

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LEE ANTHONY CORLEY,

APPELLANT

APPELLATE CASE NO. 2020-000214

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT NO. 15
(REDACTED DEFENDANT CORLEY AUDIO INTERVIEW)**

**STATE’S EXHIBIT NO. 17
(REDACTED DEFENDANT CORLEY AUDIO INTERVIEW)**

**STATE’S EXHIBIT NO. 62
(REDACTED DEFENDANT CORLEY AUDIO INTERVIEW)**

**STATE’S EXHIBIT NO. 116
(BLANKET)**

1	State of South Carolina	)	In the Court
2	County of Lexington	)	Of General Sessions
3	State of South Carolina,	)	Indictment Nos.: 2018-GS-32-01271;
4	Plaintiff,	)	2018-GS-32-01272;
5	vs.	)	2019-GS-32-03565
6	Lee Anthony Corley,	)	
7	Defendant.	)	Transcript of Record
8	_____	)	

8

9

January 27th through February 3rd, 2020

10

Lexington, South Carolina

11

12 BEFORE:

13

The Honorable Steven John, Judge, and a Jury

14

15 APPEARANCES:

16

17

Suzanne Mayes, Assistant State Solicitor
 Angela G. Martin, Assistant State Solicitor
 Attorneys for the Plaintiff/State

18

19

20

Taylor Bell, Esquire
 Joseph Leventis, Esquire
 Attorneys for the Defendant

21

22 ALSO PRESENT:

23

Lee Anthony Corley

24

25

1 MS. MAYES: These are the photos that would actually
2 depict the remains pursuant to Collins.

3 THE COURT: All right. Very good. Okay. Good
4 deal. All right. So why don't you proceed with the res
5 gestae evidence then argument.

6 MS. MAYES: Yes, sir. And we realize Your Honor has
7 conducted no previous pretrial matters in this case so
8 you are coming into this fresh without any knowledge
9 whatsoever of the case.

10 Your Honor, this is a case that evolves around the
11 use of drugs and specifically meth amphetamine and in
12 that regard it is absolutely integral to the State's case
13 that the defendant as well as virtually every other
14 witness in this case and the victim herself were using
15 meth amphetamine, primarily the ice form of meth
16 amphetamine leading up to these events and there will be
17 testimony, Your Honor, that on the date that we believe
18 the murder occurred that the defendant provided meth
19 amphetamine to the co-defendant in this case. She's
20 charged as an accessory to murder. She is Haley Coleman.
21 And then later more ice was used by the defendant, Ms.
22 Coleman, and a material witness in this case who is Jake
23 Rupert and during the course of that event while all were
24 using meth amphetamine together the testimony will be
25 that the defendant admitted to this crime to Jake Rupert,

1 not only made an admission but also showed him the body
2 of the victim. That testimony will also be provided by
3 the co-defendant, the accessory to murder Ms. Haley
4 Coleman that she also on that same date while using meth
5 amphetamine with the defendant and Mr. Rupert heard the
6 defendant make an admission to choking the victim and she
7 also became aware that the body was in the residence.

8 It is believed, Your Honor, through other testimony
9 in this case of a Jennifer Bryant that on April 18th the
10 victim was at the defendant's residence, they were all
11 using meth amphetamine together at that date and time.
12 There's gonna be some testimony about his state of mind,
13 that he was very paranoid, that he observed the victim
14 and Ms. Bryant speaking together in a bathroom. That
15 testimony, Your Honor, will be relevant to his state of
16 mind and his behavior and that she described him becoming
17 extremely agitated and telling the victim, or inquiring
18 as to what they were talking about, what they were
19 whispering about and that his demeanor was one of being
20 paranoid. That same type of paranoia is also central to
21 the defendant's confession.

22 So ultimately, Your Honor, there will be witnesses
23 who testified that the defendant confessed to them that
24 he killed Ms. Kennedy by choking her, or another term
25 used was ripping her throat out, and that the reason he

1 did so is that he believed that she was spying on him.
2 He believed that she was residing in his home, but he
3 believed that she had either people watching him through
4 holes in the wall or through the use of hidden cameras
5 and he made that statement both to Ms. Coleman and to Mr.
6 Rupert on the day that we believe the murder occurred
7 which is April 21st, 2017.

8 Now, it may have occurred late April 20th into the
9 early morning hours of April 21st because we don't know
10 for sure exactly when it occurred. Ms. Kennedy was
11 staying in his home, but we do know that by April 21st
12 the body was in his home and he makes an admission to Ms.
13 Coleman and Mr. Rupert that he believed that she was
14 spying on him, that she had people looking through holes
15 in the wall and also made a statement to the effect of
16 she would not give him her Google password that he was
17 demanding from her and that he ended up choking her as a
18 result.

19 Later, Your Honor, there will be testimony from an
20 additional witness. Her name is Regina Wangness. She
21 was a close associate of Mr. Corley, the defendant in
22 this case. She states that they also used meth
23 amphetamine together and that the defendant made an
24 admission to her that he had demonstrated a choking
25 motion and stated that he ripped the victim's throat out

1 and that he believed that she was spying on him through
2 holes in the wall and that she would not give him her
3 Google password. And then there's a later person who
4 also heard a similar statement, Your Honor. He is
5 Michael Potts. He heard that statement while
6 incarcerated with Mr. Corley. We also anticipate that he
7 will be a witness in this case.

8 The central theme here, Your Honor, is that all of
9 these witnesses indicate that the words from the
10 defendant's own mouth is that he believed that she was
11 spying on him, that there were some holes in the wall and
12 also some references to her not giving him her Google
13 password, that he believed that she might have some type
14 of evidence related to this. So we know from witnesses,
15 Your Honor, that he was using meth amphetamine with them,
16 which all of the witnesses will acknowledge that they
17 were using meth amphetamine on April 18th and that he was
18 acting extremely paranoid around the victim and was
19 concerned what she was whispering with this witness
20 about. Within approximately 48 hours, but less than 72
21 hours the victim is killed in his home. Shortly
22 thereafter he makes an admission to both Ms. Coleman and
23 Mr. Rupert that he killed her and that he has ice in his
24 possession that he provides to Ms. Coleman. He then
25 later smokes meth with both Mr. Rupert and Ms. Coleman

1 some time later that day on April 21st and makes the
2 admission to killing the victim and the statements
3 related to his beliefs that she was spying on him.

4 So all of that, Your Honor, is certainly relevant
5 not only to state of mind but also potentially to motive
6 and, Your Honor, it's absolutely necessary and probative
7 to the State's case.

8 Now, we do not intend to offer evidence that he had
9 assaulted Ms. Kennedy. That is information that was
10 provided to the defense. That is information that was
11 included in discovery. And that is from Jennifer Bryant
12 that she actually observed injuries to the victim and
13 that the victim disclosed that she had been physically
14 assaulted that day by Mr. Corley, but as to his state of
15 mind and his behavior towards her that is certainly
16 relevant and probative to the State's case as well as his
17 subsequent confessions to persons while using meth
18 amphetamine.

19 THE COURT: All right. Thank you, ma'am.
20 Defense.

21 MR. BELL: Thank you, Judge. The case in which the
22 government cites is McGee. McGee is different than - I
23 would ask the Court to consider is broadest which deals
24 with drug use. If I may approach, Your Honor.

25 THE COURT: Yes, sir.

1 MR. BELL: (Proffering.) And the Court said that
2 it's appropriate for the Court to disallow evidence of
3 drug use in that case where it was before the alleged
4 murder occurred. What the State cites is McGee which is
5 a case that a truck was stolen and a truck winch was used
6 as the object, and then they brought testimony about the
7 stolen truck. Your Honor, they are speculating that some
8 holes in the wall were some delusion of drug use is
9 speculation here, that they have offered me no, you know,
10 expert testimony on drugs, you know, persons that are
11 able to detect drug use as to this is some type of, this
12 is the behavior of someone who is using drugs. They have
13 offered me nothing of that within discovery and I think
14 it is more prejudicial than it is probative.

15 While I don't deny that they can say that there were
16 holes in the wall as a reason for the murder and not
17 giving a password, I'm not saying that's not admissible,
18 but they're stretching it to say that drugs caused this.
19 They have offered me nothing within discovery prior or
20 today to indicate that that is an effective drug use this
21 type of delusions or something of that nature. I think
22 the fact that they just want to put drugs in there to
23 paint him as a bad individual is not admissible. I don't
24 think that it does anything to develop their case that
25 the drug use was what caused this murder. I'm not gonna

1 deny that there is drug use throughout the case, but to
2 solely say drug use is the cause of this, they have
3 offered me nothing to support that other than just mere
4 speculation on their part.

5 THE COURT: Brief reply by the State.

6 MS. MAYES: Yes, sir, Your Honor. And additional
7 cases would be State versus Adams, State versus
8 Dickerson. State versus Dickerson from 2000 admitted the
9 use of drugs during the time frame of the murder under
10 the res gestae theory. Also State versus Adams evidence
11 of the defendant's drug use prior to the charged crimes
12 was admissible to show motive and is part of res gestae.

13 One thing to clarify further though, Your Honor, is
14 that it's more than just he behaves this way while
15 they're using drugs and that's something these witnesses
16 are actually observing and witnessing first hand, his
17 state of mind, his behavior, his conduct. This is
18 evidence as to his relationship with these parties.
19 They're sitting around and using drugs together which is
20 the central fact for the jury to understand why he's even
21 making the admissions that the State alleges he makes.
22 To say that people just came over to his house and he
23 makes these admissions, that doesn't present the full
24 circumstances that the jury would be entitled to know.
25 The reason he trusted these people is because they were

1 using drugs together, engaged in drug use. That's the
2 whole reason that Rupert, the material witness, even came
3 over to his house that day. It was to bring ice and they
4 all used it together, but it's absolutely essential that
5 the jury understand that that's how he knew these people,
6 why he was associating with them, why he was socializing
7 and talking with them as freely as he was.

8 So under McGee which discusses the full presentation
9 of the facts, Your Honor, our concern is that to say
10 somebody came over and he made this admission and shows
11 them the body wouldn't even make sense without them
12 understanding that these are close associates of his and
13 they are persons that he freely uses drugs with on a
14 regular basis.

15 THE COURT: Thank you.

16 MR. BELL: Your Honor.

17 THE COURT: Yes, sir.

18 MR. BELL: If I may, there are other reasons why
19 these individuals associate with each other. There are
20 sexual relations amongst these individuals. School
21 amongst these individuals. Dating relationships amongst
22 these individuals. The fact that they're gonna want to
23 portray this as just one big group of people using drugs,
24 I mean, I'm not so sure that that is necessary in this
25 case and I think it is more prejudicial than it is

1 probative of did Mr. Corley actually commit the murder.
2 That's the ultimate question.

3 THE COURT: Yes, sir. All right. Looking at
4 whether or not this evidence is admissible, obviously
5 I've got to make a comparison between the probative value
6 and the prejudicial effect. Clearly, the evidence is
7 clearly relevant. I don't think there's any question
8 that the relationship of the parties, how they are
9 connected, how they are associated, why the defendant
10 would be communicating with these individuals, the
11 relationship between the defendant and the alleged
12 victim, they would be able to explain and took place in
13 their presence, all of that is certainly relevant
14 information for the jury to understand what occurred.

15 What I have to determine is whether or not the
16 prejudicial effect outweighs the probative value.
17 Obviously I don't think there's any question there would
18 be some stigma attached to the use of illegal narcotics.
19 But as it has been presented to the Court I do not think
20 it presents a full and complete picture to the jury as to
21 the relationship between the parties, why the defendant
22 would exhibit a trust in these individuals to relay
23 incriminating information regarding a serious crime. Why
24 would he divulge this type of information if he was not
25 comfortable with them in engaging in a other criminal

1 illegal activity?

2 I'm going to allow the testimony of the purported
3 witnesses. I would caution the State not to focus on
4 that, to establish the relationship, but not to
5 elaborate, not to harp on that particular fact, just to
6 set the scene, set the stage why the defendant would have
7 trust in these individuals, why he would divulge this
8 kind of information, this connection between them and why
9 that connection exists, but not to otherwise try to
10 demonize the defendant for engaging in this type of
11 illegal or improper activity. All right. Thank you very
12 much.

13 MR. BELL: If I may follow up with some
14 clarification.

15 THE COURT: Yes, sir. Please.

16 MR. BELL: Since we couched that motion with my 404
17 motion, Your Honor, prior bad acts, the State conceded
18 they're not gonna offer any testimony relating to
19 hostility, general violence towards females.

20 THE COURT: Is that correct?

21 MS. MAYES: Right. I believe that there was a
22 witness who referenced some prior bad acts against other
23 persons other than the victim. We certainly have
24 instructed our witnesses and will continue to instruct
25 our witnesses not to go there.

1 THE COURT: Okay.

2 MR. BELL: I just want to make sure that the
3 witnesses are properly prepared.

4 THE COURT: Well, I understand your motion and the
5 State has indicated to the Court they're gonna talk to
6 them and we'll talk to them again before they take the
7 stand to try to alleviate that issue.

8 MR. BELL: And just so the record is clear, I would
9 object to the previous ruling, but I want the record to
10 reflect that I don't think that I made that appropriate
11 because we held these two motions together --

12 THE COURT: No. I understand.

13 MR. BELL: I just want to make sure for appellate
14 purposes.

15 THE COURT: Yes, sir. And I appreciate you bringing
16 that to the Court's attention. I understand that you
17 don't agree with the Court's ruling, but I just find that
18 it's just so connected that the jury just can't, would
19 not be able to understand why he would say these things
20 to somebody just coming into his house off the street if
21 there's not a social and comfortable relationship that he
22 has with them.

23 MR. BELL: If I can respond to that?

24 THE COURT: Yes, sir.

25 MR. BELL: One of the individuals, he's alleged to

1 have slept - the individual said he slept with his sister
2 and his mother and he lived there for a period of time.
3 So that's a different connection other than just --

4 THE COURT: I know, but that didn't occur in and
5 around, you know, right immediately prior to or right
6 after the alleged murder of the victim. That's something
7 in the past. This is something that is intricately
8 connected to and right at the time of the alleged murder
9 and I think it's important for the jury to understand
10 that. All right. Thank you. All right. Solicitor,
11 what else from the State?

12 MS. MAYES: Your Honor, we had submitted I believe
13 in chambers a copy of the notice of evidence.

14 THE COURT: Yes, ma'am. I have got that.

15 MS. MAYES: Okay. So in this case we have certified
16 business records and we provided that notice back on
17 December 20th of 2019 for two T-Mobile accounts and
18 that's gonna include the T-Mobile account of the
19 defendant Tony Corley, the T-Mobile account of the victim
20 Alena Kennedy and Sprint records of the accessory
21 co-defendant Haley Coleman as well as Bank of America
22 records of the victim Alena Kennedy and then the Facebook
23 records which were provided directly through Facebook of
24 the defendant Tony Corley as to his account
25 [REDACTED], and Your Honor, it was not until --

1 (Whereupon, State's Exhibit #45 marked for
2 identification and entered.)

3 MS. MAYES: And then we had items that were
4 pre-marked this morning. We're just gonna now need to
5 keep track of what's pre-marked and in evidence versus
6 what's not in evidence.

7 THE COURT: All right. I'm sure the court reporter
8 is on top of that. All right. Anything from the
9 defense?

10 MR. BELL: Yes, Your Honor. Your Honor, I would
11 like to renew all of my prior motions on your rulings.
12 Your Honor, I would like to make for the record of my
13 objections under 404(A) and (B) relating to drug abuse.
14 I don't want to be hindered in strategically handling
15 this case. I have objected to your ruling. I want the
16 Court to understand that I would like that to be
17 preserved even though if we ourselves elicit information
18 relating to that just based on your prior ruling I want
19 that objection just to be preserved for the record.

20 THE COURT: Well, I understand you have objected to
21 my ruling. Now, what the Appellate Courts think about
22 questions you asked and answers you elicit, that'll be up
23 to them.

24 MR. BELL: Understood.

25 THE COURT: All right. I mean --

1 MR. BELL: I just wanted to make that understood.

2 THE COURT: I appreciate that, but I don't control
3 how they think about what you ask and what you, what
4 answers you get, okay? You have objected to my ruling.
5 That's in the record. The rest of it is up to them.

6 MR. BELL: Thank you.

7 THE COURT: Thank you very much. Ask the jury to
8 come in please.

9 (Whereupon, the jury entered the courtroom at 9:35
10 a.m.)

11 THE COURT: All right. Mr. Walker, all right, you
12 have been elected the foreperson. As you just indicated,
13 that's your seat. You will always occupy that seat when
14 you come in the courtroom. The last two seats on the end
15 will be occupied by the alternates. The rest of you just
16 kind of fill in wherever it is you happen to come in from
17 the jury room. I just need to know where the foreperson
18 and the alternates are. All right. The very first thing
19 that's gonna happen is the Clerk of Court's
20 representative is going to administer your oath to you so
21 if y'all will please stand at this time.

22 (Whereupon, the jury was duly sworn by the Clerk of
23 Court at 9:35 a.m.)

24 THE COURT: Is there any member of the jury panel
25 that did not affirmatively take the oath as given by the

1 end before you reach your unanimous decision. With that,
2 Solicitor.

3 MS. MARTIN: Thank you, Your Honor. May it please
4 the Court. Defense counsel.

5 Good morning. Let me introduce myself again to you.
6 My name is Angela Martin. And Suzanne Mayes and I
7 represent the State of South Carolina, the citizens of
8 Lexington County in this matter, and as the Judge has
9 told you it is the State's job to convince each of you
10 beyond a reasonable doubt that Tony Corley is guilty as
11 charged. And as the Judge told you the level of proof is
12 beyond a reasonable doubt.

13 Now, notice, ladies and gentlemen, that the State
14 does not have to convince each of you beyond a shadow of
15 a doubt or beyond each and every doubt. That would be
16 impossible and that is not the State's burden. When you
17 left the jury venire and you came here into the jury box,
18 you brought your good common sense with you and you can
19 use that to help you determine whether you have proof
20 beyond any reasonable doubt and at the close of the case
21 Judge John has told you when he gives you, charges you on
22 the law, he will explain to you what does it mean to have
23 proof beyond any reasonable doubt because there are few
24 things you can know with absolute certainty. That is
25 what the State's burden has.

1 Well, how in the world can the State present this
2 evidence to you? We're gonna bring in witnesses who are
3 gonna come into court, who are gonna be sworn and who are
4 gonna come up there on that witness stand and they're
5 gonna tell you in their own words what they saw, what
6 they heard, what they did. They're gonna tell you what
7 knowledge they have of Alena Kennedy's death and they're
8 gonna tell you what knowledge they have of Tony Corley's
9 hand in that murder. You're gonna hear from various law
10 enforcement officers. You're gonna hear from Lexington
11 County Sheriff's officers. You're gonna hear from
12 members of the South Carolina Law Enforcement Division.
13 You're gonna hear from chemists and analysts about tests
14 that were done on evidence. You're gonna even hear from
15 several Richland County employees and a doctor, a
16 forensic anthropologist that's gonna tell you about the
17 bones he examined and how he determined that those bones
18 belonged to Alena Kennedy.

19 You're gonna hear how law enforcement investigated
20 their case, how they went from one piece to another piece
21 to another piece. You're gonna have items of evidence
22 before you that you can take back with you in the jury
23 room. You're gonna have photographs of different crime
24 scene locations that can help explain what happened
25 where. You're gonna have some maps and some other

1 evidence that was collected, ladies and gentlemen.

2 Let's talk a little about the witnesses who will be
3 coming into court. When you heard the indictments that
4 Judge John read and you heard that it was a murder and it
5 was a particular kind of murder, it was a murder of Alena
6 Kennedy by physical assault and/or strangulation, and
7 then you heard about the criminal conspiracy between Tony
8 Corley and someone else that resulted in the desecration,
9 the destruction of human remains. So when you hear about
10 this murder and about the destruction of Alena Kennedy's
11 body, ladies and gentlemen, I submit to you that the
12 witnesses that are gonna have knowledge of these horrific
13 crimes are not gonna be the president of the Bank Of
14 America or the pharmacist or an elementary school
15 teacher. The witnesses that have knowledge about what
16 happened to Alena Kennedy and what Tony Corley did are
17 gonna be exactly the kind of people you would expect them
18 to be. You're gonna hear from people who have drug
19 convictions. You're gonna hear from witnesses who are
20 serving Federal prison time, people that are at the South
21 Carolina Department of Corrections or individuals who are
22 still facing pending charges. So witnesses that are
23 involved with drugs are the ones that would know what
24 happened to Alena Kennedy and they're gonna tell you
25 about their relationship they had with Tony Corley and

1 how they know what they're gonna tell us that they told
2 law enforcement back in 2017 or 2018.

3 Ladies and gentlemen, you're gonna hear about and
4 you're gonna meet Alena Kennedy and you'll find out that
5 she was a 37 year old woman who had chronic anxiety and
6 that when she would, her medicine wouldn't work right,
7 she would self medicate and because of that she had an
8 ongoing drug addiction, an ongoing drug addiction that
9 lasted three years and you will know that she has and had
10 a very loving and supportive family. You'll learn that
11 she was a tiny little thing, about a size two and you'll
12 also learn that when she missed a very important family
13 function in April of 2017, her mom knew something's not
14 right. She wouldn't have missed this. And after several
15 weeks of unanswered phone calls and unanswered texts,
16 mama went, Ms. Jenny, she went to the Lexington County
17 Sheriff's Department and reported her adult daughter
18 missing to law enforcement.

19 So, law enforcement assigned the case to a detective
20 and they started investigating a missing person's case,
21 and when they do this, they're trying to establish a
22 timeline. Well, when is the last time anyone has seen
23 her alive so they start backtracking, and they learn
24 several different things. They find out when mama last
25 talked to her. They learn that Bank of America records

1 on video show that Alena was alive on April 19th of 2017,
2 but more importantly they learn that on April 18th of
3 2017 Alena Kennedy was at Tony Corley's home on McDonald
4 Avenue down in South Congaree here in Lexington County
5 and there are witnesses that know she was there and that
6 she had been staying there. Ladies and gentlemen,
7 certainly Alena Kennedy did not know that would be her
8 fatal mistake to hookup with Tony Corley back in April of
9 2017.

10 So, law enforcement makes a reasonable choice. They
11 know, hey, we know she was at this house of Tony Corley.
12 Let's go talk to him. So they do. April 15th they go
13 there. Excuse me. June 15th they go there and they talk
14 to him and, ladies and gentlemen, that's when the lies
15 begin. That's when Tony Corley tells them she's still
16 alive. She's fine. You know, I'm not gonna tell you
17 where she is because she doesn't want anybody to know.
18 He tells them, well, she's in Charleston. No. And then
19 at the end of that he says, no, she's in Jupiter,
20 Florida. Law enforcement says, hey, man, if you can just
21 get her on the phone, we can close this case. You know,
22 we need to document where she is and she's okay. We
23 won't even tell her family where she is if you can just
24 let us know that. Tony Corley holds up his phone, a
25 phone that's never seen again, a particular kind of

1 iPhone where there's an unread message that he sent to
2 Alena. They find that strange and they find it strange
3 that Tony Corley says, I hope wherever she is, she's at
4 peace.

5 The case is still being investigated. The Sheriff's
6 Department has put out a media release asking for help.
7 Crime Stopper tips, things of that nature. Law
8 enforcement is running down leads. Then on June 20th the
9 case makes a very unexpected and disheartening turn. A
10 trash can is found turned over on a dirt road off of Two
11 Notch Road almost down to the Aiken County line and in
12 this trash can there's fluid around, there's bones
13 around, there's cement and bursting through the cement
14 looks like skeletal remains, bones, ribs, things of that
15 nature. The Sheriff's Department and SLED work together.
16 All of this is taken back to Richland County. The cement
17 is broken, the trash can is torn apart, everything is put
18 back together, the bones are put back together and it's a
19 female. DNA swabs are taken from the Kennedy family.
20 Dental records have to be gathered. And those human
21 remains are found to be Alena Kennedy.

22 In the trash can with the cement there's evidence of
23 ashes where the body has been burned. No tissue, no
24 organs remain. So the case is now a murder
25 investigation. Law enforcement goes back to Tony Corley.

1 When they do that, there's another interview. You're
2 gonna hear that. They talked to him again about where is
3 Alena. What's going on. We're hearing all kinds of
4 things. More lies, more misdirection by the defendant
5 trying to manipulate law enforcement to tell him what
6 they know. It's still more lies, ladies and gentlemen.

7 Law enforcement does an inhouse search on April 20th
8 where they have a way to see had there been any reports
9 about bones and cement and trash cans. And guess what?
10 There was. On April 1st of 2017 animal control had gone
11 to a house on Sangaree Drive here in Lexington County. A
12 woman named Irene Coleman had called and said, hey,
13 there's a trash can near my yard. Nobody's living there
14 so I don't know whose trash can it is and there seems to
15 be like a dead cat and there's cement and it smells. Can
16 you come take care of this? Law enforcement comes there.
17 They document that. They take pictures, but law
18 enforcement - it's not law enforcement. It's Animal
19 Control, county officers, they say, you know, their
20 policy is they can't dispose of someone else's deceased
21 animals. So they just documented it and told Ms. Coleman
22 you're gonna need to take care of that. If I had a
23 truck, I would do it for you, but policy is you need to
24 take care of it.

25 Ladies and gentlemen, that's very important.

1 Because of that law enforcement knows that there's
2 someone else involved in this case and that person is
3 Haley Coleman. That is the mother who called animal
4 control's daughter. So law enforcement starts looking at
5 Haley Coleman. And what do they find? They'll tell you
6 that they find there is a connection right there to Tony
7 Corley. She is one of those witnesses that I have
8 mentioned who has a drug addiction, self esteem issues,
9 prior record. But, ladies and gentlemen Ms. Haley
10 Coleman is not charged with murder. She is charged with
11 accessory after the fact of the murder. She is charged
12 with the destruction of human remains. She is charged
13 with conspiring with Tony Corley to help get rid of
14 Alena's body.

15 Ladies and gentlemen, Haley Coleman will tell you
16 that back in 2017 and potentially up even until today she
17 loved Tony. She loved him and she wanted to help him.
18 She'll tell you that on April 21st of 2017 Tony Corley
19 told her he loved her for the first time. He told her he
20 loved her, then several hours later when they're together
21 at his house and they have another friend there named
22 Jake Rupert, the defendant's friend Jake Rupert, Tony
23 tells both of them that he had messed up, that he had
24 killed Alena, that they had been up all night the night
25 before using drugs and that Alena was spying on him, that

1 she was drilling holes in the wall. You'll hear from
2 Haley and Jake how Tony was acting as they used drugs
3 together that day. He was acting paranoid. He believed
4 that Alena had some kind of conspiracy against him. She
5 wouldn't give him her Google password. Just crazy talk.
6 But he told both of them that day that he had strangled
7 Alena, wrapped her in a blanket and shoved her in a
8 closet and Jake Rupert will say he saw that.

9 Tony asked Jake to help him. Jake said, no, man.
10 I'm out. And he leaves. Haley says don't run. Don't
11 kill yourself. I'll help you. I want to be there for
12 you and from then you'll hear how several days later the
13 body is taken to Tony's uncle's house on Cecil Lane and
14 while they're there, they have a bonfire. Haley uses
15 Alena's bank card later in the evening after the bonfire
16 has been going a while to go get more gas. They burn
17 Alena's body. After that they scoop up the ashes, scoop
18 up the bones, put it in a trash can and they leave. They
19 leave the uncle's house. After a while they need to do
20 something with that trash can, something with the body.
21 I think for a while it had gone back in a shed at Tony's
22 house, but then they end up going to Haley's mama's
23 house, the house on Sangaree where they use cement and
24 they put cement and water in that trash can. That's what
25 they do to Alena's body and they leave it there. Haley

1 will say that Tony said he would move it. He would get
2 rid of it. I couldn't do it myself, over 200 pounds of
3 cement. Mmm-mmm.

4 And, ladies and gentlemen, you'll have Facebook
5 messages or text messages that will help show you the
6 relationship but then how it changes somewhat between
7 Haley and Tony Corley. Haley is desperate to get that
8 trash can away from her mom's house, especially when her
9 mom calls Animal Control. But, ladies and gentlemen,
10 that trash can eventually does end up over on Two Notch
11 Road. Haley asks the defendant Tony, have you got a
12 truck yet? Are you gonna move it? You'll see Facebook
13 messages where they're talking about the wood in the
14 driveway. They're talking about Alena.

15 You'll hear about more interviews with law
16 enforcement and Tony Corley. More lies and misdirection
17 that he provides to them. He continues to lie until
18 finally he's arrested for murder. He still wants to say
19 she's alive. And they're like, no. We have her body.
20 We have her bones. And then the story changes. Someone
21 else did it. Someone else did it. I didn't have
22 anything to do with it. I had nothing to do with moving
23 the body. I had nothing to do with burning the body. I
24 had nothing to do with cementing the body. And that's
25 the story, ladies and gentlemen.

1 You're gonna have cell tower records that are gonna
2 show the defendant was at his uncle's house on the day
3 that the State contends the burning of the body took
4 place, but yet he's still lying.

5 Ladies and gentlemen, at the close of the State's
6 case when you've heard all of the evidence and seen the
7 documents and looked at everything there is to look at
8 and potentially heard other audio recordings, you will
9 have the proof you will need to be convinced beyond any
10 reasonable doubt that Tony Corley right here, he's not
11 only a liar and a manipulator, he is a murderer. He put
12 his hands around Alena's throat and strangled her to
13 death and then put her in a trash can, burned her body,
14 cemented her bones like she was nothing. You will have
15 the proof you need to find him guilty beyond any
16 reasonable doubt of all three charges. Thank you.

17 THE COURT: All right. For the defense.

18 MR. LEVENTIS: Thank you, Your Honor. May it please
19 the Court.

20 THE COURT: Yes, sir.

21 MR. LEVENTIS: This case is about misguided love.
22 The co-defendant in this case as you heard is Haley
23 Coleman. Her love became so misguided that it led to
24 jealousy. Jealousy so severe that it led to an enraged
25 fueled attack that ultimately resulted in the tragic

1 death of Alena Kennedy.

2 Before we get into the facts of the case, I would
3 like to speak with you about a couple things. First of
4 all, an introduction. My name is Joe Leventis. Together
5 with lead counsel Taylor Bell it's our job and our
6 privilege to defend Tony Corley against these
7 allegations. I began my career as an Assistant Solicitor
8 in Richland County for about three years handling all
9 sorts of cases from public disorderly conduct to murder.
10 For the last several years I have been defending criminal
11 cases. I've been handling civil cases. I have defended
12 the same types of criminal cases I prosecuted and I can
13 say with certainty that this case is unique. It's unique
14 in that Tony Corley concedes his guilt to two of the
15 three charges. He admits that he lied to police. He
16 admits he was involved in the desecration of human
17 remains. He would plead guilty to those two charges
18 today. What he doesn't concede, what he doesn't admit,
19 what I would submit that he is not guilty of is murdering
20 Alena Kennedy.

21 Now, I would also like to apologize to you about a
22 couple things, not just for your time because I know it
23 is valuable and we do appreciate it, not just for
24 inevitably knowing Mr. Bell and myself offending you with
25 some of our lines of questioning, with some of the

1 subject matter we'll discuss, but I would like to
2 apologize to you for asking you to go against human
3 nature. What do I mean by that? Well, I always found it
4 easiest to explain this in sort of a hypothetical.

5 Imagine you wake up in the morning and you have a
6 cup of coffee and you turn the news on. Some of you
7 might read the newspaper. You see the story come up Joe
8 Leventis is charged with murder. What do you think?
9 Well, if you're anything like me, a criminal defense
10 attorney, you think Joe Leventis is guilty. Joe Leventis
11 is a bad guy. I'm glad Joe Leventis is off the streets.
12 What you do not think? I wonder if the government can
13 prove that case beyond a reasonable doubt. I wonder if
14 the witnesses have any credibility whatsoever. I wonder
15 if there's a reason for the witnesses to tell the
16 government what they want to hear.

17 Ladies and gentlemen, I apologize, but the oath you
18 have sworn and your duty today is to do exactly the
19 latter, is to question the State's case. It's to see if
20 my client Tony Corley is innocent until the State does,
21 which I submit they can't, prove him guilty.

