other officers numbers -- well, at some point, can
20 you tell when phone's being used and not used?

21 A Absolutely.

22 Q So looking at records, were you able to
23 determine the last incoming calls to Tim Tice's
24 phone?

25 A Yes, I was.

Barry Sowards - Direct

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1 Q And the last outgoing calls?

2 A Yes.

3 Q The ones that were connected and the ones
4 that weren't?

5 A That's correct.

6 Q Knowing that kind of information, were you
7 able to provide those numbers to Detective Chappell
8 and other detectives working on the case?

9 A I was, and I did.

10 Q Were you able to determine -- what if
11 anything were you able to determine in regard to
12 some of the last numbers that were calls back and
13 forth to Tim Tice as it related to Margaret
14 Driggers?

15 A I was able to determine at the time -- at
16 the time, I did not know whose number it was. But I
17 did determine that there was some interaction
18 between Ms. Driggers and Mr. Tice in reference to
19 that phone back and forth, which led us to further
20 investigate and pull the phone records of Ms.
21 Driggers.

22 Q And did you assist in doing that?

23 A I did.

24 Q Knowing the times that are in question
25 between the early morning hours of June 26th, were

Barry Sowards - Direct

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1 you able to plot -- well, included with the
2 information about a call coming in and out, the
3 numbers called, does it also provide cell tower
4 location information?

5 A It does.

6 Q What is that? What is cell tower
7 location?

8 A Cell tower locations are basically your
9 phone has to connect with a cell site tower in order
10 to have connection from your phone to the cell site
11 tower to the person you're calling. In doing so, it
12 also tracks your GPS coordinates when you make that
13 connection. So that's in essence what we did three
14 days later. We tracked that information from the
15 cell site from that phone.

16 Q Looking at a number that was later
17 associated with Ms. Driggers, what if anything were
18 you able to tell about its proximity to the Jake's
19 Landing area in the early morning hours of June 26,
20 2011?

21 A I can tell you that the phone that Ms.
22 Driggers -- was assigned to Ms. Driggers was in that
23 area during the time in question.

24 Q At some point, did you also get a request
25 from Sgt. Ken Correll -- he would have been your

Barry Sowards - Direct

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1 sergeant -- he was a major crimes sergeant at the
2 time?

3 A Correct.

4 Q He would have been Detective Chappell's
5 supervisor?

6 A That's right.

7 Q In addition to working on phone records,
8 did you also get asked by Sgt. Correll to follow up
9 on an intel lead?

10 A I did.

11 Q And what was the lead that you had? What
12 were you looking for?

13 A Well, the lead was based upon -- through
14 numerous types of investigative means, there's
15 public records search sites and things like that
16 that law enforcement uses. And one of the addresses
17 that popped up was an address where major crimes had
18 basically exhausted their manpower at that point,
19 and they asked me to follow up on this lead.

20 Q Whose address -- you were going to go to
21 an address. Whose address was that address
22 associated with?

23 A It turned out, it was -- who it was
24 associated with?

25 Q Yes. Why were you going to that address?

Barry Sowards - Direct

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1 A That address had popped up as a known
2 address related to Demetriss Glenn.

3 Q And what was that address?

4 A That address was on -- the individual I
5 ended up meeting at that address was a fellow by the
6 name of Tyrone Williams.

7 Q Was that over on Dundee Lane?

8 A It was.

9 Q When you went over to Dundee Lane to
10 follow up on an intel lead of an address related to
11 Mr. Glenn, what did you find when you knocked on the
12 door? What happened?

13 A Myself and Lt. Mike Robinson with the SLED
14 fugitive unit responded to that address on Dundee
15 and knocked on the door. When we knocked on the
16 door, Mike -- Lt. Robinson -- was standing to the
17 right, I was standing to the left of the door. And
18 Mr. Williams, who I did not know at this point,
19 approached the door. He opened up the door, and he
20 looked at me and he says, "I've been waiting on
21 you."

22 Q And what did you do after he said, "I've
23 been waiting on you"?

24 A I told him, I said, "Well, I don't know
25 what you're waiting on me for, and I don't really

Barry Sowards - Direct

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1 know who you are. Who are you?" And I asked him to
2 identify himself, and then I asked him why he was
3 waiting on me.

4 MR. CORNWELL: Objection. Your Honor, all
5 of this is hearsay.

6 THE COURT: Sustained.

7 Q Without going into what he said to you,
8 you knocked on the door. Do you ask him for
9 anything? Are you asking him questions other than
10 who he is?

11 A No. I knocked on the door, and he said,
12 "I've been waiting on you."

13 Q After that, did he respond and say
14 something to you?

15 A He did.

16 MR. CORNWELL: Your Honor, I've got to
17 object again.

18 THE COURT: He didn't ask him what he
19 said.

20 Q Did you ask --

21 MR. CORNWELL: I might be mistaken, but he
22 asked him what was said to him.

23 Q Did you ever ask him to bring you
24 anything?

25 A No.

Barry Sowards - Direct

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1 Q Did you ever ask whether you were looking
2 for anything?

3 A No, I did not.

4 Q Within moments of his opening the door,
5 what if anything did he bring to you?

6 A A long gun was produced.

7 Q Based on that long gun, what if anything
8 did you do?

9 A I advised Mr. Williams to not touch the
10 long gun, to set it down, and that obviously at that
11 point, I realized that I had some issues with what I
12 believed at that point was property taken from the
13 crime scene.

14 And I realized that I needed to call the
15 major crimes division and also CSI so that we could
16 get a search warrant for that residence, because we
17 believed that -- I believed at that point obviously
18 that we had fruits of the crime inside this
19 residence. So I just held what I had.

20 Q How would you describe Mr. Williams'
21 cooperation level with you?

22 A He was extremely cooperative at that point
23 when I met him.

24 Q Did you have any -- did anything make you
25 think that he was hiding any information from you?

Barry Sowards - Direct

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1 A He was pretty forthcoming.

2 Q Did you stay there until major crimes
3 arrived?

4 A I did.

5 Q And you're aware that they ultimately
6 conducted a search warrant at that house?

7 A I am, that's correct.

8 Q And they recovered a gun that was later
9 linked back to Mr. Tice's house?

10 A Yes, I'm aware of that.

11 Q What if anything did you ask him about the
12 location, Mr. Williams -- what if anything did you
13 ask Mr. Williams about the location of Demetriss
14 Glenn?

15 A I had opened up a dialogue with Mr.
16 Williams, asking him or trying to convey to him that
17 we really needed to get our hands on Mr. Glenn and
18 that it was paramount that we do that, it was
19 extremely important, at which point he had told me
20 that he could locate him.

21 MR. CORNWELL: Objection.

22 THE COURT: Sustained as to hearsay.

23 Q Without saying what Mr. Williams told you,
24 based on your conversation with him, what if
25 anything did you do?

Barry Sowards - Direct

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1 A I advised Mr. Glenn [sic] that if he could
2 place his hands on Mr. Glenn and let me know his
3 whereabouts that we would be more than happy to
4 execute the warrant and I advised him also that if
5 he did that, then I could go ahead and put him on
6 the Crime Stoppers list to possibly be awarded money
7 for this capture.

8 Q After your conversation with Mr. Williams
9 explaining that to him and asking for his assistance
10 in apprehending Mr. Glenn, major crimes is there and
11 you leave, is that correct?

12 A That's right.

13 Q Some point later on the same day, do you
14 get a telephone call related to the possible
15 location of Mr. Glenn?

16 A I do. Later on that day, I started
17 working some other leads in reference to Mr. Glenn.
18 Later on that day, I had left my phone number as
19 well as major crimes, Detective Chappell and
20 Detective Freund, left their number with Mr.
21 Williams.

22 They later called Chappell and Freund --
23 Williams called Chappell and Freund later and said,
24 "Look, he's wanting to go to Charlotte. I'm going
25 to tell you" --

Barry Sowards - Direct

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1 MR. CORNWELL: Objection.

2 THE COURT: Sustained as to hearsay.

3 Q Based on the information received, what if
4 anything did you do to assist in capturing Mr.
5 Glenn?

6 A Myself along with Richland County and the
7 U.S. Marshal Service set up a sting operation on
8 Farrell Road at the Shell station.

9 Mr. Williams pulled into the gas station
10 in a Ford Taurus, and we know exactly what vehicle
11 he would be in, with Mr. Glenn in the back, also a
12 female passenger with Mr. Williams.

13 Q What was supposed to happen after they
14 pulled into that gas station?

15 A What was supposed to happen was Mr.
16 Williams was supposed to get out of the vehicle,
17 along with the female passenger, and go inside the
18 business as we conducted the takedown with Mr. Glenn
19 in the back of the vehicle.

20 Q And did you have an officer on scene at
21 that gas station observing?

22 A I did. I had U.S. Marshal task force
23 officer Leonard Cain in the parking lot in an
24 unmarked undercover vehicle. He was plainclothes.

25 And myself and several other units, along

Barry Sowards - Direct

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1 with U.S. Marshals, were about a quarter mile down
2 the street in a parking lot waiting for Task Force
3 Officer Cain to notify us when the target vehicle
4 showed up into the gas station parking lot.

5 Q And did you get the indication from Task
6 Force Member Cain?

7 A Cain did notify us. He said the target
8 vehicle had arrived and that the two passengers or
9 the driver and the front passenger got out and
10 started walking inside.

11 We went ahead and moved onto the target
12 vehicle, surrounded the target vehicle, and
13 extracted Mr. Glenn out of the back seat of the
14 vehicle and handcuffed him.

15 Q We're talking about Mr. Glenn. Do you see
16 him in the courtroom today?

17 A I do.

18 Q Can you point him out for me?

19 A That's him. (Indicated the defendant.)

20 Q That's the defendant sitting on the far
21 left of the other table, the defense table?

22 A Yes, sir.

23 Q That's the person that you arrested from
24 the back of the Taurus that day?

25 A It is.

Barry Sowards - Direct

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1 Q Tell me what happened after you actually
2 get him out of the car.

3 A Well, the car door was open. Several
4 people surrounded the vehicle just for officer
5 safety due to the warrant that we're executing. The
6 right rear passenger door was open.

7 We pulled Mr. Glenn out of the vehicle by
8 his right arm onto the pavement, and his arms were
9 placed behind his back where he was handcuffed onto
10 the pavement.

11 Q What if anything did he ask you?

12 A He asked me what he was under arrest for.

13 MR. CORNWELL: Objection, Your Honor.

14 Objection.

15 THE COURT: This is the statements of the
16 defendant?

17 THE COURT: Overruled.

18 Q What did he ask you, Sgt. Sowards?

19 A He asked me what he was under arrest for.

20 Q And what did you tell him?

21 A I advised him murder.

22 Q And what did he -- how did he respond to
23 that when you said "murder"?

24 A His face is down in the pavement. He
25 looks up at me, and he says, "For what?" And I

Barry Sowards - Direct

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1 advised him again, "Murder."

2 Q Did he have any more questions for you?

3 A None.

4 Q Thank you, Sergeant. Please answer any
5 questions the defense has.

6 THE COURT: Mr. Cornwell?

7 MR. CORNWELL: I beg the Court's
8 indulgence.

9 THE COURT: Yes, sir.

10 MR. CORNWELL: If it please the Court,
11 Your Honor.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. CORNWELL:

15 Q You said you had spoken with Mr. Williams
16 before all of this happened, and he didn't seem to
17 be hiding anything? You said he didn't seem to be
18 hiding anything?

19 A I'm not sure --

20 Q During your conversation with Mr.
21 Williams.

22 A I didn't think he was hiding anything.
23 I'm not sure what you mean, but I don't think he was
24 hiding anything.

25 Q But there's no way you could absolutely

Barry Sowards - Cross

1 know that?

2 A No.

3 Q All right. And you also said that you had
4 a chance to go through the phone records of Mr.
5 Tice?

6 A Correct.

7 Q And you said that the numbers -- you saw
8 Marie Driggers' number on his phone?

9 A Yes.

10 Q And she was one of the last people in
11 contact with him?

12 A That's correct.

13 Q All right, no further questions.

14 MR. HUBBARD: No questions, Your Honor.

15 THE COURT: Thank you very much, sir. You
16 may step down.

17 MR. HUBBARD: May we approach?

18 THE COURT: Yes, sir.

19 All right, ladies and gentlemen, we're
20 going to adjourn a little bit early this afternoon.
21 The next witness -- you know, you never know with a
22 witness because a lot of times, examination flows
23 based on the responses that are given, and you don't

1 know how long the cross-examination will take.

2 We may could get the next witness in
3 today. Depending on how the examination goes, it
4 may go longer, and I don't like to keep you longer
5 than is necessary. So we have plenty of time, so
6 out of an abundance of caution, I'm going to go
7 ahead and let's break early today.

8 But I would ask you if you would to be
9 back in the morning at 9:00, and we'll start at 9:00
10 in the morning. When you go home this evening --
11 yesterday we told you family, friends, and loved
12 ones you couldn't talk about the case. But in all
13 candor, you had nothing to talk about because you
14 didn't know anything.

15 Now you know something, and they're
16 probably going to be curious. Just ask them to
17 please be patient, that you cannot discuss the case
18 at all, but that when it's concluded, then you can
19 tell them everything they want to know.

20 Continue to protect your ability to judge
21 this case based solely on the evidence that is
22 presented in this courtroom and not allow anything
23 to jeopardize or interfere with your ability to be
24 fair and impartial, okay?

25 Get a good night's rest, if you can. As

1 you can tell from the length of today that jury
2 service is not physically taxing from a muscular
3 standpoint, but it is from a mental standpoint.

4 So hopefully you can get a good night's
5 rest so that you can well-rested tomorrow. Again,
6 if you would please be here at 9:00, and we will get
7 started as soon as everyone is here, okay?

8 Everyone please remain seated.

9 Ladies and gentlemen, we'll see you back
10 at 9:00 tomorrow morning.

11 (Whereupon, the jury was
12 adjourned for the day and left the courtroom.)

13 THE COURT: If you all would please hang
14 around for just a bit I will give you copies of this
15 draft.

16 - End of Day -

1 Wednesday, November 6, 2013

2 (The defendant, together
3 with counsel, was personally present in the
4 courtroom.)

5 THE COURT: Thank you very much, ladies
6 and gentlemen. Please have a seat.

7 All right, before we get started, I'm
8 going to ask that Mr. Robinson come out so I can
9 discuss with him that situation from yesterday.

10 If you don't mind, ask juror number 168,
11 Marcus Robinson, to step out and let him come over
12 here, okay? I would rather have him stand over here
13 so that we can hear him.

14 (Whereupon, Juror 168
15 entered the courtroom and was sworn, after which the
16 following proceedings were had:)

17 THE COURT: Mr. Robinson, thank you for
18 stepping out here. There was something brought to
19 my attention yesterday. I just need to ask you
20 about it. Nobody is accusing you or anybody of
21 anything improper. It's just I have to ask about
22 it.

23 It was reported that when you left here
24 yesterday, you were waiting to leave -- I guess you
25 were waiting for your ride or whatever -- that some

1 folks came up and started chatting with you and
2 talking with you while you were waiting for your
3 ride. Do you recall that?

4 MR. ROBINSON: Well, not actually
5 chatting. They were, you know, just--

6 THE COURT: Okay. Can you tell me what
7 went on? That's just what I need to know, what went
8 on.

9 MR. ROBINSON: Well, you know, they were
10 coming out. One lady was waiting for her ride, as
11 well. And they were talking about something else.
12 You know, she was asking me did I need a ride,
13 that's all.

14 THE COURT: Talking about needing a ride?

15 MR. ROBINSON: Yes, sir.

16 THE COURT: Was there any conversation at
17 all about the case or about you as a juror in the
18 case?

19 MR. ROBINSON: No.

20 THE COURT: Nothing?

21 MR. ROBINSON: No.

22 THE COURT: Okay. All right, that's fine.

23 MR. ROBINSON: Okay.

24 THE COURT: And I apologize for having to
25 bring you out to ask you about it.

1 MR. ROBINSON: That's okay.

2 THE COURT: But it happens occasionally.
3 On numerous times, I'll get folks, just like in your
4 situation, waiting for somebody to come up.

5 MR. ROBINSON: Right.

6 THE COURT: And you can talk to people.
7 There's nothing wrong with you talking to people, as
8 long as you don't talk about the case.

9 MR. ROBINSON: Right.

10 THE COURT: And people will see that
11 conversation, and then they'll be curious. But
12 that's fine. I appreciate your candor. If you will
13 just go back, and we're going to get started in just
14 a minute, okay?

15 MR. ROBINSON: Thank you.

16 THE COURT: Thank you very much, sir.

17 (Whereupon, Juror Robinson
18 left the courtroom.)

19 THE COURT: About Mr. Robinson, there is
20 no prohibition from him talking to folks. They just
21 can't talk about the case. He indicated that there
22 was no discussion about the case whatsoever. And so
23 I've returned him to the jury, and he'll continue to
24 serve.

25 Now, there was another matter, Mr.

1 Hubbard, that you needed to bring up, sir?

2 MR. HUBBARD: Yes, sir. I was made aware
3 yesterday evening that one of our witnesses who will
4 be testifying today, Charlie Plumley, that he had
5 received a written threat about testifying. And I
6 just wanted to make that a Court's exhibit.

7 As an officer of the Court, I cannot say
8 it came from the defense or anybody affiliated with
9 the defense. But I felt it's important to preserve
10 this, because I do know threats are made, have been
11 made against him.

12 Testifying is a scary thing when you're
13 testifying against other inmates as an inmate. He
14 does become a target, and I thought this would be
15 the proper way to preserve it and to let Your Honor
16 know this occurred.

17 THE COURT: All right. And we will make
18 that a Court's exhibit and make that a part of the
19 record.

20 COURT REPORTER: Court's Number Two, Your
21 Honor.

22 THE COURT: All right, Court's Exhibit
23 Number Two.

24 (Whereupon, Court's Exhibit
25 Number Two, Note to Plumley from UBN, was entered in

1 evidence.)

2 THE COURT: And you discussed this with
3 Mr. Plumley, is he still intending to testify?

4 MR. HUBBARD: Yes, sir, Your Honor.

5 THE COURT: All right. Now, there may be
6 some limited questioning regarding threats, but he
7 understands to not raise that particular issue of
8 that note?

9 MR. HUBBARD: I have not discussed this
10 matter with him. I told his attorney I'd let him
11 know what Your Honor decides --

12 THE COURT: Okay.

13 MR. HUBBARD: -- about making it a Court's
14 exhibit. Perhaps after this next witness is
15 completed, maybe we can take a short break. I'll
16 let him know --

17 THE COURT: Okay.

18 MR. HUBBARD: -- before he takes the
19 stand. And we need to bring him over anyway. He's
20 in another room, but it will take a little bit of
21 time to bring him over here.

22 THE COURT: Sure. And since he is
23 represented by counsel, maybe his attorney can
24 discuss that with him.

25 MR. HUBBARD: Yes, sir. And I will

1 certainly bring it up with him.

2 THE COURT: Okay, all right. That sounds
3 good.

4 MR. HUBBARD: Thank you, Your Honor.

5 THE COURT: Thank you, sir. All right, is
6 the State ready to proceed, then?

7 MR. HUBBARD: Yes, sir.

8 THE COURT: Is the defense ready?

9 MR. CORNWELL: Yes, Your Honor.

10 THE COURT: All right, let's bring the
11 jury in, please.

12 (Whereupon, the jury
13 entered the courtroom at 9:35 a.m., after which the
14 following proceedings were had:)

15 THE COURT: Good morning, ladies and
16 gentlemen. I'm having a minor technical difficulty,
17 if you'll just bear with me for a minute. Ladies
18 and gentlemen, I hope everyone had a good evening
19 and everyone is ready to proceed with the case
20 today.

21 If you recall, we took that early break
22 yesterday because of just not knowing the shortness
23 or length of the next witness' testimony. And so
24 we'll just proceed at this time with the next
25 witness and would recognize the State for that next

1 witness.

2 MR. HUBBARD: Thank you, Your Honor. The
3 State calls Detective Joe Chappell.

4 THE COURT: All right, Detective Chappell,
5 if you'd come around to be sworn, sir.

6 (Whereupon, the witness was
7 sworn, after which the following proceedings were
8 had:)

9 CLERK OF COURT: Have a seat, please, sir.
10 Once you're seated, state your full name, spelling
11 your last on the record, please.

12 MR. CHAPPELL: My name is Joseph Chappell,
13 Chappell -- C-H-A-P-P-E-L-L.

14 JOSEPH CHAPPELL, having first been duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HUBBARD:

18 Q Detective, where do you work?

19 A I work for Lexington County Sheriff's
20 Department as an investigator.

21 Q How long have you been with Lexington
22 County?

23 A Five years.

24 Q Prior to Lexington County, what did you
25 do?

Joe Chappell - Direct

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1 A I was in the United States Air Force.

2 Q What did you do in the Air Force?

3 A Military police.

4 Q How long were you in the military?

5 A Nine years.

6 Q As a detective, were you called to assist
7 towards investigating a case involving the death of
8 Timothy Tice?

9 A I was. I was one of the first
10 investigators that arrived on scene.

11 Q And as a result of that, what is your role
12 in this case?

13 A I was assigned as the lead investigator
14 for that incident.

15 Q June 26, 2011, did you go to Jake's
16 Landing?

17 A I did. I was asked to go to Jake's
18 Landing, which was [REDACTED] Jake's Landing Road, Lot [REDACTED],
19 to investigate the death of Timothy Tice.

20 Q Detective, I know this sounds like a silly
21 question, but what county is that address in?

22 A Lexington County.

23 Q Did you actually go in the residence?

24 A I did.

25 Q Now, what other officers were present?

Joe Chappell - Direct

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1 A When I arrived on scene, I made contact
2 with Master Deputy Ward and Deputy Kemfort. They
3 were on scene when I was there. Also, Investigator
4 Ross and Investigator Strickland from CSI also
5 arrived on scene to assist me. Later on, Detective
6 Etheredge and Detective Freund came on the scene to
7 assist us with the investigation.

8 Q So Detectives Freund and Etheredge
9 basically assisted you in this investigation?

10 A Yes, sir.

11 Q Is that fairly standard when y'all conduct
12 an investigation in a case of this nature?

13 A Yes, sir. There's a lot of leads to
14 follow up on, and we work as a team to gather up
15 those leads and to make a clear picture of what went
16 on and what happened.

17 Q When you went into the residence, what
18 were your observations as you walked in?

19 A When I arrived on scene, I spoke with the
20 deputies on scene to find out what they had found
21 when they arrived. I initially asked for a search
22 warrant, because we had a search warrant in case
23 there's no one there to give us consent to go in the
24 house. We had information from some neighbors that
25 Timmy Tice lived alone.

Joe Chappell - Direct

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1 So there was no one there to give us
2 consent, so I wanted to request a search warrant for
3 that. I waited for the search warrant. Once I went
4 inside, I immediately saw upon walking in the back
5 door, which is the one facing the driveway -- many
6 people refer to it as the front door. You walk in,
7 right to the left you kind of see a blood trail that
8 led up to the body of Mr. Tice.

9 Q What was the condition of the residence?

10 A It appeared there were many things out of
11 place, knocked over, couch cushions off the couch.
12 Lamps were -- there was a lamp that was down, stools
13 turned over, a chair moved away from the table. And
14 in that back bedroom, there was drawers that were
15 pulled out that were open and stuff kind of pulled
16 out of those dressers, not really -- it didn't
17 appear to be in good, clean order.

18 Q As an investigator, obviously you've been
19 in residences where there are situations like this.
20 What did it appear to you at that time?

21 A It appeared, based on what we saw, that I
22 guess a physical interaction or argument, assault,
23 occurred, a physical fight occurred. And then
24 probably stuff was gone through or rifled through.

25 Q Now, at that point, obviously you're at

Joe Chappell - Direct

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1 this residence. Do you have any leads or indication
2 of who might have done this?

3 A Not initially, no, not on scene.

4 Q As your job, is it to develop leads and to
5 track those leads down?

6 A It is.

7 Q Now, I want to ask you about one
8 particular thing. Did you at any time look at the
9 victim's phone records?

10 A Yes, sir. I received the phone records
11 from Sgt. Sowards, who got the phone records for Mr.
12 Tice.

13 Q Sgt. Sowards was the one that testified
14 yesterday?

15 A Correct.

16 Q Is that one of his jobs, tracking phones?

17 A It is, yes, sir. Any of us can get phone
18 records. But based on the experience that Sgt.
19 Sowards had with retrieving phone records, we asked
20 him to help us out with that since we were running
21 on different leads. And he helped us out and got
22 the phone records for us.