22 Now, what happened on April 21st, 2017? Tony Corley
23 was admittedly using drugs all night. We're not hiding
24 from that. He was a meth amphetamine addict at the time.
25 Everyone in this case is a meth amphetamine addict pretty

1 much. Tony was. Alena was. The co-defendant Haley
2 Coleman was. I don't mean to say all that to demean drug
3 addicts. It's an unfortunate disease as I have found out
4 through my own personal experience through the loss of my
5 brother two and a half years ago. But sometime that
6 morning, I don't know, four, five, 6:00 that morning
7 Alena Kennedy arrived over at Tony Corley's house. Tony
8 knew he had to be at the courthouse at 9:00 a.m., but
9 they had been using drugs, so at the same time Haley
10 Coleman, the co-defendant, had been thinking, thinking
11 since the night before, she had been thinking I'm gonna
12 show up at Tony's house and I'm gonna give him a ride to
13 the courthouse knowing full well that his mother was
14 gonna give him a ride. Why did Haley Coleman do that?
15 She loved him. She was obsessed with him. She knew Tony
16 was a womanizer. She knew Tony loved his women. I
17 submit she wanted to check on him. And when she did go
18 over there to check on him, she arrived seven, 7:30, 8:00
19 that morning. She knocked on the door. Tony opened it
20 as he typically did.

21 Now, this is a small trailer, very small. Once he
22 opened that door, Haley Coleman heard moving around in
23 the back towards the bedroom area. She knew what was
24 back there. Rage, anger, a little bit of yelling and
25 screaming I'm sure. Haley made a beeline to the back

1 bedroom, and what did she see? She saw Alena Kennedy
2 standing next to the dresser. Now, I don't mean to
3 offend anybody by this either. Haley Coleman is 220
4 pounds approximately. Alena Kennedy as you have heard is
5 a size two. She's a hundred, 105 pounds. A small girl.
6 Haley almost football tackles her to the ground landing
7 on top of her full weight, being twice the weight of her.
8 When she landed on top of her, Alena's head hits the
9 ground. She's unconscious. Tony and Haley heard both
10 the same thing. They heard the sounds of bones breaking.
11 Those bones, some of them were her ribs. They collapsed
12 and punctured internal organs. She was unconscious at
13 the time. They were under the influence of meth
14 amphetamine. They had no clue what had happened. They
15 had no clue that Alena Kennedy was bleeding out
16 internally. So they panicked. Haley Coleman immediately
17 jumps off of her. Probably wasn't her intent to kill
18 her. It was probably just her intent to mark her
19 territory which was Tony.

20 I mentioned earlier this case was about misguided
21 love. And this is it. It wasn't just on behalf of the
22 co-defendant. This is where Tony Corley's misguided love
23 begins. While he wasn't in love with Haley Coleman, he
24 did have love for her. So this is when the lies to the
25 police began. This is where the cover up began. This is

1 where the desecration of human remains began. Mistakes
2 were made, and as I have told you, we are conceding
3 mistakes were made. You can go ahead and chalk those two
4 up in the guilty category, the desecration of human
5 remains and the conspiracy with Haley Coleman to
6 desecrate human remains and conspiring to lie to police
7 or hinder police.

8 Now, what am I asking you to do? Admittedly it is a
9 lot easier said than done. I'm asking you to take the
10 mountain of evidence that the State is gonna present
11 relating to the desecration of human remains, relating to
12 conspiring, relating to lying to law enforcement, and I
13 digress for a moment, lying to law enforcement, we all
14 weren't raised the same way. We all weren't raised to
15 trust law enforcement. Tony Corley does not trust law
16 enforcement. I don't know why, but it's just what
17 happened in his life experience. But I would ask you to
18 take all that evidence that given our concession to those
19 two charges and I'm gonna ask you to compartmentalize
20 that evidence because it will incite you, it will inflame
21 you, it will anger you, it will pull every bad emotion
22 out of you, and compartmentalize it. That relates to
23 conspiracy. That relates to desecration of human
24 remains.

25 I'm gonna ask you to focus on one sole issue in this

1 case. On April 21st, 2017 who killed Alena Kennedy? I
2 would ask you to keep an open mind throughout the entire
3 trial and when you do that, when you go back there and
4 you discuss that one focused issue and the evidence
5 relating to that one issue, you will find that there's
6 one just verdict in this case. That verdict is not
7 guilty for the crime of murder. Thank you.

8 THE COURT: All right. Mr. Bailiff, you have pads
9 and pens. If you will hand those out to the jurors.
10 When you get one, I want you to put your name on the
11 front page of it because that's gonna be your note pad
12 for the remainder of this trial.

13 Now, in taking notes, I want to talk to you about
14 the basic thing. Sometimes when people take notes, they
15 have a tendency to look down and concentrate on what
16 they're writing and they're not paying attention to the
17 next question and the next answer which might be much
18 more important than what you are writing, so please
19 understand some people remember things better, some
20 people remember better if they take notes, there's no -
21 one way is not better than the other. When you're
22 discussing it, just because somebody wrote something down
23 doesn't mean it's better than somebody else's memory.
24 You're all equal in that regard. But please make sure if
25 and when you are taking notes, do your best to still be

1 paying attention to the questions and answers that are
2 coming while you're doing that. All right. The State
3 your first witness please.

4 MS. MAYES: May it please the Court. The State
5 calls Jeneice Kennedy.

6 THE COURT: All right. Please come around.

7 MR. BELL: Your Honor, may we approach briefly?

8 THE COURT: Sure. Come on over here.

9 (Side bar off the record.)

10 THE COURT: Swear the witness please.

11 Thereupon

12 JENEICE KENNEDY

13 after having been first duly sworn, testified as follows,

14 THE CLERK: Please have a seat. Once you're seated,
15 state your full name spelling your last please.

16 THE WITNESS: I'm Jeneice Kennedy, K-e-n-n-e-d-y.

17 THE COURT: Go ahead.

18 DIRECT EXAMINATION

19 BY MS. MAYES:

20 Q. Good morning.

21 A. Good morning.

22 Q. Ms. Kennedy, do you live -- Tell us a little bit
23 about yourself. Where do you live?

24 A. I live here in Lexington, uhm, Gebhardt Road.

25 Q. How many children do you have?

1 A. Four children.

2 Q. All right. And your husband's name?

3 A. Ricky Kennedy.

4 Q. All right. Do you and Ricky have a relation to the
5 victim in this case Alena Kennedy?

6 A. Yes. She's our daughter.

7 Q. What was Alena's age at the time of her
8 disappearance?

9 A. She was 36.

10 Q. All right. Now, I want to ask you a little bit
11 about Alena and I say Alena, but what did you call her as a
12 family?

13 A. Alena.

14 Q. And sometimes people, friends called her by what
15 name?

16 A. Alena. So you can hear Alena, yes.

17 Q. Does she answer to both Alena and Alena?

18 A. Yes.

19 Q. But you knew her as Alena?

20 A. Yes.

21 Q. When she was 36 in 2017, what kind of work was she
22 doing?

23 A. Uhm, she was doing housekeeping. She was able - she
24 had it worked out where she could take her baby with her to
25 work.

1 Q. All right. So I want to talk a little bit more
2 about that momentarily, but can you tell us if Alena had a
3 substance abuse addiction?

4 A. She did. Uhm, I mean, she started drugs probably in
5 her late teens and off and on. She would get off drugs, but
6 she had anxiety really bad and I think medicating herself was
7 a way to escape that. She would take medication but, you
8 know, she didn't always like how it made her feel or either it
9 didn't work.

10 Q. Okay. Now, you mentioned that she started abusing
11 drugs as a teenager?

12 A. Yes, ma'am.

13 Q. Despite that, was she able to at least at that phase
14 in her life to graduate high school and attend college?

15 A. Yes. She graduated Lexington High School and she
16 went to Midlands Tech. She made good grades. She made A's
17 and B's.

18 Q. And then in 2017 she's now 36?

19 A. Yes.

20 Q. Has the substance abuse been an off and on problem
21 throughout her adult life?

22 A. It has.

23 Q. And specifically I want to take you to the spring of
24 2017, early spring. Where was your daughter living?

25 A. She lived at [REDACTED] Lorick Street. That's in Cayce.

1 A house. A house.

2 Q. Was that her own place?

3 A. Yes. She was renting it herself.

4 Q. And able to pay bills with her housekeeping work?

5 A. Yes.

6 Q. And did she have a child who was living there with
7 her?

8 A. Yes.

9 Q. What is her name?

10 A. Isabella Rain. She's called Bella.

11 Q. What is Bella's date of birth?

12 A. It is [REDACTED], 2016.

13 Q. All right. So I want to move forward to what would
14 have been Bella's first birthday which would be [REDACTED],
15 2017. Were you still in touch with your daughter at that
16 point in time?

17 A. Yes. On her birthday we were out of town. My
18 husband had taken me to MUSC in Charleston for an appointment
19 and so we weren't there to celebrate with her, but she sent
20 pictures of her in her birthday hat and the baby and she had a
21 cake with her and Alena ate all the cake so they celebrated
22 together and then a week later we all went out to eat to
23 celebrate Bella's birthday together as a family and then we
24 went back to her house where Bella had her little smash cake
25 and we all sang happy birthday. That was the last time that

1 we were with her and we were together as a family.

2 Q. All right. This would be late February, early March
3 of 2017?

4 A. That's right.

5 Q. What happened after that, Ms. Kennedy, regarding
6 Bella? And let me just ask you this: Did Alena ultimately
7 lose custody of Bella?

8 A. Alena did. There was a report of neglect.

9 Q. Was DSS involved?

10 A. DSS was involved so DSS came and sat down with Alena
11 and worked out a plan. When Alena called me and told me, she
12 said I can do this plan. She was very determined that she was
13 going to work the plan they set up and get Bella back.

14 Q. Do you know if the issue she was facing at that
15 point in time in the spring of 2017 involved substance abuse
16 again?

17 A. I think so. In December she had confided in me that
18 she wasn't doing well.

19 Q. And you took that to mean that her substance abuse
20 issues may be present?

21 A. That she was having struggles again.

22 Q. So Alena had a place of her own?

23 A. She did.

24 Q. Do you know the defendant in this case Tony
25 Corley?

1 A. I do not.

2 Q. Have you ever been to his residence at [REDACTED] McDonald
3 Avenue?

4 A. I have not.

5 Q. Did you have any knowledge that your daughter Alena
6 was staying at his residence at [REDACTED] McDonald Avenue?

7 A. No. She never talked about him or that place.

8 Q. So after Alena lost custody of Bella, do you recall
9 whether or not you spoke with her on or about April of 2017?

10 A. Uhm, yes. She, uhm, she had told me before that
11 that she was going to Florida to visit her brother. Uhm, she
12 needed to get away from some people and stuff and, uhm, then
13 she called me about a week later. She called me on April the
14 16th. She sounded good. She sounded positive. She told me
15 that she had talked with DSS and was working with them and she
16 was gonna have a visitation with Bella and that she wanted to
17 get together the following Sunday and she worked out the plans
18 for that and would I pick her up.

19 Q. All right.

20 A. On Sunday that would be Sunday April 23rd so that
21 was our phone call. That's the last time I spoke with her.

22 Q. Okay. So I'm gonna ask you a little bit more about
23 that. This phone call that you had on April 16th, you made
24 plans to meet again?

25 A. Yes.

1 Q. And the date that you had planned to meet was what
2 date?

3 A. April 23rd.

4 Q. And where had you all planned to go as a family?

5 A. We were going to stay at, it was gonna be in our
6 home and probably go up to the pool/playground area and just
7 play, just spend the day together as a family and, uhm --

8 Q. What are the last four digits of the phone that you
9 had back on April 16th, 2017, Ms. Kennedy?

10 A. 5149.

11 Q. And you have had a chance to review those records,
12 Ms. Kennedy?

13 A. Yes. I have.

14 Q. In doing so were you able to identify from the April
15 phone records of your daughter that phone call between the two
16 of you on April 16th, 2017?

17 A. Yes. I was.

18 Q. All right. And what was the approximate length of
19 that call?

20 A. Uhm, it was a pretty short call. I'm not sure
21 exactly how long, but it was - it wasn't a long call. It was
22 short. We just made plans, you know. She was heading home
23 and sounded good.

24 Q. And in those records there's a call for 221 seconds
25 or over three minutes at 12:17 p.m.

1 A. Yes.

2 Q. Do you believe that's the call --

3 A. Yes.

4 Q. -- to your phone of the last four digits of 5149?

5 A. Yes. That sounds correct.

6 Q. Now, you had the plans to meet back up again on
7 April 23rd for the family event?

8 A. Yes. So we set that date and normally we would meet
9 halfway when we set up these days to plan to be together or we
10 would have a family birthday party or something like that so
11 we would meet halfway at McDonald's or either I would go to
12 her home and pick her up.

13 Q. I'm gonna show you some items which are State's 41
14 and 42 and ask you whether or not you recognize these?

15 A. Yes. I do.

16 Q. All right. And that's a screencap of text
17 messages?

18 A. Yes. It is.

19 Q. And whose phone is being used and whose phone are
20 the text messages being sent to?

21 A. They're being sent to me from Alena.

22 Q. And who initiated the conversation?

23 A. I did on April 23rd.

24 MS. MAYES: Your Honor, this is 41 and 42 for
25 evidence.

1 THE COURT: Any objection to 41 or 42?

2 MR. BELL: No objection.

3 THE COURT: All right. 41 and 42 are in evidence
4 without objection. You may proceed.

5 BY MS. MAYES:

6 Q. Now, you sent a text to your daughter?

7 A. Yes. I did.

8 Q. I'll start here at the top and this AMK in your
9 phone and this phone number belong to who?

10 A. Alena Marie Kennedy, my daughter.

11 Q. That's how you had her in your contacts?

12 A. Yes.

13 Q. This would be Alena's number?

14 A. That's correct.

15 Q. And her number ending in 8735?

16 A. Yes.

17 Q. Now, on Sunday April 23rd, 2017 as you indicated you
18 had plans to meet back up again?

19 A. Yes.

20 Q. And you say, are you meeting me at McDonald's?

21 A. Yes. Because that would be my first choice of
22 meeting her half way instead of going all the way to her
23 house, but I needed to know where we were gonna meet or
24 pick up.

25 Q. That's at 9:29. You get a response from Alena's

1 phone?

2 A. Yes. So the response was, who is this? And I said
3 mom, because she wouldn't have asked who is this because she
4 would know it's me. We communicated a lot.

5 Q. Three days later.

6 A. I asked her to give me a call.

7 Q. Now, in between this after getting that strange
8 text, what action did you take?

9 A. Well, since I didn't know if she was gonna be at
10 McDonald's, I just figured, I really thought she had lost her
11 phone, you know, and somebody had it and just said who is
12 this, you know? So I wasn't real concerned about that, but I
13 thought she was probably at her home waiting for me to pick
14 her up.

15 Q. For the McDonald's?

16 A. Yes. Yes. So, uhm, I told my husband I was, you
17 know, gonna go and just see if she was at her house and pick
18 her up. He said that he would ride with me.

19 Q. What, if anything, did you observe when you arrived
20 at Alena's house?

21 A. We got to Alena's house and there was no cars in the
22 yard. Uhm, everything looked like it normally would if she
23 had everything locked up and was either there or not there,
24 but she didn't answer the door. The air conditioner was on.
25 Everything was - the house was secured so we pretty much

1 assumed that she was out. She wasn't home and we went back
2 home. Of course, I did send that text right there for her to
3 give me a call.

4 Q. Did you get any response after this text?

5 A. I did not.

6 Q. Okay. May 9th.

7 A. So just checking back in and asking her to give me a
8 call, you know. It wasn't that unusual for Alena to, you
9 know, she might have went back to Florida or had gone to
10 Myrtle Beach with some friends or something. I just wanted
11 her to give me a call and just let me know everything was
12 okay.

13 Q. Now, in State's 41.

14 A. So at this point I got some information that, you
15 know, she hadn't been spending her income tax money and the
16 medicine she takes for anxiety she hadn't picked up her
17 prescription and, uhm, those were definite red flags.

18 Q. Okay.

19 A. So this is when I knew something was really wrong.
20 Before that I had a peace of mind. I just had a peace of mind
21 that, you know, like a mother's intuition that something is
22 wrong. I did not have it during that time. I did feel like
23 she was at peace and I wasn't worried about her.

24 Q. Okay. So on the 24th you send this message to the
25 phone, I'm filing a missing person's report on my daughter and

1 this phone will be tracked by police investigators. The next
2 day where did you go?

3 A. I called the Sheriff's Department and they sent me
4 to the Town of Lexington Police Department and an officer was
5 supposed to come and meet me that afternoon and so I waited
6 for, I was at the parking lot of Rush's. I left work and was
7 at the parking lot right there at Rush's and the officer never
8 came, but they did call me and tell me that I really needed to
9 be reporting this at the Sheriff's Department so I decided
10 just to go straight to the Sheriff's Department, walked in the
11 door and filed the report.

12 Q. All right. So on May 25th you filed a report with
13 the Sheriff's Department that Alena was missing?

14 A. I did.

15 Q. At this point in time did you have any information
16 to give them in terms of where she might be or who she might
17 even be with?

18 A. The person that gave her a ride back from Florida
19 said that she was dropped off at Platt Springs Road at a gas
20 station there, a gas station/restaurant.

21 Q. Was that pretty much all the information that you
22 had?

23 A. That was all the information I had. I did know that
24 she had friends that lived behind there. That's where I
25 dropped her off and picked her up before and I shared that

1 with the officers.

2 Q. Now, in addition, did you give them a photograph of
3 Alena to use for purposes of the media?

4 A. I did.

5 Q. Did your daughter have a Facebook account?

6 A. She did. She had two.

7 Q. Had you been able to reach her on Facebook or
8 anything of that nature?

9 A. No. But I was posting on there, too. So I sent the
10 text messages and I was making posts on Facebook.

11 Q. To try and locate her?

12 A. Yes. And friends, her friends started looking and
13 asking.

14 Q. All right. And ultimately did you participate in an
15 interview with the media in an attempt to gain information
16 about Alena's whereabouts?

17 A. I did. Television came out to my place of work and
18 I did an interview with them asking if anyone knew of
19 anything.

20 Q. And was that appeal to the public done in
21 conjunction with this officer, Detective Sam Smith of the
22 Sheriff's Department?

23 A. Yes.

24 Q. As well as other representatives of the Lexington
25 County Sheriff's Department?

1 A. Yes.

2 Q. Now, when we talk about Alena, what was her
3 approximate height and weight?

4 A. Uhm, she was probably five four or five five.

5 Q. And weight?

6 A. Uhm, probably --

7 Q. What size was she wearing in 2017?

8 A. She was probably wearing probably a zero size two.
9 She probably weighed 115 pounds.

10 Q. You mentioned that when you went by her home on
11 Lorick Street, that it appeared to be locked up?

12 A. Yes.

13 Q. Did Alena have a set of house keys?

14 A. She did and she kept her home locked.

15 Q. And to your knowledge was that set of house keys
16 that belonged to Alena ever recovered?

17 A. No.

18 Q. You mentioned that Alena had money from a tax
19 return?

20 A. Yes.

21 Q. Are you aware of a bank account that Alena had?

22 A. Yes.

23 Q. Who was that bank account with?

24 A. Bank America.

25 Q. Did she also have a debit card --

1 A. She did.

2 Q. -- that she used in conjunction with that bank
3 account?

4 A. Yes.

5 Q. I'll show you a photograph which is State's 43. Do
6 you recognize the person in that photograph?

7 A. This is Alena.

8 Q. Okay. And the vehicle that's in that photograph, do
9 you recognize that vehicle?

10 A. No. I don't know. I don't recognize that car.

11 Q. So a white Nissan is not a car that you would
12 recognize Alena having or having ever used?

13 A. No. No.

14 Q. That would be a strange car to you?

15 A. Yes.

16 MS. MAYES: Your Honor, this would be State's 43 for
17 evidence.

18 THE COURT: Any objection?

19 MR. BELL: Without objection.

20 THE COURT: In evidence without objection.

21 BY MS. MAYES:

22 Q. April 19th, 2017. This photograph here as we see at
23 the bottom, that's an automated teller machine at Park Place
24 related to a bank transaction. Ms. Kennedy, did you ever see
25 your daughter alive after that date?

1 A. I did not.

2 Q. A DNA swab I believe was collected from you?

3 A. Yes. When the Coroner's Office came to our home,
4 they took a DNA swab of myself and my husband.

5 Q. Were you present when your husband's swab was taken
6 as well?

7 A. Yes.

8 Q. Was that DNA swab sealed in your presence by the
9 officer being this officer here Detective Sandy Black?

10 A. Yes. She asked that we both watch her as she took
11 the swab from us and put it in the envelope and sealed it
12 right in front of us.

13 Q. Is that for both you and your husband Ricky Kennedy
14 --

15 A. Both of us.

16 Q. -- for purposes of DNA analysis?

17 A. Yes. We were right sitting beside each other.

18 MS. MAYES: Your Honor, this would be State's 46 and
19 47 for ID at this time.

20 THE COURT: I'm sorry. Tell me the numbers again
21 please.

22 MS. MAYES: State's 46 and 47 for identification.

23 THE COURT: All right.

24 (Whereupon, State's Exhibit #46 and #47 marked for
25 identification.)

1 BY MS. MAYES:

2 Q. To your knowledge, Ms. Kennedy, was that Bank of
3 America debit card that belonged to Alena ever recovered --

4 A. No.

5 Q. -- or returned to you?

6 A. No.

7 MS. MAYES: Nothing further at this time, Your
8 Honor.

9 THE COURT: Cross examination.

10 MR. BELL: I have no questions, Your Honor.

11 THE COURT: All right. You may step down.

12 MS. MAYES: The State calls Jennifer Bryant.

13 THE COURT: Please come around to be sworn. Before
14 we do that, we're gonna take a very short break.

15 Mr. Foreman and ladies and gentlemen of the jury, just so
16 I don't have to tell you every time, I'm sure I'll tell
17 you more than once, but I do not want you to talk about
18 this case until I give it to you at the end. As best you
19 can mentally I don't want you to start formulating
20 opinions until you have heard all the evidence because if
21 you start voicing I believe this, the very next witness
22 may change your mind so don't, as best you can, form any
23 firm opinions until you have heard all of the evidence
24 and again you will hear this more than once. I'm gonna
25 let you go for lunch and in the evening you're not

1 MS. MAYES: The State calls Jennifer Bryant.

2 THE COURT: Come around please, ma'am.

3 Thereupon,

4 JENNIFER BRYANT

5 after having been first duly sworn, testified as follows,

6 THE CLERK: Please have a seat. Once you're seated,
7 state your full name spelling your last please.

8 THE WITNESS: My name is Jennifer Bryant,
9 B-r-y-a-n-t.

10 THE COURT: Go ahead.

11 DIRECT EXAMINATION

12 MS. MAYES:

13 Q. Good morning, Ms. Bryant.

14 A. Good morning.

15 Q. I'll start by asking you a little bit about
16 yourself. What's your current address?

17 A. [REDACTED] Broad River Road, Camille Graham Institute.

18 Q. And, Ms. Bryant, you mentioned you are currently in
19 the Department of Corrections?

20 A. Yes, ma'am.

21 Q. And how long have you been there at the women's
22 facility in the South Carolina Department of Corrections?

23 A. Since October 5th of 2018.

24 Q. All right. And what led you to the Department of
25 Corrections? What are the crimes that you pled guilty to?

1 A. Assault and battery third,
2 manufacturing/distribution of meth amphetamine, LSD, grand
3 larceny and fraudulent credit card charge.

4 Q. All right. So you've had a series of convictions
5 that led to your current situation?

6 A. Yes, ma'am.

7 Q. How, if at all, does substance abuse play a role in
8 your current situation?

9 A. It was a huge factor in my current situation. Uhm,
10 every crime I've committed I was under the influence of drugs
11 at the time.

12 Q. All right. What drugs were you using at the time?

13 A. Meth amphetamine, marijuana, alcohol, heroin, and
14 Xanax pills.

15 Q. Are you sober now?

16 A. Yes, ma'am.

17 Q. How long have you been sober?

18 A. I've been in recovery for eight and a half months
19 now.

20 Q. Specifically what programs have you taken part in in
21 the South Carolina Department of Corrections?

22 A. I'm currently a cadre in the Addictions Treatment
23 Unit, Hope Program and ATU at Camille Griffin Graham
24 Addictions Treatment Unit. I've been there for eight months.
25 I graduated the program December 15th, but I was promoted to a

1 cadre which is basically a role model position for other women
2 going through addiction treatment.

3 Q. All right. And so you're now in a position where
4 you actually have a role within substance abuse?

5 A. Yes, ma'am. I counsel the other women in the
6 program. We just lost a couple, but currently there's 45.
7 When I started it was 62. The women, they work through
8 numerous childhood traumas and adult traumas so they can one
9 day overcome their addiction and work with that.

10 Q. So prior to your pleading guilty and being sentenced
11 and entering the Department of Corrections, where were you in
12 the spring of 2017?

13 A. I was in Lexington. In the area of Lexington, South
14 Carolina.

15 Q. Okay. And in the spring of 2017 were you using
16 those drugs that you told us about earlier?

17 A. Yes, ma'am.

18 Q. Did that include meth amphetamine?

19 A. Yes, ma'am.

20 Q. I'm going to ask you, Ms. Bryant, where you were on
21 April 18th of 2017?

22 A. I was at Tony Corley's house in South Congaree.
23 Lexington, South Carolina.

24 Q. April 18th.

25 A. Oh, the 18th. The 18th is when I was at his house.

1 I went there with a friend. Yeah.

2 Q. Who all do you recall being there, Ms. Bryant?

3 A. Uhm, I went there with Jimmy Kirk, a drug, a drug
4 old buddy of mine. Uhm, he was currently staying there and
5 wanted to get some clothes from there. Uhm, when we arrived
6 there, uhm, Tony was there with, uhm, Jennifer Hagins,
7 Jennifer Denise Hagins.

8 Q. When you say Tony was there, who are you referring
9 to?

10 A. Lee Anthony Corley.

11 Q. Would that be the defendant in this case?

12 A. Yes, ma'am.

13 Q. Did you know him prior to that date on April 18th,
14 2017?

15 A. Yes, ma'am.

16 Q. Do you recognize Tony Corley in this courtroom?

17 A. Yes, ma'am.

18 Q. Can you identify him?

19 A. Right there (indicating.)

20 Q. Who else do you recall being there, Ms. Bryant?

21 A. Uhm, Jennifer Hagins, Alena Kennedy, and Jimmy Kirk
22 and myself.

23 Q. I'm going to show you a picture which is State's
24 Exhibit 44 and ask you whether or not you recognize this
25 location?

1 A. Yes, ma'am.

2 Q. How do you recognize that location?

3 A. That's the location that we went to on April 18th
4 where I saw Alena.

5 MS. MAYES: This is State's 44 for evidence, Your
6 Honor.

7 THE COURT: Any objection?

8 MR. BELL: No. Without objection.

9 THE COURT: All right. It's in evidence without
10 objection.

11 BY MS. MAYES:

12 Q. When you mentioned Alena Kennedy, had you ever met
13 Alena before this date on April 18th, 2017?

14 A. No, ma'am.

15 Q. And whose residence was this, Ms. Bryant?

16 A. That was Lee Anthony Corley's residence.

17 Q. The defendant's home?

18 A. Yes, ma'am.

19 Q. And it's located in what area of Lexington County?

20 A. South Congaree.

21 Q. Do you know the street name? Would McDonald Avenue
22 sound right?

23 A. That would sound about right.

24 Q. But you know it to be in South Congaree?

25 A. Yes. Actually it's on a split off right around the

1 corner, it's a split off of two different roads, McDonald
2 Avenue.

3 Q. You mentioned you had never met Alena before this
4 date?

5 A. Yes, ma'am. I never met her.

6 Q. You arrive at the residence. I'm gonna ask you
7 straight forward, were you using drugs on that date?

8 A. Yes, ma'am.

9 Q. What drug were you using in that residence?

10 A. Meth amphetamine.

11 Q. And what's the method that you were using this
12 drug?

13 A. I was smoking it.

14 Q. Okay. Can you tell us whether or not the defendant
15 Tony Corley was also using meth amphetamine on that day in
16 that residence?

17 A. Yes, ma'am. He was.

18 Q. You were a witness to that?

19 A. Yes, ma'am.

20 Q. What, if anything, occurred, Ms. Bryant, regarding
21 Alena? Did you have a chance to be alone with her?

22 A. Uhm, yes, ma'am. Uhm, when we came into the house,
23 she was sitting off to the left. Uhm, she was, she was really
24 frail and really timid. Uhm, she didn't say - she didn't say
25 much at all. Uhm, you know how you can look at a person and

1 you can see it in their eyes and you can tell a person's
2 demeanor, uhm, by the way they look and her head was down.
3 She was just kind of slumped, uhm, and she had, she just had a
4 scared look and there's no other way for me to describe it,
5 but a scared look in her eyes. Uhm, she kept, uhm, a watery
6 look in her eyes like she was ready to cry at the drop of a
7 dime, but very timid. Very timid.

8 Q. Did you have a chance to be alone with her?

9 A. Yes, ma'am.

10 Q. What had led to you being alone with Alena?

11 A. Uhm, I made -- Alena was -- When Alena was sitting
12 to my left, you could - I could tell something was wrong with
13 her so I made an excuse about, uhm, the way we arrived was on
14 a moped. I made an excuse about needing some mouth wash and,
15 uhm, there was an excuse made and I asked her if she could
16 show me where something was and she got up as quick as she
17 could and we walked to the back to the bathroom. When we
18 walked to the back, uhm, without saying any words at all
19 really, she didn't really have to, uhm, she mouthed, help her,
20 a couple of times. The mobile home is very small, very small.
21 There was a small hallway that led to the left back bathroom
22 and that's where we stood, but the whole time Tony was walking
23 up and down the hallway the whole time very paranoid, uhm,
24 asking what we were doing. What we were taking so long for
25 and that's when I told him, uhm, just to calm down. Just calm

1 down. It's okay. Don't get so upset. She's coming right
2 back, uhm, and at the time I had gotten on my phone and I had
3 an Uber account and, uhm, I told him at that time that she was
4 leaving and, uhm, he just kind of smirked, laughed, and, uhm,
5 we came back out of the bathroom and she sat back down where
6 she was. Uhm, she didn't say nothing, but I was steadily on
7 my phone trying to get an Uber to where we were at, the
8 location we were at.

9 Q. I want to ask you a few more questions about that.

10 A. Okay.

11 Q. Prior to going to bathroom, what was it you saw
12 Alena do physically?

13 A. She winked at me a couple of times, uhm, and it
14 wasn't - because there's different body language that you can
15 give when you're winking and she mouthed help. She mouthed
16 help and she winked at me.

17 Q. So you go to the bathroom?

18 A. That's what made me make up the excuse to go to the
19 bathroom. Yes, ma'am.

20 Q. After going alone with her in the bathroom, you
21 agreed to take action?

22 A. Mm-hmm. Yes, ma'am.

23 Q. And you attempted to obtain an Uber?

24 A. Yes, ma'am.

25 Q. Were you able to get an Uber there?

1 A. No. The credit card that was on my account was,
2 again it wasn't active. The account, I couldn't get an Uber
3 out there and I didn't know at the time that the credit card
4 wasn't active. I kept trying and trying and trying.

5 Q. Okay. Now, ultimately do you know if the South
6 Congaree police came out there that day for an unrelated
7 matter?

8 A. Yes, ma'am.

9 Q. Okay. And do you know if the defendant Tony Corley
10 spoke with the police while they were there?

11 A. Yes, ma'am. He did.

12 Q. Do you know if at some point Alena Kennedy spoke
13 with the police while they were there?

14 A. Yes, ma'am.

15 Q. What, if any, instructions did you observe or
16 witness Mr. Corley give in that regard?

17 A. Mr. Corley came back inside and instructed Alena
18 that she had to go out there so they would leave and she
19 didn't want to. Uhm, he made - he basically said you're gonna
20 go out there so they're gonna leave, uhm, and more, probably
21 more words than that and a lot of cuss words.

22 Q. Well, based on your observations did Ms. Kennedy
23 speak with the police?

24 A. Yes, ma'am.

25 Q. Did the police ultimately leave?

1 A. Yes, ma'am.

2 Q. After the police left, did you continue to try and
3 help Alena?

4 A. Yes, ma'am.

5 Q. Based on your observations did Alena have use of her
6 own phone that day?

7 A. No.

8 Q. Did you ever see her with her phone or with access
9 to her phone?

10 A. No. She had no phone that I knew of.

11 Q. Now, at some point did you make arrangements to get
12 a ride out of there?

13 A. Yes, ma'am. It, uhm, started raining that day and
14 the person that I showed up with, we were on a moped scooter
15 and I told him that there was no way that I was riding back
16 out of there on that so, uhm, we called, he called a friend,
17 uhm, who was also a mutual friend of mine and, uhm, she came
18 to pick us up.

19 Q. Okay. At that point in time what did you state to
20 the defendant Tony Corley regarding Alena?

21 A. Oh, I told him, uhm, I told him that she was leaving
22 with me and I told her whoever came to give us a ride, uhm, I
23 would make sure that she had a ride out of there with us.

24 Q. And what was his reaction to that?

25 A. Uhm, once again, he, uhm, got aggressive. His voice

1 was very aggressive. Overly aggressive and he said, uhm,
2 basically, uhm, I would like to see somebody try to make, let
3 her leave. She's not leaving. I'm telling you she's not
4 leaving and I would like to see somebody try and get past
5 me.

6 Q. What did you do in response to that?

7 A. Uhm, the person I had came with was sitting right
8 beside me. He was also another male, uhm, a large male. Uhm,
9 I nudged him at which time he just looked down. He looked
10 down and over at me like, sorry. There was nothing he was
11 gonna do. He wasn't gonna stand up to him.

12 Q. Was he a long term friend of the defendant's?

13 A. Yes, ma'am.

14 Q. So after the defendant told you this about Alena,
15 what did Alena do in response?

16 A. She went to stand, uhm, she went to stand up and
17 when she stood up, he told her to sit the fuck down and that
18 she wasn't going nowhere and, uhm, there was nothing really I
19 could do at that point. Honestly, the only reason I said
20 anything to begin with is that, uhm, I don't know if you
21 anything about meth, but when you're on meth, when people are
22 on meth they --

23 MR. BELL: Objection.

24 MS. MAYES: You need to stop right there.

25 THE COURT: Yes, sir.

1 MR. BELL: Previous.

2 THE COURT: All right. Let's just respond to the
3 Solicitor's questions, okay? Thank you, ma'am. All
4 right.

5 BY MS. MAYES:

6 Q. So let me ask you this: Did Alena sit back down?

7 A. Yeah. She sat right back down.

8 Q. After he told her to?

9 A. Yeah.

10 Q. You mentioned that when the two of you were in the
11 bathroom, the defendant was outside. What was his behavior as
12 the two of you came out of the bathroom?

13 A. He was extremely, extremely paranoid.

14 Q. Did he ask you any questions?

15 A. Asked me what we were talking about, what was going
16 on. Just kept asking why we were talking so much.

17 Q. Ms. Bryant, after you left that day, where was Alena
18 when you walked out the door?

19 A. She was sitting on the chair to the left.

20 Q. Did you ever see her again?

21 A. No, ma'am.

22 MS. MAYES: Nothing further, Your Honor.

23 THE COURT: Cross examination.

24 MR. BELL: Beg the Court's indulgence one moment,
25 Your Honor.

1 CROSS EXAMINATION

2 BY MR. BELL:

3 Q. You previously met with the prosecutor before; is
4 that correct?

5 A. Yes, sir.

6 Q. In November -- Or I'm sorry. December 31st,
7 correct?

8 A. Yes, sir.

9 Q. And you met with her for an hour?

10 A. Yes, sir.

11 THE COURT: Do you have something that you need to
12 show her, counsel?

13 MR. BELL: In a second, Your Honor.

14 THE COURT: You don't need to --

15 MR. BELL: I apologize.

16 THE COURT: Yes, sir.

17 BY MR. BELL:

18 Q. And you talked about what you would say today,
19 correct?

20 A. What I would say today?

21 Q. Yes. You talked about your story today?

22 A. Uhm, she asked me to tell her my, just go over the
23 facts again with her which I did.

24 Q. Okay. And y'all met there at the South Carolina
25 Department of Corrections, correct?

1 A. Yes, sir.

2 Q. And she came and saw you?

3 A. Mm-hmm.

4 Q. Currently serving a three year sentence there at the
5 Department of Corrections?

6 A. Yes, sir.

7 Q. Okay. And in 2010 you were convicted of
8 shoplifting?

9 A. Oh, yeah.

10 Q. 2016 conviction of possession of meth amphetamine?

11 A. Yes, sir.

12 Q. 2018 convicted of giving false information to law
13 enforcement?

14 A. I do.

15 Q. You have a conviction for giving false information
16 to law enforcement in 2018.

17 A. I gave them my married name. Yeah.

18 Q. 2018 convicted of distribution of meth amphetamine
19 second?

20 A. Yes, sir.

21 Q. 2018 convicted of financial transaction card
22 theft?

23 A. Yes, sir.

24 Q. 2018 convicted of grand larceny?

25 A. Yes, sir.

1 Q. 2018 filing false police report of a felony?

2 A. Yes, sir.

3 Q. So two convictions of filing false police reports?

4 A. Yes, sir.

5 Q. Okay. And you previously spoke with Detective

6 Prestigiacomo on June 26th, 2017?

7 A. Yes, sir. I called him.

8 Q. And you told Prestigiacomo that you were at Tony's

9 residence in the middle of April 2017?

10 A. Yes, sir.

11 Q. And that you saw Alena at Tony's?

12 A. Yes, sir.

13 Q. Now, that was the very first time you had ever seen

14 Alena?

15 A. Yes.

16 Q. Okay. You were using meth amphetamine?

17 A. Yes, sir.

18 Q. You're not a body language expert, are you?

19 A. No.

20 Q. Okay. And that day South Congaree came to Tony's?

21 A. Yes, sir.

22 Q. And you stayed inside?

23 A. Yes, sir.

24 Q. Alena went out and spoke with South Congaree

25 police?

- 1 A. Yes, sir.
- 2 Q. Tony was outside?
- 3 A. Yes, sir.
- 4 Q. You stayed inside?
- 5 A. Yes, sir.
- 6 Q. You didn't speak with law enforcement?
- 7 A. No, sir.
- 8 Q. You didn't go outside?
- 9 A. No, sir.
- 10 Q. South Congaree police left?
- 11 A. Yes, sir.
- 12 Q. No one was arrested?
- 13 A. No, sir.
- 14 Q. Alena spoke with law enforcement?
- 15 A. Yes.
- 16 Q. Tony came back inside while Alena was speaking with
- 17 law enforcement?
- 18 A. Tony came back inside and made her go outside.
- 19 Q. And at some point in time Tony goes back inside the
- 20 residence while Alena is speaking with law enforcement?
- 21 A. Yes, sir.
- 22 Q. So Alena was alone speaking with law enforcement --
- 23 A. Mm-hmm.
- 24 Q. -- on this date?
- 25 A. Yes, sir.

1 Q. You never saw Tony hit Alena?

2 A. No, sir.

3 Q. Did you ever search the residence for Alena's
4 phone?

5 A. Did I search the residence for her phone? No,
6 sir.

7 Q. Did you ever search her belongings for her phone?

8 A. No, sir.

9 Q. Did you ever search her purse for her phone?

10 A. No, sir.

11 Q. Did you ever search her bag for her phone?

12 A. No, sir.

13 Q. You were in a back room with her, correct?

14 A. In the back bathroom, the only bathroom. Yes,
15 sir.

16 MR. BELL: No further questions.

17 THE COURT: Any redirect?

18 MS. MAYES: Yes, sir, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. Ms. Bryant, one of the questions that defense
22 counsel just asked you was if you ever saw Tony hit Alena?

23 A. Yes, ma'am.

24 Q. So I don't want to talk about what was said, but
25 when you were in the bathroom --

1 A. When?

2 Q. When you were in the bathroom, did you feel anything

3 --

4 MR. BELL: Objection, Your Honor.

5 THE COURT: Y'all come and talk to me for a second
6 please.

7 (Side bar off the record.)

8 THE COURT: Go ahead, Solicitor.

9 BY MS. MAYES:

10 Q. With your hand did you feel anything?

11 A. She grabbed my hand and she immediately stuck my
12 hand to the back of her head where I felt numerous, two or
13 three large lumps in the back of her head. That's why I got
14 on the phone and started, immediately started to get an Uber
15 and told him that she was leaving with us.

16 Q. All right. Now, based upon your observations that
17 day, did she appear to have access to a phone?

18 A. No, ma'am.

19 Q. And he was asking you about when you spoke with law
20 enforcement on June 26th, 2017. How did that come about that
21 you did come forward to law enforcement?

22 A. Uhm, I was, I was watching TV and, uhm, her picture
23 popped up on the TV and it was, it said that if anybody knew
24 or had seen, it was two months that she hadn't been seen or if
25 anybody knew anything about the case, to please call. That's

1 when I got in touch with Lexington County Sheriff's
2 Department.

3 MS. MAYES: Thank you, Ms. Bryant.

4 THE WITNESS: Thank you.

5 THE COURT: Questions on those questions?

6 MR. BELL: Just brief.

7 RECROSS EXAMINATION

8 BY MR. BELL:

9 Q. You also reported that you said that you saw
10 bruising to her face, correct?

11 A. She had dark marks up underneath her eyes. Yes,
12 sir.

13 Q. And you said bruising to her face, correct?

14 A. Yes.

15 MR. BELL: Okay.

16 THE COURT: All right. Ma'am, you may step down.
17 Return to the custody of the Department of Corrections.

18 MS. MARTIN: Your Honor, the State calls Jeremy
19 Denny.

20 Thereupon,

21 JEREMY DENNY

22 after having been first duly sworn, testified as follows,

23 THE CLERK: Please have a seat. Once you're seated,
24 state your full name spelling your last please.

25 THE WITNESS: My name is Jeremy Denny.

1 THE COURT: Go ahead. Have a seat, sir. Pull that
2 microphone down a little bit, the arm. There you go.
3 All right. Go ahead, Solicitor.

4 MS. MARTIN: Thank you, Your Honor. May it please
5 the Court.

6 DIRECT EXAMINATION

7 BY MS. MARTIN:

8 Q. Good afternoon almost. Mr. Denny, where are you
9 employed now?

10 A. County of Richland Animal Control.

11 Q. How long have you been working over there in
12 Richland?

13 A. Approximately about seven months.

14 Q. Okay. If I can direct your attention back to the
15 year of 2017, where were you working in May of 2017?

16 A. At the time Lexington County Animal Control.

17 Q. And once again, directing your attention
18 specifically to May of 2017, did you receive a call for
19 service at Sangaree Drive?

20 A. I did.

21 Q. Is that in Lexington County?

22 A. Yes, ma'am.

23 Q. And can you tell us if this was on a weekend or
24 during the week?

25 A. It was, the call came in initially on the weekend.

1 Q. Okay. Can you tell us how animal control, how y'all
2 work if it's a weekend?

3 A. Yes, ma'am. Generally there's one officer that runs
4 the County of Lexington that answers calls for service for
5 emergencies.

6 Q. And did an emergency call come in on the weekend or
7 a non emergency call?

8 A. At the time it would be considered a non
9 emergency.

10 Q. After the non emergency call comes through, what, if
11 anything, does animal control do to follow up on the
12 complaint?

13 A. It would be handled the next business day.

14 Q. Okay. So that would have been, if it's on a
15 weekend, that would be on a Monday?

16 A. Correct.

17 Q. And on Monday May 1st, 2017 did you respond to the
18 call for service that had come in over the weekend?

19 A. Yes, ma'am.

20 Q. And in preparation for court today have you reviewed
21 your records and your written report?

22 A. I have.

23 Q. And can you please tell us who you talked to on that
24 May 1st, 2017 date?

25 A. On May 1st, 2017 I made contact with Ms. Irene

1 Coleman.

2 Q. Okay. What was the source of the complaint that you
3 were responding to?

4 A. We had received a call from what was believed to be
5 a deceased cat inside of a trash can with cement over it.

6 Q. And when you got there, do your notes reflect who
7 you spoke to?

8 A. Yes, ma'am.

9 Q. And who was that?

10 A. Ms. Irene Coleman.

11 Q. When you got to that address on Sangaree Drive, what
12 did you observe?

13 A. On the scene I observed a gray trash can lying on
14 the side in the driveway to the right side of the residence.

15 Q. Was there anything unusual about this trash can?

16 A. Uhm, there was a strong odor. Uhm, other than that
17 there was just a trash can with cement. There was also a
18 black tar substance on one of the sides of the trash can
19 inside.

20 Q. Are you issued a county camera?

21 A. Yes, ma'am.

22 Q. Did you photograph what you saw?

23 A. I did.

24 (Whereupon, State's Exhibit #48 and #49 marked for
25 identification.)

1 MS. MARTIN: If I may approach the witness, Your
2 Honor.

3 THE COURT: Yes, ma'am.

4 BY MS. MAYES:

5 Q. If I can show you what's been marked as State's 48
6 and 49 and ask you can identify these.

7 A. Those are the two photographs that I took on May 1st
8 of the trash can that I observed.

9 MS. MARTIN: Your Honor, I would offer them into
10 evidence and ask to publish.

11 THE COURT: Any objection?

12 MR. LEVENTIS: None, Your Honor.

13 THE COURT: All right. They're in evidence. You
14 may publish.

15 BY MS. MARTIN:

16 Q. State's 48, is that the trash can that you observed
17 and photographed?

18 A. Yes, ma'am.

19 Q. And State's 49, what is that?

20 A. That is also the second photograph that I took of
21 the trash can.

22 Q. And did you see any bones? Did you see any bones?

23 A. No, ma'am.

24 Q. After you photographed the trash can there what, if
25 anything, did you tell Ms. Coleman?

1 A. I advised Ms. Coleman that she would be responsible
2 for tending to the trash can for disposal.

3 Q. Did you see anything that caused you any reason to
4 be concerned about the contents of that trash can?

5 A. No, ma'am.

6 Q. And what is the policy for Lexington County for
7 disposing of deceased animals?

8 A. Uhm, if we had been notified of a deceased animal
9 and we were able to identify it positively as being a deceased
10 animal, as a courtesy we can remove dead animals but we
11 generally don't.

12 Q. And did you take the trash can with you that day or
13 leave it there?

14 A. It was left there due to the space on my vehicle.
15 It wouldn't fit.

16 Q. Did there come a time when you were questioned about
17 this call for service by Lexington County detectives?

18 A. Yes, ma'am.

19 Q. Do you remember when you were contacted by them?

20 A. I do not recall.

21 Q. Would it be fair to say it could have been around
22 June of 2017?

23 A. Yes, ma'am.

24 Q. And when you met with them, did they ask you to
25 write a report?

1 A. They did.

2 Q. I can show you what's been marked as State's 25 for
3 ID only right now. Would you look at that, please.

4 A. (Witness complies.)

5 Q. Does that trash can look similar or not similar to
6 the trash can from Ms. Coleman's residence?

7 A. Would it be okay to review the photographs that I
8 have taken again?

9 MS. MARTIN: Yes. I'll show you what's in evidence
10 as State's 22 without objection, I believe, Your Honor.
11 It's a boarded copy.

12 THE COURT: So that has not come in yet?

13 MS. MARTIN: Your Honor, I believe that I can move
14 --

15 THE COURT: I don't know. I'm just asking you. It
16 has not yet?

17 MS. MARTIN: It has not. Yes, sir.

18 THE COURT: Okay. Is there an objection to it being
19 used at this time?

20 MR. LEVENTIS: Not at this time, Your Honor.

21 THE COURT: All right. Very good. Go ahead.

22 BY THE WITNESS:

23 A. Yes, ma'am. It looks like a similar trash can that
24 I took a photograph of.

25 MS. MARTIN: Thank you. Your Honor, I believe we

1 would like to move in State's 22 which is a boarded
2 copy.

3 THE COURT: Of which one?

4 MS. MARTIN: Of the trash can from South Congaree.

5 THE COURT: What was 25 then?

6 MS. MAYES: Your Honor, we have pre-marked a bunch
7 of stuff that we have agreed on. I'm sorry.

8 THE COURT: Okay. All right. So State's 25, let's
9 deal with that first. You have offered that?

10 MS. MAYES: We have, Your Honor.

11 THE COURT: Any objection? Show it to them just to
12 make sure, okay?

13 MS. MARTIN: (Complies.)

14 THE COURT: There's no objection then to 25?

15 MR. LEVENTIS: No objection, Your Honor.

16 THE COURT: All right. So that's in evidence
17 without objection. Now State's 22, any objection to
18 that?

19 MR. LEVENTIS: None, Your Honor.

20 THE COURT: All right. So that's in evidence
21 without objection. Thank you very much.

22 MS. MARTIN: Thank you, Your Honor.

23 BY MS. MARTIN:

24 Q. Once again, could you please provide us of the
25 address for the call for service at the Coleman home?

1 A. It's [REDACTED] Sangaree Drive.

2 Q. Lexington County, correct?

3 A. Correct.

4 MS. MAYES: Thank you. Please answer any questions
5 that the defense may have.

6 THE COURT: Cross examination.

7 MR. LEVENTIS: Thank you, Your Honor. Just briefly.

8 CROSS EXAMINATION

9 BY MR. LEVENTIS:

10 Q. I'm gonna ask you to review State's Exhibit 48
11 again. Are there wheels on that trash can?

12 A. That's correct.

13 Q. Thank you. And you said the call for service was an
14 Irene Coleman?

15 A. That's correct.

16 Q. The trash can was located on her property?

17 A. That's correct.

18 MR. LEVENTIS: No further questions.

19 THE COURT: Any redirect?

20 MS. MARTIN: No, Your Honor.

21 THE COURT: All right. Can this witness be excused?

22 MS. MARTIN: Yes, please.

23 THE COURT: Any objection?

24 MR. LEVENTIS: No, sir.

25 THE COURT: All right. Sir, you are released from

1 your subpoena. Go back to your regular duties. Next
2 witness please, ma'am.

3 MS. MARTIN: Yes, Your Honor. James Tallon.
4 Thereupon,

5 JAMES B. TALLON, III
6 after having been first duly sworn, testified as follows,

7 THE CLERK: Please have a seat. Once you're seated,
8 state your full name spelling your last please.

9 THE WITNESS: My name is James Tallon, T-a-l-l-o-n.

10 DIRECT EXAMINATION

11 BY MS. MARTIN:

12 Q. Mr. Tallon, where are you employed?

13 A. The South Carolina Law Enforcement Division more
14 commonly known as SLED.

15 Q. How long have you been employed there?

16 A. I have been at SLED for approximately six years
17 now.

18 Q. And what division are you working in now?

19 A. Now I'm in the training department.

20 Q. Can you explain to us what that means?

21 A. Basically I'm in charge of doing our website and
22 doing videos for helping train other agents.

23 Q. And in 2017, June of 2017, were you working at
24 SLED?

25 A. Yes, ma'am. I was.

1 Q. And what area or department were you working in at
2 that time?

3 A. I was in the crime scene division.

4 Q. Can you tell us what it means to be in the crime
5 scene division?

6 A. Basically in the crime scene division we're in
7 charge of answering calls throughout the entire State of South
8 Carolina for any number of things such as homicides, suicides,
9 officer involved shootings, anywhere that a local agency needs
10 our assistance they will call and we would go.

11 Q. If I can direct your attention specifically to June
12 21st of 2017 or June of 2017, did SLED receive a call for
13 service to help Lexington County Sheriff's Department?

14 A. Yes, ma'am. On June 16th we received the first
15 call.

16 Q. Can you tell us approximately what time of day this
17 was?

18 A. That was approximately 9:03 at night.

19 Q. Where did you go as a result of that call?

20 A. We went to the -- May I refer to my notes, Your
21 Honor?

22 THE COURT: Yes, sir.

23 BY THE WITNESS:

24 A. We went to approximately the 9200 block of Old Two
25 Notch Road in Batesburg/Leesville.

1 MS. MAYES: Your Honor, could I have the witness
2 step down and look at the poster, please.

3 THE COURT: Yes, ma'am. Just make sure -- Is there
4 a microphone he can be near?

5 MS. MARTIN: Yes, sir.

6 THE COURT: All right. Step down. Just make sure
7 to keep your voice up next to the microphone.

8 BY MS. MARTIN:

9 Q. If I can show you what's marked as State's 20. Do
10 you recognize this map here?

11 A. Yes, ma'am. I do.

12 Q. Can you please tell us, orient us as to the location
13 shown on this map?

14 A. The yellow pin here -- I'll try to speak loud
15 standing on this side -- the yellow pin right here is showing
16 the approximate GPS coordinates of where we located or where
17 we were called to go to.

18 Q. Can you tell us exactly or give us some landmarks,
19 if you can.

20 A. All I can tell you is that this is Old Two Notch
21 Road from this.

22 Q. Okay. And when you got there, what agencies, if
23 any, were already there?

24 A. The Lexington County Coroner's Office and the
25 Lexington County Sheriff's Office were also on scene.

1 Q. Based on that and what you saw there that night
2 would you consider that a rural area or a more city urban
3 area?

4 A. It's definitely rural. It was actually on a dirt
5 road.

6 Q. If I can show you what's been marked as State's 19.
7 Do you recognize this document?

8 A. Yes, ma'am. That is the document I created.

9 MS. MARTIN: Your Honor, we move in State's 19.

10 THE COURT: Any objection?

11 MR. BELL: Without objection.

12 THE COURT: State's 19 in evidence without
13 objection.

14 BY MS. MAYES:

15 Q. Can you explain this diagram to us please?

16 A. This diagram shows the dirt road right here being
17 off Old Two Notch and then this cut out area here was the area
18 in which we located the trash can.

19 Q. And when you got there that evening, can you tell us
20 what you first observed?

21 A. Uhm, it was dark that night when we got there. We
22 approached the trash can and photographed the area and then we
23 observed bones outside of the trash can.

24 Q. As part of your duties, did you document what was
25 done out there that evening?

1 A. Yes, ma'am, with handwritten notes and
2 photography.

3 Q. If I can show you what's been marked as State's 23
4 and 24, can you identify these?

5 A. These are both photos taken on the night we arrived.

6 MS. MARTIN: Your Honor, I would move them into
7 evidence I believe without objection 23 and 24.

8 THE COURT: Any objection to 23 and 24?

9 MR. BELL: Without objection.

10 THE COURT: All right. So they're in evidence
11 without objection. Do you want him to go back on the
12 witness stand?

13 MS. MAYES: That would be fine, Your Honor.

14 THE COURT: All right. You can go back on the
15 witness stand. I think that you're - Yes, sort of right
16 in the way here.

17 BY MS. MARTIN:

18 Q. Can you explain this photograph for us please?

19 A. This photograph is approximately 20 feet inside of
20 the yellow barrier tape. When we arrived on scene, Lexington
21 County had yellow barrier tape protecting the scene and law
22 enforcement vehicles blocking the area keeping people out. So
23 this is just inside of that tape looking back into that cut
24 out area where we located the trash can.

25 Q. If I can show you State's 24 that's in evidence.

1 What is this?

2 A. That is the trash can and up closer to it from the
3 dirt road.

4 Q. While you were there that evening did you perform
5 any other duties?

6 A. We collected DNA swabs off of, or touch DNA swabs
7 off the handles of the trash can.

8 Q. Was the swab taking process photographed?

9 A. Yes, ma'am. It was.

10 Q. Can you please identify State's 27 and 28?

11 A. Yes, ma'am. These are photos of me taking the swabs
12 from the trash can handles.

13 MS. MAYES: Your Honor, I would move them into
14 evidence and publish.

15 THE COURT: Any objection to 27, 28?

16 MR. BELL: No objection.

17 THE COURT: In evidence without objection. You may
18 proceed.

19 BY MS. MARTIN:

20 Q. What does State's 27 show?

21 A. This showing the photograph of where we started to
22 take the swabs. The swabs are then pushed around or swabbed
23 around the entire handle, but obviously in the photograph you
24 only get that one showing where we swabbed.

25 Q. And State's 28.

1 A. That's the same thing on the opposite handle.

2 Q. So both handles were swabbed?

3 A. Correct.

4 Q. After you took the swabs, what was done with them?

5 A. I'm sorry. I didn't hear the question.

6 Q. I'm sorry. After you took the swabs, what did you
7 do with the swabs?

8 A. The swabs were then placed into little manila
9 envelopes and then transported back to, well, we placed
10 evidence tape on them, sealed and dated and then once we were
11 done with that scene that night we transported them back to
12 our lab.

13 BY MS. MARTIN:

14 Q. I'm gonna show you what's been marked as State's 50.
15 Can you recognize the items within that bag?

16 A. Yes, ma'am. There's are both sets of swabs with my
17 initials on them in my heat sealed pouch.

18 MS. MAYES: Your Honor, we move State's 50 into
19 evidence.

20 THE COURT: Any objection?

21 MR. BELL: No objection, Your Honor.

22 THE COURT: All right. In evidence without
23 objection. You may proceed.

24 BY MS. MARTIN:

25 Q. I show you State's 26. Do you recognize that?

1 A. Yes, ma'am. I do. This is a photograph looking
2 inside of the trash can.

3 MS. MARTIN: Your Honor, we would move State's 26
4 into evidence.

5 THE COURT: Any objection?

6 MR. BELL: Without objection.

7 THE COURT: It's in evidence without objection.

8 BY MS. MARTIN:

9 Q. Do you know about how long y'all were at the scene
10 that evening?

11 A. I can tell you in just one moment. Let me refer to
12 my notes please. We departed the scene at approximately 11:03
13 p.m.

14 Q. And do you know when y'all left that night, did you
15 collect the trash can that evening is really my question?

16 A. We did not collect the trash can that evening. We
17 decided what would be done would be to collect the bones that
18 were outside of the trash can to preserve those to keep those
19 from getting taken away by animals or rain if that were to
20 happen just to preserve that evidence and then the scene was
21 secured by Lexington County and we would respond back to the
22 location in the morning to further search.

23 Q. Did you, in fact, respond the next day back out to
24 Two Notch Road?

25 A. Yes, ma'am. The next morning we responded back out

1 there approximately 10:03 - No. I'm sorry. We responded back
2 out on the 17th at approximately 8:38 a.m.

3 Q. When you got there, was the scene secured?

4 A. Yes, ma'am. It was still secured with the yellow
5 barrier tape and a Lexington County deputy.

6 Q. And how long did y'all remain there on the morning
7 of the 17th, just an approximate?

8 A. We left the scene area at approximately 11:00 a.m.

9 Q. And when you left that area, did y'all take anything
10 with you?

11 A. The trash can and its contents were loaded onto or
12 into the Lexington County Coroner's vehicle after we did a
13 search, a line search through the woods to make sure that no
14 bones had been dispersed before we got there by animals or
15 environmental effects, but the trash can was placed in a body
16 bag, zipped up, the entire trash can placed in the Lexington
17 County Coroner's vehicle and then taken to the Richland County
18 Coroner's Office.

19 Q. Can you tell us why y'all went to the Richland
20 County Coroner's Office?

21 A. We went to the Richland County Coroner's Office
22 because on that day while we were there Dr. Stevens responded
23 to the scene and he's the Richland County anthropologist and
24 so he determined that they were, in fact, human bones so we
25 had that verification. We packed up the trash can and took it

1 to the Richland County Coroner's Office to further open up the
2 trash can in a safe environment and controlled environment.

3 Q. Were you present when the trash can was then
4 unloaded and then processed?

5 A. Yes, ma'am. I was.

6 Q. Did you take photographs of this procedure?

7 A. Yes, ma'am. We took photographs.

8 Q. If I can show you what's been marked 29 thru 38, do
9 you recognize these photographs?

10 A. Yes, ma'am. These are all photographs which we took
11 at the Richland County Coroner's Office.

12 MS. MARTIN: Your Honor, I would move them into
13 evidence with permission to publish.

14 THE COURT: Is there any objection to 29 through 38
15 coming into evidence?

16 MR. BELL: No objection.

17 THE COURT: They're in evidence. You may publish.

18 BY MS. MARTIN:

19 Q. If I can show you State's 29, can you please tell us
20 what this depicts?

21 A. This is when we first arrived at the Coroner's
22 Office and had unloaded the trash can, placed a tent over the
23 top of it. It was rather warm that day and there was a threat
24 of possible rain so we wanted to go ahead and make sure that
25 the evidence was safe so we placed it under that tent and then

1 that's a photograph of it being unzipped by Dr. Stevens on the
2 right in the white.

3 Q. Is this Dr. Stevens?

4 A. Yes, ma'am.

5 Q. State's 30. What does this show?

6 A. That's kind of the next step in the process of us
7 trying to cut the trash can away from the cement.

8 Q. State's 31.

9 A. That's the top half of the trash can has been
10 removed at this point.

11 Q. State's 32.

12 A. This is showing the bottom of the trash can.

13 Q. Anything to note about the bottom area of the trash
14 can?

15 A. There's one wheel missing.

16 Q. State's 33.

17 A. This is after we were able to get the face of the
18 trash can off of the cement block and then this is showing
19 what we believe to be burn debris on the bottom.

20 Q. State's 34. Can you explain what's happening in
21 this photograph?

22 A. This is just a photograph of Dr. Stevens as he is
23 sifting through the debris in the trash can to try to locate
24 any small bones or any other small items of evidentiary
25 value.

1 Q. State's 35.

2 A. This is kind of showing an overview of the process
3 with the sifts and some of the bones that had been extracted
4 by Dr. Stevens.

5 Q. State's 36.

6 A. Those are some of the bones taken out by Dr.
7 Stevens.

8 Q. State's 37.

9 A. That's some more of the debris that was inside of
10 the trash can, burned debris.

11 Q. And to your knowledge was this debris collected?

12 A. I believe it was. I did not personally collect it
13 but I believe it was.

14 Q. State's 38.

15 A. That is a hinge and type of screw that was located
16 while we were sifting around in the trash can.

17 Q. Do you know if that was collected in your
18 presence?

19 A. It was collected. Yes, ma'am.

20 MS. MARTIN: Agent, if I could ask you to look at
21 item number 51 and you may open the bag. I have
22 conferred with the defense.

23 THE COURT: Any objection to that?

24 MR. LEVENTIS: No objection.

25 THE COURT: Very good.

1 BY THE WITNESS:

2 A. This is the hinge that was located while we were
3 digging.

4 Q. So it came from the barrel?

5 A. Correct.

6 Q. And it was collected in your presence?

7 A. Yes, ma'am.

8 MS. MARTIN: Your Honor, we would move that into
9 evidence.

10 THE COURT: What's the number again please?

11 MS. MARTIN: 51.

12 THE COURT: State's 51, any objection?

13 MR. BELL: No objection.

14 THE COURT: Admitted into evidence without
15 objection. You may proceed.

16 BY MS. MARTIN:

17 Q. If I can show you State's 52. You may open that bag
18 and see if you recognize what's within it.

19 A. (Witness complies.) Yes. This is more of what we
20 would call hardware at the time.

21 Q. And this was collected in your presence with Dr.
22 Stevens?

23 A. Correct.

24 Q. And turned over to the county?

25 A. I believe we did turn it over to county.

1 MS. MARTIN: Your Honor, we would move 52 into
2 evidence.

3 THE COURT: Any objection?

4 MR. BELL: No objection.

5 THE COURT: 52 is in evidence without objection.

6 BY MS. MARTIN:

7 Q. Would you please see if you recognize what's marked
8 as State's 53 (proffering)?

9 A. This appears to be some of the burn debris that was
10 also located in the trash can.

11 Q. And you were there for the sifting process?

12 A. Correct.

13 Q. And you actually photographed those items there?

14 A. They should be in the photographs, yes.

15 MS. MARTIN: Your Honor, we would move the burn
16 debris from 53 into evidence.

17 THE COURT: Any objection?

18 MR. BELL: No objection, Your Honor.

19 THE COURT: Very good. It's in evidence without
20 objection.

21 BY MS. MARTIN:

22 Q. State's 54.

23 A. Those are some of the other metal parts and various
24 pieces that were located by sifting.

25 MS. MARTIN: Your Honor, we would move State's 54

1 into evidence.

2 THE COURT: Any objection.

3 MR. BELL: No, Your Honor.

4 THE COURT: It's in evidence without objection. You
5 may proceed.

6 BY MS. MARTIN:

7 Q. And 55.

8 A. This is some of the burned fabric also located
9 within the trash can.

10 MS. MARTIN: Your Honor, we would move State's 55
11 into evidence.

12 THE COURT: Any objection?

13 MR. BELL: No objection, Your Honor.

14 THE COURT: It's in evidence without objection.

15 BY MS. MARTIN:

16 Q. And if I can show you State's 61. Would you please
17 go into this and see if you recognize this.

18 THE WITNESS: Can I stand, Your Honor?

19 THE COURT: Yes, sir. Please.

20 BY THE WITNESS:

21 A. Item 61, that's going to be the top half of the
22 trash can that we cut off.

23 MS. MARTIN: Your Honor, I would move State's 61
24 into evidence.

25 THE COURT: Any objection?

1 MR. BELL: No, Your Honor.

2 THE COURT: It's in evidence without objection.

3 BY MS. MARTIN:

4 Q. State's 58.

5 A. Item 58 is the bottom half of the trash can.

6 MS. MARTIN: Your Honor, we would also move that
7 into evidence please.

8 THE COURT: Any objection?

9 MR. BELL: No, Your Honor.

10 THE COURT: It's in evidence without objection.

11 BY MS. MARTIN:

12 Q. During the course of this investigation, did you
13 have an occasion to learn the defendant Tony Corley's
14 address?