23 Q Did y'all ever actually find the physical
24 phone that belonged to Timothy Tice?

25 A No, sir. We looked at the house, and all

Joe Chappell - Direct

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1 we saw was the phone clip that I believe you have a
2 picture of.

3 Q This little Otter box?

4 A Yes, sir.

5 Q Now, what if anything did you with Mr.

6 Tice's phone records when you got those?

7 A One of the important things that we try to
8 do in a death, any death, we go to any death scene
9 to investigate what the nature of that death was, be
10 it murder, natural, suicide. One of the most
11 important things we find other than the state of the
12 house or state of the area where the victim was
13 found were phone records so we can piece together
14 the last details, maybe who they called, maybe who
15 called them.

16 So we wanted to look at Mr. Tice's phone
17 records to see phone calls he made to anyone or
18 phone calls he may have received, because those are
19 the people we want to speak to. We want to speak to
20 the people that last spoke with Mr. Tice and people
21 he last saw in person and last spoke to on the
22 phone.

23 Q Using those phone records, did you
24 generate a contact with another individual?

25 A We did. We came across the phone number

Joe Chappell - Direct

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1 that came to Margaret Marie Driggers.

2 Q And what did you do once you got that
3 information?

4 A Actually, Detective Etheredge went out and
5 made contact. Initially, she was contacted by
6 phone, but then she made contact with her, Driggers,
7 in person.

8 Q Do you know what date that was that she
9 made contact? If you don't, that's fine.

10 A I actually don't have that on record.
11 There was -- the good thing about the team is that
12 many of us are running on different leads. And
13 Detective Etheredge had that information and passed
14 it on to me, and so I initially made contact. I
15 called Marie Driggers.

16 Q So you did make contact with Marie
17 Driggers?

18 A I did.

19 Q What day was that?

20 A It would be June 29th. Excuse me, I just
21 wanted to check my notes.

22 Q Where did you make that contact?

23 A Detective Freund and I went over to -- it
24 was [REDACTED] Corbett Street, which is in Columbia. That
25 was the residence, the address we were given for

Joe Chappell - Direct

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1 her, which was her mother's address -- mother and
2 stepfather's.

3 Q So did you actually have face-to-face
4 contact with Marie Driggers?

5 A I did. We spoke to her in the front yard
6 in the street where we were parked.

7 Q Who if anybody else did you see at that
8 residence?

9 A Other than Marie --

10 MR. CORNWELL: I'm going to object. He
11 keeps looking at something we haven't had a chance
12 to look at yet. I don't know what he's referring
13 to. He hasn't asked -- he hasn't said that he
14 needed his memory refreshed.

15 THE COURT: He may be referring to his
16 notes, but I don't know.

17 MR. HUBBARD: Your Honor, that's the case
18 file. They have a copy of it.

19 THE COURT: If you want to come up and
20 take a glance --

21 MR. CORNWELL: Yes, we should be able to
22 see that.

23 THE COURT: If you want to come take a
24 glance at it, that's fine.

25 MR. CORNWELL: Thank you. Thank you, Your

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1 Honor.

2 THE COURT: Yes, sir.

3 Q Detective, since that's been brought up,
4 what you have in front of you, is that your case
5 file?

6 A Yes, sir, it is.

7 Q As a standard course, who do you give a
8 copy of that case file to?

9 A I make a copy and send it to the
10 Solicitor's Office.

11 Q So that we have it and also the defense
12 will have it?

13 A Yes, sir, that's my understanding.

14 Q Thank you. Now, June 29th, you have face-
15 to-face contact with Marie Driggers --

16 A Correct -- yes, sir.

17 Q -- at her mother's house?

18 A Yes, sir.

19 Q Who if anybody else do you see at that
20 house?

21 A We made contact with a black male who had
22 dreadlocks.

23 Q Let me ask you this. Do you see that
24 black male in this courtroom today?

25 A I do.

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1 Q Can you please point him out?

2 A He's at the end of the table, the defense
3 table.

4 Q Seated next to his lawyer on the very end?

5 A Yes, sir.

6 MR. HUBBARD: Your Honor, if the record
7 will reflect he has pointed out the defendant.

8 THE COURT: All right, sir.

9 Q Did you make contact with this individual?

10 A Yes, sir, I spoke to him, just asked him
11 his name.

12 Q What name did he give you?

13 A He told me his name was Demetriss Floyd.
14 He gave me a date of birth of [REDACTED] 1985, and he
15 gave me a phone number of (803) 530-8659.

16 Q What if any association were you given as
17 to his relationship with Marie?

18 A At the time, it was a boyfriend of Marie.

19 Q So on the 29th, the first time you met
20 Demetriss Glenn, he said his name was Demetriss
21 Floyd?

22 A Yes, sir.

23 Q Once you met Marie at her mother's house,
24 what if anything did you do with Marie?

25 A We asked Marie to come back to the

1 Sheriff's Department so we could sit in an interview
2 room and be able to speak to her.

3 Q Detective, of course, I'm not going to ask
4 you anything she said, but can you describe her
5 demeanor on that day when you brought her in?

6 A She was -- she had a sports drink with her
7 and needed to use the restroom and appeared to be
8 sick by what she was -- by saying she needed to use
9 the restroom.

10 Q Any indication she had been throwing up?

11 A She had stated she had been throwing up --

12 MR. CORNWELL: Objection, objection.

13 THE COURT: Sustained as to any hearsay.

14 Q What if any other name did you have for
15 Marie Driggers?

16 A Roxie.

17 Q By your investigation, did you have what
18 her work habits were?

19 A From the investigation, we found that she
20 did work as an escort on backpage.com.

21 Q Based on your investigation at this point
22 in time, you had met a man that had identified
23 himself as Demetriss Floyd. Did you have any other
24 names for that individual at this time?

25 A We had Demetriss and West.

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1 Q Did you have any other last name for
2 Demetriss other than the one he had given that was
3 Floyd?

4 A No, sir. That was the only thing we had
5 at the time.

6 Q What if any cell number did you get from
7 Margaret Driggers?

8 A We had (803) 447-6436 for Ms. Driggers.

9 Q Did that comport with the records you had
10 with Timothy Tice?

11 A Yes, sir, that number called Mr. Tice's
12 number. And also when we got the phone records for
13 Ms. Driggers, those records showed that number, both
14 numbers calling each other for Mr. Tice and Ms.
15 Driggers.

16 Q And did you confront her with that?

17 A We did.

18 Q Now, at that time, was she arrested?

19 A No, sir, not at that time.

20 Q And going back to Mr. Glenn and the name
21 of Demetriss Floyd, what if anything did you do with
22 that information?

23 A We have access to a database of nicknames
24 or street names. When we looked in the database,
25 the name West came back to Demetriss Alshawn Glenn.

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1 Q Is that the defendant that sits here
2 today?

3 A It is, yes, sir. When I pulled up -- when
4 I had the name of Demetriss Glenn from that
5 database, I went into the DMV database to pull up
6 that name. When the picture came up, I recognized
7 it as Demetriss Glenn, the male that I made contact
8 with in front of Ms. Driggers' house.

9 Q The date of birth for the defendant, Mr.
10 Glenn, is what?

11 A Actually, Mr. Glenn's date of birth is
12 [REDACTED]/1983 -- [REDACTED] 1982.

13 Q When you met him on June 29th and he gave
14 you a date of birth, was it the correct date of
15 birth, or was it an incorrect date of birth?

16 A He gave me an incorrect date of birth when
17 we first met. The date of birth he gave me when we
18 first met and he identified himself as Demetriss
19 Floyd was [REDACTED], 1985.

20 Q When was Marie Driggers arrested? What
21 date is that?

22 A If you'd give me a second to review. It
23 would have been June 30, 2011.

24 Q Detective, using her phone information,
25 did you conduct the same type of investigation you

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1 had with the victim, Timothy Tice's, phone
2 information?

3 A Correct. We reviewed the phone
4 information for Mr. Tice and some of the last calls
5 of Ms. Driggers'. We did the same thing for Ms.
6 Driggers' phone records, reviewed it around that
7 same time or the time we believed that the incident
8 occurred, the murder occurred, and some of the -- we
9 tried to track back the phone numbers that Ms.
10 Driggers' phone called to find out who she had been
11 speaking to.

12 Q Now, approximately what time period were
13 y'all looking as the murder time, what ballpark
14 area?

15 A The ballpark we were looking at June 26th
16 between 1 and 4 a.m.

17 Q Was there any particular phone call that
18 you zeroed in on when you were looking at Marie
19 Driggers' phone records?

20 A What Sgt. Sowards testified to is true as
21 far as some of the phone show cell tower locations
22 of what cell phones hit off of, what they bounce off
23 of when connecting to the cell tower network, cell
24 phone network. Ms. Driggers' phone hit off a tower
25 near North Lake, Lake Murray, near the Jake's

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1 Landing area at 1:52 a.m. One of the calls, based
2 on her proximity to Mr. Tice's house, that's the
3 phone number we wanted to make certain who it was
4 she was speaking to or communicating with.

5 Q What was the phone number that came in at
6 1:52?

7 A It was (803) 200-3712.

8 Q What did you do with that phone number?

9 A I called the phone number and --

10 Q Now, again, I don't want you to say what
11 someone said.

12 A Okay.

13 Q But based on that information, did you
14 develop a name?

15 A I did, Kenneth Walters.

16 Q So at this point, you had Tice's records,
17 Driggers' records, and you had the name of Demetriss
18 Floyd now Demetriss Glenn, and you had Kenneth
19 Walters?

20 A Correct.

21 Q At some point, did you come in contact
22 with a man by the name of Tyrone Williams?

23 A Yes, when I was at [REDACTED] Dundee Road in
24 Columbia.

25 Q Who in your office or agency made first

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1 contact with him?

2 A Sgt. Sowards.

3 Q And did he apprise you of this individual
4 being somebody you needed to talk to?

5 A Correct. I was asked to come to the
6 location.

7 Q Of the three people that have been
8 discussed -- Demetriss Glenn, Margaret Driggers, and
9 Kenneth Walters -- who if anybody did you determine
10 had an association with Tyrone Williams?

11 A Demetriss Glenn.

12 Q So the only one Tyrone Williams had any
13 association with is the defendant, Demetriss Glenn?

14 A Yes, sir.

15 Q Did you determine if there was any blood
16 relationship or what that was?

17 A From my understanding, it was their
18 families knew each other, and they refer to each
19 other as relation, as uncle/nephew. But there was
20 no -- to my understanding, there was no blood
21 relation.

22 Q With Tyrone being the --

23 A Uncle.

24 Q -- uncle --

25 A Correct.

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1 Q -- or non-blood uncle?

2 A Correct.

3 Q What if anything do you recall collecting
4 or having collected from his residence?

5 A My understanding was the rifle, a Crown
6 Royal bag with some unfired cartridges, ammunition,
7 an SD card, micro SD card, and I don't have the
8 report as far as the property.

9 Q That's fine. Since you brought up the SD
10 card, I want to show you State's ID Eighty. Do you
11 recall -- does that look like the SD card?

12 A Yes, it does.

13 Q Do you recall who that was given to?

14 A It was given to CSI Strickland. She was
15 collecting the other items.

16 Q Now, while you were interviewing Mr.
17 Williams, were any other investigators interviewing
18 other folks?

19 A Yes, sir. While I was speaking with
20 Tyrone Williams, Detective Etheredge was speaking
21 with Ms. Driggers at the Sheriff's Department.

22 Q And was this July 1st? I can't remember
23 if you mentioned that or not.

24 A Yes, sir, July 1st.

25 Q In talking to Tyrone, what if anything was

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1 decided in regard to Mr. Glenn?

2 A Based on the information we received, we
3 had statements that put Mr. Glenn as involved in the
4 murder of Mr. Tice.

5 Q So did you get a murder warrant at that
6 point?

7 A Yes, sir.

8 Q Were you involved in the arrest of Mr.
9 Demetriss Glenn?

10 A Yes, sir.

11 Q What was your role?

12 A I was receiving information from Mr.
13 Williams about the location of where he was going to
14 be.

15 Q The actual takedown; who conducted that?

16 A That would have been Sgt. Sowards and his
17 fugitive task force, which is comprised of multiple
18 jurisdictions in the area.

19 Q When they moved in and actually made the
20 takedown, made the arrest, who took custody of
21 Demetriss Glenn and took him back to the Sheriff's
22 Department?

23 A Once he was placed in handcuffs, I
24 approached the scene, and Mr. Glenn was passed off
25 to me. And I transported him back to Lexington

1 County.

2 Q During your handling of him and getting
3 him in your car, getting him to the Sheriff's
4 Department, what if any conversation was had?

5 A I asked him what his name was, and he said
6 his name was Demetriss Glenn. I confirmed the date
7 of birth that I had from his driver's license and
8 told him he was under arrest for murder. He then
9 asked me why he didn't get arrested the first day I
10 saw him in front of Marie Driggers' house.

11 Q And what else did he ask you?

12 A The next question, I actually asked him if
13 he would like to speak to me in reference to the
14 charges, and he replied that he did. So I advised
15 him that we would get back to the Sheriff's
16 Department, I would advise him of his Miranda
17 rights, and we would speak further once we arrived
18 at the Sheriff's Department.

19 Q Now, did he ask you anything else after
20 you told him that you would be questioning him.

21 Q He asked what would be done with Tyrone.
22 I told him that Richland County deputies would have
23 to determine that since we were in Richland County
24 at the time. And he asked that Tyrone not get in
25 trouble because he was only giving him a ride.

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1 Q So according to Mr. Glenn, Tyrone didn't
2 have anything to do with anything he may have --

3 MR. CORNWELL: Objection -- objection,
4 Your Honor, mischaracterization.

5 THE COURT: I'm sorry.

6 MR. CORNWELL: I'm objecting because
7 that's a characterization of testimony.

8 MR. HUBBARD: I'll rephrase it.

9 THE COURT: All right, rephrase the
10 question.

11 Q He had concern for Tyrone Williams?

12 A Yes, sir. He asked that he not get in
13 trouble since he was only giving him a ride.

14 Q What if anything did he say to you -- he
15 didn't protest about him being arrested. Mr. Glenn
16 didn't say, "Don't arrest me"?

17 A No, sir.

18 Q It's "Don't arrest Tyrone"?

19 A Correct.

20 Q When you got him back to the Sheriff's
21 Department, where did you take him?

22 A I took him to one of our interview rooms.

23 Q Was anybody with you besides the
24 defendant, Mr. Glenn?

25 A Detective Bill Freund.

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1 Q If you could describe the interview room,
2 what it looks like.

3 A Interior room, all of them have windows to
4 the outside, table in the middle, and a different
5 number of chairs depending on which interview room
6 you're in. Most of them have about four chairs.

7 Q It's not like a holding cell or a jail or
8 anything like that?

9 A No, sir.

10 Q And prior to conducting the interview with
11 him, did you do anything?

12 A Yes, sir. I asked him if he needed to use
13 the restroom. But he refused to go to the restroom
14 or refused to need it. So we sat down, and I
15 advised him of his Miranda rights.

16 Q Did you use anything to assist you in
17 that?

18 A Yes, sir. We have a Lexington County
19 subject statement form which has the Miranda rights
20 on it, which can be initialed by the person you're
21 obtaining a statement from.

22 Q I'm going to show you what's been marked
23 State's Identification Number One. Do you recognize
24 this form?

25 A I do. That is the Sheriff's Department

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1 statement form with Demetriss Glenn's name on it and
2 my handwriting.

3 MR. HUBBARD: Your Honor, I would like to
4 offer this into evidence at this time.

5 THE COURT: Any objection?

6 MR. CORNWELL: No, Your Honor.

7 THE COURT: Without objection.

8 (Whereupon, State's Exhibit
9 Number One, Statement 7/1/11, was entered in
10 evidence.)

11 Q Detective, if you would, will you please
12 walk us through what you do with the form.

13 A The top part of the form is -- contains
14 the date, place, and time that the interview
15 occurred. So not all our interviews occur at the
16 Sheriff's Department, so you just put the address in
17 where you conducted the interview. The next few
18 lines are the information about who's being
19 questioned, name, date of birth, how old they are,
20 where they live at.

21 It contains how many grades in school
22 they've completed and also a little section saying
23 that they can read and write. They need to place
24 their initials if they can read and write. And then
25 it goes into who's taking the statement. So that's

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1 when I introduce myself, state who I am, and we go
2 into the Miranda advisements.

3 Q If you would just walk us through how you
4 conduct -- in any given situation, how you conduct
5 the Miranda advice to a suspect.

6 A I get close to them as far as so we can --
7 I like to read it as they read along with me. So we
8 go through the first one. I read it to them, and I
9 want for them just to read the sentence along with
10 me. And then I read that "I have the right to
11 remain silent." I circle the number one -- they're
12 each numbered one through five.

13 I circle the number one to signify that I
14 have read it to them. I ask them if they have any
15 questions. If they have any questions, they're
16 answered at that time. If not, I ask them if they
17 understand it. If they say they understand it, I
18 ask them to place their initials at the end of it.

19 Once they've initialed that they
20 understand it and have no questions, I'll place my
21 initials before that number one. And I'll go
22 through number two and do the same way I usually
23 read the rights.

24 Q If you would, first, just talk about the
25 process.

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1 A Okay.

2 Q Is there something you do different when
3 you get on down?

4 A Well, we do the same process. I'll read
5 the right, have them read along with me, circle the
6 next letter. Once they understand it and have no
7 questions or they signify they have no questions and
8 understand it, I'll have them place their initials.

9 I'll again place my initials on either
10 side. When we get down to number four, I actually
11 have the person that I'm questioning read the right
12 to me. And so once they read it to me, I'll again
13 ask them if they have any questions or if they
14 understand it. Once they do that, I'll have them
15 place their initials, and I'll actually put my
16 initials on both sides of that statement, because it
17 also backs up to the very top one I've read that "I
18 can read and write."

19 They just show me that they can read it
20 and understand what was going on, what we're
21 speaking about. The last one would be the same
22 thing. I'll read it to them, circle the number
23 five. Once he understands it and has no questions,
24 he'll initial the end. I'll place my initials
25 before the five. And at the very end, there's a

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1 statement that says, "I've read this statement of
2 rights and understand what they are."

3 If he has no questions -- they have no
4 questions about what those rights were, I have them
5 place their initials there. And I'll ask the
6 question if they would like to speak to me without a
7 lawyer present or to speak to me at all.

8 Q Again, is this a process you use every
9 time you go through a Miranda using that form?

10 A It is. I try to do it -- I do it every
11 time to make sure I'm consistent, and I explain it,
12 as well. It's easier for me to explain it to the
13 people I'm questioning and also here in court.

14 Q Is that what you did with Mr. Glenn?

15 A It is.

16 Q Now, prior to doing this, was there any
17 indication that he was under the influence of any
18 alcohol or drugs?

19 A No, sir.

20 Q Any indication that he didn't know what he
21 was doing?

22 A No, sir.

23 Q Prior to talking to him, did you make any
24 promises that if he talked to you, you would do
25 something in return?

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1 A No, sir.

2 Q Did you make any threats that if he didn't
3 talk to you or if failed to talk to you that certain
4 bad things were going to happen?

5 A No, sir.

6 Q Did he appear willing to talk to you?

7 A He did.

8 Q Did he appear clear-headed?

9 A Yes, sir.

10 Q When you were going through these rights,
11 did he appear to understand his rights?

12 A He did, yes, sir.

13 Q Now, Detective, if you would, I don't know
14 if you can read it if I put it on the screen, but if
15 you will read those rights as you read them to him.

16 A The first right is "I have the right to
17 remain silent." Just read through the rights?

18 Q Yes.

19 A Start again, the first right is "I have
20 the right to remain silent." The second right is
21 "Anything I say can and will be used against me in a
22 court of law." Third, "I have the right to talk to
23 a lawyer for advice before asked any questions and
24 have him or her present with me during questioning."

25 And, number four, "If I have no money for

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1 lawyers fees, the Court will appoint one to
2 represent me without cost to me, if I wish." Number
3 five, "If I decide to answer questions now without a
4 lawyer present, I will still have the right to stop
5 answering questions at any time. I also have the
6 right to stop answering questions at any time until
7 I talk with a lawyer."

8 Q Did at any time he say, "Listen, I just
9 don't walk to talk"? As he was talking, he would
10 just go "What" or "I'm not talking"?

11 A After we asked some questions initially --

12 MR. CORNWELL: Objection.

13 Q At some point --

14 THE COURT: All right, hold on. What's
15 your objection?

16 MR. CORNWELL: We might need to take this
17 up outside of the jury I think, Your Honor

18 THE COURT: All right, ladies and
19 gentlemen, let me to get you to step back into the
20 jury room while I take up this matter of law.
21 Please have no conversation about the case.

22 (Whereupon, the jury left
23 the courtroom at 10:10 a.m., after which the
24 following proceedings were had:)

25 MR. CORNWELL: Your Honor, the reason I

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1 objected is because we're getting kind of close to
2 getting into an area where he's making Fifth
3 Amendment -- asserting his Fifth Amendment right. I
4 think Mr. Hubbard's question was maybe getting into
5 why he didn't want to ask more questions. I felt
6 like we were getting close to commenting on his
7 right to assert his Fifth Amendment protections,
8 Your Honor.

9 THE COURT: I'm not sure I understand.
10 What was your question?

11 MR. HUBBARD: My question was, while he's
12 talking, did he just go "Whoa, I'm done." And
13 that's -- the answer is that's not how -- this thing
14 obviously he ends up at the very end saying "Well,
15 maybe I need to talk to a lawyer." We're not going
16 to bring that up. But there is a conversation, and
17 I just want to make sure he understood his rights
18 and that it wasn't one of these "All right, listen,
19 I'm just done," and walking out.

20 That's not how it was. So I think I've
21 got a -- and I often do this. When somebody gives a
22 statement, they understand what they're doing and
23 they choose to speak. And it's not just one of
24 these things where they're, you know, saying "All
25 right, I don't want to talk," and then they keep

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1 asking questions.

2 I think I've got to let the officer show
3 that he's doing his job, and the defendant
4 understands his rights, and he's choosing to speak.
5 If the defense is concerned about this, I'll just
6 leave it where it is and move on. I don't want to
7 get into he asserted his right, although I don't
8 think that's actually commenting on his right to
9 remain silent. It comments on his knowledge that he
10 has a right.

11 The question would be if the defendant
12 says "I have a right to remain silent, and I'm
13 asserting it," and he continues to ask the question,
14 "Why won't you talk to me?" That's a violation.
15 Otherwise, it's not. It's just showing he
16 understands his rights. But I'll stay away from
17 that.

18 MR. CORNWELL: I'm not saying that the
19 detective violated his rights. I'm saying that you
20 can't have comments on his assertion of those
21 rights. That's prejudicial to the jury.

22 THE COURT: Can't have comments --

23 MR. CORNWELL: He can't comment --

24 THE COURT: -- from who?

25 MR. CORNWELL: -- on his assertion of his

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1 Fifth Amendment rights, Your Honor.

2 THE COURT: Comment from the detective?

3 In other words, testimony comes out all the time
4 that "I read him his rights, and he indicated he did
5 not wish to talk."

6 MR. CORNWELL: He was about to ask did he
7 -- you know, did he stop talking. And we think at
8 that point, that's when he asserted his Fifth
9 Amendment rights because he decided to stop talking.
10 And the answer that we anticipated was either yes or
11 a comment on the fact that he decided he decided he
12 didn't want to go any further. And that's where
13 we're getting into his assertion of Fifth Amendment
14 rights, and that's prejudicial.

15 MR. HUBBARD: And that was never
16 clarified, because obviously I didn't think get to
17 finish that. But, Your Honor, I'll abide by their
18 objection and just say I'll stay away from that.
19 But at some point, I have to show that the
20 conversation ends.

21 THE COURT: Right.

22 MR. HUBBARD: And it's at his behest,
23 thereby showing the officer observed his rights and
24 did not violate his rights. The defendant
25 understood his rights, and the officer did exactly

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1 what he's supposed to do. He abided by it. I don't
2 think that's a violation.

3 MR. RADEKER: Your Honor, I'm going to
4 make a comment here. I don't know if it will steal
5 the show from Cornwell. But I think basically what
6 we're worried about is like, you know, the jury
7 drawing an improper inference from Mr. Glenn
8 invoking his right to remain silent. Obviously, the
9 conversation is not still going on, so it ended at
10 some point.

11 It's just that, you know, it ended because
12 he said he didn't want to answer any questions. And
13 Detective Chappell was answering the question Mr.
14 Hubbard asked him, you know, "Did he say 'I don't
15 want to talk to you anymore'?" He said, "Yes, after
16 he had," you know, and that was when we were getting
17 into it. He's saying "Yes," you know, "we went this
18 far. And then he said, 'Well, I don't want to talk
19 anymore'" at that point. And at that point, he's
20 commenting -- even if he doesn't mean to, he's
21 commenting on the defendant's assertion of his right
22 to remain silent at that point.

23 We think the jury would be able to draw an
24 adverse inference as to "Well, the guy got scared,
25 and so he said, 'Well, I'm not going to talk

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1 anymore.'" But they can't draw an adverse inference
2 from him invoking his right.

3 MR. HUBBARD: They actually can, the
4 second they cut him off. They don't know what the
5 answer was going to be. And, Judge, what I was
6 getting at is that during this conversation, he
7 freely spoke to him. At some point, that
8 conversation is going to come to an end.

9 THE COURT: Correct.

10 MR. HUBBARD: It's not the officer getting
11 up and saying "I'm done talking with you." And I
12 can couch it in a way that it's not saying he's just
13 getting up and walking out, because that's now how
14 it happened. As Your Honor recalls from the other
15 day, the defendant said, "I tell you what. If you
16 give me a list of questions, I'll take them back to
17 the jail. I'll think about them. And I'll give you
18 an answer."

19 And the officer goes, "I don't think I can
20 do that. I don't think I want to do that." And he
21 goes -- and that's when he asserted his right to a
22 lawyer. What we were going to do is just say at
23 that point, the conversation ended.

24 THE COURT: Okay, all right.

25 MR. RADEKER: Thank you. I don't think

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1 Mr. Hubbard was trying to get him to say, "Well,
2 tell me about when he asserted his right to remain
3 silent." I think it just happened that way. I
4 don't think that he planned that.

5 MR. CORNWELL: I objected because I wanted
6 to avoid getting it into before --

7 THE COURT: Okay.

8 MR. CORNWELL: -- we could head it off.

9 THE COURT: It's been sustained.
10 Let's bring the jury back in.

11 (Whereupon, the jury
12 entered the courtroom at 10:15 a.m., after which the
13 following proceedings were had:)

14 THE COURT: All right, you may proceed
15 with your examination.

16 MR. HUBBARD: Thank you, Your Honor.

17 Q Detective, looking on the big board at
18 State's Exhibit Number One, is this the form you
19 used?

20 A Yes, sir.

21 Q And the header information where you have
22 the day and where the place of the interview was and
23 all that, who filled that in?

24 A I filled that in, sir.

25 Q Level of education, who filled that in?

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- 1 A I did based on the question asked.
- 2 Q All right. Now, it's not focused very
- 3 well unfortunately. I don't know that it can. But
- 4 are these the rights right here?
- 5 A Yes, sir.
- 6 Q The Miranda rights?
- 7 A Yes, sir.
- 8 Q And you read through all of those?
- 9 A Yes, I did.
- 10 Q These circles, who placed these circles
- 11 here?
- 12 A I did.
- 13 Q And the purpose, again, was what?
- 14 A I circled each number as I'm reading it.
- 15 Q The initial here, whose initials are at
- 16 the very end of those rights?
- 17 A Mr. Glenn's.
- 18 Q And what does that signify?
- 19 A It signifies to me that he understood and
- 20 had no question about each of those rights.
- 21 Q Over by the numbers at the beginning at
- 22 each one of these rights, whose initials are these?
- 23 A Those are my initials.
- 24 Q Now, the fourth right, which reads, "If I
- 25 have no money for lawyers fees, the Court will

Joe Chappell - Direct

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1 appoint one to represent me without cost to me, if I
2 wish." I see an initial at the very end of that
3 other than the defendant's. Whose is that?

4 A That's my initials after his.

5 Q Why is that one line different?

6 A That signifies that that's the one I have
7 that Mr. Glenn read. That's the one I have that
8 whoever I'm questioning reads. But in this
9 statement, Mr. Glenn read that to me.

10 Q To show that he understands?

11 A Correct.

12 Q And to show he can read?

13 A Correct.

14 Q And did he choose to speak to you?

15 A Yes -- yes, he did.

16 Q Can you please tell us how this
17 conversation went? Did you get some background
18 information from him before you got into the details
19 of the case?

20 A I did, that Mr. Glenn and Ms. Driggers had
21 been dating for about one month. And I inquired
22 about Ms. Driggers' job, Marie, how she makes money
23 and found out that Ms. Driggers received money from
24 people for what was described as going on a call.
25 So I described what -- I asked him, "What does that

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1 mean, going on a call?" And he replied that he
2 didn't know what exactly it meant. But then he
3 claimed that he did know what she did, and he hinted
4 at escorting.

5 Q And when we say "escorting," what do we
6 mean?

7 A Prostitution.

8 Q All right. And did you ask him questions
9 as to Saturday and Sunday night, June 25th and June
10 26th?

11 A I did. I asked him what he did on
12 Saturday, referring to June 26th. And he told he
13 made a few rounds, which were his words. He said he
14 probably went to Shaggy's, which is a bar in West
15 Columbia. And they went, as he told us, hood
16 hopping.

17 Q Did he say anything about whether he was
18 with Marie the whole time, or were they ever apart?

19 A He said at one time Marie left, and then
20 they met back up and later went to the hotel
21 together, where they were staying.

22 Q Did he give you a time?

23 A No, sir.

24 Q What if anything did he say about the car
25 they were riding in?

Joe Chappell - Direct

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1 A I didn't get much information about the
2 vehicle they were in. He referred that Marie might
3 have had somebody's car but could not describe what
4 car they had.

5 Q So he said she might have had someone
6 else's car?

7 A Yes.

8 Q Did he give any indication whether she
9 owned a car at all?

10 A No, sir.

11 Q What phone number did he give you?

12 A When I asked him about his phone number,
13 he said that the time -- the phone number he gave me
14 when we first met in front of Ms. Driggers' house
15 was the correct one, which was (803) 530-8659.

16 Q Did you ask him specifically about
17 Saturday night?

18 A Yes, sir.. We went right back to Saturday
19 night. I asked him what he did and what he could
20 remember from Saturday night. He said he couldn't
21 remember much because he was intoxicated, and he
22 described himself as messed up. So I asked him, you
23 know, to think a little more about Saturday night
24 and tell me about, you know, the best what he could
25 remember what he was doing. He kept replying that

Joe Chappell - Direct

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1 he got drunk and rode around but could not remember
2 more details because he was intoxicated.

3 Q Did you ask him about the following day?

4 A I did ask him what he did Sunday, the next
5 day, and he replied that he rode across town, drank
6 alcohol, and smoked.

7 Q Did he say anything about his behavior
8 when intoxicated?

9 A He told me that when he drinks, he gets
10 "buck naked" and wild. That's how he described it.
11 So I moved on and asked him where he was living and
12 staying.

13 Q What did he say about that? Where was he
14 staying?

15 A He said he was staying with Marie, which
16 was -- and they were staying at hotels, Travelers or
17 Masters Inn.

18 Q Did you ask him if he actually had a
19 permanent residence?

20 A I did, and he couldn't give me one. So I
21 asked him if he was homeless, and he said he was.
22 So I asked him where he kept his clothing, and he
23 said he kept clothing at Ty's house, and Tammy's
24 house, and Robert's house, which was off of Bluff
25 Road.

Joe Chappell - Direct

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1 Q Did you ever identify who Tammy and Robert
2 were?

3 A No, sir. But Ty's house was -- Ty he
4 referred to as who he called his uncle, Tyrone
5 Williams.

6 Q Where did you direct the conversation at
7 that point?

8 A I wanted to make sure if he was with
9 someone else, so we asked him about who else he was
10 with or any other male he was with other than Marie
11 Saturday, Sunday. He said he was talking with a guy
12 named -- the guy that he recalled as Jerry, possibly
13 Jerry, could be known as Little Jerry or Little
14 Scary, who he described was a slim, dark-skinned
15 black male.

16 Q Did he ever mention the name of Kenneth
17 Walters?

18 A No, sir.

19 Q Let me ask you this. I didn't ask you at
20 the beginning. This is a conversation between you
21 and Mr. Glenn?

22 A Yes, sir.

23 Q At any time did he put this conversation
24 or what his story was or what his story was or what
25 his thoughts were on a piece of paper in a statement

Joe Chappell - Direct

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1 form?

2 A No, sir.

3 Q State's Number One, you have your Miranda
4 rights, you also have lines that if they choose to
5 write something they can?

6 A Yes, sir.

7 Q So this is just an oral conversation?

8 A Correct.

9 Q After he told you about Little Jerry or
10 Little Scary, what did you do? Where did you go
11 with the conversation at that point?

12 A Went back and asked him about Saturday
13 night again with Marie, asked him what happened, and
14 was told that nothing happened except for some
15 drinking and smoking. When I asked him about going
16 anywhere, he said he couldn't remember.

17 Q Did he ever give any indication that he
18 had ever been to Jake's Landing?

19 A No, sir.

20 Q Did he ever give any indication whether he
21 had ever been to Timothy Tice's home in this
22 conversation?

23 A Not in this one -- no, sir.

24 Q And you say he never mentioned at all
25 Kenneth Walters?

Joe Chappell - Direct

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1 A No, sir.

2 Q Did he ever mention any altercation on
3 this night needing to help a friend?

4 A No, sir.

5 Q Did he ever mention anything about
6 property being brought to him that belonged to
7 someone else?

8 A No, sir.

9 Q None of those things are mentioned?

10 A No, sir.

11 Q Does he mention anything about anyone
12 being hurt, hit, or badly injured?

13 A No, sir.

14 Q What did he ask you?

15 A Asked for a note pad and a pen so he could
16 kind of write down or take it back to the jail with
17 him to write down everything he could remember about
18 the incident.

19 Q What else did he ask you specifically?

20 A He asked me to write down all the
21 questions that I had for him so he could take it
22 back and think about it.

23 Q So he wanted you to put your questions in
24 writing so he could take it back and think about
25 them?

Joe Chappell - Direct

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- 1 A Yes, sir.
- 2 Q What was your response?
- 3 A I told him that it would be better to
- 4 answer the questions while we're sitting there
- 5 talking and face-to-face.
- 6 Q Was there any further conversation after
- 7 that?
- 8 A No, sir.
- 9 Q While you were talking with Mr. Glenn, did
- 10 you notice any injuries, bruising, or cuts on Mr.
- 11 Glenn's body?
- 12 A No, sir.
- 13 Q On his face or hands?
- 14 A No, sir.
- 15 Q And he was placed under arrest at that
- 16 time or taken under arrest?
- 17 A Yes, sir. He was taken back to booking in
- 18 the detention center.
- 19 Q Now, at this point, I believe you said
- 20 Marie Driggers was already under arrest?
- 21 A Yes, sir.
- 22 Q Now we have Mr. Glenn placed under arrest?
- 23 A Yes, sir.
- 24 Q What was the status of Kenneth Walters at
- 25 this point?

Joe Chappell - Direct

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1 A Detective Etheredge was working on
2 locating him, and we were kind of both working on
3 locating to find where he was so we could speak to
4 him in person.

5 Q Were y'all able to determine an address
6 for Mr. Walters?

7 A Yes, sir. The DMV had showed his address
8 as Washington Street, which was [REDACTED] Washington
9 Street, Apartment [REDACTED], Columbia.

10 Q You had his address. And let me ask you,
11 at any time did you go back and talk to Tyrone
12 Williams?

13 A Yes, sir. On the second, I went back and
14 spoke to Mr. Williams.

15 Q At some point, did you get a written
16 statement from him?

17 A Yes, sir.

18 Q Was Mr. Walters eventually arrested?

19 A Yes, sir, he was.

20 Q Was that based on your investigation and
21 everything you had at that time?

22 A Yes, sir.

23 Q Do you remember what day that was?

24 A July 4, 2011.

25 Q Can you describe his appearance?

Joe Chappell - Direct

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1 A Height, weight, or just how he looked?

2 Q Just stature and just how he appeared and
3 if there's any identifying features.

4 A You want specifics on height and weight,
5 just kind of short or slim build?

6 Q Yes, just his general appearance.

7 A All right. Short, slim build, he was kind
8 of a darker brown tint, not dark black skin but a
9 dark brown. At the time when we made contact with
10 him on Garners Ferry, you could see an injury to his
11 left eye, a little bit of swelling. Based on his
12 skin and complexion, the bruising kind of blended a
13 little bit, but he had a bloodshot eye, as well.

14 Q Let me show you what's been put into
15 evidence, State's Exhibit Seventy-Two. Do you
16 recognize this?

17 A Yes, sir. It's of Kenneth Walters' eye
18 that Detective Etheredge took a photo of.

19 Q And this is how he looked the day that you
20 arrested him and y'all interviewed him?

21 A That's correct, sir.

22 Q What was his demeanor during the
23 interview?

24 A Quiet. He seemed quiet and reserved but
25 emotional through the interview.

Joe Chappell - Direct

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1 Q When you say "emotional," what if anything
2 transpired, that would make you say "emotional"?

3 A He cried.

4 Q Detective, you have three people under
5 arrest. Were you through working?

6 A No, sir.

7 Q You mentioned property that was recovered
8 from Tyrone Williams. Was there one item in
9 particular that was of interest?

10 A The gun that he identified.

11 Q Did you contact the Tice family or anybody
12 with the Tice family to see if they could identify
13 it?

14 A I did.

15 Q Who was that?

16 A I was instructed by the family that Greg
17 Tice, his brother, could identify the rifle.

18 Q You mean Greg Tice, Tim Tice's brother?

19 A Tim Tice's brother -- I'm sorry, Greg
20 Tice.

21 Q Did y'all at any time go back to the crime
22 scene, Tim Tice's residence?

23 A We did.

24 Q What was the purpose of going back?

25 A Based on the information we received, that

Joe Chappell - Direct

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1 we received later on through interviews that we
2 didn't have during the initial search warrant and
3 investigation of the scene, we received information
4 that the bar stool was involved and that a possible
5 piece of a gun as to where it was involved that we
6 didn't have to begin with. Once we received that,
7 we went back to Mr. Tice's house to collect those
8 items.

9 Q And who went with you to collect that
10 item?

11 A The pistol grip was Sgt. Correll. The bar
12 stool was Investigator Strickland of CSI.

13 Q Does this look like the bar stool?

14 A Yes, sir.

15 Q At some point, were you asked to get DNA
16 samples from those that were arrested in this case?

17 A Yes, sir, I was.

18 Q How did you go about doing that? What's
19 that process called? What is it?

20 A It's obtaining a buckle swab. As
21 described, it's a sealed package, a sealed medical
22 package. Inside it are cotton swabs, and you can
23 refer to them as Q-tips but just cotton swabs on a
24 long stick. We unseal them. We take the swabs and
25 swab the inside of each cheek for a few seconds.

Joe Chappell - Direct

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1 And then we'll seal the bag, and that sealed bag is
2 sent for testing, processing for DNA sampling.

3 Q Did you do that for Mr. Glenn?

4 A Yes, sir.

5 Q You did it for Mr. Walters?

6 A Yes, sir.

7 Q And Ms. Driggers?

8 A Yes, sir.

9 Q And then this bag and the process, is it a
10 standardized process?

11 A Yes, sir.

12 Q And once you collect it, there's a
13 standard way of retaining it and sealing it?

14 A Yes, sir. What I'll do is I'll unseal the
15 bag -- it's a tape-sealed bag that we receive.
16 Before I take a sample, I'll unseal it in front of
17 the person I'm obtaining the sample from, pull all
18 the contents out of the large envelope. The cotton
19 swabs are also sealed, so I'll unseal those, place
20 some gloves on, and take the sample.

21 And once the sample is taken, there's a
22 kind of envelope that the cotton swabs go back into.
23 That is sealed with the information from the person
24 we received the sample from. I'll seal it in front
25 of them, place my initials on it.

Joe Chappell - Direct

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1 That envelope with their information in it
2 and swabs is put into another envelope that is also
3 sealed. And then I'll do that in front of the
4 person so they see that the sample I received from
5 them has been sealed.

6 Q Detective, I believe that's all I have at
7 this time. Thank you for answering my questions.
8 Please answer any questions the defense has.

9 CROSS-EXAMINATION

10 BY MR. CORNWELL:

11 Q You mentioned -- you spoke earlier about
12 the pinging phone towers, I think is the proper --
13 pinging, is that the terminology that you used?

14 A They've used that, yes, sir. I believe
15 that's correct.

16 Q Do you know what method they used to get
17 the location of all those phones? Are you familiar
18 with that?

19 A I'm not an expert in that.

20 Q Okay.

21 A And I have limited knowledge.

22 Q Okay, okay. And you said you had a chance
23 to speak with our client?

24 A Yes, sir.

25 Q And he told you some things orally.

Joe Chappell - Cross

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1 That's true, right?

2 A Yes, sir.

3 Q And you asked him about that night, is
4 that correct?

5 A Yes, sir.

6 Q And his comment to you was that he was
7 basically drunk and high and doesn't remember much
8 about that night?

9 A Yes, sir. He said he was intoxicated and
10 couldn't remember.

11 Q Okay. And during the course of your
12 interview, he never expressed that he had prior
13 knowledge of the crime, is that correct?

14 A Yes, sir. No, he didn't.

15 Q And based on what you've testified to, he
16 never expressed that he had knowledge of any murder,
17 is that correct?

18 A No, sir, he didn't -- no, sir.

19 Q And also in the course of that interview,
20 he expressed that him and Marie separated at some
21 time during that night, is that correct?

22 A Yes, sir, he did.

23 Q All right.

24 Beg the Court's indulgence.

25 Also during the course of that interview,

Joe Chappell - Cross

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1 he gave you no indication whatsoever that he had
2 knowledge of participation in that crime, did he?

3 A What he told me was that he couldn't
4 remember what happened that night.

5 Q All right, fair enough. Thank you. No
6 further questions.

7 THE COURT: Redirect?

8 MR. HUBBARD: Very quickly.

9 REDIRECT EXAMINATION

10 BY MR. HUBBARD:

11 Q So he never said he went inside that
12 house, Timmy Tice's house?

13 A No, sir.

14 Q He never said he went in to help anybody
15 else?

16 A No, sir.

17 Q He never went in to help Kenneth Walters?

18 A No, sir.

19 Q He never went in to defend anybody else
20 who was in trouble?

21 A No, sir.

22 Q Okay, thank you.

23 THE COURT: Thank you very much, sir. You
24 may step down.

25 MR. HUBBARD: Your Honor, the next witness

1 may take just a minute to get here.

2 THE COURT: Okay, let me do this. We'll
3 take a short break while we get the next witness.

4 But let me ask, if I may, Mr. McSwain,
5 would you be so kind as to serve as the foreman of
6 the jury, please, sir?

7 MR. McSWAIN: Yes, sir.

8 THE COURT: Thank you.

9 Let me talk to you all a little bit about
10 that, and then I'll send you for your break. The
11 foreperson of the jury, ladies and gentlemen, is
12 basically the communicator between the jury panel
13 and the Court. That's the main role of the
14 foreperson.

15 Any time you get a group of folks
16 together, there needs to be communication obviously.
17 It gets a little chaotic if the Court has to deal
18 with each of you individually if you have questions
19 or any needs or whatever.

20 So just a time-tested method has been to
21 appoint a foreperson or a person to be the main
22 communicator between the panel and the Court so that
23 if anyone has a question about anything, Mr. McSwain
24 will write that question down, get it out to me, and
25 then I'll respond to that.

1 The other role of the foreperson is when
2 you do retire and the case is turned over to you for
3 your deliberations, any time you have a group of
4 folks discussing a matter, you need to have one
5 person who starts and stops the conversations.
6 You've got to have someone who basically says,
7 "Okay, let's go ahead and begin."

8 I will tell you that when you start your
9 deliberations, everyone must be present for those
10 deliberations so that if anyone needs to excuse
11 themselves to use the restroom or whatever, then the
12 foreperson would stop the deliberations until that
13 person returns, and then you can continue.

14 Having said those things, I also want to
15 make it clear that in this case and any case that
16 comes before this Court, your verdict must be
17 unanimous. You must all agree on the verdict. So a
18 foreperson's opinion or vote carries no more weight
19 than anyone else on the jury.

20 You are all 12 equal folks so that the
21 foreperson doesn't have any more authority than
22 anyone else on the panel, okay? But when you take
23 your break, if you need something -- soft drinks,
24 snacks, or whatever -- just let us know.

25 When you return, sir, if you'll occupy

1 this first seat.

2 The alternates will occupy their seats.

3 And then the rest of you can sit wherever you're
4 comfortable, okay? All right, we're going to take
5 just a few minutes at this time and let you take
6 this break.

7 Everyone is remain seated while the jury
8 goes out.

9 (Whereupon, the jury left
10 the courtroom at 10:38 a.m., after which the
11 following proceedings were had:)

12 THE COURT: All right, we'll just take
13 this short break while we get ready for the next
14 witness.

15 (Court in recess.)

16 THE COURT: All right, is the State ready
17 to proceed?

18 MR. HUBBARD: Yes, Your Honor. I do have
19 one matter --

20 THE COURT: Okay.

21 MR. HUBBARD: -- that I'd like Your Honor
22 to address. Regarding Mr. Robinson and whatever
23 interaction happened between him or not, I just
24 wanted you to admonish everybody in the courtroom
25 and all the parties that nobody is supposed to have

1 any contact with anybody on the jury panel.

2 THE COURT: Okay, I'll do that. You said
3 it perfectly.

4 Ladies and gentlemen, it is improper for
5 you to even say hello to the jury if you see them
6 out in the hallway, okay? Everybody stay away from
7 the jurors, no chitchat, no "Nice day, nice to see
8 you, hope you're having a good afternoon," no
9 nothing.

10 Leave the jury alone and let them do their
11 work. And I get any word that anyone has approached
12 a juror, I won't deal with the juror, I will deal
13 with the person who did it, all right?

14 Anything from the defense before we bring
15 the jury out?

16 MR. CORNWELL: No, Your Honor.

17 THE COURT: All right, let's bring them
18 out.

19 (Whereupon, the jury
20 entered the courtroom at 11:09 a.m., after which the
21 following proceedings were had:)

22 THE COURT: All right, ladies and
23 gentlemen, we'll continue now with the State's case.

24 You may call your next witness.

25 MR. HUBBARD: Thank you, Your Honor. The

1 State calls Charlie Plumley.

2 THE COURT: All right, please let Mr.
3 Plumley come around.

4 (Whereupon, the witness was
5 sworn, after which the following proceedings were
6 had:)

7 CLERK OF COURT: Once you're seated, state
8 your full name, spelling your last on the record,
9 please.

10 MR. PLUMLEY: Charles Carlisle Plumley.

11 CHARLES CARLISLE PLUMLEY, having first
12 been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. HUBBARD:

15 Q Mr. Plumley, do you mind if I just call
16 you Charlie?

17 A No, I don't mind.

18 Q Charlie, you're wearing orange and you're
19 wearing chains.

20 A Yes, sir.

21 Q Where are you being housed these days?

22 A Lexington County Detention Center.

23 Q Why are you being housed in the Lexington
24 County Detention Center?

25 A I'm charged with murder, burglary, and

Charlie Plumley - Direct

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1 armed robbery.

2 Q Is that from an incident that occurred
3 September of 2011?

4 A Yes, sir.

5 Q Who were your co-defendants in that case?

6 A Shawn Sharpe and Angela Griffin.

7 Q Charlie, you're here today. Have you
8 testified before?

9 A Yes, sir.

10 Q When did you testify?

11 A August.

12 Q Was that against a co-defendant?

13 A Yes, sir.

14 Q Shawn Sharpe?

15 A Yes, sir.

16 Q At that time, were there any deals between
17 you, me, and your lawyer?

18 A No, sir.

19 Q Any deals between you, me, and law
20 enforcement?

21 A No, sir.

22 Q When you testified, were you still charged
23 with armed robbery, burglary first, and murder?

24 A Yes, sir.

25 Q Charlie, I'm going to ask you point-blank,

Charlie Plumley - Direct

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1 are you guilty of all those charges?