15 A. Yes, ma'am. I did.

16 Q. If I can show you what's been marked as State's 18,
17 do you recognize this document that was prepared for court?

18 A. Yes, ma'am. That was a court preparation that I
19 created showing the location on McDonald Avenue to the
20 location where the trash can was located originally. The red
21 pin -- Do you have a laser pointer?

22 Q. I do.

23 A. It should be right there on the edge of the --

24 MS. MARTIN: Your Honor, we would move in State's
25 18.

1 THE COURT: Any objection to State's 18 coming into
2 evidence?

3 MR. BELL: No, Your Honor.

4 THE COURT: All right. It's in evidence without
5 objection.

6 BY THE WITNESS:

7 A. So using the laser pointer here, this red dot here,
8 that's gonna be the address on McDonald Avenue and then this
9 green dot over here is going to be where the trash can was
10 located.

11 MS. MARTIN: Thank you. Please answer any questions
12 that the defense may have.

13 THE COURT: Cross examination.

14 MR. BELL: A couple questions.

15 CROSS EXAMINATION

16 BY MR. BELL:

17 Q. Mr. Tallon, you said you collected two swabs from
18 the trash can handle?

19 A. Correct. The original on the first time we went to
20 the scene that night we collected two sets of swabs.

21 Q. That was from the small handle on the trash can?

22 A. One was what I consider to be a small handle and the
23 other was a large handle.

24 Q. Small handle being down here, large handle being up
25 here?

1 A. Well, it depends on how you're looking at the trash
2 can. Yeah.

3 Q. Understood. And two swabs from each handle?

4 A. Correct.

5 Q. And you submitted that for DNA testing?

6 A. That is correct.

7 Q. And on this map here can you identify [REDACTED] Sangaree
8 Drive?

9 A. I cannot.

10 Q. Do you know what [REDACTED] Sangaree Drive is?

11 A. I do not.

12 MR. BELL: No further questions.

13 THE COURT: Any redirect?

14 MS. MARTIN: Briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. MARTIN:

17 Q. When you collected the swabs that evening, agent,
18 what were you hoping to find or looking to find?

19 A. We were looking for what's called touch DNA which is
20 when, in simple terms, when someone touches, like if I just
21 touched right there, it's possible that I'm going to get DNA
22 off of that just by swabbing. They're kind of like Q-tips but
23 they're tightly woven, you place deionized water on it or
24 sterile water what you call it and then you just kind of rub
25 it back on there trying to get skin cells basically to get a

1 DNA profile on it. This can be contingent to anything from
2 weather or someone coming around with a rag and wiping it off,
3 it's not gonna stay there, but that's what we're looking to
4 find.

5 Q. Once again, this trash can on the dirt road, was it
6 protected from the weather and the elements?

7 A. It was not. It was outside in the elements.

8 Q. And this was June of 2017, correct?

9 A. Correct. June 17th of 2017.

10 MS. MARTIN: No further questions.

11 THE COURT: Anything on those question?

12 RECROSS EXAMINATION

13 BY MR. BELL:

14 Q. Sweat, that is a substance that can be picked up,
15 correct?

16 A. It can be. Yes, sir. If it has enough skin cells
17 in it, it can.

18 Q. And that was a remote location, correct?

19 A. Yes, sir.

20 MR. BELL: No further questions.

21 THE COURT: Very good. Do you wish the witness to
22 be excused?

23 MS. MARTIN: Please, Your Honor.

24 THE COURT: Any objection?

25 MR. BELL: No objection.

1 please. Thank you very much.

2 Thereupon,

3 ASHLEY COOK

4 after having been first duly sworn, testified as follows,

5 THE CLERK: Please have a seat. Once you're seated,
6 state your full name spelling your last please.

7 THE WITNESS: Ashley Cook, C-o-o-k.

8 THE COURT: Go ahead, Solicitor.

9 DIRECT EXAMINATION

10 BY MS. MARTIN:

11 Q. Ms. Cook, clearly you're in a jail jump suit. Can
12 you tell us where you're being housed right now?

13 A. The Lexington County Detention Center.

14 Q. And you have pending drug charges; is that
15 correct?

16 A. Yes, ma'am.

17 Q. When were you arrested for these drug cases?

18 A. A year ago.

19 Q. 2019?

20 A. Yes, ma'am.

21 Q. And you also have pending drugs cases from 2018; is
22 that correct?

23 A. Yes, ma'am.

24 Q. And you have numerous drug convictions; is that
25 right?

1 A. Yes, ma'am.

2 Q. As well as a shoplifting conviction?

3 A. Yes, ma'am.

4 Q. Do you know the defendant here Tony Corley?

5 A. Yes. I do.

6 Q. And I'm gonna need you to either lean up a little
7 bit or speak a little bit louder. You're very soft spoken.

8 A. Yes. I do.

9 Q. And how long have you known Tony Corley?

10 A. Since we were kids.

11 Q. Did y'all go to school together?

12 A. Yes, ma'am.

13 Q. Did y'all live near each other growing up?

14 A. A couple miles apart.

15 Q. Since you were an adult did you socialize with the
16 defendant Tony Corley?

17 A. Yes.

18 Q. And back in 2017 did you have a relationship with
19 Mr. Corley, a friendship?

20 A. Yes.

21 Q. Did you know where he was living in 2017?

22 A. Yes.

23 Q. Do you know the name of the street?

24 A. No. I can't remember the name of the street.

25 Q. Was it in South Congaree?

1 A. Yes.

2 Q. And had you been a visitor to his home there?

3 A. Yes.

4 Q. More than once?

5 A. Yes.

6 Q. Did you have an opportunity to meet Alena Kennedy?

7 A. Yes.

8 Q. Okay. Did you know someone named Haley Coleman?

9 A. Yes.

10 Q. Did you and Tony Corley have several friends in
11 common?

12 A. Yes.

13 Q. And in January of 2017 where were you living?

14 A. With my mom.

15 Q. Was that here in Lexington County?

16 A. Yes. South Congaree.

17 Q. Did you have an occasion to be approached by law
18 enforcement officers and questioned about Tony Corley?

19 A. Yes.

20 Q. And do you remember who came to your home?

21 A. Two detectives.

22 Q. Okay. And this was at your mom's house?

23 A. (Witness nodding head.)

24 Q. Did they question you about Tony Corley in regards
25 to the murder of Alena Kennedy?

1 A. Yes.

2 Q. Had you called Lexington County and told the
3 Sheriff's Department, hey, I need to talk to you?

4 A. No.

5 Q. Had you reached out to anybody on Crime Stoppers and
6 told them you had information about Alena Kennedy?

7 A. No.

8 Q. When these officers came to your home, did you
9 invite them in?

10 A. No.

11 Q. Did y'all talk in the yard?

12 A. Yes.

13 Q. What was your reaction when they were there on your
14 doorstep?

15 A. Uhm, I wasn't really surprised.

16 Q. Okay. And did they ask you when the last time was
17 that you had seen Tony Corley?

18 A. Yes.

19 Q. And what answer did you tell them?

20 A. When I gave him a ride home.

21 Q. And this was on a Monday you saw them I believe?

22 A. Yes, ma'am.

23 Q. And you had seen Tony Corley on what day?

24 A. I think a Friday.

25 Q. Okay. When you say you had given him a ride home,

1 where were you when you gave him a ride home?

2 A. The Lexington County Courthouse.

3 Q. Okay. And you had been to the courthouse for an
4 appearance, is that fair, a roll call?

5 A. Yes, ma'am.

6 Q. And if I can show you what's been marked for ID only
7 State's Exhibit 59. Do you recognize this?

8 A. Yes.

9 Q. Does it contain your signature?

10 A. Yes.

11 Q. Does it show you were here on June 16th of 2017?

12 A. Yes.

13 Q. So on June 16th of 2017 you say you gave Tony Corley
14 a ride home; is that right?

15 A. Yes.

16 Q. And were you in your car?

17 A. Yes.

18 Q. And who else, if anyone, was with you?

19 A. My brother and a friend of mine Amber.

20 Q. And Mr. Corley rode with y'all?

21 A. Yes.

22 Q. And what, if any, conversation did you have with
23 Mr. Corley?

24 A. He asked me if I had heard about him supposedly
25 killing Alena Kennedy and I told him yeah, that I have, and he

1 said, well, then, no body, there's no evidence.

2 Q. Well, let me slow you down for a minute. So did he
3 bring up the killing of Alena Kennedy?

4 A. Yes.

5 Q. And you told him you heard things about it?

6 A. Yes.

7 Q. What did he say about what people were saying about
8 him?

9 A. He said that people were saying that he killed
10 her.

11 Q. Well, did Mr. Corley admit he killed her?

12 A. No. He didn't admit it.

13 Q. Did he deny that he killed Alena?

14 A. No. He did not deny it either.

15 Q. What exactly were the words he used when you were
16 talking with him there in your car?

17 A. He said if they have no body, then they have no
18 evidence.

19 Q. When he said that, did you ask him any other
20 questions?

21 A. No. I didn't want to hear anything else.

22 Q. You what?

23 A. I didn't want to hear anything else.

24 Q. Okay. And did you, in fact, take Mr. Corley home?

25 A. Yes.

1 Q. And on that Monday did you tell this to the
2 Lexington County detectives that came to your home?

3 A. Yes.

4 Q. Did they ask you to put this in writing?

5 A. Yes.

6 Q. Did do you so?

7 A. Yes.

8 Q. And Mr. Corley's words, if they have no body, they
9 have no evidence, can you tell me exactly again what were his
10 exact words?

11 A. If they have no body, they have no evidence.

12 Q. And what did you take that to mean at the time?

13 A. That he did it, but there's no body so he can't get
14 convicted of it.

15 Q. Did you have an occasion to be at Mr. Corley's home
16 on another occasion when Rebecca Hill was there?

17 A. Yes.

18 Q. And can you tell us what happened on that evening?

19 A. I was arguing with Rebecca and Tony Corley said,
20 Ashley, please don't do that. I already have a crime scene
21 here and I don't need no cops.

22 Q. Were you offered any leniency by law enforcement
23 back in 2017 when you gave the statement?

24 A. No.

25 Q. And, in fact, the charges you're facing now didn't

1 even exist in 2017, did they?

2 A. No.

3 Q. And has anyone promised you anything today about
4 your charges that are in Federal Court?

5 A. No.

6 Q. Do you have a signed plea agreement with the United
7 States U.S. Attorney's Office?

8 A. No.

9 Q. And have you met with me in the presence of your
10 attorneys to discuss testimony about this murder?

11 A. Yes.

12 Q. When you and Mr. Corley were friends and you were on
13 the street, did y'all communicate through your social media?

14 A. Yes.

15 Q. If I can show you what's in evidence as State's
16 number 8 and ask you if you recognize this home page?

17 A. Yes.

18 Q. What is this?

19 A. Tony Corley's Facebook page.

20 Q. Okay. And were you and Mr. Corley friends on
21 Facebook?

22 A. Yes.

23 Q. And did you have a way to communicate via Facebook
24 Messenger with Mr. Corley?

25 A. Yes.

1 Q. If I can show you State's Exhibit 39 and ask if you
2 recognize this information?

3 A. Yes.

4 Q. Can you tell us what it shows?

5 A. That we were Facebook friends.

6 Q. Okay. And does it show a message from Mr., an
7 account associated with Mr. Corley to you?

8 A. Yes.

9 Q. What is the date of that message?

10 A. Uhm, 10/31/17.

11 Q. I need you to look at it again to where the sent
12 date is please.

13 A. Okay. 4/24/19.

14 MS. MARTIN: Your Honor, we would move this in as
15 State's 39.

16 THE COURT: Any objection?

17 MR. BELL: None, Your Honor.

18 THE COURT: All right. State's 39 is in evidence
19 without objection.

20 BY MS. MARTIN:

21 Q. If I may show you what's been marked as State's 40.
22 Do you recognize these cell phone numbers?

23 A. Yes.

24 Q. And do you see a number that you associate with
25 Mr. Corley on there?

1 A. Yes.

2 Q. What's the number associated there?

3 A. 803-201-2357.

4 Q. And do you recognize any other cell phone numbers on
5 there? Is your cell phone number --

6 A. Yes. Mine.

7 Q. Okay. Could you please tell us what it was at that
8 time?

9 A. 803-626-7711.

10 MS. MAYES: Your Honor, we move State's 40 into
11 evidence.

12 THE COURT: Any objection?

13 MR. LEVENTIS: None, Your Honor.

14 THE COURT: All right. State's 40 is in evidence
15 without objection.

16 BY MS. MARTIN:

17 Q. Do you remember the actual date that you had given
18 Mr. Corley a ride home since you have now reviewed your signed
19 roll call appearance?

20 A. The 16th.

21 Q. Okay. Of what year?

22 A. 2017.

23 MS. MARTIN: Ms. Cook, please answer any questions
24 that the defense may have.

25 THE COURT: Cross examination.

1 CROSS EXAMINATION

2 BY MR. LEVENTIS:

3 Q. Good afternoon, Ms. Cook.

4 A. Good afternoon.

5 Q. Let me go over your criminal record here again.

6 Uhm, in 2012 you were convicted of possession of meth
7 amphetamine?

8 A. Yes.

9 Q. In 2013, possession with intent to distribute meth
10 amphetamine second offense?

11 A. Yes.

12 Q. 2018 domestic violence second offense?

13 A. Yes.

14 Q. 2018 possession of meth amphetamine second
15 offense?

16 A. Yes.

17 Q. And a shoplifting enhancement in 2018?

18 A. Yes.

19 Q. So you had a meth amphetamine problem at the time,
20 an addiction?

21 A. Yes.

22 Q. All right. Now I want to talk about the charges
23 that are pending in Lexington County in detail. You were
24 arrested on about December 26th, 2018?

25 A. Mm-hmm.

1 Q. That was by the Lexington County Sheriff's
2 Department?

3 A. Yes.

4 Q. So those charges are pending in the Lexington County
5 Solicitor's Office right now?

6 A. Yes.

7 Q. One of the charges you were charged with was
8 trafficking meth amphetamine 200 grams to 400 grams?

9 A. Yes.

10 Q. And you have got a lawyer on this charge, correct?

11 A. Yes.

12 Q. That carries a penalty of 25 years?

13 A. Yes.

14 Q. You have to serve 85 percent of that?

15 A. Yes.

16 Q. Because it's a violent offense?

17 A. Mm-hmm.

18 Q. Serious offense?

19 A. Yes.

20 Q. No probation is to be granted on that?

21 A. No.

22 Q. You were also charged with trafficking heroine 28
23 grams or more, correct?

24 A. Yes.

25 Q. That carries a minimum of 25 years?

1 A. Yes.

2 Q. Carries a maximum of 40 years?

3 A. Yes.

4 Q. No probation on that one?

5 A. No.

6 Q. 85 percent of that?

7 A. Yes.

8 Q. You were also charged with something along the lines
9 of possession with intent to distribute heroine third
10 offense?

11 A. Yes.

12 Q. That carries a minimum of 10 years?

13 A. Yes.

14 Q. Maximum of 30 years?

15 A. Yes.

16 Q. It's also violent?

17 A. Yes.

18 Q. And serious?

19 A. Yes.

20 Q. So no probation on that?

21 A. No.

22 Q. All right. Now let's talk about the other charges
23 pending in the Lexington County Solicitor's Office. You were
24 arrested again on January 4th of 2019?

25 A. Yes.

1 Q. You were charged with two counts of trafficking meth
2 amphetamine between 28 and 100 grams third offense?

3 A. Yes.

4 Q. Each one of those carry a minimum of 25 years?

5 A. Yes.

6 Q. And a maximum of 30 years?

7 A. Yes.

8 Q. So run consecutively you would be looking at a
9 minimum of 50 years and a maximum of 60 years?

10 A. Yes.

11 Q. 85 percent?

12 A. Yes.

13 Q. No probation?

14 A. No.

15 Q. Now let's talk about your pending Federal charges.
16 You have Federal charges pending as well?

17 A. Yes.

18 Q. That charge is conspiracy to possess with intent to
19 distribute 50 grams or more of a mixture or substance
20 containing a detectable amount of meth amphetamine and a
21 quantity of cocaine?

22 A. Mm-hmm.

23 Q. And that was the meth amphetamine portion of that
24 statute?

25 A. Yes. The State charges that you just read off, the

1 Feds picked it up, but the State charges haven't been dropped
2 yet.

3 Q. Right. So on a Federal level if you had no prior
4 serious drug felony -- Well, first of all, you have a Federal
5 lawyer as well?

6 A. Right.

7 Q. And y'all have discussed this?

8 A. Mm-hmm.

9 Q. So assuming you had no serious drug felony, on that
10 charge you would be looking at a minimum of five years?

11 A. Right.

12 Q. And a maximum of 40 years?

13 A. Right.

14 Q. And the fine would be five million dollars?

15 A. Mm-hmm.

16 Q. If you have one serious felony on that charge, you
17 would be looking at a minimum of 10 years?

18 A. Right.

19 Q. And a maximum of life in prison?

20 A. Right.

21 Q. The fine on that would be eight million dollars.
22 Again, in 2013 you were convicted of possession with intent to
23 distribute meth amphetamine second offense?

24 A. Right.

25 Q. That's a serious drug felony?

1 A. Yes. I believe.

2 Q. So you're in the ten to life range?

3 A. Mm-hmm.

4 Q. Now, you said you haven't signed a plea agreement?

5 A. No.

6 Q. But you have been made aware of two separate plea
7 agreements?

8 A. No.

9 Q. So you haven't been given any plea agreements?

10 A. Not yet.

11 Q. Not yet. The U.S. Attorney's Office hasn't sent one
12 to your lawyer?

13 A. Not yet. I think they have a plea agreement, but I
14 haven't signed it or anything like that.

15 Q. But you are aware of what they're offering you?

16 A. They're two pleas, but I haven't accepted either one
17 of them yet.

18 Q. Right. But you're aware of what they're offering?

19 A. Right.

20 Q. In both of those plea agreement they're offering
21 benefits for cooperation?

22 A. No.

23 Q. They're not?

24 A. No. One is five to 40 years and one is 10 to life
25 with none of that. Nobody's offered me anything.

1 Q. The one that's 10 to 40 years --

2 A. Five to 40.

3 Q. The one that's 10 to life -- Excuse me. I
4 apologize. -- in that plea agreement you would be sentenced
5 according to the Federal guidelines?

6 A. Right.

7 Q. So you don't know whether you would get 10 or
8 life?

9 A. Right.

10 Q. Your attorney can predict, but she can't know for
11 certain?

12 A. Right.

13 Q. Federal probation would know for certain?

14 A. Yeah. They know. They would.

15 Q. In that plea agreement there's a provision allowing
16 for cooperation as well?

17 A. Which one?

18 Q. The one with 10 to life. And I have a copy of it
19 here with me.

20 A. It's the 5K, is that what you're talking about?

21 Q. Yes.

22 A. Okay. That's on the Federal cases, right? Not the
23 State.

24 Q. Right.

25 A. Yeah. So...

1 Q. I mean, but the cooperation applies to Federal or
2 State?

3 A. Well, I didn't know that so I didn't know that.
4 Yeah.

5 Q. Well, I apologize, Ms. Cook. We can move on from
6 that. All right. Now, you mentioned a fight with Rebecca
7 Hill --

8 A. Yes.

9 Q. -- at Tony's home. What was Tony's address at the
10 time again?

11 A. I don't know the address.

12 Q. Do you remember what date that occurred on?

13 A. No. I don't.

14 Q. The last time you saw Tony was June of 2017?

15 A. Yes.

16 Q. You've seen Haley Coleman since then?

17 A. Yes.

18 Q. You were both incarcerated together?

19 A. Yes.

20 Q. I'm gonna show you what's been marked Defendant's
21 Exhibit 3 for identification purposes only. I'll give you a
22 chance to review that.

23 A. (Witness complies.)

24 Q. First, do you recognize that document?

25 A. Yes. I do.

1 Q. What is it?

2 A. It's a statement I wrote.

3 Q. Could you please read that for me?

4 A. Read the whole statement?

5 Q. Yes, ma'am.

6 THE COURT: You want her to read it to herself?

7 MR. LEVENTIS: Read it to yourself. Yes, ma'am. I
8 apologize, Your Honor.

9 THE COURT: All right.

10 BY THE WITNESS:

11 A. (Witness complies.)

12 BY MR. LEVENTIS:

13 Q. Let me know when you're ready, Ms. Cook.

14 A. I'm ready. I'm done.

15 Q. What page did you mention a fight at Rebecca Hill's
16 home?

17 A. I didn't. I don't see that.

18 Q. All right. Well, just a couple more questions.

19 Because it's not in there?

20 A. Right.

21 Q. The fight at Rebecca Hill's home. You also told on
22 direct you said you had met Alena?

23 A. Right.

24 Q. You only met her once, correct?

25 A. Once.

1 Q. That was for about five minutes?

2 A. Yes.

3 Q. When you went to Tony's house?

4 A. Yes.

5 Q. Y'all had no interactions?

6 A. No.

7 Q. You left and went to Walmart right after that with
8 your friend?

9 A. Right.

10 Q. Now, you said supposedly on direct, but I do believe
11 the Solicitor's Office did a good job at clearing this up.
12 You said Tony killed Alena. That's not true. That was
13 misspoken or you misspoke as far as your personal knowledge?

14 A. I don't know personally if he did or not.

15 Q. But you heard several different rumors about how it
16 potentially happened?

17 A. Right.

18 MR. LEVENTIS: No further questions, Your Honor.

19 THE COURT: Redirect?

20 MS. MARTIN: Briefly, Your Honor. What's been
21 marked for ID as defense 3 -- Your Honor, at this time we
22 would offer their statement into evidence.

23 THE COURT: Any objection?

24 MR. LEVENTIS: Yes.

25 THE COURT: Okay. I think the State and the defense

1 has had ample opportunity to question her. You're on
2 redirect. You can ask her questions about it. I'm not
3 gonna allow it into evidence at this time. Thank you.

4 REDIRECT EXAMINATION

5 BY MS. MARTIN:

6 Q. Okay. Using this document, could you tell us the
7 date of that written statement that you gave law enforcement?
8 The date would be at the bottom.

9 A. June 19th, 2017.

10 Q. And during this time you were friendly with the
11 defendant, right?

12 A. Yes.

13 Q. You had been to his house numerous times?

14 A. Yes.

15 Q. And the charges you're facing now, all these Federal
16 charges, they didn't exist in June of 2017, did they?

17 A. No.

18 MR. LEVENTIS: Objection. Leading.

19 THE COURT: I'm gonna allow that.

20 BY MS. MARTIN:

21 Q. What was your answer?

22 A. No, ma'am.

23 MS. MARTIN: That's all, Your Honor.

24 THE COURT: Anything on those questions?

25 MR. LEVENTIS: Nothing, Your Honor.

1 a follow up to what we discussed yesterday, we made the
2 redactions that were discussed after yesterday's
3 hearings. I'm now going to replace the audio with the
4 redacted version of the audio.

5 THE COURT: All right. Very good. All right.
6 Defense ready for the jury?

7 MR. BELL: We are, Your Honor.

8 THE COURT: All right. Very good. Ask the jury to
9 come in please.

10 (Whereupon, the jury entered the courtroom at 2:35
11 p.m.)

12 THE COURT: State, call your next witness please.

13 MS. MAYES: The State calls Sergeant Mike Gooding.

14 THE COURT: Please come around to be sworn.

15 Thereupon,

16 MICHAEL GOODING

17 after having been first duly sworn, testified as follows,

18 THE CLERK: Please have a seat. Once you're seated,
19 state your full name spelling your last please.

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. Tell us a little bit about yourself. Where are you
23 currently employed.

24 A. My name is Michael Gooding, G-o-o-d-i-n-g, and I'm
25 currently employed at the South Carolina Criminal Justice

1 Academy.

2 Q. All right. And tell us a little bit about yourself
3 prior to joining the South Carolina Criminal Justice
4 Academy?

5 A. Yes, ma'am. As far as education and experience go I
6 have an associate's degree, a bachelor's degree from the
7 University of South Carolina. I've been involved in law
8 enforcement since about 1997. From 1997 through 1999 I worked
9 at the South Carolina Law Enforcement Division. You may have
10 heard it referred to as SLED before, and I worked there as a
11 forensic technician in the breath and alcohol testing. In
12 1999 I was hired by the University of South Carolina Police
13 Department and I worked with them from 1999 through 2009.
14 During the period of time I worked there, I did patrol work, I
15 did investigations, and I was a supervisor on the road and I
16 supervised investigations as well.

17 In 2009 and 2010 I worked in Afghanistan. I took a
18 contract with the Department of State to go over to
19 Afghanistan and train Afghan national police, came back in
20 2010, started at the Lexington County Sheriff's Department.
21 From 2010 through 2019 I worked for the Lexington County
22 Sheriff's Department, and while I was there first I worked on
23 the road, and then I was a property crimes detective and then
24 I was a major crimes detective, and then I went back to the
25 road as a sergeant, and then I came back to Lexington, or

1 excuse me, went back to major crimes as a sergeant in major
2 crimes as a supervisor. March will be two years ago I left
3 Lexington County and went to work for the South Carolina
4 Criminal Justice Academy.

5 South Carolina is unique in that everybody who is
6 certified in the State of South Carolina whether you're a
7 state police officer, a Highway Patrolman, a DNR agent or even
8 a police officer at your local two person town, they all go
9 through the same basic academy in South Carolina to get their
10 certification and right now I'm an instructor there at the
11 academy and I teach law enforcement.

12 Q. All right. And while you were with the Lexington
13 County Sheriff's Department, you mentioned you were with the
14 major crimes division, give us a general overview of what type
15 of work is done within that unit.

16 A. Yes, ma'am. The way we separate it out in Lexington
17 County is we separate it by what we call property crimes and
18 what we call major crimes. You can think of property crimes
19 as your burglaries, your larcenies, basically thefts or white
20 collar type crimes. Those crimes were worked out of each
21 specific region. We break down Lexington County into three
22 specific regions, north, south and west, and in each of those
23 regions you have some property crimes detectives who follow up
24 on those cases. What we call major crimes you might think of
25 as crimes against persons so assaults, armed robberies, rapes,

1 murders, all those kind of things are worked by major crimes
2 detectives and they worked out of the headquarters there in
3 Lexington at the main Sheriff's Department. We have four
4 teams and each of those teams was supervised by a sergeant,
5 had a number of detectives working for them and basically
6 those teams investigated all of the major crimes or crimes
7 against person reports.

8 Q. So as a sergeant in major crimes back in April of
9 2017 through June of 2017 tell us how you became involved as
10 sergeant in the investigation of the disappearance of Alena
11 Kennedy.

12 A. Yes, ma'am. This case was actually assigned to one
13 of the detectives who worked for me at the time and that was
14 Detective Samuel Smith. Sam was one of the major crimes
15 detectives. He was on my team. He was assigned this case for
16 investigation and as his supervisor I was responsible for
17 reviewing his reports, making sure he had the resources he
18 needed. I worked with him from time to time as needed. One
19 of our biggest assets as detectives was time. So oftentimes
20 when we had an investigation and that investigation seemed to
21 expand, then we would pull in additional resources as we
22 needed whether that be detectives from other teams, whether
23 that be other supervisors. Basically we all wanted to pitch
24 in and help where we could so that we could do the best
25 possible job and bring justice to the people who needed

1 justice.

2 Q. Is this Detective Sam Smith seated here in the
3 courtroom?

4 A. Yes, ma'am. He is.

5 Q. What is the first step specifically in this
6 investigation knowing that you have a missing person?

7 A. A missing person case is going to be very
8 challenging to work because oftentimes we don't - it's hard to
9 get an idea of where to start looking, if that makes sense,
10 and there's only certain things that you can do to try and
11 locate somebody. In this case once Detective Smith was
12 assigned the case, he immediately reached out to the family
13 and attempted to make contact because the family was the ones
14 who originally reported her missing, so we reached out to the
15 family to try and figure out where was the last time Alena had
16 been seen, who was Alena seen with, what are Alena's habits,
17 what kind of things does she have that we may be able to find
18 or track or something that we can use to try and determine her
19 location.

20 Q. All right. And ultimately did you determine whether
21 or not she had been to a Bank of America automated teller
22 location?

23 A. Yes, ma'am. We were.

24 Q. Let me show you an additional photograph and ask you
25 whether or not you recognize it, 43 is already a photograph in

1 evidence. I'm gonna show you these two photographs and ask
2 you whether or not you have knowledge as to whether they are
3 from the same set of photographs from April 19th, 2017?

4 A. Yes, ma'am. They are.

5 Q. All right. And were these recovered as part of your
6 law enforcement investigation?

7 A. Yes, ma'am. We found out, one of the ways we
8 attempt to locate somebody is through the use of debit cards
9 and credit cards. Once you swipe that card or once you use
10 that card somewhere, then it leaves a trail or leaves some
11 bread crumbs that we can begin to try to follow and what we
12 had found out in this investigation was after Alena had gone
13 missing, that her, or had been reported missing, her debit
14 card had been used to withdraw money from an ATM. So the next
15 step in the investigative process once we determined that her
16 card had been used would be to reach out to the bank, try to
17 get photos from that ATM so that we can look at the
18 transaction to see what the circumstances were, who was using
19 that card, was anybody else present, that type of thing.

20 Q. Do you know if ultimately her Bank of America
21 records were obtained by Detective Smith?

22 A. They were.

23 MS. MARTIN: All right. So as we're looking here at
24 State's 57 and 60, I believe these are offered without
25 objection.

1 THE COURT: Is that correct?

2 MR. BELL: Without objection.

3 THE COURT: All right. So 57 and 60 are in evidence
4 without objection. You may proceed.

5 BY MS. MARTIN:

6 Q. Ultimately, Sergeant Gooding, were you able to
7 determine as to State's 57 and then State's 60 anyone who may
8 own or drive a white Nissan as shown here in these
9 photographs?

10 A. Yes, ma'am.

11 Q. Based on the investigation who was determined to
12 have a vehicle matching that description of the white
13 Nissan?

14 A. It turned out to be Tony Corley's mother's car.

15 Q. What is her name?

16 A. Her name is -- Give me just one second. Susan Grice
17 Corley.

18 Q. All right. What is her address?

19 A. She lives at a Greengarden address in Chapin. It's
20 ■■■, I believe. I have to check.

21 Q. Okay.

22 A. ■■■ Greengarden Drive in Chapin, South Carolina.

23 Q. All right. So talking about the various aspects of
24 this investigation, we know that a missing person's report was
25 filed?

1 A. Yes, ma'am.

2 Q. And you mentioned that law enforcement underwent
3 various, took various actions to try and determine her
4 whereabouts?

5 A. Yes, ma'am.

6 Q. What, if any, action did you take as an investigator
7 to follow up on leads?

8 A. Well, initially we didn't have a whole lot of leads
9 as far as where Alena may have gone so one of the things that
10 Detective Smith did which is common in missing person's cases
11 is he got with our public information officer, because we find
12 generally with the help of the community can be vital
13 sometimes in finding a missing person or solving crimes. So
14 we prepared some releases. Now, before we put this out to the
15 public, Detective Smith checked with Alena's family to make
16 sure it was okay that we were using her picture and that kind
17 of thing that they had provided. So then we started
18 disseminating that through the department's social media feed
19 as well as other news agencies in a request for anybody who
20 might have information about Alena's disappearance to please
21 contact us so that we can begin the follow up on that
22 information.

23 Q. All right. Do you know the date or the approximate
24 date that the media release went out from the Lexington County
25 Sheriff's Department?

1 A. That was about June 13th, ma'am.

2 Q. I'm gonna go ahead and add that to the timeline that
3 we have been working on, Sergeant Gooding, because with that
4 going out --

5 MR. LEVENTIS: Objection. Leading.

6 MS. MAYES: I can rephrase that, Your Honor.

7 THE COURT: All right. Please do.

8 BY MS. MAYES:

9 Q. With that going out on June 13th --

10 MR. BELL: Objection, Your Honor. She's not asking
11 a question here.

12 THE COURT: Well, you sort of stopped her in the
13 middle. Let's see if it's a question or not first, all
14 right? Go ahead.

15 BY MS. MAYES:

16 Q. With that going out on June 13th, 2017, did you
17 receive any leads?

18 A. Yes, ma'am.

19 Q. Okay. Can you tell us whether or not you used other
20 agencies such as Crime Stoppers?

21 A. Yes, ma'am.

22 Q. Can you tell us as a result of the media release and
23 information you received whether or not you had the
24 opportunity to follow up then with any interviews?