2 A Yes, sir. I'm guilty by being there, but
3 I'm not guilty of pulling the trigger.

4 Q You understood the hand of one, hand of
5 all?

6 A Yes, sir.

7 Q And you've admitted that?

8 A Yes, sir.

9 Q Charlie, are you here today on a totally
10 separate case? Did you have anything to do with
11 this case?

12 A No, sir.

13 Q While you were in the detention center --
14 well, let me ask you this. Has there been any
15 discussion or talk of a deal for you to be here
16 today?

17 A No, sir.

18 Q Have I offered you anything?

19 A No, sir.

20 Q Has anybody in my office or law
21 enforcement offered you or your attorney any kind of
22 deal or hinted at a deal?

23 A No, sir.

24 Q Are you still guilty of those charges you
25 talked about?

Charlie Plumley - Direct

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- 1 A What, my charges?
- 2 Q Yes, sir.
- 3 A Yes, sir.
- 4 Q Charlie, while you've been over there, did
- 5 at any time you have any contact with the defendant,
- 6 Demetriss Glenn?
- 7 A In the jailhouse?
- 8 Q Yes.
- 9 A We was roommates.
- 10 Q Y'all used to be roommates?
- 11 A Yes, sir.
- 12 Q Do you see him in the courtroom today?
- 13 A Yes, sir.
- 14 Q Can you point him out for me?
- 15 A Yes, sir.
- 16 Q Is he the man seated in the dark jacket on
- 17 the far end of the defense table?
- 18 A Yes, sir.
- 19 MR. HUBBARD: Your Honor, if the record
- 20 will reflect that he has pointed out the defendant.
- 21 THE COURT: It will so reflect.
- 22 Q Charlie, are you nervous about being here
- 23 today?
- 24 A Yes, sir.
- 25 Q Are you scared?

Charlie Plumley - Direct

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1 A Yes, sir.

2 Q Why are you scared?

3 A Because I'm testifying, and this ain't --
4 because I'm scared for my life, what might happen
5 about this.

6 Q Let me ask you something. When you're in
7 jail and you testify, it doesn't matter who against,
8 what does that mean when you're in jail?

9 A You're a snitch.

10 Q What happens to snitches?

11 A They get killed.

12 Q Charlie, are you afraid for your life?

13 A Yes, sir.

14 Q Charlie, this will be the second time
15 you've testified?

16 A Yes, sir.

17 Q What does that make you in jail?

18 A Snitch.

19 Q Are you afraid for your life?

20 A Yes, sir.

21 Q Charlie, you know you can stop at any
22 time.

23 A Yes, sir.

24 Q You understand that?

25 A Yes, sir.

Charlie Plumley - Direct

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- 1 Q Are you willing to talk to me about your
2 time as being a cellmate of Mr. Glenn?
- 3 A Yes, sir.
- 4 Q All right. Charlie, when you were in that
5 cell, did you at any time discuss your case?
- 6 A Yes, sir.
- 7 Q You discussed it with Mr. Glenn?
- 8 A Yes, sir.
- 9 Q Did at any time Mr. Glenn discuss this
10 case with you?
- 11 A Yes, sir.
- 12 Q What if anything did he -- did y'all have
13 more than one conversation?
- 14 A Yes, sir.
- 15 Q Was this something that took over a period
16 of time?
- 17 A Yes, we was in the room for a long time
18 together, about a year.
- 19 Q Let me ask you this. When y'all were
20 talking, what if anything did he say when y'all
21 first started talking about this?
- 22 A Excuse me?
- 23 Q What if anything did he say about his
24 case?
- 25 A He just told me that he was involved -- he

Charlie Plumley - Direct

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1 was with some people that went on a robbery, and his
2 co-defendant killed somebody.

3 Q Now, did he name who they were?

4 A Yes, sir.

5 Q Who is that?

6 A Kenneth Walters and Margaret Driggers.

7 Q Now, Kenneth Walters, did you know him by
8 another name?

9 A Yes, sir.

10 Q What name did you know him by?

11 A K Dog.

12 Q How did you -- have you ever met him?

13 A Not on the street. I met him in here.

14 Q In the jail?

15 A Yes, sir.

16 Q Marie Driggers, have you ever met her
17 before?

18 A No, sir.

19 Q Did you know who she was before all this?

20 A I knew of her, but I never actually met
21 her.

22 Q Do you know what she looks like?

23 A Yes, sir.

24 Q I'm going to show you what's been marked
25 State's Sixty-Nine and State's Seventy-One, these

Charlie Plumley - Direct

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1 two photos. Are these who we're talking about?

2 A Yes, sir.

3 Q So you either met or knew of these two
4 individuals?

5 A I met K Dog, Kenneth Walters, and I -- she
6 was in D pod with my wife, and that's how I know
7 her.

8 Q And you mentioned your wife. Charlie,
9 what's your wife charged with?

10 A Murder, burglary, and armed robbery.

11 Q The same case?

12 A My case, yes, sir.

13 Q What name did you know Mr. Glenn by?

14 A Shawn.

15 Q Shawn. Now, this first conversation you
16 had with him, what exactly does he say about his
17 involvement? What happened?

18 A That Marie and K Dog was planning a
19 robbery, and he was asleep in the back seat, and
20 that they went in there and robbed a man, and K Dog
21 hit the man, and then they left.

22 Q So the first time he talks about this, he
23 says he knows Marie and K Dog had planned an armed
24 robbery. But is K Dog the one that hits the man?

25 A Is the what?

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1 Q K Dog is the one that hits the man?

2 A Yes, sir.

3 Q Does Shawn, Mr. Glenn, ever say he gets
4 out of the car?

5 A Not at that time, he didn't.

6 Q This first conversation?

7 A No.

8 Q So the first conversation, he says he
9 stayed in the car?

10 A Yes, sir.

11 Q He didn't do anything, correct?

12 A Yes, sir.

13 Q But he knew about it?

14 A Yes, sir.

15 Q He knew about it beforehand?

16 A Yes, sir.

17 Q Over time, did you get more information
18 from him about what happened that night?

19 A Yes, sir.

20 Q What was the final story that he tells you
21 while you're in jail with him?

22 A That him, Margaret Driggers, Kenneth
23 Walters was at a bar called Shaggy's in West
24 Columbia. They was drinking and partying, and Marie
25 got a call from the victim, Timothy Tice. She knew

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1 the victim because she used to work Backpage and
2 she's a prostitute.

3 And Marie and Kenneth planned the robbery,
4 that the plan was that she was go inside. Soon as
5 the man feel asleep, she was going to text Walters
6 to come inside to rob the man. But the man wasn't
7 asleep, that she thought he was asleep when she
8 texted him. The man seen Walters in the house,
9 jumped on him and started beating him real bad.

10 And Shawn was out in the car, and she ran
11 out there screaming for him to come help -- for him
12 to come help his friend because the victim was
13 killing him. And he went inside and tried to pull
14 the man off of him. The man wouldn't get off of
15 him.

16 And he hit the man, and then he left. He
17 didn't know what happened. After he left, Marie
18 came out of the house -- Marie and Walters came out
19 of the house with something wrapped in a sheet, and
20 it was two rifles.

21 Q And did he say what happened to those
22 rifles?

23 A They went to somebody named Ty.

24 Q Let's back it up a little bit. The final
25 story is he says they're all three at what bar or

Charlie Plumley - Direct

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1 what place?

2 A Shaggy's.

3 Q And where is that?

4 A West Columbia.

5 Q Who gets a call from or calls Timothy
6 Tice?

7 A Marie gets a call from Timothy Tice.

8 Q Based on what Mr. Glenn said, what Shawn
9 told you, was there a discussion of the armed
10 robbery before they left or as they were going?

11 A As they were going.

12 Q Did he tell you he knew about the fact
13 that they were planning to rob this guy by the name
14 of --

15 A He knew, but he didn't want nothing to do
16 with it.

17 Q That's what he told you. Now, did he ever
18 say anything about whether he knew Timothy Tice?

19 A He said that he dropped Marie off at her
20 house a couple of times -- at his house a couple of
21 times in the past, but he didn't know him
22 personally.

23 Q But he had seen him before?

24 A I don't know if he said he'd seen him. He
25 just said he dropped her off.

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1 Q Okay, when they get there, who goes in
2 first?

3 A Marie.

4 Q And when she goes in, who's in the car?

5 A Walters and Shawn.

6 Q What was the plan that he said that they
7 discussed or was discussed while they were driving
8 there?

9 A Walters -- Driggers was going to go in the
10 house, get the man to sleep, waited till the man
11 fell asleep, send a text to Walters' cell phone.
12 Walters was to go in and rob him. They was going to
13 go in and take all the man's guns and stuffs,
14 because he supposedly had a lot of guns in the
15 house.

16 Q Did Shawn, Mr. Glenn, tell you whether a
17 text was ever sent?

18 A Yes.

19 Q Who did it come to?

20 A Went to Walters.

21 Q And what did he say Walters did?

22 A Went in the house.

23 Q Now, did he say if Walters had anything
24 with him when he went in the house?

25 A A pistol.

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- 1 Q He said he had a pistol?
- 2 A Yes, sir.
- 3 Q Did he say where Walters got that pistol?
- 4 A He said he gave it to Walters.
- 5 Q That who gave it to Walters?
- 6 A He gave it to him, Shawn.
- 7 Q Shawn -- the defendant, Mr. Glenn?
- 8 A Walters asked for it.
- 9 Q So he gave him a pistol. Walters went
- 10 into the residence?
- 11 A Yes, sir.
- 12 Q And what did Shawn or Mr. Glenn tell you
- 13 happened when K Dog or Walters went in the
- 14 residence?
- 15 A The man woke up and seen him in there.
- 16 The man got the best of him and started beating him
- 17 real bad. Marie come running out hollering for
- 18 Shawn to help. And he had to come inside, and
- 19 basically they put him in a position that he didn't
- 20 have no choice, that he had to try to stop the man
- 21 from hurting his friend. And the man got hit, and
- 22 after that, he left.
- 23 Q What did he say he used to hit the man?
- 24 A A bottle.
- 25 Q So Mr. Glenn hits the man in the head with

Charlie Plumley - Direct

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1 a bottle?

2 A Yes, sir.

3 Q Does he ever mention a bar stool?

4 A He said something about a bar stool, that
5 a bar stool was there, but it wasn't used. A bar
6 stool wasn't used.

7 Q Okay. He said that it was only the
8 bottle?

9 A Yes, sir.

10 Q And after he does that, after he hits Mr.
11 Tice in the head with a bottle, what happens to Mr.
12 Tice?

13 A He said he fell down.

14 Q Did he say whether he kept fighting or
15 not?

16 A No. After he got hit, he just collapsed.
17 And then he went outside. He went outside and
18 Walters and Driggers stayed in the house taking the
19 man's stuff.

20 Q Now, you mentioned a guy named -- was it
21 Ty?

22 A Yes, sir.

23 Q Did he tell you who Ty is?

24 A Somebody that he knew from the street that
25 used to ride him around all the time. And Tyrone

Charlie Plumley - Direct

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1 supposedly set him up and had him turned in.

2 Q Tyrone is the guy that set him up and had
3 him arrested?

4 A Yes, sir.

5 Q Charlie, again today, for your testimony,
6 has there been any promises made to you for coming
7 in here and saying what you've said?

8 A No, sir.

9 Q Charlie, I know you'd like consideration,
10 wouldn't you?

11 A Yes, sir.

12 Q But you know that's not something you and
13 I are going to discuss?

14 A No, sir.

15 Q You're up here without any promises?

16 A Yes, sir.

17 Q Charlie, I appreciate you testifying.

18 Please answer any questions the defense has.

19 A Okay.

20 Q Oh, I do have one question.

21 I'm sorry, Your Honor.

22 THE COURT: That's all right.

23 Q Was there any talk by Mr. Glenn, by Shawn,
24 about his DNA being in that residence?

25 A He said he didn't think his DNA would be

Charlie Plumley - Direct

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1 there.

2 Q That's what he told you?

3 A Yes, sir.

4 Q But he said he went in?

5 A Yes, he told me he went in the house.

6 Q Thank you, no further questions.

7 Thank you, Your Honor.

8 THE COURT: Mr. Cornwell?

9 MR. CORNWELL: If it please the Court.

10 CROSS-EXAMINATION

11 BY MR. CORNWELL:

12 Q How you doing, Mr. Plumley?

13 A I'm all right.

14 Q I know it's a stupid question, to ask you
15 how you're doing.

16 A That's right.

17 Q You testified that they were -- that Marie
18 and Walters planned this robbery, and they were
19 discussing the robbery while they were in the car on
20 the way to Tice's house, isn't that correct?

21 A Yes, sir.

22 Q You also testified that Mr. Glenn passed
23 out in the back seat during that ride over to Tice's
24 house, is that correct?

25 A Yes, sir.

1 Q All right.

2 I beg the Court's indulgence.

3 THE COURT: All right.

4 Q And you also testified that -- you said
5 that he said K Dog went in there the first time you
6 talked to him, and that story changed over time, you
7 said. And you said that the version of the story
8 that you got is that this robbery was taking place,
9 and Marie came outside and woke Mr. Glenn up while
10 he was in the car?

11 A Yes, sir.

12 Q And he said he ran in to help save his
13 friend?

14 A Yes, sir.

15 Q Now, is it possible that he didn't learn
16 about this until after this stuff had taken place?

17 A I believe --

18 MR. HUBBARD: Speculation, Your Honor. I
19 object, speculation.

20 THE COURT: Sustained.

21 Q Let me rephrase it. You talked about --
22 Beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 Like I said earlier, you testified that
25 Glenn was asleep in the car, that's correct?

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1 A That's what he told me.

2 Q But he also told you that Marie and
3 Kenneth were planning -- were talking about the
4 robbery while he was in the car, that's correct?

5 A Yes, sir, that, I mean, they talked about
6 it at the club. Basically, it was Margaret
7 Driggers' and Walter's idea. He was just along for
8 the ride.

9 Q What I'm asking you, though, is you said
10 that they talked about it in -- that Glenn told you
11 that they talked about it in the car, Walters and
12 Marie?

13 A Yes.

14 Q And he was passed out in the back seat?

15 A That's what he said. That's what he told
16 me.

17 Q Now, is it a logical conclusion that the
18 only way he could know that is that he was told
19 after the fact?

20 MR. HUBBARD: Objection, Your Honor.

21 THE COURT: Sustained as to the
22 speculation.

23 MR. CORNWELL: No further questions, Your
24 Honor.

25 MR. HUBBARD: No further questions, Your

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1 Honor.

2 THE COURT: Thank you, sir. You may step
3 down.

4 MR. GRAHAM: The State calls Jennifer
5 Walls.

6 (Whereupon, the witness was
7 sworn, after which the following proceedings were
8 had:)

9 CLERK OF COURT: Once you're seated,
10 please state your full name, spelling your last on
11 the record.

12 MS. HERD: My name is Jennifer Walls Herd.

13 JENNIFER WALLS HERD, having first been
14 duly sworn, testified as follows:)

15 DIRECT EXAMINATION

16 BY MR. GRAHAM:

17 Q Ms. Walls, how old are you?

18 A I'm 33.

19 Q You have been convicted of possession of
20 meth back in 2011, is that correct?

21 A Yes, sir.

22 Q And that's methamphetamine?

23 A Yes, sir.

24 Q Back in 2011, what were you doing for a
25 living?

Jennifer Walls Herd - Direct

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1 A In 2011 -- I'm trying to remember if
2 that's when to jail. I was arrested originally for
3 that charge in 2010. I wasn't convicted until 2011.
4 In 2010 and 2011, I was working as an escort.

5 Q And when you say an escort?

6 A A prostitute.

7 Q Backpage.com, what was that?

8 A That was the site that we used to
9 advertise.

10 Q At some point, did you come in contact
11 with a girl named Roxie?

12 A Yes, I did.

13 Q And how did that come about?

14 A I got a call from an escort service that I
15 was working for, and they said we had a call in
16 Aiken. And when they came to pick us up to take on
17 the call, Roxie was with them.

18 Q I'm going to show you a photograph and ask
19 if you recognize the person in the photograph, and
20 it's State's Number Sixty-Nine.

21 A Yes, that's her.

22 Q That's her. Did you know -- was Roxie her
23 real name, or was it a street name?

24 A That was her escort name.

25 Q Do you know what her real name was?

Jennifer Walls Herd - Direct

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1 A I found out later. I didn't know then.
2 But, yes, her name was Margaret Driggers. Her
3 mother called her Marie.

4 Q When did you meet her? Do you remember
5 what time in 2011 it was?

6 A Could you repeat the question?

7 Q When did you meet her?

8 A This was I think the beginning of May.

9 Q Of 2011?

10 A Yes.

11 Q At the time you met her in May of 2011,
12 from your interaction with her, would she have cash
13 with her? Did she have money problems? How was she
14 regarding drugs?

15 A She had a job at Zaxby's. She said that
16 she didn't do any drugs, and she was very -- she was
17 fun to be around. She was a nice person.

18 Q The victim in this case, Tim Tice, did you
19 also know him?

20 A Yes.

21 Q How did you meet him?

22 A Roxie -- Marie -- would tell me that he
23 was a regular of hers, and she invited me to his
24 house. And that's where I met him.

25 Q So you had been over to his house before?

Jennifer Walls Herd - Direct

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1 A That was the only time I've been over to
2 his house.

3 Q From your observations in dealing with Tim
4 and dealing with Roxie, what was your understanding
5 about whether Tim had drugs at his house and whether
6 Tim had guns in his house?

7 A From what I could gather, Tim had meth and
8 cocaine, and he would use those with her. She
9 always said that he had money. She always said
10 that, you know, he had a nice place. And I know
11 that he had guns in his house. I saw them when I
12 was there.

13 Q Did you ever meet somebody that was
14 introduced to you as her boyfriend?

15 A Yes.

16 Q And who was that person?

17 A She never told me his name, but someone
18 else told me his name was Shawn.

19 Q Do you see him in the courtroom today?

20 A Yes.

21 Q Where is he -- closest to me or closest to
22 the wall?

23 A Closest to the wall.

24 MR. HUBBARD: Your Honor, let the record
25 reflect that she has identified Mr. Glenn.

Jennifer Walls Herd - Direct

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1 THE COURT: It will reflect that.

2 Q When did you first meet Mr. Glenn, Shawn?

3 A It was probably a week before she got
4 arrested.

5 Q And what was your understanding of their
6 relationship?

7 A That he was her boyfriend.

8 Q A week before who was arrested, I'm sorry?

9 A Marie.

10 Q Her arrest in this case, in the murder,
11 robbery, and burglary --

12 A Yes.

13 Q -- of Timmy Tice?

14 A Yes.

15 Q By the time -- when is the last time that
16 you saw the defendant with Ms. Driggers, Roxie?

17 A That day. I mean, I only met him that one
18 day.

19 Q Were you able to -- what if anything can
20 you tell me about the amount of money that the
21 defendant had on him that day?

22 A I don't believe he had any money.

23 Q Why do you say that?

24 A Because we were locked out of a hotel
25 room. We were staying in the same hotel. She and

Jennifer Walls Herd - Direct

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1 the defendant were staying in one room downstairs.
2 I was staying in a room upstairs. And we both got
3 locked out of our hotel rooms because we didn't have
4 money to pay for them.

5 Q Ultimately, what if anything did Mr. Glenn
6 have to do to get money?

7 A He had to call a friend of his on the
8 phone to let him borrow money to pay for the room,
9 because I'm assuming all his stuff was in there.
10 All my stuff was in my room, and I didn't have the
11 money to pay for it.

12 Q Did Roxie have the money to pay for it?

13 A No.

14 Q You said that when you first met Roxie,
15 she was working at Zaxby's and she was clean?

16 A Yes.

17 Q The week before the last time you saw her,
18 the week before you were arrested and just a couple
19 of days before Timmy Tice was killed, what was her
20 state at that point? Did she have money?

21 A She was very desperate. She asked me to
22 borrow money. She asked me to call a dealer to
23 bring her some drugs after she borrowed the money
24 from me. And when I wouldn't give her any more
25 money after she used that money, she begged me for

Jennifer Walls Herd - Direct

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1 some of my drugs.

2 And I told her all I had was a syringe
3 full of blood. And she said, "I don't care. Just
4 shoot me up with it." And so she ended up
5 ultimately I did. I injected her with the syringe
6 that had drugs in it, but it had my blood in it,
7 too.

8 Q Thank you, Ms. Walls. Please answer any
9 questions they have for you.

10 CROSS-EXAMINATION

11 BY MR. CORNWELL:

12 Q How long did you know Ms. Driggers, you
13 said?

14 A I met her in about May 2011.

15 Q And you said that you and her had been
16 over to Tice's house before?

17 A Yes.

18 Q When was the last time you had been over
19 to Tice's house that you can remember?

20 A I don't know -- several weeks before I saw
21 her again at the hotel.

22 Q Several weeks before that?

23 A Yes.

24 Q And you said that her and Tice used to use
25 drugs together?

Jennifer Walls Herd - Cross

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1 A Yes, sir.

2 Q And on that occasion several weeks ago,
3 that was kind of what they did normally?

4 A That was my understanding, yes, sir.

5 Q All right, thank you. No further
6 questions.

7 A Uh-huh.

8 MR. GRAHAM: Nothing else, Your Honor.

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

11 MR. GRAHAM: Your Honor, if we may
12 approach?

13 THE COURT: Yes, sir.

14 (Conference at the bar
15 between counsel and the Court after which the
16 following proceedings were had:)

17 THE COURT: We'll just be at ease for a
18 moment, ladies and gentlemen, while they check on
19 the next witness.

20 CLERK OF COURT: Have a seat right up
21 here, sir. Once you're seated, state your full
22 name, spelling your last on the record, please.

23 MR. WILLIAMS: My name is Tyrone Demetrius
24 Williams.

25 TYRONE DEMETRIUS WILLIAMS, having first

Jennifer Walls Herd - Cross

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1 been duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. GRAHAM:

4 Q Mr. Williams, let me ask you this
5 question, in 2005, you were convicted of fraud, is
6 that correct?

7 A Yes, sir.

8 Q That was out of Federal Court?

9 A Yes, sir.

10 Q What was that for?

11 A It's a check scheme. A guy made the
12 checks. I pretty much was the recruiter for
13 bringing people in, and he would make a duplicate of
14 whatever check they got. And he might make a
15 hundred of them. I might have had 10 people under
16 me that I would bring. It was a bunch of other
17 people.

18 Q There was also a burglary third and a
19 petty larceny also near the same time in 2005. What
20 was that for?

21 A All of it was the same thing -- I mean,
22 duplicating one check.

23 Q There was a forgery in 2005?

24 A The same thing.

25 Q Another forgery in 2006?

Tyrone Williams - Direct

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1 A Same thing.

2 Q You also had an escape charge in 2008.

3 What was that about?

4 A That was when I did too much time, you
5 know, for that crime. And my mother had passed, and
6 they ignored me and wouldn't let me go, and I walked
7 away.

8 Q You're wearing orange today, right?

9 A Yes, sir.

10 Q And you're over in the Lexington County
11 Detention Center right now?

12 A Yes, sir.

13 Q Why are you being held there right now?

14 A Child support.

15 Q Failure to pay child support?

16 A Yes, sir.

17 Q Out of Richland County?

18 A Yes, sir.

19 Q And why didn't you pay your child support?

20 A I was in the hospital. And up until
21 almost two years, I was paying it. I know that's on
22 record. I never was late or nothing. And when I
23 got sick, Lexington actually gave me six months to
24 live. Thank God I'm here. That was a year ago. I
25 decided to change hospitals after speaking with the

Tyrone Williams - Direct

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1 chaplain and somebody put me in hospice. I went to
2 Charlotte Mecklenburg and got treatment from them,
3 and fortunately I'm alive today.

4 Q A little over a week ago, you and I spoke
5 on the telephone, correct?

6 A Yes, sir.

7 Q When we spoke, where were you at?

8 A In Manhattan, New York.

9 Q Manhattan, New York?

10 A Yes.

11 Q And I asked you if you would come testify
12 in court down here, didn't I?

13 A Yes, sir.

14 Q Did I make you?

15 A No.

16 Q Why did you come back?

17 A I'm happy to get it over with. I mean,
18 you know how the streets are, people thinking I did
19 something. And family members, not my blood but on
20 my wife's side, people that ain't never been in
21 trouble in their life, they looking at me like I did
22 something.

23 I just wanted to get it over with,
24 straighten things up, you know, because I've pretty
25 much practically homeless. My wife left me over

Tyrone Williams - Direct

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1 this nonsense. I just wanted to get it over with,
2 you know.

3 Q When you got on the Greyhound bus and came
4 down here, did you know that there was a Family
5 Court bench warrant out of Richland County?

6 A Yes.

7 Q So you knew it was pretty likely that
8 you'd be sitting in a jumpsuit today?

9 A Yes, I knew that. I pretty much thought I
10 could get my hands on my hospital records, but I
11 ain't had a chance to. I think she would have went
12 a little different. But, I mean, I expected that.

13 Q Demetriss Alshawn Glenn, the individual
14 who's sitting over in this courtroom on trial today,
15 do you know him?

16 A Yes, sir.

17 Q How long have you known him?

18 A About 10 years.

19 Q Tell me how you came to know him.

20 A Me and his cousin -- he may refer to her
21 as uncle because he's older -- were best friends,
22 God bless him, he died.

23 Q So you knew -- what name did you know him
24 by?

25 A Shawn.

Tyrone Williams - Direct

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- 1 Q You know him by Shawn?
- 2 A Yes, sir.
- 3 Q You knew Shawn through his -- your best
- 4 friend was his --
- 5 A Cousin.
- 6 Q -- cousin. And what did Shawn refer to
- 7 you as?
- 8 A Uncle.
- 9 Q He called you uncle?
- 10 A Yes, sir.
- 11 Q Back in 2011, had you seen him -- were you
- 12 having contact with the defendant at that time?
- 13 A When I initially ran into him?
- 14 Q Yes, sir. When was that?
- 15 A It had been a while since I had seen him.
- 16 That day, I was at graduation for his sister.
- 17 Q Do you remember when that was?
- 18 A Not the exact date, but it was the day of
- 19 her actual graduation.
- 20 Q Graduation from school?
- 21 A Yes, that day.
- 22 Q In the spring of 2011?
- 23 A Yes, sir.
- 24 Q After you ran into him there, did you and
- 25 he have some contact?

Tyrone Williams - Direct

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1 A Yes, he gave me -- we exchanged numbers,
2 and he left. He probably wasn't there no more than
3 15 or 20 minutes, and he left. He might have called
4 me the next day or the day after or something like
5 that.

6 Q Did he have a car?

7 A No.

8 Q And when he called you, what was he asking
9 you to do?

10 A Come pick him up and take him for a ride.

11 Q So you were his taxi service?

12 A Pretty much.

13 Q Did you get paid for that?

14 A Yes.

15 Q How much would he pay you for that?

16 A About five or ten dollars, when we drank
17 beer together or something.

18 Q Do you remember July 1, 2011, when two
19 police officers showed up on your doorstep?

20 A Yes, sir.

21 Q When they knocked on the door and you
22 answered the door, what happened?

23 A First of all, I heard running. My little
24 blinds was just kind of cracked. I was watching
25 Judge Mathis. It sounded like they were kicking to

Tyrone Williams - Direct

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1 me. I said, "Oh, y'all ain't got to go through
2 that. I know why you're here." And they stopped,
3 and I opened the door.

4 Q You said, "I know why you're here"?

5 A Yes.

6 Q When you opened the door, did they ask you
7 any questions?

8 A No, they just came in. They said, "You
9 know why we're here?" I said, "Yes." I said, "You
10 ain't got to do no searching. Here you go."

11 Q So they didn't ask any questions. You've
12 got two police officers there, right?

13 A Right there, as soon as they walked in.

14 Q What did you do when they came in?

15 A I figured they ain't going to ask me
16 nothing, no questions. I said, "I know what you're
17 here for," and they was looking surprised like. And
18 I said, "I got what you want. Here you go."

19 Q What did you show them, or what did you
20 give them?

21 A I went in the room, and of course they
22 braced theirselves. A bunch more came out of nowhere.
23 And I came out with a blanket with a gun in it and a
24 bag, which I didn't know what was in the bag at that
25 time.

Tyrone Williams - Direct

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1 Q The gun and the blanket, where did you get
2 the gun and blanket from?

3 A Out of my back room.

4 Q How did it make it to your house?

5 A Mr. Glenn brought it to my house.

6 Q The bag, do you remember what the bag
7 looked like?

8 A I think it was a Crown Royal bag, I think.

9 Q And you said at that time, you didn't know
10 what was inside?

11 A At that time, I didn't.

12 Q But there was something inside?

13 A Yes, it was kind of heavy. And I felt on
14 it, and I knew what it was then.

15 Q You remember that day, right?

16 A Yes, sir.

17 Q Several days before then, was there a time
18 when you were out of contact with Shawn for a couple
19 of days?

20 A Yes, about three days.

21 Q And then at some point, did he call you?

22 A Yes, sir.

23 Q When he called you, where did you go?

24 A To a motel. I think it's the Masters, I
25 think.

Tyrone Williams - Direct

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1 Q Is that one of the airports over by there
2 -- one of the hotels by the airport, over in that
3 area?

4 A Yes, sir.

5 Q When you got over there, what did you see?

6 A He was standing on the top balcony, loose-
7 fitting clothes like he normally wears and no shirt
8 and no shoes.

9 Q He had no shirt, no shoes. Did he have
10 socks on?

11 A I didn't see no socks.

12 Q What about his pants he was wearing? What
13 did you notice about those?

14 A Whale size.

15 Q What do you mean by that?

16 A The pants were bigger than me, and I'm
17 240.

18 Q Were they staying up by themselves?

19 A No, he was holding them practically up
20 like around the breast area.

21 Q So he was using a hand to hold them up --

22 A Yes.

23 Q -- around the chest?

24 A Yes.

25 Q Did you have a chance to talk to him then

Tyrone Williams - Direct

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1 or shortly thereafter?

2 A Yes. He said, "Hold on a minute." He
3 went in and came out. He asked me to get out the
4 car.

5 Q When he got in the car, did you ask him --

6 A No, he asked me to get out of the car.

7 Q He asked you to get out of the car?

8 A Yes.

9 Q What if anything did you ask him about the
10 clothes he was wearing?

11 A I said, "Boy, you're naked again,"
12 jokingly. I said, "Every time I come around, you're
13 naked."

14 Q And what did he say?

15 A He laughed.

16 Q Did he ask you to do anything about
17 getting clothes for him?

18 A Yes.

19 Q What did he ask you to do?

20 A I think her name's Angel, to go get his
21 clothes.

22 Q Did you do that?

23 A Yes, I got them.

24 Q What if anything did you ask --

25 A Oh, we had a conversation before I left.

Tyrone Williams - Direct

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1 He said he had to bust somebody in the head.

2 Q What does that mean, "I had to bust
3 somebody in the head"? What does that mean?

4 A Street slang means kill -- last night,
5 that's what he said. I said, "What?" He said, "I
6 think he's alive." So before he went into detail, I
7 went and got some clothes for him and stuff and came
8 back. He went into a little more detail.

9 Q What did he say then?

10 A He said this particular guy called
11 repeatedly while he was at the club, him and the
12 girl Roxie, and another guy who I don't know. And I
13 think maybe the third or fourth time they finally
14 went. And he was asleep in the car. That's what he
15 tells me, now. And Roxie supposedly went in and
16 left the door open or unlocked or whatever.

17 Q Did he tell you at that time why they were
18 going over?

19 A Yes.

20 Q What did he tell you?

21 A To rob him.

22 Q He told you that he knew what?

23 A That they was supposed to go rob the man.

24 Q That who was going to rob the man?

25 A The three of them.

Tyrone Williams - Direct

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1 Q All three of them?

2 A Yes.

3 Q And what did he tell you happened?

4 A The little dude went in and said he was
5 asleep, and Roxie was already in and left the door
6 open. The little dude went in. And I don't know
7 how much time it was, but Roxie ended up coming
8 outside banging on the window to get him, yelling
9 she'd been calling him or something or texting him
10 or whatever. And when he got out, she said he was
11 beating the little dude down.

12 Q What did Shawn say he did after --

13 A He got out and went in to confront him,
14 and they got into a tussle.

15 Q And what did he tell you happened?

16 A When he jumped on him, he said he was a
17 tough cracker. He said the more he hit him, the
18 more he kept coming. And he grabbed either a wine
19 bottle or a liquor bottle and hit him in the head.
20 It dazed him a little bit, but he kept coming.

21 He said he grabbed a stool or either a
22 chair. He said he repeatedly hit him, and he
23 finally fell. He said he blacked out and he
24 couldn't stop.

25 Q Did he say how many times he hit him with

Tyrone Williams - Direct

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1 the --

2 A No.

3 Q -- stool or the chair?

4 A No, he said he just couldn't stop. He
5 said he blanked out.

6 Q The day after that conversation -- tell me
7 about how the rifle and the Crown Royal bag ended up
8 at your house.

9 A I think it might have been the next day or
10 maybe the next day after. My normal routine is to
11 watch my Judge Mathis. He called and said he was
12 coming over. Nothing in particular, he was just
13 coming over. So when he got there, he called me and
14 said he's outside. He asked did I have a sheet or a
15 blanket.

16 I said, "Yes." So I wasn't dressed. So I
17 came to the door and handed it to him. He went back
18 to the car. I couldn't really tell if somebody was
19 in there with him. I know he don't hardly drive.
20 He rarely drives.

21 And he came back. I knew what was in
22 there. You could look at it and tell. I knew it
23 wasn't no body that skinny. And he had the bag.

24 I said, "Put them in that back room right
25 there." He said, "If you find somebody that wants

Tyrone Williams - Direct

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1 to get it, give me a call."

2 I'm thinking there's silverware in that
3 bag, because Roxie had mentioned she had some
4 silver. She had even showed it to me on her finger.

5 So I'm thinking the bag was full of
6 silver. I tried to tell her silver wasn't worth no
7 money and all that old stuff, and she just told me
8 she had a family member or a friend that had a
9 pawnshop, and she was going to take the silver to
10 them. But I only saw two on her fingers.

11 Q Going back to the gun for a second, when
12 that gun -- who brought the gun to your house?

13 A Shawn.

14 Q Did he tell you where it came from?

15 A No.

16 Q The Crown Royal bag that you didn't know
17 what was inside of it and you thought it was --

18 A That was just my assumption there.

19 Q -- silver, who brought that?

20 A Yes.

21 Q Who brought that to your house?

22 A Shawn.

23 Q Did he tell you where it came from?

24 A No.

25 Q Did he bring anything else to your house?

Tyrone Williams - Direct

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1 A No.

2 Q While he was there, did you take anything?

3 A No. I talked to him about that phone he
4 had.

5 Q Tell me about the phone.

6 A I told him he needed to get rid of it,
7 because he was telling me that he don't think the
8 man was dead, this, that, and the other. Yes, Roxie
9 had been calling him, and they had been
10 communicating from the club. So I said, "Man, you
11 need to get rid of that." So he didn't leave it.
12 He had the phone, though. I think we might have
13 hooked up the next day, and he think threw the phone
14 in one of them bridges over there in West Columbia
15 in the water. But I had the chip.

16 Q Did he tell you whose phone it was?

17 A Yes.

18 Q Whose phone did he say it was?

19 A I was under the assumption it was Roxie's.

20 Q Did he say why he wanted to get rid of it?

21 A Because I think calls were made to the guy
22 or something.

23 Q Why did you keep the card?

24 A Just in case. My main thing was I told
25 him I didn't trust her, because she had tried to

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1 get me -- on my initial meeting with her, didn't
2 know her name or nothing, she was talking about
3 robbing somebody. She said they stayed by some
4 water.

5 I was under the assumption of a trailer
6 because I'm used to seeing them. Shawn and me put a
7 lot of people in a trailer park. I found out later
8 that this same guy lived on some water. So I kind
9 of put that information together myself.

10 Q That card --

11 A So I decided, I said, "Hold on, you're
12 going to need this right here."

13 Q So you kept it and gave it to the police?

14 A Yes.

15 Q Thinking that it might help you from
16 getting into trouble?

17 A I actually didn't do nothing, but, yes.

18 Q That was your thought?

19 A Yes.

20 Q You had talked earlier about Shawn telling
21 you that he hit the guy, and you talked about
22 blanking out. Who are you talking about blanking
23 out?

24 A He said he blanked out.

25 Q "He" being who?

Tyrone Williams - Direct

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1 A Shawn.

2 Q Shawn said he blanked out as he was
3 hitting the guy?

4 A Yes.

5 Q The day after Shawn brings over the rifle,
6 the Crown Royal bag, and you take that card out of
7 the phone that you think is Marie's that's being
8 destroyed, you come in contact with Shawn and Marie
9 the next day?

10 A Uh-huh.

11 Q Tell me about that.

12 A A bunch of arguing on her part. She was
13 pretty much yelling and screaming to my wife saying
14 I brought her to do a man's job, not in those words.

15 MR. CORNWELL: Objection.

16 THE COURT: Sustained to as any hearsay.

17 Q Who is all together when this conversation
18 happens?

19 A Me, him, and her.

20 Q Okay. Yelling --

21 MR. CORNWELL: Your Honor, I would move to
22 strike that testimony that I objected to also, Your
23 Honor.

24 THE COURT: All right, we'll strike that
25 last response regarding the hearsay.

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1 Q Tell me where the three of you are at.

2 A In the car.

3 Q You're in the car. Who's all there?

4 A Me and her.

5 Q At some point, does Marie begin to tell a
6 story?

7 A Yes.

8 MR. CORNWELL: Objection, Your Honor. It
9 sounds like they're about to go into some more
10 hearsay.

11 THE COURT: Well, they're not there yet.
12 Overruled.

13 MR. CORNWELL: All right.

14 Q And does she begin to tell her story about
15 what happened?

16 A Yes.

17 Q While she's telling that story, does Shawn
18 ever say any of that isn't true?

19 A No.

20 Q In fact, what does Shawn say in response
21 to what she says?

22 A He told her, he said, "Shut the fuck up.
23 I handled it, didn't I?"

24 Q So what was her story?

25 A She was going off on him talking about

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1 "Why didn't you come and help" --

2 THE COURT: Hold on.

3 A Said, "Why didn't you come and help?"

4 THE COURT: Hold on, sir. Hang on just a
5 second.

6 Okay, you need to be more careful in
7 formulating your questions to not elicit hearsay
8 responses.

9 MR. HUBBARD: Your Honor, under 801(2)(b),
10 if he is present when multiple people are present
11 and doesn't deny it, he's admitting that it's
12 admissible. It's a hearsay exception.

13 THE COURT: All right. You may proceed.

14 MR. HUBBARD: I'm sorry?

15 THE COURT: You may proceed.

16 MR. HUBBARD: Thank you.

17 MR. CORNWELL: Your Honor, I think we may
18 need to protect the record here. Maybe this is a
19 situation where you have to kind of --

20 COURT REPORTER: I can't hear him.

21 THE COURT: Come on up here.

22 MR. CORNWELL: All right.

23 (Whereupon, a sidebar
24 conference was held at the bench, after which the
25 following proceedings were had:)

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1 THE COURT: All right, I'm going to allow
2 the testimony under 801(2)(b), and certainly the
3 witness is subject to cross-examination.

4 All right, you may proceed.

5 MR. HUBBARD: Thank you, Your Honor.

6 Q Tyrone, going back to the conversation
7 when you're driving a car, who was in the car with
8 you?

9 A Me, Shawn, and the girl, Roxie.

10 Q Roxie is -- let me show you State's Sixty-
11 Nine, a photograph. Do you recognize that?

12 A Yes, sir.

13 Q That's Roxie?

14 A Yes, sir.

15 Q When the three of you are in the car, does
16 Roxie start to talk about what happened at this
17 guy's house that they robbed? What did she say?

18 A "What took you so long to come? Why you
19 sent that little boy?" He said, "Man, I told you I
20 was asleep." She either said text or call. She
21 said, "I texted or called three times," like that.

22 Q Did she talk about it being a plan, the
23 robbery?

24 A Yes, clear.

25 Q What did she say?

1 A "What took you so long to come in?" He
2 was asleep. I guess the guy inside, the other guy
3 went in.

4 Q Did she say -- what if anything did she
5 say about sending in the little guy by himself?

6 A "Why you send that little pussy boy the
7 fuck in?"

8 Q What did she say that the defendant was
9 supposed to do?

10 A He snapped on her. He said, "Shut the
11 fuck up. I handled it, didn't I?"

12 Q No, I'm sorry. What did Roxie say the
13 defendant was supposed to do?

14 A Supposed to come in with him.

15 Q He was supposed to come in with the little
16 guy?

17 A Yes.

18 Q And he said what in response to that?

19 A "Shut the fuck up. I handled it, didn't
20 I?" And she hushed.

21 Q What if anything did Shawn tell you about
22 his DNA?

23 A He said he cleaned up everything. He said
24 the only thing that may be in there was her
25 cigarette. She was smoking a cigarette. And the

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1 boy's DNA, he said the boy had got busted in the
2 nose or something or the mouth.

3 Q Did he say anything about that other boy's
4 DNA being in the house?

5 A Yes, he said the boy got beat up, said he
6 busted his nose or mouth, one -- or eye, nose or
7 face.

8 Q Did he say -- what if anything did Shawn
9 tell you about a pistol grip?

10 A He said he might have -- he didn't say he
11 might have. He said he did leave it.

12 Q That who left it?

13 A The boy. He said but the boy ain't got no
14 record or something, and it might not could come
15 back to him.

16 Q He said what, I'm sorry?

17 A He said the boy didn't have no record.

18 Q Did Shawn ever tell you whether it was --
19 what time of the day or night they went in the
20 house?

21 A About four in the morning.

22 Q Did he ever say anything to you about
23 giving a false name to the police?

24 A Yes, Demetriss Jones, his half brother.

25 Q That's whose half brother?

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1 A Shawn.

2 Q And you knew him as -- did you know his
3 name, or you knew him by nickname?

4 A Meatball.

5 Q You knew him as Meatball.

6 A And that was at Roxie's, I guess wherever
7 she lived, because the police was there describing
8 him and asking his name.

9 Q Any question in your mind in your
10 conversations with Shawn that Shawn knew that there
11 was going to be an armed robbery and a burglary
12 before he went in the house?

13 MR. CORNWELL: Objection, Your Honor.
14 Objection, Your Honor.

15 THE COURT: All right, hold on.

16 MR. CORNWELL: That calls for speculation,
17 I believe.

18 THE COURT: Repeat the question.

19 MR. CORNWELL: And bolstering

20 THE COURT: All right, sustained.

21 Q What if anything did the defendant tell
22 you about this being a planned armed robbery or a
23 burglary?

24 A You mean details, or I'm sure that's what
25 it was?

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1 Q What if anything did he tell you so you
2 knew that it was?

3 A Basically, "She knew I was out of it. I
4 had been popping pills. When we came to do it, I
5 dozed off. When she woke me up, I helped him."

6 Q Thank you. Did he ever tell you that
7 there was a planned armed robbery and burglary that
8 he knew about before it happened?

9 A Yes. I'm not sure if it was that one. It
10 was the one Roxie had brought up about somebody
11 having a safe that he was trying to get me to do.

12 Q Tyrone, back up a little bit. The story
13 that Shawn told you, did he tell you that he did or
14 did not know before he got up to go help the guy in
15 the house that he knew that there was an armed
16 robbery and burglary going on?

17 A One hundred percent sure, yes.

18 Q Sorry?

19 A Yes, one hundred percent sure, yes.

20 Q He said that?

21 A Yes.

22 Q Thank you.

23 THE COURT: Cross?

24 MR. CORNWELL: Beg the Court's indulgence,
25 Your Honor.

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1 THE COURT: Yes, sir.

2 MR. CORNWELL: If it please the Court.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. CORNWELL:

6 Q Who is Tyrone Parker?

7 A It's my born name.

8 Q So the name that you testified under oath
9 is not the name you were born with?

10 A It's my adopted name.

11 Q All right. You said you were convicted of
12 a federal offense?

13 A Yes, sir.

14 Q And how long did you spend in prison for
15 that?

16 A They gave me 21 months. I'm sure I did --
17 I know I did more than that.

18 Q So the police came to your house and you
19 had this gun connected with a crime they were
20 investigating, is that correct?

21 A Yes.

22 Q And you have a felony conviction on
23 record, that's correct?

24 A I'm sure one of them had to be a felony.

25 Q You also had ammunition at your house, is

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1 that correct?

2 A Yes, I did, because I didn't know it was
3 ammunition.

4 Q You also had spoken to, according to your
5 testimony, Mr. Glenn and Ms. Driggers after they
6 supposedly committed a crime?

7 A Yes, sir.

8 Q And they handed over evidence from that
9 crime to you --

10 A Yes, sir.

11 Q -- which you kept at your house?

12 A Yes, sir.

13 Q Now, you also testified that you had
14 spoken to Mr. Glenn, and he said he was passed out
15 in the back seat --

16 A Yes, sir.

17 Q -- on the way to the robbery. And you
18 also said that he said he was passed out in the back
19 seat while this was happening?

20 A Yes, sir.

21 Q And you also said that while Ms. Driggers
22 was in the house, she texted Mr. Walters?

23 A Text or call.

24 Q Mr. Walters?

25 A I don't know who she texted. They had a

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1 phone in the car.

2 Q You didn't know --

3 A Both of them was in the car.

4 Q All right, all right. And you're saying
5 that it took a while for Mr. Glenn to get inside
6 because Ms. Driggers had to come out --

7 A Yes.

8 Q -- and wake him up?

9 A And get him.

10 Q All right.

11 I beg the Court's indulgence.

12 You also said -- you mentioned several
13 places where you thought Glenn was injured -- I
14 mean, not Glenn but Walters was injured. Do you
15 know for sure where he was hurt at?

16 A The face, that's all I know.

17 Q That's all you know, all right. And how
18 do you know that?

19 A Shawn told me.

20 Q Now, when you spoke with the officers, did
21 y'all reach any understanding about how you were
22 going to testify?

23 A Talking about the officers at the house?

24 Q When you talked about testifying at trial,
25 did you reach any understanding about how you were

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1 going to testify?

2 A I didn't reach no understanding. I just
3 spoke real, that's it.

4 Q All right.

5 Beg the Court's indulgence.

6 So you don't have any pending weapons
7 charges?

8 A No.

9 Q You don't have any pending charges related
10 to this case whatsoever?

11 A No.

12 Q Thank you.

13 I think that's all I have for this
14 witness, Your Honor.

15 THE COURT: Anything further of this
16 witness?

17 MR. HUBBARD: No, Your Honor.

18 THE COURT: Thank you very much, sir. You
19 may step down, thank you.

20 MR. HUBBARD: Your Honor, may we approach?

21 THE COURT: Yes, sir.

22 (Conference at the bar
23 between counsel and the Court.)

24 THE COURT: All right, we'll be in recess,
25 then, until a quarter to two.

1 (Whereupon, the jury left
2 the courtroom at 12:18 p.m.)

3 (Court in recess.)

4 THE COURT: Thank you, please have a seat.
5 I'm going to get the attorneys to step up here real
6 quick, please.

7 (Whereupon, a sidebar
8 conference was held at the bench, after which the
9 following proceedings were had:)

10 MR. HUBBARD: We've put photos 84 through
11 89 into evidence by agreement. These would be
12 autopsy photos.

13 (Whereupon, State's
14 Exhibits Eighty-Four through Eighty-Nine, Photos of
15 Deceased, were entered in evidence.)

16 THE COURT: All right, let me just ask.
17 There were numerous exhibits that Shawn used with a
18 witness yesterday. He marked all of them --

19 MR. HUBBARD: For ID.

20 THE COURT: -- for ID only.

21 MR. HUBBARD: And those are not the only
22 ones.

23 THE COURT: Okay, I just wanted to make
24 sure.

25 MR. HUBBARD: We've got two other

1 defendants, so we weren't putting the physical stuff
2 in. I think he wanted just for the record to be
3 able to show they had been marked for us to
4 associate them.

5 THE COURT: All right. Thank you, sir.

6 All right, ladies and gentlemen, before I
7 bring the jury back out, I just want to -- I have
8 not seen anything because in all candor I don't see
9 the evidence before it's presented typically. But I
10 know that the next witness, it was my understanding,
11 is going to be the pathologist that is going to be
12 discussing the mode, the cause of death.

13 And I know that that can be an emotional
14 thing, and I want to just let folks know -- and I
15 was talking with Mr. Hubbard, and he said he's had a
16 conversation with everybody. But what I need you to
17 understand is this, and I say this to try and be
18 sensitive, not to be insensitive.

19 I cannot allow any outburst or tolerate
20 any disturbance during the course of the trial that
21 would have some effect on the jury. And so if you
22 don't think you can handle what's about to come and
23 keep your emotions in check, I would ask you to go
24 ahead and step out of the courtroom during this part
25 of the trial.