25 A. Yes, ma'am.

1 Q. Where did you go?

2 A. Well, kind of a couple different things began to
3 happy simultaneously. We had gotten information via a tip
4 that Alena Kennedy had been seen alive both by this person and
5 that she was seen alive at Tony Corley's residence which is I
6 think the [REDACTED] address there in South Congaree and she was
7 seen in the company of Tony Corley and I believe it's Anthony
8 Ray Oxendine.

9 Q. All right. I'm gonna show you a photograph and ask
10 you whether or not you recognize this location?

11 A. Yes, ma'am. That's Tony Corley's home.

12 Q. Is that the residence that you just mentioned, the
13 McDonald Avenue?

14 A. Yes, ma'am.

15 Q. And do you know what area of Lexington County that
16 is in?

17 A. Yes, ma'am. South Congaree.

18 Q. What happened next?

19 A. We went out and we made contact with the person who
20 had left us the tip which turned out to be some of Tony's
21 family that resided at [REDACTED] McDonald Avenue which is actually,
22 the property at [REDACTED] sits toward the side and [REDACTED] kind of
23 sits toward the back right there on the property so they
24 basically share the same piece of land but they have two
25 different road addresses.

1 Q. So without going into what any third party said to
2 you, what action did you take next to follow up and try and
3 locate Tony Corley to question him?

4 A. We had interviewed some people. We began to monitor
5 some jail calls and some video visits with some names that we
6 had gotten to see if there was any information that we could
7 get that might be pertinent to the investigation that needed
8 to be followed up on and then we began to conduct interviews
9 inside the jail.

10 Q. All right. And without going into again what any
11 third party said, what are the names of some individuals that
12 you contacted and interviewed?

13 A. Phillip Westmoreland, Tony Oxendine, Maryann
14 Chapman.

15 Q. And Maryann Chapman, what relationship was she to
16 the defendant?

17 A. She was Tony's aunt.

18 Q. All right. And the residence that you mentioned
19 previously that would be adjacent to this one, can you tell us
20 where she resides?

21 A. She resided at the [REDACTED] address. Like I said, it's
22 on the same property. The trailer sits, if you're facing the
23 house, if that makes sense, you're facing the piece of
24 property, Tony's trailer sat to the right edge of the property
25 and her home sat towards directly in front of you towards the

1 back if that makes sense off the roadway.

2 Q. All right. So based on your contact with those
3 individuals that you named including Tony or Anthony Oxendine
4 and the aunt of the defendant Maryann Chapman, what action did
5 you take next?

6 A. Well, we began interviewing some more people and try
7 and determine some more leads. Detective Smith and I at one
8 point went to the South Congaree Police Department. We
9 attempted to locate and speak with two names that we had been
10 given as being possibly involved at that point in time as
11 well.

12 Q. Okay. And who were those two persons?

13 A. That was Tony Corley and Harriet Coleman.

14 Q. All right. So the defendant in this case Tony
15 Corley. And then you mentioned the name Harriet Coleman.
16 Does Harriet Coleman go by any other name as well?

17 A. Haley Coleman.

18 Q. All right. So Harriet Coleman is Haley Coleman?

19 A. Yes, ma'am.

20 Q. And what did you understand at this point to be the
21 relationship between those two persons? Did they know each
22 other?

23 A. They did.

24 Q. And what happened next?

25 A. So on the 15th we had located a potential address

1 for Tony Corley and that address was the [REDACTED] -- I just want to
2 verify that again. Sometimes I forget the numbers -- the
3 Greengarden address. [REDACTED] Greengarden Drive. We went out to
4 that address in an attempt to speak with him and we also went
5 to Haley Coleman's residence in an attempt to speak with her
6 as well.

7 Q. All right. I'll need you to speak up just a little
8 bit louder. I want to go through this in more detail,
9 Sergeant Gooding. So June 15th, 2017 you make an attempt to
10 actually speak with the defendant in this case Tony Corley?

11 A. Yes, ma'am.

12 Q. You mentioned the first place you went was to this
13 residence here on McDonald Avenue?

14 A. Correct.

15 Q. Now, you had mentioned previously that you had
16 spoken with his aunt?

17 A. Yes, ma'am.

18 Q. Was that on the same day?

19 A. Yes, ma'am.

20 Q. And was Tony Corley there at his residence?

21 A. He was not and I believe it was his aunt who
22 actually suggested that he may be at his mother's house.

23 Q. All right. And his mother's house I think you
24 mentioned has an address in Chapin. What was that address
25 again?

1 A. [REDACTED] Greengarden Drive.

2 Q. All right. Now, there's one more address that you
3 mentioned. You mentioned an address of Sangaree. Who resides
4 at Sangaree Drive?

5 A. That would be Harriet or Haley Coleman.

6 Q. All right. And do you know the actual numerical
7 address there at Sangaree?

8 A. Yes, ma'am. It's [REDACTED].

9 Q. All right. So after you go to this residence here
10 shown here on the overhead State's 44, he's not there, where
11 do you go after this?

12 A. After we left that address, we went to the Sangaree
13 Drive address.

14 Q. All right. And Sangaree is the address of the
15 female that you mentioned earlier, the acquaintance of the
16 defendant, Harriet Coleman?

17 A. That's correct.

18 Q. Without going into what was said to you, who did you
19 learn from that he may be at his mother's home at [REDACTED]
20 Greengarden?

21 A. That will be from Haley Coleman, Harriet Coleman.

22 Q. And upon learning that information where did you
23 go?

24 A. We went to the Greengarden Drive address. We got on
25 our computer system, we tried to figure out, you know, where

1 we might find an address on Greengarden, somebody who might be
2 related to Tony Corley and we were able to identify his
3 mother's address out on Greengarden and Detective Smith and I
4 went out there.

5 Q. Okay. Now, at this point in the investigation did
6 you have enough evidence to make an arrest?

7 A. Not at all.

8 Q. What type of initial contact or interview was this
9 with the defendant?

10 A. Any time we start a criminal investigation
11 especially something like this where we're getting information
12 from the public, we're getting tips and that kind of stuff, we
13 start to get a bunch of information sort of all at one time,
14 but kind of like putting together a puzzle you don't
15 necessarily know how the pieces fit together, if that makes
16 sense. So we knew that we had heard Tony Corley's name and we
17 knew that we had heard it in relation to the disappearance of
18 Alena, but we really at that point in time still had him
19 something like a person of interest, just a name that had been
20 brought up. So at that point in time Detective Smith and I
21 wanted to go out there and make contact with Tony Corley to
22 kind of find out, hey, did you know Alena Kennedy? Have you
23 seen Alena Kennedy? You know, we've heard your name. Do you
24 have any information in regards to a missing person's case?
25 Because at this point in time that's still what we were

1 investigating.

2 Q. All right. Just to reiterate, at the date of June
3 15th, 2017, did you even know yet that Alena Kennedy was
4 deceased?

5 A. No, ma'am.

6 Q. Her body had not yet been found?

7 A. That's correct.

8 Q. Please continue.

9 A. So Detective Smith and I went out to the Greengarden
10 address and we made contact with Tony. We asked if we could
11 speak with him. So he came out. He agreed to speak with us.
12 He wasn't threatened in any way. He wasn't coerced in any
13 way. We hadn't promise him anything, and we began to speak
14 with him about the missing person's case.

15 Q. Let me just follow up on that a little bit more.
16 Was he in custody at this time?

17 A. No, ma'am. He wasn't.

18 Q. He was free to leave or go back inside?

19 A. Yes, ma'am. Ultimately he did.

20 Q. And based on all of the observations that you made
21 during the course of this interview, did he appear to be of
22 sound mind?

23 A. He did.

24 Q. He was able to respond to the questions that you
25 posed?

1 A. Yes, ma'am. He responded appropriately. He didn't
2 appear to be under the influence of alcohol or drugs or
3 anything at that point in time. There was nothing that stood
4 out about that conversation as being any different than the
5 conversation I'm having with you now.

6 Q. All right. And so based upon all of those
7 observations, did his agreement to speak with you and
8 participate in this interview appear to be free and
9 voluntarily?

10 A. Yes, ma'am. It was.

11 Q. All right. And you mentioned that you were with
12 Detective Smith. Can you tell us whether or not there are
13 notes which correspond with that interview?

14 MR. BELL: Objection. Leading.

15 MS. MAYES: I can rephrase that, Your Honor.

16 THE COURT: Go ahead.

17 BY MS. MAYES:

18 Q. Are you familiar with what occurred during that
19 interview --

20 A. Yes, ma'am.

21 Q. -- that was conducted with Tony Corley at his
22 mother's residence on June 15th, 2017?

23 A. Yes, ma'am. I am. It was documented in a
24 supplemental report that was prepared by Detective Smith.

25 Q. Please share with us, Sergeant Gooding, what you are

1 familiar with in regards to that interview.

2 A. Yes, ma'am. Uhm, as soon as we got there, we told
3 Tony Corley why we were there. We were there --

4 MR. BELL: Objection, Your Honor.

5 BY THE WITNESS:

6 A. -- in regards to a missing person's case.

7 THE COURT: I'm sorry.

8 MR. BELL: Objection, Your Honor. He's testifying
9 to what someone else said. He's saying "we". I would
10 just ask him to keep it to what he --

11 THE COURT: All right. Well, I believe he was
12 testifying as to what he did, but if there were other
13 people present, just include them also, okay? All right.
14 Very good. Go ahead.

15 THE WITNESS: Yes, sir, Your Honor. I apologize.

16 BY THE WITNESS:

17 A. I actually told Tony Corley that we were there
18 in regards to a missing person's case. He told me, myself, I
19 already know why y'all are here and these are all just
20 stories. Now, while he's telling us this, he's extremely
21 animated, he's shuffling his feet back and forth, he's kind of
22 slapping his hands together. He then tells us that girl is
23 just fine. I know what's going on. Y'all are listening to
24 those crack heads in jail.

25 BY MS. MAYES:

1 Q. All right. Let me stop you right there. When he
2 said that girl is just fine, had you informed him yet who the
3 missing person was and who you were asking about?

4 A. Yes, ma'am.

5 Q. Can you tell us whether or not he was aware that it
6 what Alena Kennedy?

7 A. Yes, ma'am. He knew that it was in regards to Alena
8 Kennedy.

9 Q. And he tells you that that girl is just fine?

10 MR. BELL: Objection. Leading.

11 THE COURT: I'm allowing that. Go ahead.

12 BY MS. MAYES:

13 Q. Please continue.

14 A. Yes, ma'am. After he makes the comment about us
15 listening to crack heads in jail, he says, these dope fiends
16 like Jake Rupert, Tony Oxendine, all them people, Tony then
17 told us that once again she was just fine and that he had
18 helped her leave town which was interesting at this point from
19 an investigative standpoint is we had never heard the name
20 Jake Rupert come up in anything we had done. This is the
21 first time we've heard the name Jake Rupert and it came from
22 Tony Corley.

23 Q. All right. When he told you that he had helped her
24 leave town, did he say where she had gone?

25 A. He kept saying he was trying to help her get her

1 life in order. First he tells us, I heard she was in
2 Charleston. He says, I heard she was in Charleston. We, once
3 again, began to explain, hey, look, she's a missing person.
4 All we want to do is bring some closure to this, and by
5 closure what I mean is somebody, we need to lay eyes on Alena
6 Kennedy or some other jurisdiction needs to lay eyes on Alena
7 Kennedy to make sure that she's fine and as soon as we do
8 this, this investigation is essentially over and completed at
9 that point in time. Tony begins to talk about Alena's
10 family.

11 Q. Let me ask you this: Did he indicate whether or not
12 he was aware of any news reports that Alena was missing by
13 this time?

14 A. Yes. He said he had seen them and then he, because
15 I believe the family made an interview and he begins to
16 criticize the family of the missing girl at that point in
17 time.

18 Q. Did you inquire further as to her whereabouts?

19 A. We did. Once again he tried to explain that she had
20 left town on her own free will, that he had helped her and he
21 started saying something like, I'm a man of my word. My word
22 is my bond. I have already told you guys too much. I
23 shouldn't tell you any more. Meanwhile while he's telling us
24 all this he's sort of shuffling around, walking in circles and
25 then he says, I just hope she's in a better place where she

1 doesn't have to worry about all of this.

2 Q. All right. And was that statement of note to you?

3 A. Oh, it completely struck us as odd because we're
4 investigating a missing person's case. As far as we know at
5 this point in time Alena Kennedy is alive and well, but yet
6 he's referring to Alena Kennedy in the past tense as in, at
7 least that's the way I interpreted it, as I hope she's in a
8 better place which was very much an odd thing to say at this
9 point in time especially if you have knowledge that she's
10 alive and well and you have helped her leave to go to
11 Charleston or someplace else.

12 Q. Now, did he indicate whether or not he had been in
13 contact with her?

14 A. He said he had. He said that he had contacted her
15 through Facebook Messenger and at one point in time he pulls
16 out a black Apple iPhone and actually shows it to Detective
17 Smith in an attempt to convince him that she's, in fact, alive
18 and well and shows Detective Smith some sort of Facebook
19 messages.

20 Q. And you were a witness to that as well?

21 A. Yes, ma'am. I was.

22 Q. And after showing that message, was it your
23 understanding that he was communicating with her through
24 Facebook? Can you summarize that?

25 A. Yes. That's what he was trying to lead us to

1 believe was that he was in communication with her even then at
2 that point in time on the 15th when we had talked to him and
3 that he was communicating with her through Facebook
4 Messenger.

5 Q. All right. What happened next?

6 A. Detective Smith pointed out that the message that
7 Tony was showing on the phone had never been read by Alena
8 Kennedy at which time Tony became even more agitated and
9 frustrated, began slapping his hands together going Jupiter,
10 Florida. Jupiter, Florida. That's all I'm gonna say.

11 Q. Jupiter, Florida?

12 A. Yes, ma'am.

13 Q. And was that the end of your contact with Mr. Corley
14 on that day?

15 A. Yes, ma'am. Although there is one more item of
16 interest as that interview was ending.

17 Q. Please continue.

18 A. As we were ending the interview with Tony Corley,
19 Tony Corley's mother pulled up in her vehicle and so on the
20 15th for the first time we saw Tony Corley's mother's car
21 which at that point in time didn't have any significance to us
22 because we hadn't received the photos from Bank of America
23 yet, but that was one of the ways down the road we were able
24 to identify that the vehicle in the photos from the bank was
25 consistent with Tony Corley's mother's vehicle.

1 Q. Now, that's on the 15th?

2 A. Yes, ma'am.

3 Q. Sergeant Gooding, what, if anything, of interest in
4 this investigation occurred on June 16th the following day?

5 A. Remains were discovered.

6 Q. And ultimately through the course of the
7 investigation was it determined that the remains on Old Two
8 Notch Road were those of Alena Kennedy?

9 A. Yes, ma'am. The Sheriff's Department got a call
10 that weekend. Way out on Old Two Notch Road some people who
11 had been walking down that road had observed a trash can that
12 was off the roadway and just slightly into the woods and they
13 had noticed that the trash can had a pretty bad odor to it at
14 that point in time so they walked over, they looked at the
15 trash can, and we know this, they filed a report and were
16 interviewed by detectives, they walked over, looked at the
17 trash can, thought, hey, this doesn't look right, this doesn't
18 smell right, and they contacted the Lexington County Sheriff's
19 Department.

20 Q. All right. And so June 16th her body is recovered.
21 What, if any, action was taken to follow up with an interview
22 with Mr. Corley after that date?

23 A. Myself and another detective went out to try and
24 speak with him again on the 21st of June.

25 Q. Do your notes indicate where you located him on this

1 day?

2 A. Once again he was at his mother's residence on
3 Greengarden.

4 Q. All right. And upon approaching him on this date,
5 can you tell us whether or not he was in custody?

6 A. He was not.

7 Q. Did you have an arrest warrant for him yet?

8 A. We did not.

9 Q. And did you threaten or coerce him in any way in
10 order to participate in that interview?

11 A. No, ma'am.

12 Q. Did you make any promises to him in exchange for
13 that interview?

14 A. No, ma'am.

15 Q. Based upon your observations did it appear to be
16 free and voluntary?

17 A. Yes, ma'am. It was.

18 Q. Tell us what occurred when you went to his mother's
19 residence at Greengarden on June 21st?

20 A. Well, once again, we had simultaneous events going
21 on so to speak. We had detectives at one location. They were
22 continuing the investigation at that point and interviewing
23 some people. We had basically split into teams and we were
24 out following up on leads so at that time Defendant Bonette
25 and I went out to the [REDACTED] Greengarden address again in an

1 attempt to speak with him.

2 Q. Do you have with you your own notes from your own
3 supplemental report?

4 A. Yes, ma'am.

5 Q. Have you had an opportunity to review those?

6 A. Yes, ma'am. I have.

7 Q. Tell us what occurred when you made contact with the
8 defendant on this date?

9 A. Yes, ma'am. We recorded that interview. That
10 interview was later uploaded into the case file. We had gone
11 by Harriet or Haley Coleman's address prior to coming out to
12 Tony Corley's address. So when we made contact with Corley,
13 he told us, hey, I've spoken with Coleman after we left her
14 house. He admitted to driving a blue car that Haley or
15 Harriet Coleman had owned for two to three weeks while Haley
16 drove a van. He told us that Haley had used some illegal
17 narcotics. He told us that he had never been to the bank with
18 the victim or gotten money or any of the alleged items or
19 stolen shoes or anything like that. He told us that Haley had
20 stayed overnight before at house, and then he told us that he
21 had changed his phone number which was unique because he had
22 changed his phone number from the time we talked to him from
23 on the 15th to the 21st, but that he had changed his phone
24 number to 803-201-2257.

25 He told us that he had not talked to his uncle on

1 Cecil Lane on that day which we had people at the house on
2 Cecil Lane at that time. He was aware that people were saying
3 that he may have had something to do with Alena's
4 disappearance and he said that he was aware that we considered
5 him to be a person of interest. He began to ask over and over
6 and over again, hey, what is it I can do to clear my name?
7 What is it I can do to clear my name? And offered us to allow
8 us to search his residence. Hey, I've got nothing to hide
9 kind of thing. If you want, you can search my house. I have
10 no issue with that.

11 Q. All right. So you mentioned that this interview
12 that was conducted on June 21st, 2017 was recorded?

13 A. Yes, ma'am.

14 Q. Ultimately during the course of this interview,
15 Sergeant Gooding, from the beginning to the end did he ever
16 acknowledge knowing that Alena was not alive?

17 A. No, ma'am. He still continues to suggest that she
18 was alive and well and out of town. There was nothing really
19 we should be concerned about.

20 Q. All right. You have had an opportunity to review
21 the audio tape in this case?

22 A. Yes, ma'am.

23 Q. I'm gonna show you this audio with the date 6/21/17
24 and based on your knowledge of this item is it a fair and
25 accurate representation of the audio interview that yourself

1 and another officer conducted with the defendant on June 21st,
2 2017?

3 A. Yes, ma'am.

4 Q. Who was the other officer?

5 A. Detective Bonette.

6 Q. All right. Tell us a little bit about what we're
7 hearing on the audio in terms of where it's taking place at
8 his mother's home?

9 A. Yes, ma'am. I was the supervisor so I guess I was
10 lucky enough to have a Tahoe. I had a nice car. We drove my
11 Tahoe out there, and what you hear during the interview is
12 Tony come up. We're parked outside. I think we speak to him
13 through the window briefly. He agrees to talk with us. He's
14 sitting -- So I'm sitting in the driver's seat of the vehicle.
15 Detective Bonette is sitting in the back seat of the vehicle
16 and Tony would be sitting in the right front passenger seat of
17 the vehicle. This was an unmarked Tahoe. Didn't have the big
18 Lexington County Sheriff's Department stickers on it, didn't
19 have the cage to separate the front and back seat. Just a
20 regular old looking Tahoe.

21 MS. MAYES: Your Honor, we request permission to
22 publish what is State's Exhibit 15 being the audio
23 recording from June 21st, 2017.

24 THE COURT: All right. Based upon the Court's prior
25 ruling, I'm gonna allow State's 15 into evidence and you

1 may publish.

2 MR. BELL: Pursuant to my previous objection.

3 THE COURT: Yes, sir. That's what I was indicating,
4 pursuant to previous proceedings. Go ahead.

5 MR. BELL: May we approach, Your Honor?

6 THE COURT: Sure.

7 (Side bar off the record.)

8 (Whereupon, State's Exhibit #15 played.)

9 BY MS. MAYES:

10 Q. All right. Now, at the end of this interview
11 clearly was he free to leave?

12 A. Yes, ma'am.

13 Q. There was communication on that audio about meeting
14 back up at 3:30 that day for what purpose?

15 A. So that we could take Tony up on his offer to search
16 his residence. He had continued to insist that nothing had
17 happened at the house. He requested the chance to be able to
18 clear his name by having law enforcement meet him there at the
19 residence. So we agreed to make that happen and we agreed to
20 meet him at his residence at 3:30 that afternoon.

21 Q. And you were referring to his residence at McDonald
22 Avenue?

23 A. Yes, ma'am.

24 Q. All right. Did he show up to meet you?

25 A. No, ma'am. He did not.

1 Q. And ultimately what effort, if any, did law
2 enforcement take to search that residence?

3 A. We went ahead and obtained a search warrant from a
4 judge for the [REDACTED] McDonald Avenue address to search for any
5 physical evidence in regards to the death of Alena Kennedy.

6 Q. All right. And can you tell us whether or not CSI
7 officers with the Lexington County Sheriff's Department
8 conducted a search there?

9 A. Yes, ma'am. They did.

10 Q. All right. Now, during that audio there is
11 a portion where you make the statement, have you talked to
12 your uncle? What were you referring to?

13 A. Tony's uncle lives over on [REDACTED] Cecil Lane which was
14 an address that had come to our attention and his name is
15 Murray Corley and I was curious because we actually had people
16 from the Lexington County Sheriff's Department over at that
17 address on this same day. So in other words, people are over
18 at the uncle's house while Detective Bonette and I were
19 talking to Tony at his mother's residence in Chapin.

20 Q. All right. Do you know whether or not a search
21 warrant was executed at his uncle's house [REDACTED] Cecil Lane?

22 A. It was.

23 Q. All right. And on what day was the search
24 warrant?

25 A. The same day June 21st.

1 Q. Now, do your notes reflect and the audio reflect
2 whether or not the defendant confirmed his mobile phone number
3 to you guys as you were talking?

4 A. He did.

5 Q. All right. And what was that number?

6 A. That was area code 803-201-2257.

7 Q. Also during the course of the audio he made a
8 reference to having a female stalker by the name of Nicole.
9 Did the investigation determine a last name for Nicole?

10 A. Chavis.

11 Q. Okay. So based on the information provided directly
12 from Mr. Corley did he appear to have one female acquaintance
13 or multiple female acquaintances?

14 A. Multiple female acquaintances. We picked that up
15 from him telling us that and we also picked that up from other
16 sources later looking at things like video visitations and
17 jail calls and that type of thing.

18 Q. Now, moving onto your efforts, after this interview,
19 one of the things you mentioned had come up previous back
20 during your interview with him on June 15th was that you
21 learned the name Jake Rupert?

22 A. Yes, ma'am.

23 Q. Do you know whether or not Jake Rupert was
24 interviewed by the Lexington County Sheriff's Department?

25 A. He was on two occasions.

1 Q. What were the dates of those interviews with
2 Mr. Rupert?

3 A. One of them would have been that same day, June 21st
4 and a subsequent interview took place on June 22nd.

5 Q. And ultimately following the search of Cecil Lane
6 and interviews that you have spoken of, what action did law
7 enforcement take?

8 A. Yes, ma'am. A decision was made that we're gonna go
9 ahead and get a search warrant for Tony Corley's residence.
10 That decision was made based on several factors. One of the
11 factors it was based on was information was received from the
12 Cecil Lane address where the search warrant was being
13 conducted that was verified by Jake Rupert who was also being
14 interviewed by law enforcement at the time that provided
15 information that linked items from the Cecil Lane address to
16 the McDonald Avenue address and specifically an item that was
17 described to have been --

18 MR. BELL: Objection.

19 MS. MAYES: All right. I can move on, Your Honor.

20 THE COURT: All right. Very good.

21 BY MS. MAYES:

22 Q. Please don't say what anyone else said to you, but
23 what, if any, action was taken by law enforcement in terms of
24 an arrest warrant in this case?

25 A. We still did not seek an arrest warrant until after

1 we executed the search warrant on the McDonald Avenue address
2 which was Tony Corley's residence.

3 Q. And what date was the arrest warrant obtained?

4 A. The arrest warrant was obtained on the 22nd.

5 Q. So with an arrest warrant being obtained on June
6 22nd, did that follow the interview with Jake Rupert?

7 A. Yes, ma'am.

8 Q. Did it follow the search of Cecil Lane?

9 A. Yes, ma'am.

10 Q. What date was the arrest warrant served on Tony
11 Corley?

12 A. It was served on the 23rd.

13 Q. That arrest warrant was for what charge?

14 A. That was for murder and there were some additional
15 charges as well.

16 Q. Can you tell us with him being charged with murder
17 what, if any, arrest warrants were obtained for Harriet or
18 Haley Coleman?

19 A. Accessory after the fact and desecration of human
20 remains.

21 Q. What date were her arrest warrants served?

22 A. She was also arrested on the 23rd.

23 Q. So looking at the date of June 23rd, you mentioned
24 that the arrest warrants had already been obtained, what
25 efforts, if any, were taken to actually serve those arrest

1 warrants?

2 A. Yes, ma'am. Due to the nature of the charge,
3 potential violent nature of the charge and the fact that we
4 didn't feel as though we had a good location to be able to
5 find Mr. Corley, we contacted our fugitive team. Their
6 specialty is to go out and find people and we request that
7 they attempt to execute the warrants on Tony Corley for us and
8 bring him into custody.

9 Q. And ultimately was Tony Corley found at his own
10 residence on McDonald Avenue?

11 A. No, ma'am.

12 Q. Was he found at his mother's house at [REDACTED]
13 Greengarden?

14 A. No, ma'am.

15 Q. Ultimately where did they find him?

16 A. He was located at [REDACTED] Calvary Church Road which is
17 down in the Swansea area of Lexington County.

18 Q. All right. What occurred after the fugitive team
19 executed the arrest of Tony Corley?

20 A. He was transported to the Sheriff's Department
21 there on [REDACTED] Gibson Road in Lexington and was interviewed by
22 Detective Smith and myself.

23 Q. Can you tell us whether or not this interview was
24 also recorded?

25 A. Yes, ma'am. It was.

1 Q. When he's brought in, can you tell us whether or not
2 you confront him about the fact that he had not appeared at
3 McDonald Avenue for that search warrant?

4 A. I did.

5 Q. Can you tell us whether or not he was advised of his
6 Miranda Warnings or his Miranda Rights?

7 A. He was.

8 Q. I'm gonna show you a document which is currently
9 marked as State's Exhibit 16 and ask you whether or not you
10 recognize this document and if so, how?

11 A. This is the Lexington County Sheriff's Department
12 Statement Form that we use and it was the statement form that
13 we use that contains Advisement of Miranda Rights.

14 Q. And who actually advised Tony Corley of his Miranda
15 Rights on June 23rd, 2017?

16 A. I did.

17 Q. And up until this point in time has he ever
18 acknowledged that Alena Kennedy was deceased?

19 A. No. He continued to insist that she was alive and
20 well. He didn't believe that she was deceased. He had given
21 us as I said the Charleston location, the Florida location.
22 He insinuated that he had been in contact with her, that as
23 far as he knew and as far as we should be concerned everything
24 was fine.

25 Q. Take us through the Miranda Warnings and the Miranda

1 Rights exactly as you advised Mr. Corley on that date of June
2 23rd, 2017.

3 A. Yes, ma'am. On the top of this form there's a date
4 and there's a location and there's a time. That was the first
5 thing I filled out. It was on June 23rd, 2017. The location
6 of the interview was the Lexington County Sheriff's Department
7 and the time the interview began was 1:16 in the afternoon.
8 There's some biographical information I filled out because I
9 put down who it was I was speaking with, how old they were,
10 where they were born and what their present address was. I
11 asked Mr. Corley how many grades of school he has to ascertain
12 what his education was, and then if he could read and write.
13 He indicated to me he completed 12 grades of school and that
14 he could read and write, and I noted that on the form after he
15 told me.

16 Q. Let me ask you this: The document that you're
17 holding State's 16, is that the original Miranda Warning and
18 statement form?

19 A. It is.

20 Q. I'm gonna show you this next document and ask you
21 whether or not you recognize it?

22 A. This is a photocopy of the original statement form
23 that you have there in front of you. I recognize my
24 handwriting and I recognize my initials.

25 MR. BELL: Objection, Your Honor.

1 THE COURT: All right. It's not in evidence yet so
2 you can't publish it.

3 MS. MAYES: Yes, Your Honor. State's 16, Your
4 Honor, for evidence.

5 MR. BELL: May we approach?

6 THE COURT: Sure.

7 (Side bar off the record.)

8 BY MS. MAYES:

9 Q. Is this the document that contains your signature?

10 A. Yes, ma'am. It does.

11 Q. Who else has a signature on this document?

12 A. Anthony Corley, but he signed it as Lee A. Corley.

13 Q. All right. And what is the date on this document?

14 A. June 23rd, 2017.

15 Q. And the time?

16 A. The time is 1:16 in the afternoon.

17 Q. Were you a witness to his signature on this
18 document?

19 A. Yes, ma'am. I was.

20 Q. As well as the Advice of Rights that you
21 mentioned?

22 A. Yes, ma'am.

23 MS. MAYES: Your Honor, the State offers 16 for
24 evidence.

25 THE COURT: All right. The portion that contains

1 the Miranda Warnings and the acknowledgement by the
2 defendant, I'll allow that portion into evidence at this
3 point in time. The rest of it, you will have to develop
4 that through testimony.

5 MS. MAYES: Yes, sir, Your Honor.

6 BY MS. MAYES:

7 Q. Now, when you say that he was advised of his rights,
8 who is actually reading those to him?

9 A. I am.

10 Q. Take us through, Sergeant Gooding, the rights
11 exactly as they were advised to Mr. Corley on that day.

12 A. Yes, ma'am. Reading off of the form I told him, you
13 have the right to remain silent. Anything you say can and
14 will be used against you in a court of law. You have the
15 right to talk to a lawyer for advice before asked any
16 questions and to have him or her present with you during the
17 questioning. If you have no money for lawyer's fees, the
18 Court will appoint one to represent you without cost, if you
19 wish. If you decide to answer questions now without a lawyer
20 present, you will still have the right to stop answering
21 questions at any time. You also have the right to stop
22 answering questions at any time until you talk with an
23 attorney. And then I showed Mr. Corley the form. I asked him
24 to initial and read if he wanted to after each one of those
25 rights that I had advised him of and he took the form and he

1 initialed 1 through 5 which were the rights and then I noticed
2 that he had also initialed, I have read this statement of my
3 rights and I understand what my rights are. So I stopped and
4 asked him, I'm lie, do you understand what your rights are?
5 You're waiving your rights? You're agreeing to talk with us?
6 He indicated that he was.

7 Q. All right. Based upon all of your observations was
8 this a free and voluntary interview with Mr. Corley on June
9 23rd?

10 A. Yes, ma'am.

11 Q. And at this point in time having been picked up by
12 the fugitive team as you mentioned, was he in custody?

13 A. He was.

14 Q. Despite that, did he appear to voluntarily
15 participate in this interview?

16 A. Yes. He did.

17 Q. Did you make any threats?

18 A. No, ma'am.

19 Q. Was any coercion used?

20 A. No, ma'am.

21 Q. Did you make any promises?

22 A. No, ma'am.

23 Q. Now, at some point in the interview did he disclose
24 whether or not he had used alcohol within the last 24 hours?

25 A. He did.

1 Q. What, if anything, did he disclose in that regard?

2 A. That when he was in the house at the Calvary Church
3 address the night before, that they had consumed several
4 bottles of liquor.

5 Q. And despite that, did he appear to understand the
6 questions that were posed to him?

7 A. Yes, ma'am. All of his answers were appropriate. I
8 didn't smell alcohol on his breath. His speech was not
9 slurred, none of the indications that I get from someone
10 that's intoxicated. As a matter of fact, once he mentioned
11 that to me, out of an abundance of caution I stopped the
12 interview and I asked him, you know, are you drunk at this
13 point in time? And he said, no. I'm not drunk. I'm just
14 tired.

15 Q. All right. Now, I'm gonna show you what is State's
16 Exhibit 17 which is dated 6/23/17, number 1, and also 6/23/17
17 number 2 and ask you if you are familiar with these
18 recordings?

19 A. Yes, ma'am. That's the audio recording from the
20 interview that took place on that day.

21 Q. Can you tell us whether or not you recorded this in
22 its entirety?

23 A. I did record it in its entirety and then I uploaded
24 it into the case file.

25 Q. Did this also include the portion where you were

1 obtaining the statement from Mr. Corley?