1 I don't know. I've never been in the
2 situation where I've had a family member killed and
3 have to watch this. I probably would be one of
4 those people that would step out.

5 I say this now because -- and I'm trying
6 to say it and be sensitive and not come across as a
7 jerk -- I can promise you if there is an outcome, if
8 someone can't control your emotions, you're going to
9 see the jerk side of me, because I'm not going to
10 tolerate it, okay?

11 So I understand it's emotional. I get
12 that. I am sensitive to that. That's why I'm
13 giving you this opportunity now to step out if you
14 feel like you cannot handle it, because if you're
15 wrong and you can't handle it and there's an
16 outburst, you're going to jail, period.

17 And if you think I'm kidding, stay in here
18 and cause an outburst. I promise you, you will not
19 be spending the night at home. Now, I'm not trying
20 to be a jerk.

21 I'm honest to goodness trying to avoid a
22 situation that could possibly lead to a mistrial.
23 So that's why I say it, and I'm only going to say it
24 this once. I'm not going to repeat myself. If it
25 occurs, then I'll just deal with it at that time,

1 okay?

2 All right, is the State ready to proceed?

3 MR. HUBBARD: If you can give us just a
4 minute, Your Honor.

5 THE COURT: Go ahead and talk with --

6 MR. HUBBARD: We're offering them to --
7 we might need have a few minutes to do that, Your
8 Honor.

9 THE COURT: Go ahead.

10 MR. HUBBARD: So if you can just give us a
11 minute.

12 THE COURT: Go ahead.

13 MR. HUBBARD: Your Honor, we're ready.

14 THE COURT: All right, is the defense
15 ready?

16 MR. CORNWELL: We are, Your Honor.

17 THE COURT: All right, let's bring the
18 jury in, please.

19 (Whereupon, the jury
20 entered the courtroom at 2:06 p.m., after which the
21 following proceedings were had:)

22 THE COURT: All right, ladies and
23 gentlemen, I hope everyone enjoyed the lunch break
24 and are ready to start back.

25 If you recall, when we broke, the State

1 was still presenting the State's case. So we'll
2 recognize Mr. Hubbard for the next witness.

3 MR. HUBBARD: Thank you, Your Honor. The
4 State calls Dr. Janice Ross.

5 THE COURT: All right, Dr. Ross, if you
6 would please come around to be sworn.

7 (Whereupon, the witness was
8 sworn, after which the following proceedings were
9 had:)

10 CLERK OF COURT: Have a seat, please,
11 Doctor. Once you have a seat, Doctor, state your
12 full name, spelling your last on the record, please.

13 DR. ROSS: My name is Janice Edwards Ross
14 -- R-O-S-S.

15 JANICE EDWARDS ROSS, having first been
16 duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. HUBBARD:

19 Q Dr. Ross, where do you work?

20 A In Newberry, South Carolina, with Newberry
21 Pathology Associates.

22 Q How long have you worked up there?

23 A Since May of 2000.

24 Q Are you a medical doctor?

25 A Yes.

Janice Ross - Direct

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1 Q Can you tell the jury where you went to
2 undergraduate school?

3 A At the University of South Carolina.

4 Q How about medical school?

5 A I received my M.D. from Upstate Medical
6 Center in Syracuse, New York.

7 Q And your residency and professional
8 training, where did you do that?

9 A At Upstate Medical Center in Syracuse, New
10 York, and in the medical examiner's office of
11 Onondagh County, which is Syracuse, New York.

12 Q Are you a board-certified forensic
13 pathologist?

14 A Yes.

15 Q When did you become certified?

16 A Since 1985.

17 Q How long have you been conducting
18 autopsies?

19 A I've been doing autopsies since 1976, 37
20 years.

21 Q And, again, prior to Newberry, you were
22 working in Upstate New York?

23 A Yes.

24 Q During the course of your career, how many
25 autopsies do you think you've performed?

Janice Ross - Direct

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1 A At least 8,000.

2 Q How about forensic autopsies?

3 A Ninety-eight percent of those are
4 forensic.

5 Q Have you ever been qualified as an expert
6 in forensic pathology in a court in South Carolina?

7 A Yes.

8 Q Do you know about how many times?

9 A About 80 times.

10 MR. HUBBARD: Your Honor, at this time I'd
11 ask that she be qualified as an expert in forensic
12 pathology.

13 THE COURT: Any objection?

14 MR. CORNWELL: No objection.

15 THE COURT: All right, without objection.
16 You may proceed.

17 Q Doctor, can you explain to the jury what
18 forensic pathology is?

19 A Yes. Pathology is a discipline of
20 medicine. We learn how to identify diseases and,
21 for instance, cancers and leukemias. We know how to
22 use the laboratory, blood work to diagnose diseases.
23 We learn how to do an autopsy to find the cause of
24 death.

25 Forensic pathologists, the word "forensic"

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1 means legal, we use that pathology knowledge to
2 identify matters pertinent to legal -- medical legal
3 deaths, including homicides, suicides, and
4 accidents. So we learn how to identify patterns of
5 injury and then to do a full autopsy documenting
6 evidence for a court of law.

7 Q Do you have a protocol or procedure when
8 you're going to conduct an autopsy of how you
9 proceed?

10 A In general, yes.

11 Q Can you explain to the jury what you
12 typically do when you have someone that you're going
13 to conduct an autopsy on?

14 A Yes. First of all, the coroner calls us
15 and ask for us to do the autopsy and schedule a time
16 when they can bring us the person, the patient, to
17 the morgue at Newberry County Memorial Hospital. We
18 receive the body in a body bag, open the body bag,
19 take photographs of the clothed body, take an
20 inventory of what clothing and what personal
21 belongings are there.

22 We take pictures of the nude body. And
23 depending on a case, we may or may not do x-rays,
24 and then we proceed with the autopsy to look at each
25 organ and to draw fluids as necessary for

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1 toxicology.

2 Q So you do both the external and the
3 internal inspection of the person that you're
4 conducting the autopsy on?

5 A Yes.

6 Q Now, when you're done, do you issue a
7 report?

8 A Yes.

9 Q When we ask about manner of death, what
10 categories of manner of death are there?

11 A There are five. There's natural death,
12 suicide, accident, homicide, and sometimes when we
13 can't determine, we call it undetermined.

14 Q And do you go on further and determine the
15 cause of death?

16 A Yes.

17 Q Is that how someone actually died?

18 A Yes.

19 Q The actual physical process in which
20 somebody died?

21 A Yes.

22 Q Now, did you follow this procedure in the
23 case of Tim Tice?

24 A Yes.

25 Q And did you conduct an autopsy on June 27,

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1 2011?

2 A June 27, 2011, yes.

3 Q And, again, you documented with
4 photographs his injuries?

5 A Yes.

6 Q If I could, I've got some photographs that
7 I believe were taken at autopsy, and I'd like to
8 show you, beginning with State's Eighty-Four. And
9 some of these you might not be able to see that
10 well. But specifically did you document injuries to
11 the face area?

12 A Yes. There was a bruise. It's in the
13 shadowed area on the lower lip on the right.

14 Q I'm going to give you a little pointer, if
15 you want. That might help you --

16 A Great.

17 Q -- a little laser.

18 A This is a bruise. There's a little
19 scratch abrasion here, a scratch abrasion here.

20 Q And, Doctor, I don't know if you can see
21 it. Is there also a little abrasion right there?

22 A Yes.

23 Q And also, I don't know if you can see
24 this. But right here, did one of the eyes have a --
25 was it kind of bruised?

1 A Yes, the upper eyelid on the right was
2 bruised a little more than you can see there.

3 Q And there was another place on the other
4 side of the nose?

5 A Yes.

6 Q Looking at the forehead of Mr. Tice, which
7 is State's Exhibit Eighty-Five.

8 A Those injuries are on the left side of the
9 forehead. Midline is about here. These are what we
10 call abrasions that the surface of the skin is
11 abraded off from blunt force injury.

12 Q Is that how you would characterize a blunt
13 force injury?

14 A Yes.

15 Q I'm going to show you a photograph of the
16 side of the head, if I can.

17 A Okay. This is the left ear, so this is
18 the left side of the head. There's another abrasion
19 of the scalp here, and these little pinpoint things
20 -- these are without pattern -- again, for blunt
21 force injury.

22 Q And with the hair being removed, is that
23 what you do --

24 A Yes.

25 Q -- to see the injury?

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1 A Yes.

2 Q Another view showing the ear, which is
3 State's Eighty-Seven, do you see injuries on the
4 ear?

5 A Yes, there's an actual laceration here and
6 some abrasion here. A laceration is a splitting of
7 the skin from blunt force injury. Blunt force
8 injury is caused by being hit by an object or by,
9 for instance, falling and hitting an object. The
10 skin is split, and this is opposed to sharp force
11 injury, which is caused by something sharp,
12 obviously cut glass or a knife or something like
13 that.

14 Q State's Eighty-Eight, I'm going to show
15 you this injury and see if you can tell us what
16 we're looking at here.

17 A This is the right eye. The right ear
18 would be down here. This injury is, again, a split
19 or a laceration of the scalp from blunt force
20 injury. This is abrasion from blunt force injury.
21 This is abrasion from blunt force injury I think
22 that we saw in one of the earlier photographs.
23 These are lacerations of the scalp with kind of a
24 pattern because they have right angles to them.
25 This has a pattern to it, too.

1 Q I want to show you another photo, looking
2 at this more serious wound, which is State's Eighty-
3 Nine. I don't know if you can see it too well
4 there, Doctor.

5 A Yes.

6 Q Can you orient the jury as to the position
7 of the head here?

8 A Yes. The face would be this way and right
9 ear down here. This is, again, a split or a
10 laceration of the scalp due to blunt force injury.
11 And if you're hit with something linear like a
12 baseball bat, then you get not only the split of the
13 skin. You get abrasion on the sides of the split.
14 This one does not have any abrasion on it. So this
15 laceration was made by some object that has a
16 defined edge, maybe not like a razor blade sharp
17 edge but a defined edge to it.

18 Q Let me ask you about that. If I asked you
19 if that wound was caused by, say, a wine bottle,
20 even a full wine bottle, would it have caused that
21 injury that you've just been describing?

22 A It's not consistent with a bottle.

23 Q How about something with a defined edge
24 such as a stool, using an edge here?

25 A It's possible, yes.

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1 Q Or the edge of a bottle, if it is --

2 A If it's -- yes.

3 Q -- swung?

4 A Yes.

5 Q That would be consistent?

6 A Yes.

7 Q Doctor, there are some other injuries here
8 with unique patterns. Just looking at those at
9 autopsy, were you able to determine what might have
10 caused those?

11 A Well, again, this one in particular.
12 These all have angles and lines. This one seems to
13 have two lacerations with a center that doesn't hit
14 the skin. So it's some object that has two parallel
15 type of marks to it that would indent the skin and
16 leave the center without injury.

17 Q And, Doctor, is it fair to say if you
18 don't have anything, all you can do is just describe
19 the injury?

20 A Exactly. This is what we call pattern
21 injury as opposed to non-pattern injury.

22 Q Okay. And, Doctor, I want to ask you --
23 I'm going to show you State's Exhibit Number Six
24 from the scene. Having looked at State's Eighty-
25 Nine with this injury, if somebody received a blow

1 like that, would that person be able to get up?

2 A Any of those main injuries on the top of
3 the head or the right side of the head could cause
4 unconsciousness, a concussion, so to speak. The one
5 under the very -- the long linear injury actually
6 caused a skull fracture or what we call a depressed
7 skull fracture to actually push the bone down into
8 the brain area. And that would cause
9 unconsciousness, yes.

10 Q So if someone is hit and has that kind of
11 injury, they're not getting back up. Is that fair
12 to say?

13 A Yes.

14 Q Doctor, I know it comes out dark up here
15 on the big screen, but there's darkness on the left
16 arm right under the face, and then there are
17 droplets right here next to the right arm on the
18 floor. What if anything can you say about that?

19 A He would unconscious and not necessarily
20 dead. He'd still be breathing for a few minutes.
21 And he could aspirate some blood from his lip injury
22 or his nose injury. And that little spatter there
23 on the floor is consistent with coughing blood that
24 got in your airway and you cough it out.

25 Q I want to show you another photograph, and

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1 this one may be too dark to even see, but I'll try
2 to do it. It's State's Fifty-Six. And, again, I
3 don't know if you see the face here. It's easier if
4 you just look at it close up, Doctor. But, again,
5 this is a close-up of the darkness there. Would
6 that be the blood being breathed out onto the arm?

7 A It could be, yes.

8 Q Okay. Another photograph from the crime
9 scene, using the same State's Six, just an
10 enlargement, and I'm going to have this portion
11 enlarged of the right arm and the floor and the
12 bracelet on his arm. What did you refer to the
13 blood that we see here as?

14 A It's consistent with somebody coughing
15 blood out of their airway.

16 Q When Mr. Tice received this wound, he
17 didn't just instantly die, did he?

18 A No.

19 Q So this is blood from a man who's still
20 alive?

21 A Yes.

22 Q Going back to this bracelet, you notice
23 the odd pattern that you see on that bracelet?

24 A There is part of the bracelet that looks
25 like two parallel linear parts with a center devoid

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1 of metal, so it could cause that pattern injury we
2 talked about at the top of the head.

3 Q In fact, let me do this. Let me just
4 remove these. This is the bracelet. These are the
5 odd patterns you see on the head?

6 A Yes, and you even have this little arrow
7 type of area here that you can on the bracelet.

8 Q And there is another gouge mark. Part of
9 the bracelet is more solid than the other. Would
10 that also be consistent potentially with a bracelet?

11 A Anything that makes a right angle, yes, it
12 could be.

13 Q Doctor, would it also be consistent with
14 Mr. Tice using his right arm to cover his head to
15 protect himself?

16 A If that's where his bracelet was at the
17 time of injury, that's the way it could have been,
18 yes.

19 Q His arm where that bracelet's hit, it jams
20 into his head --

21 A Yes.

22 Q -- leaving those marks? Doctor, having
23 gone through Mr. Tice's injuries, did you come to a
24 determination as to the manner of death?

25 A Yes.

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1 Q What manner of death did you determine?

2 A Homicide.

3 Q As to the cause of death, can you explain
4 for the jury how Mr. Tice died?

5 A Due to a fractured skull due to the blunt
6 force injury of the head due to a beating.

7 Q Would that cause bleeding inside his
8 brain?

9 A It caused bruising and bleeding, yes.

10 Q Thank you, Doctor. I appreciate your
11 time. Please answer any questions the defense has.

12 MR. CORNWELL: Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 MR. CORNWELL: If it please the Court.

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. CORNWELL:

18 Q Based on your examination of the body and
19 your findings, you weren't able to determine who did
20 this?

21 A No, sir.

22 Q All right. And you weren't able to
23 develop any suspects based on the information that
24 you got from the autopsy?

25 A No.

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1 Q Thank you.

2 REDIRECT EXAMINATION

3 BY MR. HUBBARD:

4 Q Just one follow-up. Doctor, that's never
5 you job, though, is it?

6 A No.

7 Q Thank you.

8 Your Honor, that's all the State has.

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

11 Any objection to Dr. Ross being excused?

12 MR. HUBBARD: No.

13 MR. CORNWELL: No, Your Honor.

14 THE COURT: Thank you very much, ma'am.
15 You're free to go.

16 MR. HUBBARD: Thank you, Doctor.

17 Your Honor, at this time the State rests.

18 THE COURT: All right. Ladies and
19 gentlemen, the State has rested their case, which
20 bring us to a point in the trial where I have to
21 take up some matters of law with the attorneys
22 before we proceed.

23 So I'm going to ask you if you would to
24 step back into the jury room. Have no conversation
25 about the case. And I'll bring you back out in just

1 a little bit. It won't take me very long.

2 (Whereupon, the jury left
3 the courtroom at 2:28 p.m., after which the
4 following proceedings were had:)

5 THE COURT: All right, at this stage, I'm
6 going to take up any motions at the close of the
7 State's case.

8 MR. RADEKER: Thank you, Your Honor. Your
9 Honor, at this time we make some directed verdict
10 motions with respect to the charges involved in this
11 matter.

12 First, with respect to the murder charge
13 to the extent that the State is relying on a felony
14 murder the hand of one, hand of all theory, it was
15 someone else that killed Mr. Tice physically. But
16 they're trying to say that Mr. Glenn is responsible.

17 First of all, that's not what the
18 indictment alleges occurred, so that's not the
19 indicted offense.

20 Second, we would point the Court to case
21 law such as State versus Avery that says when two or
22 more combined together to commit a felony and a
23 homicide is committed as a natural probable
24 consequence, at that point that's what felony murder
25 would be.

1 Here, the State's got to, to get past a
2 directed verdict to the extent they're relying on
3 circumstantial evidence, have substantial
4 circumstantial evidence to get past that.

5 Here, you know, basically what we've got
6 is nothing that would be substantial circumstantial
7 evidence of a combination of Mr. Glenn and any other
8 people to commit a felony.

9 There might be evidence of a combination
10 of Ms. Driggers and Ms. Walters to commit it. But
11 basically what the evidence shows is presence as to
12 Mr. Glenn on that. We'd like to hear from the State
13 on that.

14 THE COURT: Mr. Hubbard, let the State
15 respond to that.

16 MR. HUBBARD: Your Honor, at this stage
17 and looking at the evidence in a light most
18 favorable to the State, there is testimony that Mr.
19 Glenn knew that there was going to be an armed
20 robbery, knew there was going to be a burglary. I
21 believe that's uncontested.

22 There is testimony that he provided the
23 gun to Mr. Walters that was going to be used.
24 There's testimony that he went in, knowing that that
25 was going on, to go help somebody. And I think the

1 moment he stepped through the door or in the doorway
2 of the house, he's no longer merely present and we
3 make that argument.

4 He goes inside to assist somebody who was
5 committing the armed robbery, who was committing the
6 burglary. The evidence is that he picks up a wine
7 bottle and/or a stool, which is consistent with the
8 cause of death, and he uses that to strike the
9 victim. I don't see -- I think there's ample
10 evidence, direct and circumstantial, that he's
11 guilty of murder.

12 THE COURT: All right.

13 MR. RADEKER: And in reply to that, Your
14 Honor, we know there's not evidence that he provided
15 a gun to Mr. Walters. Mr. Williams testified that
16 Mr. Walters went in there with a gun, but --

17 THE COURT: No, there was testimony that
18 he provided the gun. I remember that. I can't
19 recall the witness.

20 MR. HUBBARD: It was Charlie Plumley, Your
21 Honor.

22 THE COURT: Right, Plumley, that's who it
23 was.

24 MR. RADEKER: Thank you, Your Honor.

25 THE COURT: But, anyway, go ahead.

1 MR. RADEKER: Okay, thank you. As to the
2 indicted murder charge, what the State has got to
3 show is malice aforethought. Here there's no
4 evidence of premeditation or design, which is the
5 essence of the crime.

6 THE COURT: South Carolina law doesn't
7 require premeditation.

8 MR. RADEKER: Well, there's certainly no
9 evidence of it. And what it would have to show is
10 that, you know, at least at some point, you know,
11 before the killing occurred that malice toward Mr.
12 Tice, an attempt to kill him had been -- kill him or
13 at least bodily injury had been performed by Mr.
14 Glenn.

15 Here, that's lacking evidence of intent to
16 kill. Essentially, Mr. Glenn went in the house.
17 His intent in going into the house was to extricate
18 Walters from a dangerous situation.

19 THE COURT: Also, the law doesn't require
20 an intent to kill. The law is, if I'm not mistaken,
21 the killing of another with malice aforethought.
22 That's murder.

23 MR. RADEKER: That's correct, Your Honor.
24 We know that the malice aforethought --

25 THE COURT: You're saying the malice isn't

1 there?

2 MR. RADEKER: That's right. That's
3 correct.

4 THE COURT: Okay.

5 MR. RADEKER: Malice aforethought is
6 what's missing on that. And, again, we'd be happy
7 to hear from the State, if you want to take them one
8 at a time.

9 THE COURT: I don't need to hear it. I'm
10 going to deny your motion on that. Again, at this
11 stage I think it's a jury issue. I think it's a
12 fact issue. And I think there is evidence,
13 depending on how the jury views it.

14 And so with regards to your first two
15 motions, I'm going to respectfully deny those
16 motions, because I think those are factual issues
17 that the jury must decide based on how they view
18 this evidence.

19 MR. RADEKER: Thank you, Your Honor. As
20 to the armed robbery charge, simply the things taken
21 -- even if you look at them in a light most
22 favorable to the State, simply because things are
23 taken after an injury is done to someone with
24 something, that's not armed robbery.

25 What they've got to show is if there is,

1 you know, the type of weapon first and then things
2 taken later, that they're so interconnected as to
3 being inseparable from one another.

4 Here there's only circumstantial evidence
5 of that, and not substantial circumstantial evidence
6 of that. The evidence does not show that this
7 defendant took the property and aided in that, only
8 that later afterwards, he has him hold the property.
9 And accessory after the fact is not a lesser-
10 included offense.

11 State versus Blakeley case that came out
12 not too long ago and affirmed that, is not charged
13 with that in any event. So we note that a directed
14 verdict on the armed robbery.

15 THE COURT: All right, I'm going to deny
16 that motion. Again, I go back to the evidence that
17 was presented and how the jury will view it. If I
18 recall the testimony, there was testimony that --
19 and, again, whatever it is they believe. But there
20 is testimony that he was involved in the planning of
21 a robbery to occur that night.

22 And as far as it becoming armed robbery,
23 depending on what the jury believes, there is
24 testimony that he used a wine bottle to assault the
25 victim. And I think depending on the facts and

1 circumstances, that can be a deadly weapon depending
2 on how it's used, and the same allegation regarding
3 the stool, as well.

4 So, again, I think it's questions of fact
5 for the jury. It's not the Court's position to
6 analyze that evidence. That's up to the jury to
7 analyze.

8 MR. RADEKER: Thank you. And we just note
9 for the record that, you know, looking at the
10 evidence here. There was testimony to the effect
11 that Mr. Glenn knew of those plans to commit the
12 robbery, not necessarily that he was involved in
13 planning the robbery. I'm just making sure the
14 record is preserved on that. But I understand you.

15 THE COURT: All right.

16 MR. RADEKER: On the burglary first degree
17 charge, Your Honor, one of the elements of murder is
18 entry with the intent to commit a crime in a
19 dwelling.

20 Here, even looking at this in the light
21 most favorable to the State, the evidence shows that
22 the reason for entry was not to commit a crime or
23 further crime but rather to extricate Mr. Walters
24 from a dangerous situation, saving him from being
25 beaten and possibly being killed.

1 Also, the indictment alleges -- the facts
2 are that he displayed what appeared to be a pistol,
3 revolver, or firearm. You know, there's no evidence
4 of that.

5 THE COURT: I would deny that motion.
6 Again, it's driven by the evidence and what the jury
7 would believe. I think there was testimony that
8 there was a gun. And even if Walters was the one --
9 which I think there's no question that it was not
10 Mr. Glenn with the gun.

11 But under the theory of the hand of one,
12 the hand of all, accomplice liability, he's going to
13 be found how the jury views the facts. Again, this
14 Court does not give weight to evidence and certainly
15 recognizes the existence of it. And I think there
16 is evidence, depending on how the jury views the
17 evidence.

18 MR. RADEKER: Thank you, Your Honor.
19 Those are our motions.

20 THE COURT: Thank you, sir.
21 Anything further from the State?

22 MR. HUBBARD: No, Your Honor.

23 THE COURT: All right. Now, gentlemen,
24 have you discussed with Mr. Glenn his constitutional
25 rights to testify as well as his right to not

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1 testify or put up any witnesses? Have you discussed
2 that with him?

3 MR. CORNWELL: Yes, we have.

4 THE COURT: All right. And what is the
5 defense's pleasure?

6 MR. CORNWELL: We're not going to call Mr.
7 Glenn or any other witnesses.

8 THE COURT: Mr. Glenn, let me talk with
9 you about that for just a moment, sir. I know
10 you've discussed with your attorneys your
11 constitutional right to testify, as well as to not
12 testify. You've had those conversations, is that
13 correct?

14 MR. GLENN: Yes, sir.

15 THE COURT: All right. And I have this
16 conversation with every person that is accused of a
17 criminal offense, whether it be a drug offense, a
18 simple assault, all the way up to murder or armed
19 robbery, whatever you're facing here.