2 A. It does.

3 Q. Now, I want to ask you a little bit about your
4 background and training. Can you tell us whether or not in
5 your law enforcement career you've received training
6 in regards to interviewing techniques?

7 A. Yes, ma'am. I've had a number of investigations
8 classes, everything from child death investigation to property
9 crimes and everything else and generally there's some aspect
10 of interview and interrogation that is covered during those
11 courses. I have also had two specific interview/interrogation
12 classes Kinesic Interview One and Kinesic Two. Also, I teach
13 the basic detective class at the South Carolina Criminal
14 Justice Academy, and one of the things I teach is new
15 detectives and part of that class is interview/interrogation
16 as well.

17 Q. And as it relates to the interview conducted with
18 the defendant Tony Corley on June 23rd, 2017, what was your
19 approach to this interview?

20 A. We had Tony in custody. As detectives our job has
21 always been to find the truth. That's the bottom line.

22 Q. Let me ask you this: What, if any, tactic did you
23 take in terms of demeanor?

24 A. I've heard it said in interview and interrogation
25 class before that we don't tell secrets --

1 MR. BELL: Objection, Your Honor.

2 THE COURT: Just a second. I'm gonna allow the
3 answer this time. Continue.

4 BY THE WITNESS

5 A. And I've also when I've taught people don't tell
6 secrets --

7 BY MS. MAYES:

8 Q. Okay. Let me ask you this: Specifically as to your
9 demeanor?

10 A. Yes, ma'am. I was gonna be friendly. I was gonna
11 be sociable. I was gonna be cordial. I was gonna be
12 encouraging. I wanted to have Tony Corley talk to me.

13 Q. All right. And did you want this to be a short
14 interview or a long interview?

15 A. I wanted it to be as long as we needed to be able to
16 find out the truth.

17 Q. Let me ask you this: Did you at any point begin an
18 interrogation that was aggressive or confrontational in
19 manner?

20 A. No, ma'am. We hoped to have the option to come back
21 later and speak with him again if we needed to.

22 Q. All right. You have identified State's number 1 and
23 number 2?

24 A. Yes, ma'am.

25 Q. From exhibit 17?

1 A. Yes, ma'am.

2 MS. MAYES: Your Honor, we would offer these items
3 as evidence. I believe 17 is marked as number 1 and then
4 audio number 2 which is a continuation would be 62.

5 THE COURT: What was the second number?

6 MS. MAYES: 62.

7 THE COURT: All right. State's 62. All right.
8 Very good. All right. Again, based upon the Court's
9 prior ruling I'm gonna allow 17 and 62 into evidence.
10 You may publish. Before you start that, Solicitor and
11 counsel, come over here and talk to me for a second
12 please.

13 (Side bar off the record.)

14 THE COURT: This interview will go on for a little
15 bit of time, ladies and gentlemen, so what we're gonna do
16 is take a short break at this point in time. Go to the
17 jury room and then we'll come in and hear the interview,
18 all right? Thank you very much.

19 (Whereupon, the jury entered the jury room at 4:10
20 p.m.)

21 THE COURT: We'll take a short break, about ten
22 minutes. Sir, you may step down and use the facilities.
23 During the middle of examination you can't talk to the
24 State.

25 (Short break.)

1 BAILIFF: All rise.

2 THE COURT: All right. Thank you. Please be
3 seated. State ready for the jury to come in?

4 MS. MAYES: Yes, sir, Your Honor.

5 THE COURT: Defense?

6 MR. BELL: Yes, Your Honor.

7 THE COURT: Ask the jury to come in please, sir.

8 (Whereupon, the jury entered the courtroom at 4:40
9 p.m.)

10 THE COURT: All right. Solicitor, you may
11 continue.

12 MS. MAYES: Yes, sir, Your Honor.

13 BY MS. MAYES:

14 Q. So you had mentioned through the previous interviews
15 he had indicated that Alena Kennedy was still alive?

16 A. That's correct.

17 Q. On this particular interview at the outset what, if
18 anything, did he give you about her status at this time?

19 A. He still continued basically to relate the same
20 story that he had related in the past.

21 Q. That she was alive?

22 A. Yes, ma'am.

23 Q. And you mentioned your demeanor?

24 A. Yes, ma'am.

25 Q. Ultimately did his story change?

1 A. It did.

2 Q. At this time what does the story become?

3 A. At this time the story becomes a little different.
4 I was at my house. It was the morning of the 21st of June,
5 and that Alena Kennedy was killed in my house, that someone
6 else killed her, Haley Coleman, that he saw it happen, that he
7 recorded part of it on a phone and had a video of it, but he
8 had to leave the house to go to a court appointment and that
9 he told Haley Coleman that he wasn't going to call the cops
10 and that it was her responsibility to handle it and that when
11 he got back from court, that it better be gone.

12 Q. All right. And I believe you said June 21st, but
13 what date are we referring to based on his statement that he
14 said this occurred?

15 A. I'm sorry. April 21st. My apologies.

16 Q. April 21st?

17 A. Yes, ma'am. My apologies.

18 (Whereupon, playing State's Exhibits #17 and #62.)

19 BY MS. MAYES:

20 Q. Now, what, if anything, can you tell us about the
21 conversational tone throughout this?

22 A. The tone was very cordial. I wanted Tony to like me
23 or at least feel comfortable with me and the reason being is
24 because if I knew if he felt comfortable with me, then he
25 would continue to talk. As long as Tony was continuing to

1 talk, there was a chance that we could gain some information
2 or that he would have to continue to tell lies in trying to
3 cover something up.

4 Q. You identified previously what is State's Exhibit
5 16. During the audio we hear him being handed some papers and
6 then begin writing. What was he writing?

7 A. He was writing the written statement that we had
8 actually asked him to write and he was writing on the
9 statement form that he had been advised of his Miranda
10 Rights.

11 Q. All right. And were you and Detective Smith a
12 witness to him actually providing a written statement
13 following the Miranda Rights --

14 A. Yes.

15 Q. -- and this portion where the audio had ceased?

16 A. Yes, ma'am.

17 MR. BELL: Your Honor, may we approach?

18 THE COURT: Yes.

19 (Side bar off the record.)

20 THE COURT: Go ahead, Solicitor.

21 BY MS. MAYES:

22 Q. State's 16, whose handwriting is this statement
23 in?

24 A. The statement in and of itself is in Tony Corley's
25 handwriting.

1 Q. And is his signature on each page?

2 A. Yes, ma'am.

3 MS. MAYES: Your Honor, this is in evidence, I
4 believe.

5 THE COURT: Okay. The Miranda Warning portion was
6 in evidence. Are you now moving in the remainder of
7 State's 16?

8 MS. MAYES: Yes, sir, Your Honor. It is three pages
9 in length.

10 THE COURT: Any objection to that?

11 MR. BELL: Subject to my prior objection.

12 THE COURT: All right. Very good. I'm going to
13 allow it into evidence then. Thank you.

14 MS. MAYES: And if you need to step down, Sergeant
15 Gooding, please feel free to do so.

16 THE COURT: Do you have a copy of it?

17 THE WITNESS: I do, Your Honor.

18 THE COURT: All right.

19 MS. MAYES: And you may refer to the copy.

20 THE WITNESS: I will say, Your Honor, this copy is a
21 little more difficult to read.

22 THE COURT: Well, if you need to step down, then go
23 ahead. Just make sure you talk into the microphone right
24 there.

25 THE WITNESS: Yes, Your Honor.

1 BY MS. MAYES:

2 Q. All right. And I'm gonna hand this to you and if
3 you could, after the Miranda Warnings that you have already
4 placed in the record, if you could tell us what was written by
5 Tony Corley on that day.

6 A. Did you want me to read the contents of the
7 statement?

8 Q. Yes.

9 A. On the morning of April 21st, 2017 at around 5:30 or
10 6:00 in the morning I'm in the process of getting ready to go
11 to roll call. I'm in my room and I hear a knock on the door
12 and go to the door to find Haley Coleman. In the past few
13 months since meeting Haley I've had sex two times. I
14 considered her a good friend, but it wasn't a relationship
15 kind of situation. I had known Alena Kennedy for probably
16 five years or so and had recently spoke to her and she had
17 come over to my house for several days, left and then
18 returned. Haley had seen her -- and I have difficulty -- over
19 on before and was mad about her presence and are friend I've
20 even had over.

21 Alena is in my room and getting ready to go. Haley
22 comes in my room from the living room, grabs her and takes her
23 down to the floor kind of like a football tackle. When they
24 hit the floor, Haley form has - was up and then when they
25 landed, I heard a crunch and immediately yelled, grab my phone

1 and started recording. Haley -- something -- up and started
2 crying -- looks like sat up -- and started crying. I asked
3 her if she was gonna call police because I wasn't. I gave her
4 the option to call and told her I was leaving to go to roll
5 call shortly. Told her that when I got back, I wanted my
6 house there like nothing happened. My mom naturally shows up,
7 eventually shows up and I tried to keep her from coming in.
8 We leave, but Haley and - stayed behind. I go to roll call.
9 At roll call for three hours and ten minutes.

10 When I return, there's no one there. I know for a
11 fact my phone with the video footage was stolen by Haley
12 because I told her I had that at a later date. I would in now
13 should all and reported this when it happened, the date. I
14 have continued to talk with Haley and so has been around me
15 and also brought all this around me, that way she could
16 retrieve the video. I led - I had knowledge of the fact that
17 at some point Haley had Alena's body in her van and on her
18 property. I'm not sure exactly what she did with Alena's
19 body. I gave consent to detectives to look at my phone
20 messages to see what and also is in retrieving the video as
21 well.

22 Q. You may return to you seat.

23 A. (Witness complies.)

24 Q. All right. Now, after that written statement was
25 provided, did you also question him specifically about his

1 knowledge of the destruction of Alena Kennedy's body?

2 A. We did.

3 Q. Did he acknowledge any role in that?

4 A. No. He completely denied any involvement whatsoever
5 and continued to tell the story that he had told Haley to
6 clean it up and that when he got back from roll call,
7 everything was fine.

8 Q. Did you question him specifically about a fire on
9 Cecil Lane, his uncle's property?

10 A. Yes, ma'am. We did.

11 Q. In connection with destruction of Alena Kennedy's
12 remains?

13 A. Yes, ma'am. We did.

14 Q. Did he admit any knowledge of that?

15 A. No. He denied any knowledge or ever having been
16 there.

17 Q. Was that portion of the audio recorded as well?

18 A. Yes, ma'am. It was.

19 (Whereupon, playing State's Exhibit #62.)

20 BY MS. MAYES:

21 Q. At any point did acknowledge a role in the
22 destruction of Alena's body?

23 A. No, ma'am.

24 Q. Now, you mentioned the search warrants that have
25 been served at Cecil Lane and also McDonald?

1 A. I'm sorry, ma'am. I couldn't hear you.

2 Q. Yes. I'll repeat that. You mentioned search
3 warrants that have been executed at Cecil Lane and also
4 McDonald Avenue?

5 A. Yes, ma'am.

6 Q. Do you know whether or not a search warrant was ever
7 executed at the residence of his mother [REDACTED] Greengarden?

8 A. Yes, ma'am.

9 Q. What was the purpose of that search warrant?

10 A. We had received information that a security video
11 visit, when an inmate is in jail and they have somebody
12 visiting them, it goes by video. It's a two way video. I
13 guess if you've got an Apple Phone, it's got like a thing
14 where you can talk to somebody and look at them at the same
15 time, same kind of thing and on the 10th Corley had a
16 conversation with his mother.

17 Q. Let me ask you this: Are we talking about --

18 MR. BELL: Objection, Your Honor.

19 THE COURT: Well, ask that question first.

20 MS. MAYES: Yes, sir, Your Honor.

21 BY MS. MAYES:

22 Q. Are we talking about after his arrest and booking?

23 A. That's correct, ma'am.

24 Q. All right. Did you actually pull this video
25 yourself?

1 A. Yes, ma'am.

2 Q. And in doing so could you identify the defendant in
3 any portion of the video?

4 A. Yes, ma'am.

5 Q. And was there information about Greengarden?

6 A. There was.

7 Q. And can you tell us whether or not based on what you
8 observed you got probable cause to execute a search warrant at
9 Greengarden?

10 A. We did.

11 Q. And can you tell us what, if anything, was
12 retrieved?

13 MR. BELL: Objection, Your Honor. Leading.

14 THE COURT: I don't know what the question is. Ask
15 the question.

16 MS. MAYES: Yes, sir, Your Honor.

17 BY MS. MAYES:

18 Q. What, if anything, was retrieved from that
19 residence?

20 THE COURT: All right. So that's -- You're
21 objecting to?

22 MR. BELL: I'm objecting to the leading line of
23 questioning.

24 THE COURT: I don't find it to be leading. Thank
25 you. Go ahead.

1 BY THE WITNESS:

2 A. A number of electronic items, cell phones. I think
3 a tablet. Possibly some SIM cards were all recovered during
4 the execution of that search warrant.

5 BY MS. MAYES:

6 Q. All right. And ultimately all of those electronics
7 were retrieved from Greengarden. Do you know whether or not
8 they were submitted for analysis by your CSI unit at the
9 Sheriff's Department?

10 A. They were.

11 Q. All right. And then in addition to that, the cell
12 phone that is referenced throughout the audio recordings --

13 A. Yes, ma'am.

14 Q. -- do you know whether or not that cell phone of
15 Tony Corley was seized and also submitted for analysis by your
16 CSI division?

17 A. The cell phone that he had in his possession at the
18 time that he was arrested --

19 Q. Yes.

20 A. -- was taken from him and turned into evidence and
21 then submitted for testing.

22 Q. All right. And by that you mean extraction or
23 analysis?

24 A. Yes, ma'am.

25 Q. Then during that audio recording we hear references

1 to Facebook messages?

2 A. That's correct.

3 Q. And who actually photographed those messages?

4 A. Detective Smith did.

5 Q. And were you present to review what he's showing
6 during the course of that audio interview?

7 A. Yes, ma'am.

8 Q. All right. I'm gonna show you some items and ask
9 you whether or not you recognize these?

10 A. Yes, ma'am.

11 Q. What are those?

12 A. These are the photographs that Detective Smith took
13 in my presence while we were interviewing Tony Corley. I
14 recognize them from those photographs being taken, in addition
15 to the top cover page here is actually the case number of the
16 homicide, the location in which the pictures were taken,
17 Detective Smith's name as the photographer, his unit number
18 and the date the photographs were taken.

19 Q. All right. And during the audio where you were
20 conversing with the defendant about some type of messages that
21 he is showing or displaying to you, is this a true and
22 accurate reflection of that message or message thread in its
23 entirety?

24 A. It is. And in the audio of the interview you can
25 actually at times hear the camera in the background.

1 Detective Smith is taking those pictures right in front of me
2 as we're all around one table talking.

3 Q. All right. Can you tell us whether or not the
4 defendant gave consent for these photographs to be taken of
5 the messages from his Facebook Messenger application?

6 A. Yes, ma'am. He wanted us to have them. He insisted
7 over and over that we look at his messages. We told him that
8 we would like to photograph those messages and we photographed
9 those messages in front of him and he was fine with that. He
10 wanted us to have them.

11 Q. All right. And at one point we hear you downloading
12 something. What are you downloading?

13 A. I was using my county issued cell phone because I
14 didn't have Facebook and I didn't have a Facebook Messenger
15 app on my county issued cell phone. And he had told us, he
16 being Tony Corley, the messages that we needed were located in
17 Facebook and Facebook Messenger. I couldn't take his phone
18 out of evidence and give him that just because it would be
19 inappropriate at that point from an evidentiary standpoint, so
20 what I did was in front of him, I downloaded Facebook and I
21 downloaded the Messenger app because he said these messages
22 were so important so he could, in fact, pull them up and show
23 them to us right then and right there.

24 Q. And is that what he did by logging into his
25 account?

1 A. Yes, ma'am.

2 MS. MAYES: Your Honor, this would be for evidence
3 and I believe this would be 63 at this point.

4 MR. BELL: I apologize, Your Honor. These were not
5 previously shown to me before.

6 THE COURT: All right. Very good. That's fine.
7 Look at them please. Tell me what number please.

8 MR. BELL: Without objection.

9 THE COURT: Tell me the number again please.

10 MS. MAYES: 63.

11 THE COURT: No objection?

12 MR. BELL: Without objection, Your Honor.

13 THE COURT: All right. So they're in evidence
14 without objection. You may proceed.

15 BY MS. MAYES:

16 Q. And finally, let me ask you whether or not you have
17 knowledge of any additional search warrants executed in this
18 case?

19 A. There were a number of different search warrants
20 that were executed. There was one --

21 Q. Do you know whether or not Facebook records --

22 A. Facebook was one. Phone records, I believe, was
23 another and there were some others.

24 Q. All right. Do you know whether or not the phone
25 records of Tony Corley that would include GPS or cell tower

1 information were obtained by search warrants in this case?

2 A. Yes, ma'am. They were.

3 Q. Do you know whether or not the Facebook records of
4 Tony Corley were obtained pursuant to a search warrant in this
5 case?

6 A. Yes, ma'am. They were as well.

7 MS. MAYES: Nothing further of this witness, Your
8 Honor.

9 THE COURT: All right. Cross examination.

10 CROSS EXAMINATION

11 BY MR. BELL:

12 Q. Sergeant Gooding, you were a sergeant at the time,
13 correct?

14 A. Yes, sir.

15 Q. And that would be supervisor of Sam Smith?

16 A. Correct.

17 Q. Sam Smith lead detective on the case?

18 A. That's correct, sir.

19 Q. You supervise what he does?

20 A. That is correct, sir.

21 Q. You approve what he does?

22 A. I do.

23 Q. Okay. And you also acted as an investigator in this
24 case; is that correct?

25 A. I did assist. Yes, sir.

1 Q. Okay. You were a detective before you were a
2 sergeant?

3 A. Yes, sir.

4 Q. Okay. And as an investigator you oversaw the
5 investigation in this case?

6 A. Yes, sir. But may I clarify that slightly?

7 Q. Mm-hmm.

8 A. Now, I wasn't present for every single thing all the
9 time, if that makes sense. It's impossible to supervise six
10 people in different places all at one time so, you know, we
11 would get together, we would share information, we would
12 figure out what our next step was as a team. As supplemental
13 reports would come in, I would approve them. Yes, sir.

14 Q. You approved supplemental reports --

15 A. I did, sir.

16 Q. -- by Detective Smith?

17 A. Yes, sir.

18 Q. He kept you abreast of the investigation?

19 A. He did.

20 Q. You attended numerous interviews?

21 A. Yes, sir.

22 Q. You followed up on numerous leads?

23 A. Yes, sir.

24 Q. You directed others to follow up on numerous
25 leads?

1 A. Yes. I did.

2 Q. You searched for potential witnesses or directed
3 others to search for potential witnesses?

4 A. I'm sorry. I'm having a hard time --

5 Q. You searched for potential witnesses?

6 A. Yes, sir.

7 Q. With leads, correct?

8 A. Yes, sir.

9 Q. You went out and said look for these individuals to
10 see if you could discuss matters with them?

11 A. Absolutely.

12 Q. And you directed others to do such, correct?

13 A. I did.

14 Q. You interviewed these potential witnesses, some of
15 them?

16 A. I did.

17 Q. And you took written statements from witnesses,
18 potential witnesses?

19 A. Yes, sir.

20 Q. Okay. Took audio recordings from potential
21 witnesses?

22 A. Yes, sir.

23 Q. You obtained search warrants as you said
24 previously?

25 A. I did not obtain any search warrants.

1 Q. You directed others to obtain search warrants?

2 A. Yes, sir. To appear before a magistrate to ensure
3 there was enough probable cause existed for us to get those
4 warrants. Yes, sir.

5 Q. You directed others to execute search warrants?

6 A. Yes. I did.

7 Q. You visited potential crime scenes?

8 A. Yes, sir.

9 Q. Places of interest?

10 A. Yes, sir.

11 Q. You directed others to collect potential items of
12 evidence?

13 A. Yes, sir.

14 Q. Directed others to photograph potential items of
15 evidence?

16 A. Yes, sir.

17 Q. You reviewed all these photographs? Reviewed all
18 this evidence? You're in charge of the case?

19 A. I am. Detective Smith is the lead case agent. I'm
20 his supervisor. I do approve his reports.

21 Q. And you're abreast of the situation reviewing items
22 that are collected?

23 A. At some point. Yes, sir.

24 Q. You direct others to test potential items,
25 correct?

1 A. No, sir. We would generally ask for items to be
2 tested, but because we're not crime scene, I wouldn't say,
3 hey, you need to do a specific type of analysis. I would say,
4 hey, crime scene people, do what it is that you do. We need
5 to have these items tested, for example, for DNA or for
6 something else like that.

7 Q. You ask others to have items tested, correct?

8 A. Yes, sir.

9 Q. Ask another department?

10 A. Yes, sir.

11 Q. Okay. Latent prints would be such?

12 A. Yes, sir.

13 Q. Presence of bodily fluids, blood?

14 A. When crime scene is -- And I'm not exactly sure what
15 you're trying to ask me, sir, so I want to make sure that I'm
16 answering your question appropriately. The way we work crime
17 scenes, for example, would be that generally speaking only the
18 crime scene person and the lead detective would do an initial
19 walk through of the structure or wherever the crime scene was
20 to try and determine what, if any, physical evidence existed
21 and what are some things that might be collected. At that
22 point in time generally the lead detective is gonna step out
23 and turn that scene over to the crime scene personnel because
24 that's their specialty. They know how to identify physical
25 evidence. They know how to process physical evidence. They

1 know how to collect physical evidence. That's really outside
2 the scope of what we do. We say, hey, do what it is that
3 y'all do and then let's kind of get back together and talk
4 about it at the end.

5 Q. So you review all the test results?

6 A. All the what, sir?

7 Q. Test results.

8 A. At some point. Yes, sir.

9 Q. Kept abreast of all of that throughout the
10 investigation?

11 A. Yes, sir.

12 Q. And documentation. You work a lot of different
13 cases, correct?

14 A. I'm sorry.

15 Q. You work a lot of different cases? You're
16 overseeing a lot of different individuals?

17 A. Yes. I supervise four detectives.

18 Q. Numerous leads?

19 A. Yes, sir.

20 Q. Numerous witnesses?

21 A. Yes, sir.

22 Q. Documentation of this information is pretty
23 essential --

24 A. Yes, sir.

25 Q. -- to track what's done in the case, correct?

1 A. Yes, sir.

2 Q. Who has been spoken to?

3 A. Yes.

4 Q. To keep up with who's been spoken to?

5 A. Yes.

6 Q. And you want to keep a running tally of who has been
7 spoken to in a case, maybe what information they have offered
8 you?

9 A. Right. But sometimes those things are -- I mean,
10 I'll give you an example. If a detective is out speaking with
11 somebody and they develop a lead, they say, hey, we're talking
12 to Joe Smith and Joe says, hey, you really should talk to
13 Sally as well, that detective doesn't have to come and ask my
14 permission to go and speak to somebody. They're gonna go and
15 they're gonna follow up those leads, they're continue to talk
16 to people and then at some point in time we'll get together
17 and be like, hey, so I talked to Joe, I talked to Sally and
18 this is what they told me. I just want to make sure I'm --
19 I'm not really sure what you're asking. I'm trying to answer
20 to the best of my ability.

21 Q. And documentation of that is important by those that
22 you supervise?

23 A. Yes, sir.

24 Q. Because ultimately you review and you approve of
25 these documents that they submit?

1 A. Yes, sir.

2 Q. That's what I'm trying to get at.

3 A. Okay.

4 Q. That you're -- You have been there long?

5 A. Yes, sir.

6 Q. You know, you have done this. You make sure that
7 they do their job, correct?

8 A. I do my best, sir.

9 Q. And you may listen or review a summary of an audio
10 recording that they have obtained?

11 A. Depends on the report.

12 Q. Now --

13 A. As you pointed out earlier, sir, I supervise four
14 detectives so I can't be hands on with everything, every piece
15 of evidence on all those cases all the time.

16 Q. You were pretty hands on in this case?

17 A. Yes, sir. Yes, sir.

18 Q. Important case?

19 A. Yes, sir.

20 Q. This case was received May 29th. Some action was
21 taken on this case in 2017?

22 A. That is correct.

23 Q. And it was assigned to again, Sam Smith?

24 A. Yes, sir.

25 Q. And Sam Smith met with a Dale McMurtry?

1 A. That is correct.

2 Q. Okay. You met with him?

3 A. I did not.

4 Q. You did not meet with him?

5 A. No, sir.

6 Q. I'm showing you a supplemental report. Is that your
7 name written right there, supervisor?

8 A. Yes, sir. That means that when he submitted the
9 report, I approved that report.

10 Q. So you're aware --

11 A. Yes, sir.

12 Q. -- of this report?

13 A. But I did not make it.

14 Q. And you're aware that he met with Dale McMurtry?

15 A. Yes, sir.

16 Q. Throughout the course of your investigation you
17 learned that Alena had been dropped off at a gas station on
18 Platt Springs Road?

19 A. That is correct.

20 Q. Shortly after Easter of 2017?

21 A. Somewhere around April 16th.

22 Q. And you learned through the course of your
23 investigation that Alena was going to see one of her
24 boyfriends?

25 A. That's what Dale believed was gonna take place.

1 That is correct.

2 Q. And you learned during the course of your
3 investigation that there had been no activity on her bank
4 account?

5 A. That's correct, up until the activity that took
6 place on, I believe, June - was it the 19th when she went and
7 withdrew one hundred dollars and was in Tony Corley's mom's
8 car.

9 Q. And you learned that other people had access to her
10 bank account information?

11 A. Now, I don't believe that to be the case. I can
12 look at the supplemental report. I may have missed that
13 detail. I'll be more than happy to read it, sir. If you want
14 to specifically point to where you're looking.

15 Q. I'm looking at the last line of the second
16 paragraph.

17 A. According to Dale, Alena had not made use of her tax
18 return nor had she picked up medication from the pharmacy.

19 Q. How did Dale know that information if he did not
20 have access to her account?

21 A. I have no idea, sir.

22 Q. Dale was a former roommate you said?

23 A. He did formally cohabitate according to him with
24 Alena Kennedy prior to that.

25 Q. What was the residence that he formally cohabitated

1 at?

2 A. I do not know the address, sir.

3 Q. According to your investigation did you learn that
4 he was watching her residence while she was gone?

5 A. No, sir.

6 Q. Did not learn that?

7 A. As I said, I never spoke with Dale.

8 Q. Okay. Did any of your investigators, detectives
9 that you supervise?

10 A. Not that I see in the supplemental, sir. No, sir.

11 Q. So did you learn that it was unusual for her to be
12 gone for more than a week or two at a time?

13 A. That's what was reported by, I believe, Dale.
14 According to Dale, Alena had a tendency to be absent.
15 However, she would not be gone more, generally for more than a
16 week or two at a time. I also know that they spoke with
17 Jeneice Kennedy and she also stated it was not uncommon for
18 her to not have contact with Alena for about a week or two.
19 But further advised in the matter to where her daughter was,
20 she would always --

21 MR. BELL: Objection. Nonresponsive, Your Honor.

22 THE COURT: All right. I thought you were asking
23 him to read from the report?

24 MR. BELL: No. I asked him about the second line
25 there.

1 THE COURT: All right. Okay.

2 MR. BELL: He was just going on. Nonresponsive
3 answers.

4 THE COURT: All right.

5 BY MR. BELL:

6 Q. And it had been noted that you learned that there
7 had been a noticeable change in Alena's behavior?

8 A. According to Dale. Basically that she was upset
9 that she had lost her child. She was going through an issue
10 with DSS. I think that would probably upset most people.

11 Q. Now, June 9th, 2017 there was information received
12 about a Phillip Westmoreland?

13 A. Yes, sir.

14 Q. That there may be information related to Alena
15 Kennedy?

16 A. Correct.

17 Q. During the early course of your investigation it was
18 alleged that she may have overdosed?

19 A. Give me just one second.

20 MS. MAYES: Objection. Hearsay.

21 MR. BELL: I'm asking him what he learned during the
22 course of his investigation, Your Honor.

23 THE COURT: I'm gonna allow the question.

24 BY THE WITNESS:

25 A. Okay. According to Phillip, he heard on the street

1 the reported victim Alena Kennedy died at the residence of
2 Tony Corley in South Congaree.

3 MR. BELL: Your Honor, I'm not asking what the
4 individual said. I'm asking through the course of his
5 investigation what he learned of different theories.

6 THE COURT: Okay. Well, let's have the question
7 more clear then because I didn't understand it as such so
8 why don't you rephrase your question to him, okay?

9 BY MR. BELL:

10 Q. During the course of your investigation you learned
11 that there was a theory that Alena Kennedy may have
12 overdosed?

13 A. Correct.

14 Q. During the course of your investigation you learned
15 that an Anthony Oxendine may have information related to
16 Alena's whereabouts?

17 A. That is correct.

18 Q. You located Anthony Oxendine in the Lexington County
19 Detention Center?

20 A. We did.

21 Q. And he was met with at the Lexington County
22 Detention Center on June 13th?

23 A. That is correct, sir.

24 Q. And through the course of your investigation you
25 learned that Haley Coleman and Tony Corley were somehow

1 involved?

2 A. That is correct based on what he was telling us.

3 Q. Okay. And you then throughout the course of your
4 investigation Tony Oxendine's jail calls were, they were
5 reviewed by individuals within your department?

6 A. Oxendine's calls? Yes, sir.

7 Q. Yes. And a call between Tony Oxendine and Haley
8 Coleman was reviewed, correct?

9 A. That is correct.

10 Q. And there was through the course of your
11 investigation in reviewing these calls there was information
12 discussed related to Alena Kennedy?

13 A. I'm sorry. Could you repeat the question?

14 Q. During the course of your investigation in reviewing
15 these calls you learned information had been discussed about
16 Alena Kennedy?

17 A. Between?

18 Q. Oxendine and Haley Coleman.

19 A. Yes, sir.

20 Q. And then Tony Oxendine was met again on June 19th,
21 2017 at the Lexington County Detention Center?

22 A. Give me just a second since you're referring to
23 reports now. Okay. I found it. Now, you're talking about
24 the conversation that took place with Oxendine on June 19th?

25 Q. At the Lexington County Detention Center.

1 A. Okay.

2 Q. And through the course of your investigation you
3 learned that a theory of an altercation took place between
4 Haley and Alena?

5 MS. MAYES: I object at this point, Your Honor.
6 Speculation.

7 THE COURT: Y'all come over here and talk to me for
8 a second.

9 (Side bar off the record.)

10 BY MR. BELL:

11 Q. Through the course of the investigation did you
12 learn a theory that there was an altercation between Haley and
13 Alena?

14 A. Are you referring to the interview with Mr. Oxendine
15 on the 19th?

16 Q. I am. Based on your investigation and having
17 conducted interviews.

18 A. Okay. Eventually Oxendine provides an account of
19 what he heard in regards to the incident. Oxendine begins by
20 saying this is what I hear about it.

21 MS. MAYES: Objection.

22 THE COURT: All right. I'm not gonna allow you to
23 read that out loud. You can say where you developed it
24 from, but not to relate what he said.

25 THE WITNESS: Yes, Your Honor.

1 BY THE WITNESS:

2 A. Oxendine, Alena, Corley and Coleman were getting
3 high at Corley's house. Oxendine told us that Coleman and
4 Hill believe something happened to Alena. Oxendine advised
5 Coleman told Hill something about a closet. Oxendine advised
6 --

7 MR. BELL: Objection, Your Honor. He's just reading
8 the report. I asked him if throughout the --

9 BY THE WITNESS:

10 A. I don't understand what you're looking for,
11 counselor? I'm doing my best to answer your question.

12 THE COURT: Maybe it might be best to just point to
13 the certain things that you're wanting him, or asking
14 about, okay? Rather than having him try to fish it out.

15 BY MR. BELL:

16 Q. Page 4, top line. I'm not asking what it says
17 exactly. I'm asking that there was a theory that there was an
18 altercation between Alena and Haley?

19 A. Yes, sir.

20 Q. And during the course of your investigation you met
21 with a Rebecca Hill?

22 A. Yes, sir.

23 Q. And you learned that Rebecca Hill and Haley Coleman
24 had numerous interactions during the month of April 2017?

25 A. Correct.

1 Q. You went to meet with Rebecca Hill?

2 A. Yes, sir. Well, I mean, I know Detective Smith did.
3 Are you referring to Detective Smith or are you referring to
4 me personally?

5 Q. I'm referring to you personally.

6 A. I did as well. Yes, sir.

7 Q. I believe you did as well, correct?

8 A. Yes, sir.

9 Q. The records were obtained relating to Rebecca Hill
10 staying at a Travelers Inn in West Columbia; is that
11 correct?

12 A. That's what the report reflects.

13 Q. And the time period of that was?

14 A. I haven't reviewed those records, sir. The travel
15 log records.

16 Q. So you haven't reviewed these records --

17 A. No, sir.

18 Q. -- within the investigation that you're in charge
19 of?

20 A. No, sir. Not that particular record from the Travel
21 Lodge.

22 Q. So you wouldn't recognize this?

23 A. No, sir. I didn't obtain that I don't think.

24 Q. Detectives that you are in charge of did though?

25 A. Yes, sir.

1 Q. Okay. But you knew that Rebecca Hill was at the
2 Travelers Inn and you went there?

3 A. Yes, sir.

4 Q. Through the course of your investigation you learned
5 that Haley had visited that Travelers Inn as well?

6 A. That is correct.

7 Q. That while there acted funny?

8 A. Yes, sir.

9 Q. She was giving away a hair straightener?

10 A. Yes, sir.

11 Q. Was giving away clothes?

12 A. Yes, sir.

13 Q. Clothes that wouldn't fit her?

14 A. Yes, sir.

15 Q. Now, your first interaction with Haley Coleman
16 you went to [REDACTED] Sangaree Drive on June 15th, 2017?

17 A. Give me just one second to find that, sir. Yes,
18 sir.

19 Q. And at Haley Coleman's residence you saw a small
20 blue car?

21 A. That is correct.

22 Q. You saw a white minivan?

23 A. Yes, sir.

24 Q. Both parked in the front yard?

25 A. That is correct.

1 Q. You approached Haley?

2 A. We did.

3 Q. Explained you were investigating a missing person?

4 A. Yes, sir.

5 Q. Noticed a pronounced change in Haley's demeanor?

6 A. Yes, sir.

7 Q. Showed Haley a picture of Alena?

8 A. We did.

9 Q. Haley broke all eye contact with you and
10 Investigator Smith?

11 A. That is correct.

12 Q. And the stammer of her words?

13 A. Yes, sir.

14 Q. Was extremely flustered?

15 A. I want to make sure. Yes, sir.

16 Q. Was defensive?

17 A. Yes, sir.

18 Q. Ended the interview?

19 A. She did.

20 Q. Slammed the door?

21 A. Yes, sir.

22 Q. Locked the door?

23 A. She did.

24 Q. And then to revert back to something I may have
25 mentioned previously. Of course, in your investigation, jail

1 calls were reviewed, Lexington County Detention Center, June
2 19th?

3 A. Correct.

4 Q. Four days after you had attempted to interview
5 Haley, correct?

6 A. Yes, sir.

7 Q. Again, the topic of Alena came up during the course
8 of your review of phone calls between --

9 A. Yes, sir.

10 Q. -- Tony Oxendine and Haley Coleman?

11 A. Yes, sir.

12 Q. And during the course of your investigation you
13 learned that Lexington County Animal Control had responded to
14 [REDACTED] Sangaree Drive on May 1st, 2017?

15 A. That's correct.

16 Q. [REDACTED] Sangaree Drive --

17 A. Sangaree. Yes, sir.

18 Q. -- is Haley Coleman's residence?

19 A. Yes, sir.

20 Q. Where you had gone to speak with her?

21 A. Yes, sir.

22 Q. June 21st you and Detective Bonette went back to [REDACTED]
23 Sangaree Drive?

24 A. Correct.

25 Q. Again, Haley's home?

1 A. I'm sorry.

2 Q. Again, Haley's home?

3 A. Correct.

4 Q. Pressed Haley on the issue of missing Alena
5 Kennedy?

6 A. We needed to speak with her again. Yes, sir.

7 Q. Showed a picture to Haley of Alena?

8 A. I want to make sure before I speak but I don't
9 believe we did.

10 Q. This is June 21st.

11 A. Yes, sir. I'm looking at my supplemental. Sir,
12 unless I'm missing --

13 Q. I may be mistaken.

14 A. I don't see it on the 21st.

15 Q. You learned that Haley spent a lot of time over at
16 --

17 A. Haley spent a lot of time?

18 Q. -- time over at Tony Corley's?

19 A. Well, we were getting different versions.

20 Q. Okay. Now to another topic. As part of your
21 investigation, a missing person's report was filed, correct?
22 A missing person's NCIC, the ability to let the public know
23 that you had a missing individual, if anyone came into contact
24 with her, this is who she was, an alert?

25 A. She would have been entered into NCIC as a missing

1 person. Yes, sir.

2 Q. And did you review the records in this case relating
3 to her being entered into NCIC as a missing person?

4 A. No, sir.

5 Q. You never reviewed those records?

6 A. No, sir.

7 Q. So, okay. And during your conversations with
8 Mr. Corley, you mentioned that you had placed warrant
9 worksheets out for Haley Coleman; is that correct?

10 A. No, sir. We had arrest warrants.

11 Q. You had arrest warrants?

12 A. That's correct.

13 Q. And arrest warrants are based on warrant
14 worksheets?

15 A. Yes.

16 Q. You authorized the arrest?

17 A. Yes, sir.

18 Q. Okay. I just want to ask you if you recognize this
19 as being information provided authorizing the arrest?

20 A. No, sir. Let me see this for a second. I've never
21 seen this. If you notice, it's approved by Captain Taylor.
22 He was actually the captain over major crimes.

23 Q. Did you have an opportunity to look at the arrest
24 warrants for Haley Coleman?

25 A. I'm sure at some point.

1 Q. Would you disagree that she was 220 pounds?

2 A. Sir, we would have gotten our weight from the DMV
3 and some people aren't necessarily honest with the DMV from
4 time to time.

5 Q. Would it be accurate that she was five ten?

6 A. She's tall. I never --

7 Q. In size comparison to Alena?

8 A. Although I never met Alena before, she would
9 obviously be larger than Alena based on her physical
10 description as I understand it.

11 Q. And the size and weight as put into an NCIC relating
12 to the size of an individual?

13 THE COURT: I'm having a hard time hearing your
14 questions.

15 BY MR. BELL:

16 Q. The size of an individual is put into an NCIC alert
17 letting know, the people know if they run into this individual
18 --

19 A. Yes, sir.

20 Q. -- what the characteristics are?

21 A. Yes, sir.

22 Q. What she looks like?

23 A. Yes. Absolutely.

24 Q. Would you disagree that the weight put in was 105
25 pounds?

1 A. I wouldn't disagree, sir.

2 Q. The height was five foot four?

3 A. I wouldn't disagree.

4 Q. Over double what I just mentioned was Haley
5 Coleman?

6 A. Once again, I have never weighed Haley Coleman. I
7 don't know what she weighed.

8 Q. And during the course of investigation during direct
9 examination you had mentioned that you had reviewed
10 photographs collected from the ATM on April 19th, correct?

11 A. Yes, sir.

12 Q. Do you recognize this photograph?

13 A. Yes, sir.

14 Q. What is this photograph?

15 A. That would appear to be Alena.

16 Q. Does it fairly and accurately depict the photograph
17 which was obtained from the ATM on April 19th, 2017?

18 A. Yes, sir. They were received on the 20th, that
19 photograph that was taken on the 19th.

20 MR. BELL: I would ask to move it into evidence,
21 Your Honor, marked as a defense exhibit. Defendant's
22 number 4.

23 THE COURT: Any objection?

24 MS. MAYES: No objection, Your Honor.

25 THE COURT: All right. Admitted as Defendant's

1 Exhibit 4.

2 MR. BELL: I would ask to publish it to the jury.

3 THE COURT: You may do so.

4 MR. BELL: I would ask to pass out copies to the
5 jury.

6 THE COURT: No. Only the original.

7 BY MR. BELL:

8 Q. So this was the photograph included within the
9 photographs that she was shown --

10 A. Yes, sir.

11 Q. -- by the government at this table?

12 A. Yes, sir.

13 Q. Throughout the course of your investigation were you
14 able to determine the driver of the white Nissan Ultima in the
15 ATM pictures?

16 A. If I remember correctly it was Tony Corley's
17 mother.

18 Q. And throughout the ATM photos at any point in time
19 do you see Tony Corley?

20 A. I do not.

21 Q. Do you see Tony Corley or anyone looking over
22 Alena's shoulder in these photographs?

23 A. In those photographs, no, sir.

24 Q. And this is on April 19th?

25 A. Yes, sir.

1 Q. Okay. She gets out of the driver's side, driver's
2 passenger -- I'm sorry. Front passenger side?

3 A. I believe so.

4 Q. You've seen all the photos?

5 A. Yes, sir.

6 Q. Could you say --

7 A. It appears to be. They're still photos.

8 Q. And the sun is out in that photograph, correct?

9 A. Yes, sir.

10 Q. And the photograph is at 4:10 p.m.?

11 A. Yes, sir.

12 Q. Clearly visible, correct?

13 A. Yes, sir.

14 Q. Not at night?

15 A. No, sir.

16 Q. Broad daylight?

17 A. Yes, sir.

18 Q. Busy area?

19 A. Yes, sir.

20 Q. Has her ATM card in hand?

21 A. Yes, sir.

22 Q. Uses the ATM?

23 A. Yes, sir.

24 Q. And during the course of your investigation, you
25 learned that the Congaree police officers responded to [REDACTED]

1 McDonald Avenue on April 18th?

2 A. That is correct.

3 Q. You actually went and met with Chief Shumpert?

4 A. We did, sir.

5 Q. Now, were you aware of whether or not any incident
6 reports were generated from this encounter?

7 A. South Congaree did not.

8 Q. They did not. There were two officers there?

9 A. I believe that is correct, sir.

10 Q. Neither one of them generated a report?

11 A. No, sir.

12 Q. No reports noting any injuries?

13 A. No, sir.

14 Q. No reports of any threats towards Alena?

15 A. There is a statement --

16 Q. No --

17 A. -- that she makes to law enforcement.

18 Q. No reports of any threats towards Alena?

19 A. No, sir.

20 Q. You mentioned search warrants earlier. Are you
21 aware that a search warrant was executed on Harriet Coleman's
22 phone number --

23 A. Yes, sir.

24 Q. -- to obtain phone records?

25 A. Yes, sir.

1 Q. And a search warrant on Harriet Coleman's phone --

2 A. Yes, sir.

3 Q. -- to obtain and extract information?

4 A. Correct.

5 Q. And that there was a search warrant on [REDACTED]

6 Greengarden Drive?

7 A. Yes, sir.

8 Q. Did you ever execute a search warrant on Haley
9 Coleman's Facebook?

10 A. I'm not sure, sir. Detective Smith may have or
11 someone else may have, but I'm not sure without going back and
12 looking through the records. I don't want to give you a yes
13 or no answer of something that I'm not sure of.

14 MR. BELL: I have no further questions from this
15 witness.

16 THE COURT: Very good. Any redirect?

17 MS. MAYES: Yes, Your Honor, briefly.

18 THE COURT: Okay.

19 REDIRECT EXAMINATION

20 BY MS. MAYES:

21 Q. Now, defense counsel was asking you about monitoring
22 jail calls. Is that something that you do during the course
23 of an investigation?

24 A. Yes, ma'am.

25 Q. Including murder investigations?

1 A. Yes, ma'am.

2 Q. Did you have the opportunity to monitor jail calls
3 of the defendant after he was booked?

4 A. Yes, ma'am.

5 Q. And also the co-defendant who is charged with
6 accessory Haley Coleman?

7 A. Yes, ma'am.

8 Q. And specifically as to Tony Oxendine or Anthony
9 Oxendine that defense counsel was asking you about, what do
10 you understand his relationship with the defendant to be?

11 A. I'm sorry.

12 Q. What do you understand the relationship between Tony
13 Oxendine and the defendant to be?

14 A. I think they were supposedly friends and used drugs
15 together and hung out.

16 Q. So can you tell us whether or not you and officers
17 would have reviewed that jail call in its entirety?

18 A. Yes, ma'am. We did.

19 Q. You were questioned about different theories of the
20 case?

21 A. Yes, ma'am.

22 Q. Such as an overdose?

23 A. Yes, ma'am.

24 Q. Did you investigate that?

25 A. Yes, ma'am. We investigated all leads.

1 Q. The statement from the defendant that Haley Coleman
2 assaulted Alena, did you investigate that?

3 A. Yes, ma'am.

4 Q. And all other theories in this case?

5 A. Yes, ma'am. That would be our job.

6 Q. And at any point did you or the Sheriff's Department
7 change the charge of murder against the defendant Tony
8 Corley?

9 A. No, ma'am.

10 Q. At any point did you or the Sheriff's Department
11 obtain a warrant for murder for Haley Coleman?

12 A. No, ma'am.

13 MS. MAYES: Nothing further.

14 THE COURT: Anything on those questions?

15 MR. BELL: Briefly.

16 RECROSS EXAMINATION

17 BY MR. BELL:

18 Q. Anthony Oxendine, same type of relationship with the
19 other individuals that sat there in that witness stand called
20 by the government?

21 A. I wasn't in the courtroom this morning, sir. I
22 don't know.

23 Q. Same type of individuals that y'all interviewed
24 related to this case?

25 A. Yes, sir.

1 Q. All the same types of individuals?

2 A. The people that Tony hung out with. Yes, sir.

3 MR. BELL: Okay. No further questions.

4 THE COURT: All right. You may step down, sir.

5 THE WITNESS: Thank you, Your honor.

6 THE COURT: If you have any exhibits, just leave
7 them and we'll collect them. All right, sir. Thank you.
8 All right. Ladies and gentlemen, we're gonna stop for
9 the evening. I appreciate the fact that we worked a
10 little bit into the evening, but when we start a witness,
11 to be fair to both sides we need to finish that witness
12 before we conclude. We'll just have to see how things go
13 and if that happens again, well, it just may happen again
14 so you need to be prepared for that.

15 Just a reminder. You're not researchers or
16 investigators, can't look up anything, do any
17 investigation on your own, talk to anybody about this.
18 Please don't be talking among yourselves about it until I
19 give it to you at the end. With that I'll see you back
20 tomorrow morning at 9:30. So we'll come in the courtroom
21 at 9:30. So they may have you here a little bit early,
22 all right? Thank you very much. You're now excused.
23 Leave your pads and pens in your chairs and the bailiff
24 and Clerk's Office will collect them. Thank you.

25 (Whereupon, the jury was released for the evening at

1 JANUARY 29, 2020

2 BAILIFF: All rise. The Honorable Steven John
3 presiding.

4 THE COURT: Thank you. Thank you very much. You
5 may be seated. Thank y'all. The State ready for the
6 jury to come in?

7 MS. MAYES: Yes, sir, Your Honor.

8 THE COURT: The defense?

9 MR. BELL: Yes, Your Honor.

10 THE COURT: Very good. Bring the jury in please.

11 (Whereupon, the jury entered the courtroom at 9:35
12 a.m.)

13 THE COURT: All right. Solicitor, your next witness
14 please, ma'am.

15 MS. MAYES: The State calls Sergeant Doug Novak.

16 THE COURT: Please come around.

17 Thereupon,

18 DOUGLAS NOVAK

19 after having been first duly sworn, testified as follows,

20 THE CLERK: Please have a seat. Once you're seated,
21 state your full name spelling your last please.

22 THE WITNESS: Douglas Novak, N-o-v-a-k.

23 DIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. And tell us a little bit about yourself. Where are

1 you currently employed?

2 A. Lexington County Sheriff's Department.

3 Q. And how long have you been with the Sheriff's
4 Department?

5 A. Right about 22 years.

6 Q. And how much of that time has been devoted to the
7 major crimes unit?

8 A. Probably about 10 years.

9 Q. Can you tell us what roles, if any, you play within
10 the department?

11 A. I started my career in the detention center, from
12 there I went to the road patrol. I've worked courthouse
13 security. I've done school resource officer. I've done
14 property crimes. I've done major crimes, and then I went to
15 forensic services and ran the forensic service unit, and from
16 there I just recently got promoted to lieutenant, assistant
17 region commander of the west region.

18 Q. All right. And prior to your current role in the
19 west region, what was your job description within the CSI unit
20 of the Lexington County Sheriff's Department?

21 A. I oversee - I oversaw, at that time we had six CSI
22 investigators. I assigned them to different search warrants
23 and different items of cases that major crime units would be
24 called out to and they would assist them in doing search
25 warrants.

1 Q. All right. In addition to that, were you the
2 sergeant of any particular division within CSI?

3 A. I was also over the drug lab and the evidence room,
4 and the evidence room basically I was in charge of any
5 evidence that was collected on a scene would be entered into
6 our staff, into my unit and we would be in charge of storing
7 and any time it was moved from one place to another, it would
8 be signed out to what we call chain of custody.

9 Q. All right. I want to talk with you a little bit
10 more about that. In terms of chain of custody, what
11 provisions are in place there at the Lexington County
12 Sheriff's Department to secure items once they're submitted to
13 evidence?

14 A. We have a couple different ways we do it. It it's
15 in normal business hours when they're bringing it in, they're
16 gonna hand it straight to the evidence custodian and we take
17 from there, we log it in, make sure the seals are signed and
18 make sure everything matches up to our evidence standards. We
19 will find a place for it to be stored. We package it up. We
20 store it into the, I'll say the main warehouse, from there if
21 it's going to move again, we bring it back out and if I was
22 releasing it to somebody to go to a lab, they would sign for
23 it and it would be released to them.

24 Q. All right. And can you tell us whether those
25 provisions were in place in 2017?

1 A. Yes. They were.

2 Q. And you were sergeant of evidence at the time?

3 A. Yes, ma'am.

4 Q. Now, when items are submitted to your evidence room,
5 are they sealed at that point?

6 A. Yes, ma'am.

7 Q. What type of sealing is utilized in order to make
8 sure the evidence isn't tampered with or altered in any way?

9 A. There's a couple different ways they get entered.
10 Swabs will be entered in a sealed paper envelope with a
11 security seal on the back of it. If they're larger items,
12 they go into cardboard boxes and they would be sealed with the
13 investigator who collected the item with initials on top of it
14 that it was sealed by them. Any time the box is opened, if I
15 were to open it for any reason, I would have to open the seal
16 from a different place if I could and then when I resealed it,
17 I initial it to show I was in it and why I was in it.

18 Q. Does that include items of physical evidence such as
19 electronics?

20 A. Yes.

21 Q. Does it include items such as swabs that are taken
22 from physical items at a crime scene?

23 A. Yes, ma'am.

24 Q. And then can you tell us whether or not items remain
25 sealed up until they're submitted to either your internal lab

1 or the State Law Enforcement Division for analysis?

2 A. Yes. They remain sealed.

3 Q. So, I want to ask you first, Sergeant Novak, what,
4 if any, role did you play in the execution of a search for a
5 white Mercury van?

6 A. I received a call on June 20th that we had the white
7 Mercury van and it needed a search warrant to be completed and
8 once the search warrant is completed, I notified one of my CSI
9 investigators and we executed a search warrant in my evidence
10 warehouse.

11 Q. All right. I'm gonna show you some photographs and
12 ask you whether or not you recognize them. These are State's
13 87, 88, 89, 90, and 91.

14 A. Yes, ma'am.

15 Q. Can you tell us whether or not these photographs are
16 fair and accurate representation of the van that a search
17 warrant was executed on?

18 A. Yes, ma'am.

19 Q. And you were present for that?

20 A. Yes, ma'am.

21 Q. Who else was present for the execution of the search
22 warrant?

23 A. Myself. I'll refer to my notes?

24 Q. Okay. Take your time.

25 A. And Detective Smith.

1 Q. Do you know whether or not Agent Clary was there?

2 A. Yes. She was there, too.

3 MS. MAYES: These items would be for evidence, Your
4 Honor.

5 THE COURT: All right. 87 through 91?

6 MS. MAYES: Yes, sir, Your Honor.

7 THE COURT: Any objection?

8 MR. BELL: No objection.

9 THE COURT: All right. They're in evidence without
10 objection.

11 BY MS. MAYES:

12 Q. Now, Sergeant Novak, once a search warrant is
13 executed on an item such as a vehicle, how do you go about
14 processing the vehicle?

15 A. The first thing that we would do, we take overall
16 pictures of the vehicle before we enter anywhere else. That
17 shows what it looks like when we have it before we start going
18 in and collecting the evidence. After that depending on what
19 we're looking at and looking for in the vehicle we start with
20 fingerprints, latent prints, and the part we would be doing
21 would be swabs to it to collecting DNA samples.

22 Q. All right. Now, in this particular case can you
23 tell us based on your knowledge of the investigation why the
24 interior of this van was processed?

25 A. My knowledge of the case was that Ms. Kennedy was

1 missing. She was known to be transported in a vehicle and we
2 were looking at this vehicle as for the transporting of Ms.
3 Kennedy.

4 Q. All right. I'm gonna show you some photographs and
5 ask you if you can take us through what we're looking at here.

6 A. This is the white van that was in my evidence room
7 that we were processing.

8 Q. All right. And when you say it was in your evidence
9 room, what are we looking at here in terms of where this white
10 Mercury van is housed?

11 A. We have a bay in our evidence room that we can put
12 vehicles in to secure it from the weather until we get done
13 processing it. If you look at the backside of the van, you
14 will see our garage door, I call it a garage door, that opens
15 up and we pull, the van is taken off the tow truck and moved
16 into the bay. Once it's in the bay, we secure it up until the
17 search warrant is secured and issued by the Judge and then we
18 come into the evidence room and we process the vehicle.

19 Q. All right. The next photograph is gonna be 88.

20 A. That's the inside of the vehicle.

21 Q. Can you tell us whether or not the back of this
22 white Mercury van had seats in it?

23 A. It appeared there were seats in the van and there
24 were two rows in the back where they had been taken out or
25 they were missing.

1 Q. All right. So when law enforcement recovered this
2 van, it was missing those back seats?

3 A. Yes.

4 Q. Next is item number 5. What is the process for when
5 you are conducting a search warrant and what items of interest
6 may be taken?

7 A. We look at items that may be used to implement the
8 crime. In this case we had allegations of the --

9 Q. Let me ask you this: If you see anything
10 suspicious, do you seize it?

11 A. Yes, ma'am.

12 Q. Regardless of whether or not if you know it's
13 related?

14 A. Yes, ma'am.

15 Q. All right. And what are we looking at in that
16 photo?

17 A. A hacksaw blade.

18 Q. All right. I'm gonna show you what is State's 89
19 which is item number 7.

20 A. That is the rear cargo area of the van.

21 Q. Okay. And in this rear cargo area what, if any,
22 suspicious substances were observed?

23 A. There was what we at the time thought was, could
24 have been cement or particles of cement and that's where we
25 were collecting different items in the carpet portions of the

1 van for further testing.

2 Q. Can you tell us whether or not this van was also
3 processed for potential DNA?

4 A. Yes. It was.

5 Q. And that would include any type of --

6 A. Touch DNA, biological DNA, or any other DNA that we
7 could find within the vehicle.

8 Q. Okay. And how did y'all go about processing the van
9 for potential, as you mentioned, bio hazardous materials such
10 as human fluids, anything of that nature?

11 A. We did swabs of different areas of the van. We did
12 the rear of the van. We did the driver's seat of the van for
13 DNA, the passenger seat for DNA, the rear cargo area for DNA,
14 and there was a gray stains on the rear passenger door and
15 upper frame that we also took DNA swabs from.

16 Q. So when you're in the process of executing a search
17 warrant, you mentioned stains, what is the protocol for
18 actually swabbing any suspicious stains?

19 A. Anything that's suspicious we're going to swab or we
20 can do a presumptive testing on it to see if it turns out to
21 be blood or not blood. Most times we will take the swabs,
22 forward it to SLED or the State Law Enforcement Division for
23 further testing.

24 Q. All right. Now, after the processing of the white
25 Mercury van, can you tell us whether or not a search warrant

1 was executed at a location being [REDACTED] Greengarden Drive?

2 A. Yes. There was a search warrant done there.

3 Q. All right. Can you tell us whether any items were
4 seized from that location?

5 A. There were numerous electronics that were seized
6 from that residence. I was not present at the residence
7 during that search warrant.

8 Q. Were those items turned into you in the evidence
9 room as sergeant of evidence?

10 A. Yes, ma'am.

11 Q. All right. Do you have a listing of each of those
12 items?

13 A. Yes. I do. Give me one moment. You want me to
14 just read each of them out?

15 Q. Any items that were collected and then turned into
16 you as sergeant of evidence.

17 A. We had one black LG phone, cell phone that was
18 collected from the residence. Another gray Samsung cell phone
19 that was from the residence, a white iPhone with charger, a
20 black Samsung tablet, a black Gateway laptop with charger, a
21 handwritten note from a notebook, and a black Kyocera, I can't
22 pronounce it, another black cell phone, K-y-o-c-e-r-a, without
23 a battery and five SD cards were collected.

24 Q. Now, you mentioned before the procedures that are in
25 place once evidence is submitted to your evidence room. Can

1 you tell us whether or not those procedures would have been
2 followed for each of those electronic items that you just
3 named?

4 A. Yes. They would have been.

5 Q. All right. And once they were submitted to the
6 evidence room, can you tell us who within your department
7 those items are forwarded to for further analysis?

8 A. We would have used Mike Phipps who is our forensic
9 examiner. He does all are electronics and has specialized
10 training.

11 Q. Can you tell us whether or not those items would
12 remain sealed from the time they are submitted to you to the
13 time they are submitted to Agent Phipps for analysis?

14 A. They would have remained sealed.

15 Q. Now, can you tell us whether or not a search warrant
16 was conducted on a blue Kia vehicle?

17 A. The blue Kia, there was a search warrant done on it.
18 Yes, ma'am.

19 Q. Okay. And that blue Kia, were you present for that
20 search warrant? Are you listed on the return?

21 A. It does not appear I was listed on the return.

22 Q. Okay. Who was listed on the return for that search
23 warrant?

24 A. It has Sergeant Rawl. And I'm mistaken. I am on
25 this search warrant on the return. I apologize for that.

1 Q. Okay. By return, what do we mean by that?

2 A. When you do a search warrant, anybody present will
3 be listed on the search warrant as being present during the
4 search warrant and return is when we return it to the issuing
5 Judge to show what we did and what we seized out of the
6 vehicle.

7 Q. So you were present for that actual execution of the
8 search warrant regarding the blue Kia vehicle?

9 A. Yes.

10 Q. What, if any, items were seized from that blue
11 Kia?

12 A. A hypodermic syringe, a memory micro SD card and the
13 last item which would have been - it says last item. I'm not
14 sure what the last item was.

15 Q. Okay. Well, is that term actually listed under the
16 SD card that you mentioned?

17 A. Yes.

18 Q. So that may refer to the SD card being the last
19 item?

20 A. Yes.

21 Q. So that SD card that is seized in your presence, can
22 you tell us whether or not that also is submitted to your
23 evidence room for further analysis?

24 A. Yes. It was.

25 Q. It was sealed when it was submitted?

1 A. The same process.

2 Q. Do items such as that also go to anyone within your
3 division for further analysis?

4 A. It should have went to Investigator Mike Phipps.

5 Q. Now, I'm gonna show you a group of swabs. Do you
6 recognize those items?

7 A. These are the swabs that we took from the vehicle
8 from the white Mercury van.

9 Q. All right. Can you tell us where those swabs would
10 have gone after they were collected and sealed by your
11 agency?

12 A. We would have sent them to SLED for further
13 analysis.

14 Q. All from the white Mercury van?

15 A. Yes, ma'am.

16 MS. MAYES: Your Honor, this would be swabs labeled
17 A, B, C, and D which we have marked as one item. This
18 would be State's 108.

19 THE COURT: Is there some way to keep all those
20 together?

21 MS. MAYES: Yes, sir, Your Honor. Nothing further
22 of Lieutenant Novak at this time.

23 THE COURT: All right. Cross examination.

24 MR. BELL: Briefly.

25 CROSS EXAMINATION

1 BY MR. BELL:

2 Q. Good morning.

3 A. Good morning.

4 Q. Are you aware of whether or not the outside of what
5 I'm showing you has been marked as State's Exhibit 91 a shop
6 vac whether or not that was ever swabbed?

7 A. I'm not aware.

8 Q. Are you aware the owner of the white Mercury van was
9 a Harriet Coleman on the search warrant?

10 A. Yes, sir.

11 Q. Okay. Where was that white Mercury van located
12 according to the search warrant?

13 A. According to the search warrant it was located at
14 [REDACTED] Sangaree Drive in West Columbia.

15 Q. And the swabs that we have, was DNA collected from
16 underneath the driver's seat of the white van?

17 A. I'm sorry.

18 Q. Underneath the driver's seat of the white van?

19 A. You're asking if we collected it?

20 Q. Swab A?

21 A. Okay. Driver seat from the white van. Yes, sir.

22 Q. Two of them?

23 A. Yes.

24 Q. Swab B, passenger seat of the white van?

25 A. Yes, sir.

1 Q. Swab C, cargo area behind the driver's seat of the
2 white van?

3 A. Yes, sir.

4 Q. Swab D from the cargo area behind the passenger's
5 seat of the white van?

6 A. Yes, sir.

7 Q. Swab E, a gray stain on the rear passenger door?

8 A. Yes, sir.

9 Q. And swab F, a gray stain on the upper frame of the
10 rear passenger door?

11 A. Yes, sir.

12 Q. And you do not have a time in which you're able to
13 say when the seats were removed from that van?

14 A. No, sir.

15 Q. Was there any phenolphthalein testing done inside
16 the white van? Phenolphthalein is for the presence of
17 blood?

18 A. Right. It is not showing that we did that.

19 Q. What about the blue Kia?

20 A. Not to my knowledge.

21 Q. Not to your knowledge?

22 A. No.

23 Q. Okay. Forensic evidence, DNA, did your office ever
24 collect a swab of Harriet Coleman?

25 A. I'm not aware.

1 Q. Okay. So her swab was never collected by your
2 office for any kind of comparison?

3 A. I'm not aware if it was or was not.

4 Q. Okay. You're in charge of the CSI?

5 A. Yes, sir.

6 Q. You're the supervisor?

7 A. Yes, sir.

8 Q. You approve their reports?

9 A. Yes.

10 Q. Are you aware of whether or not there is any
11 physical DNA, latent prints or the such from the white van or
12 the blue Kia connecting Tony Corley?

13 A. Not that I'm aware of.

14 MR. BELL: No further questions.

15 THE COURT: Any redirect?

16 MS. MAYES: No, sir. Not of this witness.

17 THE COURT: All right. Very good. You may step
18 down. Would you wish the witness to be excused?

19 MS. MAYES: Yes, sir, Your Honor.

20 THE COURT: Any objection?

21 MR. LEVENTIS: None, Your Honor.

22 THE COURT: All right, sir. You're released from
23 your subpoena. Go back to your regular duties. Your
24 next witness please.

25 MS. MARTIN: Your Honor, the State calls Murray

1 Corley.

2 Thereupon,

3 MURRAY CORLEY

4 after having been first duly sworn, testified as follows,

5 THE CLERK: Please have a seat. Once you're seated,
6 state your full name spelling your last please.

7 DIRECT EXAMINATION

8 BY MS. MARTIN:

9 Q. Mr. Corley, if you could spell your last name for us
10 please?

11 A. C-o-r-l-e-y.

12 Q. Thank you, sir. Where do you live?

13 A. ■ Cecil Lane, Lexington, South Carolina 29073.

14 Q. Do you know this man over here Tony Corley?

15 A. Yes. I do.

16 Q. Is he kin to you?

17 A. Yes.

18 Q. Did Mr. Corley ever live with you there on Cecil
19 Lane?

20 A. Yes.

21 MS. MARTIN: Okay. And if I can approach the
22 witness, Your Honor.

23 THE COURT: Yes, ma'am.

24 BY MS. MARTIN:

25 Q. Mr. Corley, if I could show you what's been marked

1 as State's 64. Do you recognize the home there?

2 A. Yes, ma'am.

3 Q. What is that?

4 A. That's my house.

5 MS. MAYES: Your Honor, we would offer this without
6 objection.

7 THE COURT: Without objection?

8 MR. LEVENTIS: None, Your Honor.

9 THE COURT: All right. It's in evidence without
10 objection.

11 BY MS. MARTIN:

12 Q. And the State's Exhibit 65, can you tell us do you
13 know where that is?

14 A. That's my house.

15 MS. MAYES: Move to publish, Your Honor, also in
16 evidence I believe without objection.

17 THE COURT: Any objection?

18 MR. LEVENTIS: Without objection.

19 THE COURT: All right. So they're both in evidence
20 without objection. You may publish.

21 BY MS. MARTIN:

22 Q. Is that the front, back or side of your house?

23 A. That's the front.

24 Q. Okay. 65, can you tell us what area does this
25 show?

1 A. The carport.

2 Q. Okay. And this area here?

3 A. The porch, front porch.

4 Q. Okay. Thank you. So I'm gonna ask you to think far
5 back, okay, to June of 2017. In June of 2017 do you remember
6 if Mr. Corley your nephew was living with you?