20 I always have these conversations because
21 I want to make sure that the decision to either
22 testify or to not testify that that is the
23 defendant's decision and not the decision of his or
24 her attorneys, okay? I know that sometimes another
25 term we use for lawyers are counselors.

1 gotten to this portion of the case, I have no idea
2 whether you have any prior record or not, and I'm
3 not asking into that at this point.

4 But you understand that if you did have a
5 prior record, there are certain prior criminal
6 offenses that if you were convicted of those
7 offenses that you could be asked as to whether or
8 not you have been convicted of those offenses,
9 either by your own lawyers or by the State. And you
10 would have to respond to those questions, as well.
11 You understand that?

12 MR. GLENN: Yes, sir.

13 THE COURT: Now, I would never let any
14 lawyer, whether it be yours or the State, go into
15 any details about any prior convictions but simply
16 as to whether or not you have been convicted, and
17 you would have to respond to those questions.

18 Now, you also have a right to not testify
19 or to remain silent. And if you decide to exercise
20 that right, I would instruct the members of the
21 jury. When I give them the charge on the law, I
22 would tell them that you are presumed innocent of
23 these charges.

24 And the fact that you have chosen to
25 exercise your constitutional right to remain silent

1 cannot be considered by the jury in any way as to
2 your guilt or innocence. As a matter of fact, I
3 would tell them that the State carries the burden of
4 proof and that you don't have to prove anything.

5 I would even take it a step further and
6 tell them that the fact that you chose to exercise
7 that constitutional right to remain silent, that
8 that could not even be discussed in the jury room at
9 all. You understand that?

10 MR. GLENN: Yes, sir.

11 THE COURT: All right. Understanding
12 these things, have you had enough time to decide
13 whether or not you're going to testify?

14 MR. GLENN: Yes, sir.

15 THE COURT: And what is your decision,
16 sir?

17 MR. GLENN: I'm not going to testify, Your
18 Honor.

19 THE COURT: Okay, all right. And, Mr.
20 Glenn, is that decision to not testify -- has that
21 been your decision, sir?

22 MR. GLENN: Yes, sir.

23 THE COURT: Has anyone forced you or
24 coerced you or threatened you in any way to get you
25 to make that decision?

1 MR. GLENN: No, sir.

2 THE COURT: Is that decision of your own
3 free will, sir?

4 MR. GLENN: Yes, sir.

5 THE COURT: All right, sir, thank you.
6 And I certainly respect that, and I will charge the
7 jury accordingly with regards to exercising your
8 right to remain silent.

9 Now, is there anything further before I go
10 to the next phase here from anybody?

11 MR. HUBBARD: Not from the State, Your
12 Honor, no, sir.

13 THE COURT: All right, what I'm going to
14 do is -- I'm sorry.

15 MR. RADEKER: I'm sorry. I'd just note
16 that, you know, just to be extra special safe for
17 the issue preservation matters since we're not
18 putting up a case, we'd at this time renew our
19 directed verdict motions verbatim and incorporate
20 our briefs.

21 THE COURT: Okay. I wasn't quite there
22 yet, but we'll go ahead. And since the defense is
23 not going to be putting up a case, then we will move
24 to the motions at the close of all the evidence.

25 And you have since made that presentation

1 that you are renewing all those motions. And, of
2 course, the Court is going to respectfully deny
3 those motions. I think it's a jury issue, a fact
4 issue for the jury. So we'll do that.

5 Now, obviously we need to go over the
6 charge. And it's already a quarter to three. I
7 personally don't like to get a case to a jury -- I
8 was going to say a case with the seriousness of
9 these charges. But in all honesty, I don't like to
10 get any case to a jury late in the afternoon.

11 And I think in our best case scenario, we
12 have to go over the jury charge. That's going to
13 take some time. And then by the time each time
14 presents their closing remarks and I have given the
15 charge on the law, it's going to be probably close
16 to 5:00 before the jury even gets the case for their
17 consideration.

18 And I'm not a big fan of that, because
19 some judges allow a jury to deliberate for a while
20 and then if they don't have a verdict, let them go
21 home and come back. I don't do that.

22 Once they get the case for their
23 consideration, they're here till they make a
24 decision, okay? I had a whole courtroom of folks
25 upset with me in Aiken, South Carolina, about four

1 years ago when we stayed there till 2:30 in the
2 morning.

3 MR. CORNWELL: We heard about that, Judge.

4 THE COURT: Were you there then?

5 MR. CORNWELL: I wasn't there then, but I
6 heard.

7 THE COURT: And it ended up being a hung
8 jury. We're not going to do that. We're not under
9 any type of time restraint or time pressure. I want
10 both the State and the defense to have the benefit
11 of a jury that's well-rested.

12 Also, you know, jurors, these are folks
13 just like all of us out here. They have families.
14 They have people that rely on them.

15 And I don't want them concerned that they
16 need to get home to their family. And so what we're
17 going to do, I think, is I'm going to bring the jury
18 back out. I'm going to excuse them for the balance
19 of the day, have them come back in the morning. I'm
20 going to have them do that.

21 And then we're going to take just a few
22 minutes of a break. As a matter of fact, why don't
23 we do this? After I excuse the jury, let's take
24 about 10 or 15 minutes, and then we'll come back in
25 and we'll go over the charges and we'll get it in

1 final form before we adjourn for the afternoon,
2 okay?

3 MR. CORNWELL: Yes, sir, thank you.

4 MR. HUBBARD: Your Honor, are they going
5 to rest in front of the jury before they leave?

6 THE COURT: Yes. What I'm going to do is
7 I'm going to bring the jury out. I'm going to
8 explain to them that the State has rested. And then
9 I'll recognize the defense.

10 You can then stand and rest on the record.
11 And then I'll explain to the jury that we're at that
12 stage where basically we're down to final argument
13 and the charge. And then I'll explain them that
14 we're not going to keep them here late today, and
15 we'll have them come back, okay?

16 All right, let's bring the jury back in,
17 please, sir.

18 (Whereupon, the jury
19 entered the courtroom at 2:47 p.m., after which the
20 following proceedings were had:)

21 THE COURT: Ladies and gentlemen, as you
22 recall when I took the break, the State had rested
23 their case. That required me to take up some
24 matters of law with the attorneys. I have done
25 that, and so we're going to proceed at this time and

1 recognize Mr. Cornwell for the defense.

2 MR. CORNWELL: Your Honor, at this time
3 the defense does rest their case, Your Honor.

4 THE COURT: All right, sir, thank you.

5 Ladies and gentlemen, while I was taking
6 up the matters of law with the attorneys, Mr.
7 Cornwell and Mr. Radeker were kind enough to inform
8 the Court that the defense was going to be resting,
9 as well. And so normally here's what would happen.
10 I'd bring you back out. If the defense
11 was going to put up any testimony or whatever, they
12 would do that. But when they rest, I would then
13 typically have you go back out, and then I would
14 have to take up motions at the close of all the
15 evidence.

16 And they were kind enough to let me know
17 during that first break that they were going to rest
18 upon the jury returning. So I went ahead and took
19 up those motions also so that we didn't have to
20 bring you in, allow the defense to rest, send you
21 back out, take up those motions, and then bring you
22 back in.

23 So we have taken up those motions. So now
24 we're at the stage of the trial where all of the
25 evidence is in, so there's no additional evidence to

1 be presented. So we've reached the stage where the
2 attorneys are going to have an opportunity to argue
3 to you under what we call closing arguments, what
4 they believe the evidence in this case has shown.

5 And then upon their conclusion of their
6 arguments, I will charge you on the law. And then
7 once you have all that, you'll be in a position to
8 decide this case. Having said all that, it's about
9 ten minutes to three. And judges are different.
10 All over the state, judges handle it differently.

11 I tend to be one of those, we're not under
12 a time restraint, and I'd rather not keep you here
13 late into the evening, because I don't know, you
14 don't know, no one knows how long it will take for
15 you to deliberate and decide the case.

16 But I can tell you now the best case
17 scenario would be I would not even be able to get
18 you this case and let you go back and start talking
19 about it until almost 5:00, because I have to go
20 over the charge with the attorneys before we proceed
21 to closing arguments. So having said all this, I'm
22 about to send you home, is what I'm getting at.

23 I'm just trying to explain to you why.
24 And what you can expect tomorrow is that when you
25 return, we'll begin with the closing arguments of

1 the attorneys. I will then charge you the law as
2 applicable to this case. And then you'll be in a
3 position to deliberate and have the case at that
4 time, okay?

5 So with that information, when you go home
6 this evening and if your family, friends, or loved
7 ones are curious, tell them just to hold tight.
8 Tomorrow at some point you'll be able to tell them
9 whatever they want to know, okay, but that you can't
10 talk about it tonight.

11 They need to hold out one more night. You
12 need to continue to vehemently protect your ability
13 to be fair and impartial and to judge this case
14 solely on the evidence that was presented in this
15 courtroom, okay?

16 Now, I'm trying to think if there's
17 anything else I need to tell you before I send you
18 away -- 9:30, if you would be back in the jury room
19 at 9:30 in the morning we will continue the trial of
20 this case.

21 Once all of you have reconvened, we'll get
22 started, okay? So if you would, have a wonderful
23 evening. Tell your folks to keep holding on tight,
24 not to question you tonight but that they can give
25 you the third degree or whatever tomorrow when you

1 return home, okay?

2 So if everyone please remain seated.

3 And, ladies and gentlemen, we'll see you
4 back at 9:30 in the morning, please.

5 (Whereupon, the jury left
6 the courtroom at 2:52 p.m., after which the
7 following proceedings were had:)

8 THE COURT: Okay, we'll then take a short
9 break.

10 (Court in recess.)

11 THE COURT: Please have a seat. We're on
12 the record, but we're going to be a little informal
13 as far as there's no jury present and we're going to
14 just discuss the charge. I did give to both the
15 State and the defense a draft of a charge.

16 Let me ask this, because I know I've got
17 both of your proposed requests to charge, with
18 regards to what I have submitted, is there anything
19 there that just is objected to and needs to come
20 out?

21 (Whereupon, a charge
22 conference was held, after which the following
23 proceedings were had:)

24 THE COURT: I've got the jury coming back
25 at 9:30. I would ask that you all be ready to go at

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1 that time. I'll get here a little bit earlier than
2 that, and we'll take up anything we need to take up,
3 okay?

4 MR. HUBBARD: Thank you, Your Honor.

5 MR. CORNWELL: Thank you, Your Honor.

6 THE COURT: All right.

7 - End of Day -

1 Thursday, November 7, 2013

2 (The defendant, together
3 with counsel, was personally present in the
4 courtroom.)

5 THE COURT: Folks, I just got finished
6 speaking with juror number 56, Laura Davis. Ms.
7 Davis -- and I'm not going to have her come out here
8 -- contacted Hope this morning, and just to put it
9 simply, she is completely -- these are my words,
10 it's just kind of a description -- she is like about
11 to have a nervous breakdown.

12 She's crying. She's uncontrollable. She
13 didn't want to come here at all today. But
14 rightfully so, Hope had her come. She has not been
15 with the main panel since she arrived.

16 She's been put in another room. And so I
17 went and spoke with her. And the bottom line is she
18 says that she just cannot function at all in this
19 case and in trying to decide this case.

20 I tried to speak with her briefly about,
21 well, you know, "Maybe if I give you the law," and
22 she said, "I won't be able to do anything." She
23 said, "It doesn't matter what the law is." She
24 said, "I'm just not in a state that I can do."

25 And she apologized profusely. She was

1 incredibly embarrassed. And I just assured her that
2 she should not be embarrassed and that that's the
3 whole reason we have alternates.

4 And so all of that to say, even though I
5 didn't bring her in here and put her on the record,
6 because in all candor she wasn't capable of doing
7 that, and so just as an officer of the Court, I'm
8 sharing with you what the situation is. And I have
9 excused her. Now, my understanding from the statute
10 is we do have two alternates.

11 And my understanding is the way that is
12 done, in civil cases you take the first alternate
13 drawn. But I think in criminal cases that you have
14 to put the two alternates -- however many alternates
15 you have, you basically put their names in a hat,
16 and you draw one out.

17 Is there anyone that has a different
18 thought? I think the statute for criminal cases,
19 you randomly draw out of the available alternates.

20 MR. HUBBARD: That's fine with the State,
21 Your Honor.

22 MR. CORNWELL: That's fine with the
23 defense, Your Honor.

24 THE COURT: All right.

25 Well, Hope, if you would, if you can take

1 a piece of paper and put juror number 20, Pamela
2 Brewer, on one piece of paper and juror 54 -- you've
3 already got them? You're already ready?

4 CLERK OF COURT: I just wrote number 13,
5 14, which stood for alternate --

6 THE COURT: Okay, then just number 13,
7 number 14, that's great.

8 All right, any objection to me grabbing a
9 number, folks?

10 MR. HUBBARD: Not from the State, Your
11 Honor.

12 MR. CORNWELL: Not from the defense, Your
13 Honor.

14 THE COURT: All right, then, juror number
15 20, Pamela Brewer, will be moved into the main
16 panel. And I'll explain that to her when they come
17 out. As I said, they're not aware of what's going
18 on.

19 And all I'm going to let them know is that
20 Ms. Davis was unable to continue. They don't need
21 to know anything more than that.

22 Now, I e-mailed everyone last night with
23 regards to my decision on the jury charge. But I
24 want to give each side opportunities to make a
25 record. And then I followed that up with a draft of

1 what I labeled as a final charge. But it really
2 isn't, because depending on what we talk about here
3 this morning, that may change.

4 But that's kind of after making the
5 decision that I made last night, that's what I
6 presented to you all in that e-mail, is what I would
7 perceive to be a final draft. But, again, it is
8 subject to change.

9 So let me first recognize the State. You
10 received that. Is there anything that the State
11 needs to take up regarding that final charge?

12 MR. HUBBARD: No, sir, Your Honor. I've
13 gone through it. I think you've got everything in
14 there that we discussed.

15 And, Your Honor, again, we looked at it
16 with the eye that if there's something that the
17 defense needs, obviously we're thinking down the
18 road too and feel we have that obligation, as well.
19 It's not just what we need right now. So that's the
20 eye with which we've looked through this.

21 THE COURT: Okay.

22 MR. HUBBARD: Judge, we think what you've
23 done is exactly what the law would require.

24 THE COURT: All right, sir.

25 Now, from the defense, Mr. Radeker?

1 MR. RADEKER: Thank you, Your Honor. Yes,
2 I received Your Honor's e-mail last night. As to
3 what is in what you sent us, I don't think any of
4 that is wrong, incorrect.

5 THE COURT: Okay.

6 MR. RADEKER: It's stuff we talked about
7 it yesterday.

8 THE COURT: All right, sir.

9 MR. RADEKER: On the issue of
10 manslaughter, and some of this might have a little
11 overlap with what we talked about.

12 THE COURT: Sure, sure. And that's fine.
13 That's okay.

14 MR. RADEKER: And what I'll do is hand up
15 the copies of cases, if it please the Court.

16 THE COURT: Yes, sir.

17 MR. RADEKER: I've handed a copy to the
18 assistant solicitors.

19 THE COURT: Thank you, sir.

20 MR. RADEKER: Your Honor, if I understand,
21 the Court's decision to decline to charge the
22 manslaughter charge as well as to charge the
23 defense's other charge, that we talked about
24 yesterday, was based upon an interpretation of the
25 law that says that because an objection was made to

1 a question that Mr. Plumley answered saying -- you
2 know, revealing that he did not know when it was
3 that Mr. Glenn became aware of the fact that Ms.
4 Driggers and Mr. Walters were planning the robbery
5 in the front seat of the car on the way to the
6 scene.

7 And by sustaining that objection, that
8 testimony was struck. The first two cases in that
9 stack that I've handed up, Your Honor, are State
10 versus Wingo and State versus McFadden. And most
11 respectfully, Your Honor, we would note that those
12 cases demonstrate simply because an objection to
13 testimony is sustained does not mean the testimony
14 was stricken. Rather, a motion to strike must be
15 made and granted for the testimony not to be in the
16 record.

17 Both of those cases were appealed that
18 were based upon the idea that such evidence was
19 improperly considered or improperly formed the basis
20 for the Court's decision in those cases.

21 And the Court noted that despite objection
22 to the testimony being sustained, no motion to
23 strike was made and denied, so the record had not
24 been preserved on that issue. Which notes precisely
25 that the testimony was in the record. That's the

1 takeaway from State versus Wingo and State versus
2 McFadden.

3 So, in other words, Mr. Plumley's
4 testimony is in the record. Your Honor did not
5 strike the testimony because the State did not make
6 a motion to strike for Your Honor to grant.

7 Also speaking to State versus Herrin and
8 State versus Folk (PH) Now, those are self-defense
9 cases, but they do discuss that what is relevant to
10 whether a person believes, you know, that someone
11 was in danger is, you know, the appearance.

12 I note in the State versus Herrin case,
13 the State has been saying in this trial that, you
14 know, because the evidence indicates from their
15 perspective that Mr. Walters was in the house in
16 furtherance of a robbery that that foreclosed the
17 defense of others defense and manslaughter charges
18 to Mr. Glenn.

19 I note in that case the State said, "A man
20 cannot take advantage of appearances that he knows
21 are only appearances." Given that Mr. Plumley's
22 testimony is on the record, there is evidence from
23 which a jury could conclude that Mr. Glenn did not
24 know at the time.

25 THE COURT: We're going to need to go back

1 and look at Plumley's testimony, because I don't
2 recall Plumley ever saying that. That was the issue
3 for me, was that your question was, is it possible
4 that because he fell -- and this isn't verbatim,
5 because I don't remember the verbatim language.

6 But it was something along the lines of
7 Plumley's testimony the whole time was that he knew
8 about the robbery, they were going there to
9 effectuate that purpose, and that he fell asleep.

10 And then the question was something along
11 these lines, "Would it be possible because he fell
12 asleep to believe that maybe he didn't know?" And
13 he said like maybe "I guess" or something of that
14 nature. So there was no testimony from Plumley that
15 he may not have known.

16 MR. RADEKER: Your Honor, I believe it was
17 the second question after the question about --

18 THE COURT: Well, we're going to have to
19 go back and look at it.

20 MR. HUBBARD: And, Judge, just to be heard
21 on the record as well, the cases he cites on this
22 are preservation cases. It has nothing to do with
23 what this jury is entitled. This is whether the
24 defense preserved the issue, preserved their
25 objection, for appellate purposes.

1 When Your Honor says something is not
2 admissible by sustaining an objection, that keeps it
3 from them. That issue I think is gone. The two
4 questions he asked I objected to. You sustained
5 them. I think it's a moot issue.

6 THE COURT: Well, I think what he's saying
7 is that on the second time or the second question,
8 he actually answered it before you objected, and
9 that that answer would be in the record.

10 MR. HUBBARD: I think I objected, and it's
11 contemporaneous, and Your Honor ruled on that. Your
12 Honor, we can go back and play it. But the bottom
13 line is the question -- and it's a timely objection
14 -- the question was objectionable. I objected.
15 Your Honor sustained it. So if there is an answer
16 squeezed in there in a matter of seconds, I was
17 still timely with what I did.

18 As to the other issues, Your Honor,
19 appearances, appearances doesn't apply if you're in
20 a place you don't belong. The whole issue of
21 appearances goes back to did you bring trouble upon
22 yourself.

23 THE COURT: Right.

24 MR. HUBBARD: It's only if you cross that
25 threshold do you even begin to say, "I acted on

1 appearances." I don't think these cases apply.

2 MR. RADEKER: And, Your Honor, I'd just
3 say that we go under the McFadden, the proposition
4 of the case, despite an objection to testimony or
5 questions being the same, if the answer is given and
6 it's not stricken, it is part of the record.

7 THE COURT: All right. We're going to
8 take a few minutes.

9 Rema, I'm going to need to go back to Mr.
10 Plumley's testimony.

11 COURT REPORTER: To the cross?

12 THE COURT: And it would have been on
13 cross-examination.

14 She is going to be busy.

15 (Whereupon, the testimony
16 of Charles Carlisle Plumley was played for the
17 Court, after which the following proceedings were
18 had:)

19 THE COURT: Just to explain a little
20 further, the Court's ruling is -- and I'll be
21 candid. When I initially left here yesterday, I
22 thought that where I would probably fall on this
23 thing was to charge involuntary manslaughter but not
24 voluntary manslaughter.

25 But when I got to the house and I started

1 looking at case law and looking at this case, it's
2 just such a basic fundamental process regarding
3 charging juries, and that is that the charge has to
4 follow and be supported by the evidence.

5 And in looking at this case and looking at
6 the evidence that's in this record, there was just
7 nothing in the record that would support the charge
8 of either involuntary or voluntary manslaughter, at
9 least in my opinion, and reviewing the testimony in
10 my mind. I didn't have the benefit of the replay we
11 just heard. But it does seem to support my
12 recollection.

13 And so that's the reason that the Court
14 has declined to charge those two things, because I
15 just think it would be an improper charge if it's a
16 charge that's not supported by the evidence in the
17 case.

18 And what had me leaning toward the
19 possibility of thinking that involuntary may be
20 appropriate was my conversation in my head about,
21 "Well, you know what, what if the jury doesn't
22 believe the State's witnesses that he knew prior?"

23 Well, that's not a luxury the Court has.
24 I'm not allowed to speculate as to what will a jury
25 decide or what could a jury decide. A jury could

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1 decide to discard everything the State presented and
2 acquit. So it's not about what could a jury do or
3 what can a jury do, what might a jury do.

4 The charge is about being supported by the
5 evidence in the record. And how the jury treats
6 that evidence is their province. It's up to them
7 how they treat that evidence. So that is the basis
8 for the denial of charging the involuntary and the
9 voluntary manslaughter.

10 Anything else regarding the charge before
11 we proceed?

12 MR. HUBBARD: Nothing from the State, Your
13 Honor.

14 THE COURT: Anything further? And I
15 certainly would note your objections and exceptions
16 to the charge that you stated, Mr. Radeker.

17 MR. RADEKER: Thank you, Your Honor. Just
18 two things.

19 THE COURT: All right.

20 MR. RADEKER: First, I would like to
21 apologize for the imperfect memory myself.

22 THE COURT: Oh, listen, don't. Because
23 you know what? I've done it often. I have in my
24 mind what I expected to hear and thought I heard.
25 So that's not a problem at all, not a problem.

1 MR. RADEKER: And only just to note for
2 the record, we just note that even without any
3 response from Mr. Plumley to those questions that we
4 believe that looking at the evidence that a jury
5 could conclude because Mr. Glenn was asleep during
6 the conversation that's supposed to be the planning
7 conversation that there's evidence for this jury
8 that he didn't know, thus opening the doors to the
9 manslaughter charges. But we understand.

10 THE COURT: All right, sir.

11 Now, going back to my recollection, I
12 don't believe the defense put in any evidence in
13 this case..

14 MR. RADEKER: That's correct.

15 THE COURT: All right. So they would have
16 the final argument. So we'll bring the jury out,
17 we'll recognize the State and then the defense, and
18 then we'll move on.

19 MR. HUBBARD: Yes, sir, one quick thing.
20 You have noticed that we have taken liberties
21 without even asking Your Honor. I know you've had
22 your hands full. Mr. Graham will be giving the
23 closing. We moved the table out here and set stuff
24 up. I did tell the defense if they requested a
25 short break to move things back, we certainly don't

1 object.

2 THE COURT: Sure.

3 MR. HUBBARD: But, of course, that's your

4 call. And it's your call whether we can keep the

5 table here.

6 THE COURT: No, you're fine. Everything's

7 good.

8 Mr. Cornwell, are you going to close?

9 MR. CORNWELL: Yes, sir, Your Honor.

10 THE COURT: All right. If you need a

11 break to move things around --

12 MR. CORNWELL: Yes.

13 THE COURT: -- just let me know.

14 MR. CORNWELL: All right. I would request

15 a quick break.

16 THE COURT: Before we start?

17 MR. CORNWELL: Yes, sir.

18 THE COURT: All right, let's go ahead and

19 take a short break right now before we bring the

20 jury in.

21 MR. CORNWELL: Thank you, Your Honor.

22 (Court in recess.)

23 THE COURT: Is the State ready to proceed?

24 MR. GRAHAM: The State's ready, Your

25 Honor.

1 THE COURT: Is the defense ready?

2 MR. CORNWELL: Yes, Your Honor.

3 THE COURT: Let's bring the jury in,
4 please.

5 (Whereupon, the jury
6 entered the courtroom at 10:39 a.m., after which the
7 following proceedings were had:)

8 THE COURT: All right, ladies and
9 gentlemen, I apologize for the delay in bringing you
10 out. You may have realized that you're one short in
11 your numbers.

12 Ms. Davis, who is not present here today,
13 was unable to continue in her service, and so we're
14 going to have to replace her. And the way we do it
15 in General Sessions Court, we have two alternates,
16 and so we put your names in a hat and basically
17 reach in and pull one out.

18 So, Ms. Brewer, you're the lucky draw on
19 that, so you will now be a part of the main panel.
20 And nothing changes for you, you or Mr. Crouch.
21 You've been here for everything. You've heard
22 everything.

23 You've participated as far as the trial
24 goes. So nothing really changes other than when the
25 deliberations do begin, you'll be part of the main

1 panel. So you can remain seated where you're at.

2 But, ladies and gentlemen, as I told you
3 yesterday, we've taken up all the legal matters that
4 we need to take up at the close of the evidence, and
5 we did that yesterday.

6 And so we're now at the portion of the
7 trial where all of the evidence is in, and the
8 attorneys will have an opportunity to address you
9 with what we call closing arguments or final
10 summation.

11 Just as I told you about their opening
12 statements, the same applies to their closing
13 arguments. What they're going to share with you is
14 not evidence, but it is their contention as to what
15 they believe the evidence in this case has shown.
16 The evidence in this case is the testimony you heard
17 from the witness stand and the exhibits that came in
18 during the course of the trial.

19 All of those exhibits will be with you
20 back in the jury room if you need to view and
21 observe those. But this is their opportunity to
22 argue to you what the evidence in the case does
23 show.

24 So if you would, give them your close and
25 undivided attention. Once they've concluded their

1 closing remarks to you, I will then give you the law
2 that is applicable to this case.

3 Once you have all of those things, you
4 will then be in a position to go back into the jury
5 room, deliberate, and decide the case, okay? So if
6 you would, please listen carefully as the attorneys
7 address you with their closing remarks.

8 Mr. Graham.

9 MR. GRAHAM: Thank you, Your Honor.

10 CLOSING STATEMENT

11 BY THE STATE

12 "I handled it, didn't I?" the words of
13 that man, Demetriss Alshawn Glenn, an armed robber,
14 a burglar, and a killer. There were three people
15 involved. Mr. Hubbard told you at the beginning he
16 talked about a pack of animals and a pack of wolves.
17 That's what they were -- opportunistic, looking for
18 prey, looking for something to take advantage of.

19 Their prey that night, that morning, was
20 Timmy T, Timmy Tice. He had money. Maybe he had
21 some drugs. He had guns. It was going to be an
22 easy robbery. There were the players, Roxie, a
23 prostitute, she was the one that was in contact with
24 Mr. Tice that night, that morning. She was the
25 bait, and she was the lure to set him up.

Closing Statement by the State

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1 Kenneth Walters -- K-Dog, I think Charlie
2 Plumley said -- he was supposed to go in, discussing
3 the plan with Ms. Driggers on the way over, with
4 Roxie. But he's Barney Phife.

5 You heard the testimony. He was 5'5" and
6 150, and he wasn't man enough to get the job done.
7 Timmy Tice was a big man. He was a strong man. He
8 was protecting his home, fighting for his life.

9 That man, Shawn Demetriss Glenn, he was
10 the leader. Marie said that he was supposed to go
11 in with Barney to make sure it got done right. He
12 stayed in the car. Maybe he was sleeping; maybe he
13 wasn't. Maybe he didn't want to go in because Tim
14 knew who he was. Maybe he wanted other people to do
15 his dirty work.

16 But at the end, the leader had to take
17 care of business, and he had to go in and handle it,
18 and Tim Tice is dead. What's the story you heard
19 about the defendant? How did it all play out?

20 There was a lead sheet, a tip that came
21 in. You heard Cathy Etheredge talk about that. She
22 got a call from somebody saying they were Roxie's
23 mom, "Y'all need to get in touch with Roxie, with
24 Margaret."

25 So she goes to the hotel. I think it was

Closing Statement by the State

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1 the Masters Inn. The first time, I think she said
2 she called her on the phone and mentioned the name,
3 and the phone disconnected. She goes back over
4 there again and talks to a lady who turned out to be
5 Roxie later. She comes out, and who's there? Who's
6 at the hotel with Roxie? Her boyfriend, the leader,
7 Demetriss Glenn.

8 Ms. Etheredge -- Detective Etheredge --
9 that was the black detective up there that
10 testified, she could tell something was going on
11 because she saw him, and he was staring, and he was
12 watching their conversation.

13 And she said that she moved Roxie around
14 to a different place, and she saw him again. But
15 Ms. Driggers, Roxie, said she didn't know who that
16 man was.

17 And 10 minutes later, they're in a car
18 driving away. He was hiding. He didn't want to be
19 found, but he was with his girlfriend, with the
20 bait, with the lure, with Roxie. He goes from there
21 to Detective Chappell, the detective that is sitting
22 right over there that you all heard get up and
23 testify.

24 He talks about how the next day he goes
25 out to Roxie's house, Roxie's mom's house, to find

Closing Statement by the State

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1 her. And who should be there but her boyfriend, the
2 leader, the defendant. But when he was asked his
3 name, did he say, "My name's Demetriss Glenn"? No.
4 He lied.

5 He lied and said his name was Demetriss
6 Floyd, and he gave a wrong date of birth. He didn't
7 want the police to know who he was because he was
8 hiding.

9 Why do people hide? Because they've done
10 wrong. Sgt. Barry Sowards, he was the detective
11 that got up there and said he worked for the Marshal
12 Task Force and he had been out arresting several
13 warrants in Lexington County all morning long. And
14 what did he tell you? At this point, they know
15 Margaret Driggers is involved because of her phone
16 records.

17 They know they're looking for Demetriss
18 Glenn, or West. Using that name, they're able to
19 find possible locations where West might be found.
20 So Sgt. Sowards goes over to Tyrone's house on
21 Dundee Street. And when you put their testimony
22 together, what do you hear? This is what you hear.

23 There's a knock on the door from the
24 sergeant. The door is opened, and without
25 explaining why he's there or who he's looking for,

Closing Statement by the State

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1 Tyrone Williams says, "I know why you're here. Let
2 me give you this." And he gives him this gun, this
3 gun that was Timmy Tice's great-grandfather's gun
4 that was stolen from his house, that he would never
5 give away.

6 He gave them a Crown Royal bag that had
7 bullets in it. He took a card, an SD card, later
8 thinking it was going to help to explain to the
9 police that he didn't have anything to do with this.
10 If he was involved, what could he have done?

11 What could Tyrone Williams have done?
12 Because what he did was, without knowing anything,
13 "I know why you're here. Here's the gun. You're
14 looking for my nephew, Demetriss Alshawn Glenn."

15 That's what happened. That was the
16 testimony. What could he have done? A knock on the
17 door from Sgt. Sowards, the door opens, "Can I help
18 you? Why are you here?" "We're looking for
19 Demetriss Glenn. We're looking for West." "Haven't
20 seen him in several days." And they would have
21 turned away, and they would have walked off.

22 But that's not what happened. Tyrone
23 Williams may have had that gun, but he did not want
24 to be involved. And he didn't want to be involved
25 because he had already had conversations with his

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1 nephew. The day before, his nephew had come over --
2 well, excuse me, he had gone -- Tyrone Williams had
3 gone to the Masters Inn to give that man, Demetriss
4 Glenn, a ride.

5 You remember when he said he got there, he
6 didn't have any clothes. He needed clothes -- no
7 shirt, no shoes, no socks, and a pair of pants that
8 he was holding up to his chest because they were too
9 big. Maybe all those clothes got thrown away
10 because Tim Tice's blood was on them. Maybe he had
11 nothing to wear.

12 Tyrone told you that he went and got more
13 clothes for him from another girlfriend's house, a
14 girl named Angel, I think he testified to. But he
15 asked that man, that killer, "What's going on?" The
16 answer was, "I busted a cracker's head." Tyrone
17 told you what that meant -- killed somebody, hit him
18 in the head, killed somebody.

19 What else did Tyrone tell -- from Sgt.
20 Sowards going to Tyrone Williams' house, got the
21 gun, got the Crown Royal bag, got the SD card, got a
22 sheet the gun was wrapped in. What else did they
23 walk away from that they didn't know about?

24 You go back to the crime scene diagram.
25 This is what Glenn Ross -- he was the first person

Closing Statement by the State

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1 who talked about the Sheriff's Department and what
2 they did.

3 He's the one that went out there,
4 photographed, took all the photographs, collected
5 all the evidence. There's a stool drawn, and
6 there's a picture that he took when he came in the
7 door -- took a picture of the stool. But when they
8 did this, nobody knew. Nobody knew this stool was
9 involved.

10 It was sitting over on the side. It may
11 have looked odd because Kemfort -- that was the
12 first police officer you saw, the one who responded
13 on the scene and had his uniform on -- he said that
14 he noticed that it looked odd, it looked out of
15 place, but there was no story at the time.

16 There was Tim Tice dead, but nobody knew
17 why or how. How did they know about the stool?
18 Tyrone Williams told them about the stool. It
19 didn't get collected then. It got collected later.
20 After talking to Tyrone, they go back to the house,
21 they collect the stool, and it's here today with us.

22 How did Tyrone know that? He's not
23 friends with Kenneth Walters. He barely knew
24 Margaret Driggers, Roxie. But his nephew told him.
25 His nephew told him he hit him with a stool, that he

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1 killed Tim Tice with a stool, and that's the only
2 way -- Tyrone is the only way that that piece of
3 evidence is here to know the truth about what
4 happened.

5 But that's not all that Tyrone did. He
6 also helped the police lock up a killer, get a
7 menace off the street, get a robber off the street,
8 get a burglar off the street. He arranged for him
9 to be taken down at a gas station as they were
10 leaving town. Sgt. Sowards told you how that went.

11 They had an officer there watching it.
12 When Tyrone Williams and his wife got out of the
13 car, Mr. Glenn stayed in the car. Police came up,
14 and Sgt. Sowards told you he was the one that took
15 him out. He took Mr. Glenn out of the car, put him
16 on the ground, and handcuffed him.

17 What did Tyrone Williams [sic] say? "What
18 am I being arrested for? Why are you arresting me?"
19 His answer was, "Murder." Mr. Glenn said, "What?"
20 He said, "Murder." But there were no other
21 questions. Mr. Glenn didn't ask anything else. It
22 wasn't "Who got murdered?" and the reason is because
23 he knew, because he did it, because he killed Tim
24 Tice.

25 Did he tell him anything else? No, no

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1 questions, nothing else. The next time we talk to
2 Mr. Glenn, Detective Chappell has him. He's under
3 arrest, in an interview, been Mirandized, had his
4 rights, and he chose to talk with police. The story
5 he told them was, "I was drunk. I was high. I
6 don't know nothing. Nothing happened." That was
7 his story.

8 He's still hiding, covering up, not
9 admitting the truth. Did he say anything about
10 Kenneth Walters being involved? No. Did he say
11 anything about being at Timmy Tice's house and going
12 inside? No. Did he say anything about himself
13 going inside Timmy Tice's house, anything about a
14 fight, anything about a struggle? No -- because
15 he's covering up his crime.

16 Charlie Plumley, a jailhouse snitch, and
17 that's what he is. He told you he's already
18 testified in court at his own trial of his co-
19 defendant. He told you that he got up on the stand
20 and he said he was a murderer, and he was an armed
21 robber, and he was a burglar.

22 But he said, "I didn't pull the trigger."
23 But he knew all about the hand of one is the hand of
24 all, and he knew under the law that he was guilty
25 and he admitted it under oath, and he came here and

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1 he told you that.

2 Does Charlie Plumley have a reason to lie?
3 That's going to be for you all to decide. Does he
4 have a reason to come to court? Of course, he wants
5 to help himself. He hasn't been sentenced yet. And
6 he's hoping by coming here and cooperating that the
7 judge will give him some consideration for that.

8 But he also has every reason to tell the
9 truth, because if he is lying, that can go against
10 him as well. You saw the fear in him. He's afraid.
11 There's a phrase "Snitches end up in ditches." And
12 that's true. He's risking his life by coming up
13 here and talking to you all today or when he came up
14 and spoke.

15 Does he have something to gain? He was
16 asked if he had something to lose. Yes. Let's talk
17 about what he said. He said the first story that
18 Mr. Glenn told him -- and you think about, why would
19 Mr. Glenn tell him anything.

20 The first story he told him wasn't a whole
21 lot. "I knew these other people were doing an armed
22 robbery" -- this Roxie, this K Dog, this Kenneth
23 Walters -- "and I was with them, but I was in the
24 car, and I wasn't doing anything."

25 "I did go there. Man, I'm not guilty."

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1 But he did know there an armed robbery and a
2 burglary, and Charlie Plumley was clear about that.
3 He said he didn't go in the house. He said,
4 "Walters is the one that killed that man. It wasn't
5 me. I didn't go in the house. I was just in the
6 car. I was passed out. I was merely present."

7 But that's not the final story. I think
8 Charlie said they were in there for a year. He went
9 on and gave him a little more detail, said it was
10 Roxie's idea. Roxie and Walters planned it, but he
11 still stuck with and told you that Demetriss Glenn
12 told him that he knew all about it and that he was
13 sitting in the car.

14 He said Roxie texted out while he was
15 asleep supposedly. Kenneth Walters goes in, and he
16 doesn't go in. And then Roxie comes out to get him
17 because things are going bad. Kenneth Walters goes
18 in with a gun.

19 Tim Tice is a big man, fighting for his
20 life and defending himself, takes on Barney Phife, a
21 man who couldn't get the job done, a man who was
22 crying when he was confronted by the police, said,
23 "I didn't kill him."

24 This is how Kenneth Walters was when he
25 was arrested several days later. The police knew

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1 they were looking for a man with injuries, and they
2 found him. Roxie goes out to get Glenn and says,
3 "You need to go help your friend. You better get in
4 there. Things aren't going well." And what does
5 the leader do?

6 Did he sit in the car and say, "I'm not
7 involved. I know y'all are doing this, but I'm not
8 involved. Sorry it's not working out for you"? No,
9 he went in to take care of his pack. He went in to
10 finish the job. He went in to take care of
11 business. He went in to handle it. And he did.

12 He told Charlie that he went in the house,
13 says he goes in and try to Glenn -- excuse me, tries
14 to get Walters off Tim Tice. It's not working. He
15 says he hits Tim Tice with a bottle. And that's the
16 end of the story that Charlie Plumley tells you.

17 He hit him with a bottle, he goes down,
18 and that's it -- no mention of a stool, no mention
19 of blood, no mention of rifling through the house,
20 no mention of any struggles. One hit with a wine
21 bottle, and he was down, and that's the end of the
22 story. Roxie takes the gun out.

23 So he's still not telling a whole lot. He
24 tells Charlie Plumley, "I knew, wasn't involved,
25 went in to help a friend, hit him with a wine

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1 bottle, went out, didn't do anything else." So
2 think about why Charlie Plumley is saying that and
3 think about the credibility.

4 If Charlie Plumley wanted to lie and he
5 wanted to tell a story, Charlie Plumley could have
6 told a good story. He could have told a better
7 story. What's the best thing that he could have
8 said to get Mr. Glenn convicted?

9 "Well, I was his cellmate, and he told me
10 everything. He told me it was his idea. He told me
11 he planned it. He told me he gave Kenneth Walters a
12 gun, and he was going to sit outside and let them
13 take care of it."

14 He could have told him that "When it went
15 wrong, I went in to take care of it, to handle it."
16 He could have told him that "I hit him with a wine
17 bottle, and it staggered him but it didn't stop him.
18 I had to pick up a stool, and I had to bash his head
19 in and keep bashing him until he was down on the
20 ground and didn't move."

21 He could have told him, "I'm the one that
22 carried the gun out." He could have laid everything
23 on Demetriss Glenn. "Demetriss Glenn did this, he
24 did that, and he did this, and he did that. And
25 it's all Glenn, Glenn, Glenn." But he didn't do

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1 that -- because he told you the truth. He told you
2 the truth about what he said.

3 Tyrone Williams, his uncle, known him 10
4 years, somebody that he kept his clothes at,
5 somebody he went to when he needed things, somebody
6 he could count, somebody he'd call for rides, most
7 of all, somebody he thought he could trust.

8 So the story you hear from Tyrone
9 Williams, a man who has no reason to lie -- and you
10 think about it. Where did he say he was a week ago?
11 Where did Tyrone Williams tell you that he was?

12 Was he in South Carolina? Was he under
13 subpoena? Was he in jail? Did we make him testify?
14 No. Tyrone Williams was in New York City. He got a
15 phone call from our office, "We need you to come
16 down here. We need you to tell the truth and get
17 this straight." Tyrone Williams left New York that
18 day, got on a bus and came down here.

19 And he told you he came down here, and he
20 knew he had that Family Court warrant for failure to
21 pay child support because he had gotten sick and he
22 stopped making payments.

23 And he knew there was a good chance to he
24 wasn't going to be put up in a hotel in Lexington
25 but was going to be in the jail in Richland. And he

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1 came anyway. He came anyway -- to come and tell the
2 truth.

3 And when you're thinking about
4 credibility, you think about that. You think about
5 Tyrone Williams sitting up there in an orange
6 jumpsuit when he didn't need to be. He told you
7 that the first time he Shawn, as he called him, with
8 no clothes, asked him to get new clothes, he told
9 him that he had busted a cracker in the head.

10 He said the second day the gun came over,
11 the rifle came over. Shawn didn't tell him where it
12 came from, but he brought the rifle and the Crown
13 Royal bag wrapped in a sheet.

14 The third day I think he said -- and this
15 is where it gets interesting. He tells you that he
16 and Roxie -- Tyrone, Roxie, and the defendant are in
17 a car, and they're driving.

18 And Roxie starts talking about what
19 happened. And what she's doing is berating him,
20 telling him, "This was the plan. I did my part.
21 You weren't supposed to send that boy in alone. You
22 were supposed to come in with him." And what did
23 Tyrone tell you? What did he say?

24 He didn't say, "I don't know what you're
25 talking about, because he had already told Tyrone

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1 that he knew about the armed robbery, he knew about
2 the burglary, he knew what was going on. But when
3 Roxie said, "You were supposed to come in with him,"
4 did Demetriss Glenn say, "I don't know what you're
5 talking about? I wasn't part of that. I knew you
6 were doing it, but, no, no, I wasn't supposed to
7 come in with him."

8 What he said was, "I handled it, didn't ?"
9 He didn't deny it. He admitted it. He said he went
10 in and handled it. He also said, Tyrone testified,
11 he wasn't worried about his DNA, wasn't worried
12 about his DNA in the house because he wiped it off.
13 And we know that stool was collected, and we know it
14 was processed. They didn't find Demetriss Glenn's
15 DNA.

16 And you've heard all the testimony about
17 everything that was collected and everything that
18 was analyzed. They looked on the wine bottle. They
19 looked everywhere. They didn't find his
20 fingerprints and his DNA. Did Tyrone Williams know
21 that when he told the police and when he testified
22 that he wiped it down?

23 The only way he would know that it was
24 wiped down is if his nephew told him. He said he
25 wasn't worried about the DNA on the pistol grip on

Closing Statement by the State

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1 the gun that Kenneth Walters took in. His DNA
2 wasn't going to be on there.

3 A little concerned about Margaret
4 Driggers' cigarette being there or that some of his
5 pack may have left some DNA. But he wasn't worried
6 about himself because he wiped it down.

7 How do you know that he's the leader? The
8 testimony tells you that he gave a gun to Kenneth
9 Walters to go in and do it. It is undisputed
10 testimony that he's the one that went inside and
11 killed Timmy Tice, that he hit him with a wine
12 bottle, that he hit him with a wine bottle and
13 stool. Who ended up with the gun? Who ended up
14 with Timmy's grandfather's rifle?

15 It wasn't Roxie. It wasn't Kenneth
16 Walters. It was the leader, the one in charge, the
17 man who handled it, that man. Glenn Ross took
18 pictures of the house. This is the back bedroom
19 from Timmy's house. His brother told you that he
20 kept a pretty neat house. Here's a drawer drawn
21 out, and it was thrown on the floor. There's
22 clothes everywhere.

23 You heard the word described by the
24 officers I believe that it looked like somebody was
25 rifling or looting. That's what they were doing.

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1 They're not doing that while Tim Tice is fighting.

2 They're not doing it while he's protecting
3 his house, while he's fighting for his life.

4 They're doing that as he's down on the ground. He's
5 bleeding to death.

6 This is in his bedroom over here. This is
7 in the kitchen, right here, the drawers. That
8 didn't come while he was fighting. It didn't come
9 and happen while he was protecting himself. It
10 happened while he was dying.

11 You can talk about the malice of these
12 people, the ill will of these people. Did anybody
13 try to help him when he was down? Anybody talk
14 about rags or medical supplies? Anybody talk about
15 phone calls to 911?

16 The man's breathing his last breath, his
17 head caved in, and they're going through his house
18 stealing. You can see the disarray in the house.
19 This is the living room. And Tim is fighting for
20 his life. Things are getting thrown everywhere,
21 violent.

22 Tim Tice was a big man. His brother told
23 you that. He was a strong man. He was a man with
24 friends. He was a man with family, just like
25 everybody else. He was in his house, and maybe he

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1 invited evil in when he talked to Roxie on the
2 phone.

3 As it turned out, he did. But he's not
4 responsible. It's not his fault. We have a broken
5 wine bottle. The neck was found over here, pieces
6 of glass everywhere. Wine I think they said on the
7 back here. Blood, blood, blood, blood, and blood on
8 the ceiling. How did the blood get on the ceiling?

9 He talked about castoff, I think is what
10 Glenn Ross, the crime scene guy, talked about. He
11 talked about castoff. If I remember what he said
12 right, he was talking about an object soaked in
13 blood and moved.

14 This stool, something that you would use
15 to sit on every day and not think about it as
16 anything more, was a murder weapon, and it was used
17 as a deadly weapon.

18 Timmy Tice had his life beat out with this
19 stool. The defendant wiped it down, but you know he
20 held it like this, and he hits Tim -- he hits him
21 multiple times, according to Tyrone, not just one
22 time.

23 And what do we do when we look at the
24 school? You can see -- and you'll see in the photos
25 that you'll have back there -- it's not tight, and

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1 it's not connected. It's raised up on three of the
2 posts from the force of hitting Timmy T.

3 The defendant's DNA isn't on here. His
4 fingerprints aren't on here. They're all wiped off.
5 But what was left on there? Tim Tice's blood, his
6 hair. You heard the people from SLED tell you it's
7 his, no question.

8 The pathologist told you that a wine
9 bottle wouldn't have made that mark, but it was
10 consistent with the edge of a defined edged object.
11 You can see the scratch on there. That's how Tim
12 Tice was left.

13 When you're back there, you'll be thinking
14 about felony murder. You'll be thinking about when
15 you're planning an armed robbery, when there's a
16 burglary going on and somebody is killed, you're
17 guilty of murder because the judge will tell you
18 that's the law, and it is the law. You can find him
19 guilty for that reason alone.

20 But there's also murder itself. The judge
21 is going to tell you about malice. It talks about
22 evil, talks about ill will, talks about intent. You
23 leave a man dying on the ground, you hit him with a
24 stool, you bludgeon him to death, you rifle through
25 his house and you steal from him while he's gasping.

Closing Statement by the State

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1 He didn't die immediately.

2 The pathologist told you what that was.

3 It's on Tim's arm. This is telling you that the
4 blood on the floor -- you heard that from the crime
5 scene person and from the pathologist -- that Timmy
6 Tice is alive.

7 They're rifling through his house. He's
8 breathing. He's coughing blood. And he's alive,
9 and nobody helps him.

10 And what do they do? They steal from him,
11 from a man who's dying. And if that's not ill will,
12 and if that's not evil, or if that's not malice,
13 then I don't know what it is. And if you don't
14 think it is, then you should let him go.

15 The pathologist described the injury,
16 depressed skull. And we all know what that means --
17 hit him hard enough to break his bones and to push
18 his bones into his brain, and he did it with that
19 stool. The pattern marks that are up there -- we
20 put it on the overhead and you all could see it,
21 right here -- is consistent with his bracelet that's
22 on his right hand that he was wearing.

23 How did that get up there, how did that
24 show up on his head, if he didn't do anything but
25 try to protect himself and put his hand up? And his