7 A. Yes.

8 Q. Okay. And in June of that, directing your attention
9 to June again, June 21st of that year, do you remember
10 something, do you remember a time that was very highly
11 unusual? Something that happened to you there at your home
12 involving the Lexington County Sheriff's Department?

13 A. Oh, yes. Yes. I do.

14 Q. Can you tell us what you remember about that day?

15 A. I was in the recliner sleeping and I heard bam, bam,
16 bam on the door and I jumped up to see what was going on and
17 it was three Lexington County deputies standing there wanting
18 me to come out and I went outside and they informed me on what
19 was going on and it was like a eight hour process that I had
20 to sit out there on the porch and wait for them to do their
21 investigations.

22 Q. And when they came there that day, was Tony Corley
23 there or not there?

24 A. He was not there.

25 Q. Okay. And was he living there during that time?

1 A. Yes.

2 Q. Do you remember a time when Mr. Corley was not
3 living there?

4 A. As far as dates, no, ma'am. I couldn't tell you.

5 Q. Can you tell us, would it be fair to say did Tony
6 come and go living there at Cecil Lane?

7 A. Yes. Yes.

8 Q. All right. So do you remember this officer? I'm
9 not sure if you do. Do you remember this guy?

10 A. Not dressed up in that suit I don't.

11 Q. Okay. Well, when they came out there that day, did
12 you show them around your property?

13 A. Uhm, no. Uhm, they had one officer take me to the
14 porch and that's where I sit all during the investigation was
15 right there on the front porch.

16 Q. Did you tell law enforcement on that day what had
17 been the last time you had seen your nephew?

18 A. I told them to the best of my knowledge. Yes.

19 Q. And in preparation for court here today do you
20 remember what you had told them back then in 2017?

21 A. Uhm, no. Not exactly.

22 Q. Okay. Do you have some trouble with your memory
23 because of a brain injury?

24 A. Yes, ma'am.

25 Q. Okay. Did you, when law enforcement was there that

1 day, did you have an occasion to look at some photographs that
2 they slowed you?

3 A. I'm not sure whether they showed me any or not. I
4 don't think so.

5 Q. Okay. If I can show you -- Let me back up. As far
6 as your backyard area, is that a large area or a small area?

7 A. It's a pretty large area. Yeah.

8 Q. Do you have any areas in your backyard where you
9 would burn trash?

10 MR. LEVENTIS: Your Honor, I do believe we need to
11 approach.

12 BY THE WITNESS:

13 A. There was a --

14 THE COURT: Hold on. Hold on a second.

15 (Side bar off the record.)

16 THE COURT: Mr. Foreman, ladies and gentlemen of the
17 jury, go to your jury room for a little bit please.

18 (Whereupon, the jury entered the jury room at 10:10
19 a.m.)

20 THE COURT: All right. Mr. Leventis, I'll allow you
21 to ask Mr. Corley some questions about his ability to
22 remember, his brain injury, what effect that may have on
23 him, okay?

24 MR. LEVENTIS: Thank you, Judge.

25 VOIR DIRE EXAMINATION

1 BY MR. LEVENTIS:

2 Q. Mr. Corley, you mentioned a second ago you had a
3 brain injury?

4 A. Yes.

5 Q. When did you suffer that brain injury?

6 A. 2007.

7 Q. 2007. And you said a minute ago you remember this
8 detective and when law enforcement was at your house?

9 A. Like I said, I can't recognize him in a suit, but as
10 of right now I couldn't tell you. I really don't know. He
11 looked a lot different.

12 Q. That's okay, Mr. Corley. It's okay. Do you
13 remember if you ever told them at the time when they were
14 doing the search warrant about the brain injury and having
15 trouble recalling certain things?

16 A. No. I didn't.

17 Q. You didn't?

18 A. No.

19 Q. You met with the Solicitor's Office recently up
20 here? On January 15th, maybe about a week and a half ago, two
21 weeks ago they came to your house. Do you remember her coming
22 to your home?

23 A. Yes. Yes.

24 Q. Did you ever make her aware of your brain injury?

25 A. No, sir.

1 MR. LEVENTIS: You didn't. Okay. That's all the
2 questions I have, Your Honor. I apologize.

3 THE COURT: That's all right. It's not a problem.
4 All right. Any questions the State wanted to ask?

5 MS. MARTIN: Just briefly, Your Honor.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. MARTIN:

8 Q. Mr. Corley, do you live alone?

9 A. Yes.

10 Q. Do you take care of yourself and manage your
11 finances on your own?

12 A. The best I can.

13 Q. Yes, sir. And do you understand right from wrong
14 and telling the truth and telling a lie?

15 A. Oh, yes.

16 Q. And do you understand that you have to tell us the
17 truth to the best of your ability today?

18 A. I do.

19 MS. MARTIN: That's all I have, Your Honor.

20 THE COURT: Thank you very much. Ask the jury to
21 come back in please.

22 (Whereupon, the jury entered the courtroom at 10:12
23 a.m.)

24 THE COURT: All right. Solicitor, you may
25 continue.

1 MS. MARTIN: Thank you, Your Honor.

2 DIRECT EXAMINATION CONTINUED

3 BY MS. MARTIN:

4 Q. Mr. Corley, when law enforcement was at your house
5 you said for about an eight hour period of time, do you recall
6 whether or not you discussed with them any type of bonfire?

7 A. Uh, yes.

8 Q. Okay. Can you please tell us what you told them and
9 what you remember about a bonfire?

10 A. Uh, well, there were several occasions where people
11 would be over there and they would be burning some trash in a
12 barrel back there in the backyard. Yeah.

13 Q. Okay. And when you would burn trash in the barrel,
14 can you tell us whether there was an opportunity or a time
15 that Mr. Corley had burned things in your yard?

16 A. The only time I remember is that one day he said he
17 was going in the backyard to burn some trash.

18 Q. And do you remember if he was alone or if someone
19 was with him?

20 A. Some lady.

21 Q. Do you remember anything about the woman?

22 A. Not a whole lot. I briefly seen her and we were all
23 sitting on the porch and she kept her head turned opposite of
24 where I was sitting so I really couldn't get a, you know, a
25 good facial description or anything on her.

1 Q. And can you describe her a little bit? What was her
2 race?

3 A. White.

4 Q. Okay. Was she smaller or larger?

5 A. She was a large woman.

6 Q. And on that day when Tony came to the house for a
7 bonfire, did you go in the yard with him?

8 A. No.

9 Q. Did you have anything to do with burning things in
10 the yard?

11 A. No. I did not.

12 Q. And do you know what he was burning in the yard?

13 A. No. But there was a bunch of trash back there. I
14 will agree on that. That's the only thing.

15 Q. And did you tell this to law enforcement back in
16 2017?

17 A. I'm not sure about that particular question.

18 Q. If I can show you what's been marked for ID only as
19 number 66. Do you recognize what this shows?

20 A. Uh, I think it was a blanket with some blood stains
21 on it.

22 Q. Was this your blanket?

23 A. No, ma'am.

24 Q. If I can show you what's been marked for ID only as
25 number 67. Can you tell us if you recognize what this

1 shows?

2 A. It's a burned door.

3 Q. What kind of door?

4 A. A outside door.

5 Q. How do you recognize this door?

6 A. The guy that used to live there before, he was a
7 carpenter and he would bring stuff home like that.

8 Q. And was the door burned when it had been in your
9 yard?

10 A. No, ma'am. It just had some paint on it. That's
11 all.

12 MS. MARTIN: Please answer any questions the defense
13 has.

14 THE COURT: Cross examination.

15 MR. LEVENTIS: Thank you, Your Honor.

16 CROSS EXAMINATION

17 BY MR. LEVENTIS:

18 Q. I just have a couple more questions for you,
19 Mr. Corley. That brain injury that you discussed a moment
20 ago, that occurred in 2007?

21 A. Yes.

22 Q. And you said it affects your memory?

23 A. Old age does.

24 Q. Did the injury impact your memory at all?

25 A. Uh, briefly when I was operated on but after that

1 no.

2 Q. It didn't. Okay. We were talking about when you
3 mentioned a second ago Tony and a bigger girl coming over to
4 your house?

5 A. Yes.

6 Q. Do you remember telling law enforcement that they
7 were driving a blue Dodge Neon, like a smaller blue car?

8 A. Yes. I did.

9 Q. You didn't see them in a white van, did you?

10 A. No. I did not.

11 Q. And you talked about how that blue car backed up in
12 the carport for a couple hours?

13 A. I'm not sure exactly how long it was.

14 Q. And did you ever see the bigger girl leave at that
15 time or at any time while the fire was happening?

16 A. I'm not sure. I think she might have left at one
17 time briefly.

18 Q. And I know it's tough, but do you remember in your
19 interview, do you remember saying that they were out there for
20 a couple hours, your interview with law enforcement in 2017?

21 A. I don't know exactly how long it was.

22 Q. Well, you don't know exactly, but just a few
23 hours?

24 A. Yeah.

25 Q. And then in that entire interview could you recall

1 if you mentioned that the bigger girl left at any time?

2 A. I think she may have left and went to the store or
3 something and come back.

4 Q. You think so. But you never mentioned that in your
5 interview on June 21st of 2017?

6 A. I'm not sure.

7 MR. LEVENTIS: Not sure. No further questions for
8 this witness.

9 THE COURT: Redirect?

10 MS. MARTIN: No, Your Honor.

11 THE COURT: All right. You may step down, sir. You
12 are released from your subpoena. You can go.

13 THE WITNESS: I can go now?

14 THE COURT: Yes, sir. You can go.

15 THE WITNESS: All right. Thank you.

16 THE COURT: Who is your next witness please?

17 MS. MAYES: Agent Tom Smith.

18 THE COURT: All right. Very good. All right, sir.

19 Please come around to be sworn right up here.

20 Thereupon,

21 THOMAS ALVIN SMITH

22 after having been first duly sworn, testified as follows,

23 THE CLERK: Please have a seat. Once you're seated,
24 state your full name spelling your last please.

25 THE WITNESS: Full name is Thomas Alvin Smith,

1 S-m-i-t-h.

2 DIRECT EXAMINATION

3 BY MS. MAYES:

4 Q. Good morning. Can you tell us a little bit about
5 yourself, where you are currently employed?

6 A. I'm currently employed as an instructor at the South
7 Carolina Criminal Justice Academy.

8 Q. All right. If you could pull the microphone up just
9 a little bit closer to you. You mentioned that you are
10 currently at the South Carolina Criminal Justice Academy.
11 What type of work do you do there?

12 A. There I'm part of the mobile training unit. We're
13 designed and set up to be able to travel to different agencies
14 throughout the state where we provide training to them from
15 anything from the basics that they received when they were
16 coming through as a refresher class. We're also developing
17 new curriculum. I was hired on board there as a crime scene
18 expert to be able to develop crime scene classes that we can
19 take to them and help them out in the field.

20 Q. And what type of work have you done previously
21 before joining the Criminal Justice Academy as a trainer and
22 instructor?

23 A. So my law enforcement career started in 2006 while I
24 was in the army. I joined the United States Army Criminal
25 Investigation Division Command where I served as special a

1 agent. I was responsible for conducting investigations from
2 homicides all the way through computer crimes and fraud. I
3 was also during that time conducted my own crime scene classes
4 for those cases. I did that for approximately six and a half
5 years. After leaving there, I joined the Lexington County
6 Sheriff's Department. I was with the Lexington County
7 Sheriff's Department for six years, the last four of those
8 years with the crime scene unit so a total of about ten plus
9 years doing crime scenes.

10 Q. So I want to ask you a little bit more about that,
11 about your work specifically with the crime scene unit in
12 Lexington County. Can you tell us how, if at all, you became
13 involved in an investigation regarding the disappears and
14 murder of Alena Kennedy?

15 A. Yes. During that time there were two of us working
16 in the entire county. A weekend, a couple weekends prior or
17 the weekend prior we were notified that the South Carolina Law
18 Enforcement Division had been called out to a recovery.
19 Shortly after that on the, if my notes are correct, on the
20 20th we were notified that they were obtaining a search
21 warrant for a residence on the 21st. We then responded to
22 that residence and conducted a search warrant.

23 Q. Okay. And who as members of CSI were present for
24 the execution of the search warrant specifically at the
25 residence of a Murray Corley, we saw him just a few moments

1 ago, at the residence of ■ Cecil Lane?

2 A. So there was two of us, CSI's on scene, myself and
3 CSI Brenda Snelgrove.

4 Q. Can you tell us the date that the search warrant was
5 executed at that residence?

6 A. It was June 16th, 2017. No.

7 Q. You can refer directly to the search warrant.

8 A. Okay. Yeah. June 21st, 2017.

9 Q. June 21st, 2017 the search warrant is executed. How
10 long of a process was this going through any evidence you
11 found at the residence?

12 A. So we arrived on scene approximately 9:00 in the
13 morning and we parted around 15:30 or around 3:30 in the
14 afternoon.

15 Q. And ultimately can you tell us whether any items of
16 physical evidence were retrieved from that residence at ■
17 Cecil Lane being the residence of Murray Corley?

18 A. Yes. We had several pieces of items that was
19 collected. Interior to the house we collected probation,
20 pardon and parole paperwork.

21 Q. Let me show you this. Do you recognize these
22 photographs?

23 A. Yes.

24 Q. I want you to go through them each individually, 83,
25 84, 85, 68, 106, 86, 92, 93, 67, 94, 95, 96, 97, 98, 99, 100,

1 101, 102, 103, 104, 105, 66, and 107, if you could please look
2 through these photographs and tell us whether or not you
3 recognize these items.

4 A. Yes. These are all photographs I took while we were
5 out there at Cecil Lane.

6 MS. MAYES: Your Honor, at this time we would offer
7 each of these photos as evidence.

8 THE COURT: Any objection?

9 MR. BELL: No objection.

10 THE COURT: That's 66 through 68, 83 through 86 and
11 92 through 107 are in evidence without objection.

12 BY MS. MAYES:

13 Q. Before we get started with the photographs, can you
14 tell us what you recall about being at the scene in terms of
15 the exterior of that residence and what, if any, observations
16 you made?

17 A. So while we were there on scene it was a single
18 level brick house, had a carport on the right side of the
19 residence as if you're looking at the residence from the
20 street. It had a chain link fence around the backyard. Upon
21 entering the backyard we observed there was multiple out
22 buildings, storage sheds and all on the property. We noticed
23 that in the back kind of towards the middle of the backyard
24 there was an area where it appeared as though something had
25 been burnt there. We also observed on the right side of the

1 property that there was a burn barrel on the property as
2 well.

3 Q. All right. Why, if at all, was the burned area in
4 the back of that residence of interest to you as a CSI
5 officer?

6 A. So we were interested in the burn area because we
7 had information both from the investigators as well as from
8 the Richland County Coroner's Office that the deceased had
9 been burnt prior to being placed into a trash can. That burn
10 area drew our attention and everything and we began to process
11 that.

12 MS. MAYES: All right. If you could, Agent Smith,
13 I'm gonna ask you to step down with the Court's
14 permission, Your Honor.

15 THE COURT: Yes, ma'am.

16 BY MS. MAYES:

17 Q. Go ahead, sir, and have you go through these
18 photographs that we are looking at. Keep your voice up so
19 each member of the jury can hear you as you speak.

20 A. This first photograph is just the exterior of the
21 house right there on the front porch of the house. Like I
22 said, it's just a brick house, ranch style.

23 THE COURT: Sir, you can't keep your back to the
24 court reporter because he's taking down --

25 THE WITNESS: I apologize. If I stood here, does

1 this work?

2 THE COURT: Yeah. Just stay like that so he can
3 take everything down.

4 THE WITNESS: Roger that.

5 BY MS. MAYES:

6 Q. That was 83. Now we're gonna be looking at 84.

7 A. So this picture here is the carport that I said was
8 to the right side of the house. That carport led to and
9 entrance to a chain link fence to the backyard. We can see
10 there's a cushion in the back. That white building is just
11 one of the out buildings that was present.

12 Q. All right. State's 85.

13 A. So this picture is taken from the right back corner
14 of the property towards the back of the house. We have the
15 exterior of the house. That white building that we saw in the
16 previous picture, we got the backside of that building. We
17 also have the burn barrel. We'll work without this. So the
18 burn barrel that I discussed earlier being on the property is
19 present right there and then between the rear of the house and
20 this white building there was an area of burn mark, burn
21 presence there on the area. That's where we began to excavate
22 the yard looking for what was burnt there or remnants of what
23 was burned there.

24 Q. State's 68.

25 A. So this is the burn area, and what we did once we

1 got there and started working in the area, we recognized that
2 there was a smell of some sort of accelerant, gasoline,
3 diesel, something like that that was present coming from the
4 ground, so we actually took soil samples from these four areas
5 there and we did that prior to us starting to excavate. As
6 you notice here on the property we have a fairly large area,
7 but what came to interest as we were processing this area and
8 looking at it is most people if they have got a burn area and
9 all they burn that area repeatedly and you get a nice big ash
10 mound and all leftovers from the remnants from the burn.
11 There was no real ash, there wasn't really that ash there. We
12 were expecting to see a lot of ashes. There's not really any
13 ash left there whatsoever and then we just started to
14 excavate.

15 Q. All right. And When you say excavate, I'm gonna
16 show you State's 106 and ask you what is taking place in this
17 photograph?

18 A. All right. So we took this photograph just to show
19 as you notice we're not going very deep into the ground.
20 We're not trying to get - we're not digging a hole. All we're
21 doing is trying to remove that top layer to find out what's
22 underneath that layer, and what we would do is we took, take
23 flat head shovels, we would scrape across the top layer and
24 put it into a sifting tool, and our sifting tool is nothing
25 more than a square box with wood on two sides, the bottom has

1 a screen, and then we would put the substance on the top and
2 we would rock it back and forth and we do this over a tarp,
3 that way if something falls through the holes, we can still
4 see it. But the idea is that grate is going to be able to
5 catch items and keep them from falling through so that we can
6 look at it and have an idea on what it is prior to it falling
7 to the ground that way we don't lose evidence.

8 Q. What, if anything, is of interest in State's 86?

9 A. Can we go back to that one?

10 Q. Yes.

11 A. In this one, one reason we took the photograph is
12 right through here you can see it there on the shovel itself
13 is some sort of unknown hard substance. It was just packed
14 real hard that became peculiar, too, so we actually collected
15 some of that and made sure that we processed stuff underneath
16 it.

17 Q. All right. State's 86.

18 A. So the burn pile would be right here. This right
19 here is processed wood. It's wood that's been burned. We've
20 got a chair there. We've got what looks like either
21 baseboards or crown molding and other pieces of various wood
22 in all this area that's been treated, painted, stuff like
23 that. We thought that was peculiar because was one of the
24 sheds had a whole bunch of stuff to that effect in it, but
25 that's partly burned. If you were meaning to burn it, why

1 don't you just burn it all up at the same time. But several
2 of the items that you can see here are partly burned, partly
3 burned chair, partly burned, so we just took photographs to
4 document that there on the scene.

5 Q. State's 92.

6 A. So again, this is the burn barrel, just a closer
7 photograph of the burn barrel and the items that were around
8 it.

9 Q. State's 93.

10 A. This goes back. This is the pile of treated wood
11 here, just a closer photograph of it. Look's like someone
12 started to burn it and for some reason pulled it out and did
13 not let it completely burn.

14 Q. All right. I'm gonna show you what is 67 and ask
15 you to expound on this item and from what you observed its
16 relationship to the scene.

17 A. So this item that we have right here is one side of
18 a two sided metal door that was present. It was on the left
19 side of that white building that we showed you previously. It
20 was on the left side of that leaning up against stuff on the
21 property. When we looked at it, we noticed that there was
22 obvious charring to the door and that it had obviously been
23 burnt so we photographed that and collected it as evidence.
24 One of the things that we did notice on the door is that the
25 two panels together concave. What would do that is if you had

1 weight on it and then heated it, the metal fatigues and is
2 what caused it to concave like that.

3 Q. Based on your observations did it appear that the
4 door had been exposed to heat?

5 A. Yes.

6 Q. Do you know whether any pieces related to the door
7 were also found at this scene or at this scene?

8 A. We found at the crime scene two inch hasps, a
9 doorknob as well as the latch for a door.

10 Q. I'm gonna show you what is State's 94.

11 A. This is the doorknob that we located right at the
12 edge of that burn area. As you can see, we've got vegetation
13 here and burn here. It's just on the outlying edge. We
14 photographed that and collected that as evidence.

15 Q. Now, looking at some of your placards as you're
16 collecting evidence as we go, if you need to refer to your
17 report, you can. This would be State's 95 which depicts an
18 item shown in the placard 4.

19 A. All right. So placard 4 is also evidence item
20 number 4. My placards correlate with my evidence numbers.
21 This right here was just an odd piece of fabric so it was
22 collected. Have no idea what it went to but it's fabric so it
23 was collected.

24 Q. Number 96, is that the same item?

25 A. Yes. This is just a more close up photograph of

1 that same item.

2 Q. 97.

3 A. So item number 6 I've already talked about. It was
4 the doorknob that was collected on the scene. Item 7 right
5 here is actually two things. It's a hinge as well the latch
6 mechanism for a door.

7 Q. Okay. We're gonna take a closer look at that. In
8 99 if you can tell us what we're seeing here?

9 A. This is the latch mechanism and this is the hinge
10 mechanism right there.

11 Q. And that particular item would go to what?

12 A. To a door. And these here appear to have heat
13 damage or thermal damage to them as well.

14 Q. State's 100.

15 A. So this is item 9. We actually found this as we
16 were excavating that dirt. This is another hinge and it again
17 showed heat damage to it and it was photographed and collected
18 as evidence 9.

19 Q. All right. What is that item that is holding the
20 hinge? What are we looking at there?

21 A. This is the sift box that I described earlier.
22 There would be four corners of the wood. This is the metal
23 grate that we're sifting trying to separate dirt from other
24 items found in it and then while we were doing so we found the
25 hinge.

1 Q. And 98, again item 9.

2 A. Again, this is just a closer photograph of the hinge
3 itself that we collected there on the scene.

4 Q. So in total based on the photographs that we've seen
5 so far how many hinges to a door were recovered there in the
6 backyard of Cecil Lane?

7 A. We collected two hinges there on the scene.

8 Q. Can you tell us whether or not those hinges were,
9 what their proximity was to the burn pile?

10 A. They were either on the very edge, like I believe
11 it's number 7 showed, it was right there on the edge or it was
12 actually in the burn pile itself.

13 Q. State's 101 which depicts item 11.

14 A. Item 11 was just another piece of fabric that we
15 found when we were sifting through the dirt and it was
16 collected as evidence.

17 Q. What, if anything, is significant about State's
18 102?

19 A. So State's 102, this is a piece of plastic. When we
20 found it through sifting, this again was part of the burn
21 area, once we found this, we started looking at it. Due to
22 its general shape, the color and everything it appeared as
23 though it was a press on nail and it was collected in this
24 fashion still dirty and everything because we didn't want to
25 mess up any lab efforts later on.

1 Q. When you say press on nail, you're referring to an
2 acrylic fingernail?

3 A. Yes. I am.

4 Q. Was that noted in your report?

5 A. Yes. When I collected this, in my report I actually
6 identified it as a piece of plastic in parenthesis possibly a
7 press on nail.

8 Q. All right. I'm gonna show you what is State's 103
9 and ask you if you can give us more information about this
10 item that we see?

11 A. Again, this is something that we found when we were
12 sifting. You can see the fabric and all that we collected as
13 well. It was just again, a piece of fabric that we found in
14 the burn area that was collected.

15 Q. State's 104 depicting item 18.

16 A. So item 18 was found while we were sifting. It's a
17 piece of green plastic. This was collected because when we
18 first found it, it wasn't all that significant, but we started
19 looking through the property and we didn't see anything else
20 that this green plastic could have come off of so it was
21 collected just because it was out of place with everything
22 else that was there on the property.

23 Q. Do you see any other remnants of this same plastic
24 item in the fire, in the burn pile?

25 A. No. That was the only piece of plastic that we

1 located. Like I said, we searched the area and we couldn't
2 find what this plastic could have come off of.

3 Q. Now, you mentioned before the barrels that were on
4 the scene. Did you have a chance to actually inspect those
5 barrels?

6 A. Yes. There was like I said one 55 gallon drum,
7 metal drum barrel that was on the property. Once we finished
8 excavating and searching that burn area, we then turned our
9 focus to that and we began photographing and actually looking
10 through the barrel to see what was in it.

11 Q. All right. I'm gonna show you what is State's 105
12 and ask you what, if anything, is significant about this
13 photo?

14 A. So this is the top layer of - this is what the
15 barrel looked like when we first walked up to it. There was a
16 blanket here present and some glass and drink bottles and just
17 items that were not burned.

18 Q. All right. So I want to do ask you what, if any,
19 differentiation there is between what we see in this
20 photograph which is where the blanket is present and then 107
21 when the blanket is removed?

22 A. The only difference is, is that I have removed the
23 blanket and this is what was under the blanket. As you can
24 see, it's an area that's been used to burn before and probably
25 still being used to burn.

1 Q. All right. Now, once that blanket was removed from
2 the barrel, did you have an opportunity to visually inspect
3 it?

4 A. Yes. We actually laid that out and I was able to
5 take photographs of it. While we were on scene we looked
6 through it to see if there was anything that stuck out on
7 scene. The only thing that we noticed is that there was a
8 couple areas that looked like it had been burnt with a
9 cigarette and that's the only notification that we could see,
10 but there was, we could tell there was no attempt to burn the
11 blanket.

12 Q. And other than that were you able to determine or
13 rule out the possibility of blood stains, bodily fluids,
14 things of that nature that would have been visible to your
15 naked eye?

16 A. Right. There wasn't anything that we could see
17 there on scene so we just photographed it and collected it as
18 evidence. There was no outstanding reddish, green, brown
19 stain on it.

20 Q. All right. Of all these items that you just showed
21 us including that metal door, can you tell us whether or not
22 they were collected as evidence?

23 A. Yes. All those items were collected as evidence.
24 As you saw, there was an evidence placard beside them and
25 that's how we photograph and document them in our reports,

1 that way our photo placards match our photographs and it
2 matches the evidence that we collected so all those items were
3 collected as evidence.

4 Q. Let's go back for a moment to State's 67. Of
5 course, we see a hand on that there at the scene. Whose hand
6 would that be?

7 A. Most likely that's my hand. Like I said, they were
8 laying out, so what I did is moved it out in order to take the
9 photographs so I could get a good photograph of it.

10 Q. Can you tell us how, if at all, this item was
11 processed once it was collected, preserved and carried back to
12 your lab?

13 A. Once we got it back to our lab at the time we
14 contacted SLED, SLED said that they couldn't do anything with
15 the door so it was just stored as evidence. It was packaged
16 to prevent anything from further causing damage to the door as
17 well preserve anything that might be on the door. In 2019
18 SLED was again contacted and they were, we inquired about
19 being able to do DNA testing on it. They informed us that
20 they had a new machine, a new method for being able to do it
21 so we actually unpackaged the door in 2019. I took swabs off
22 that door per their recommendation and we sent that to the lab
23 to be tested.

24 Q. Who actually collected those swabs from the door?

25 A. I did.

1 Q. And again, for what purpose were they collected?

2 A. They were collected, we were attempting to get DNA
3 off that door.

4 Q. Was there anything that you saw about the door which
5 made you take that action?

6 A. There was a substance on the door that we could not
7 identify so we swabbed it in abundance just to determine
8 whether or not there was DNA that could be processed off that
9 door.

10 Q. I'm gonna show you this item and ask you whether or
11 not you recognize it.

12 A. Uhm, it's an envelope that says to contain item 15A,
13 swabs from the door.

14 Q. All right. Can you tell us whether or not that's
15 consistent with the packaging of the swabs that you collected
16 from this door?

17 A. Well, so whenever we collect something like this at
18 the scene and we send to it SLED, in order for SLED to receive
19 it, they have to have it repackaged so this is an exterior
20 package that our crime scene unit - our evidence unit would
21 have packaged it and sealed it in order for it to go to the
22 lab and this would be my packaging from once I took the swabs
23 and I submitted them for evidence.

24 Q. Do you recognize that packaging?

25 A. Yes, ma'am.

1 Q. Recognize your own handwriting?

2 A. Yes.

3 Q. And your initials on it?

4 A. Yes. Right here as well as the date that it was
5 collected.

6 THE COURT: What was the number of the last one?

7 MS. MAYES: 109. 109 is for evidence.

8 THE COURT: Asking to introduce it at this time?

9 MS. MAYES: Yes, sir, Your Honor.

10 THE COURT: Any objection?

11 MR. BELL: No objection, Your Honor.

12 THE COURT: In evidence without objection.

13 BY MS. MAYES:

14 Q. Next you mentioned what you had labeled a press on
15 fingernail. I'm gonna ask you whether or not you recognize
16 this item? I believe this was item 14 from your collection
17 report.

18 A. Correct. This is my packaging, my initials. This
19 is item 14 that I collected there at the scene.

20 Q. All right. Now, you mentioned multiple pieces of
21 fabric. I'm gonna ask you whether or not you recognize these
22 items (proffering)?

23 A. This is item 11, just an odd piece of fabric. Has
24 my seal and initials on it. Item 4, again, my seal and
25 initials on it and item 17 again my initials and seal on it.

1 Q. Okay. All right. You mentioned a green plastic
2 item. I'm gonna show you this packaging and ask you whether
3 or not you recognize that?

4 A. Yes. This is item 18 from the photographs and again
5 my initials and everything is on the backside.

6 MS. MAYES: Your Honor, this would be State's 111,
7 Your Honor, would be the fingernail or press on nail,
8 item 14. State's 112 would be a collection of the three
9 fabric items being item 17, item 4 and item 11. State's
10 113 would be what is labeled as item 18, a green plastic
11 material. These would all be for evidence at this
12 time.

13 THE COURT: I'm sorry. The last one, item 18 is
14 State's Exhibit what?

15 MS. MAYES: 113.

16 THE COURT: All right. Any objection?

17 MR. BELL: No, Your Honor.

18 THE COURT: All three are in evidence without
19 objection.

20 BY MS. MAYES:

21 Q. You told us in 98 about that item.

22 A. This is a latch piece. It's a four hole piece and
23 has two notches.

24 Q. And State's 99 depicting item 7 corresponds with
25 that?

1 A. Again, we're talking about a hinge part, one half of
2 a hinge. Again, it has two knuckles as well as four holes.

3 Q. I show you both of these items and ask you how, if
4 at all, you recognize them?

5 A. I recognize these. I was requested in 2019 to look
6 at the hinges and compare them to each other. When I did, I
7 opened up the original package, they were packaged very much
8 like this, I opened up the original package, and then I
9 repackaged it to go to the lab, I put on our blue evidence
10 tape to show the lab process is done, I initialed it and dated
11 it so it matched on the front both containers, the seal and it
12 has my initials and the date.

13 Q. All right. This item as well, item 9.

14 A. Item 6 is the doorknob that we collected there on
15 the scene and it's my packaging.

16 MS. MAYES: Your Honor, at this time the State would
17 offer as a joint exhibit being State's 114, the two door
18 hinges is being item 7 and 9.

19 THE COURT: Any objection?

20 MR. BELL: No, Your Honor.

21 THE COURT: All right. In evidence without
22 objection.

23 MS. MAYES: And State's 115 being the doorknob.

24 THE COURT: Any objection?

25 MR. BELL: No, Your Honor.

1 THE COURT: In evidence without objection.

2 BY MS. MAYES:

3 Q. You mentioned that you did further inspection?

4 A. Yes. I was requested by Lieutenant McCann to look
5 at these two hinges that I collected there at the scene and a
6 hinge located in the trash can of the deceased and do a
7 comparison and see whether or not they possibly could be of
8 the same origin.

9 Q. You mentioned a hinge found in the trash can with
10 the deceased. How did you become aware of that?

11 A. Uhm, when I was, after the deceased had been
12 recovered with the deceased it was sent to the Richland County
13 Coroner's Office where they have a anthropologist on staff.
14 He called me and told me that he had been able to go through
15 everything and that I would be able to come over and expose
16 photographs of what was there as well as collect any evidence
17 that they found inside the barrel or inside the trash can.

18 Q. All right. And did you conduct that inspection?

19 A. Yes. I did.

20 Q. I'm gonna show you some photographs currently marked
21 as State's 77 through 82 and ask you whether or not you
22 recognize these photographs? You can just look at them on
23 your own and call out the number please as you review them.

24 A. 77, 78, 79, 80, 81, 82.

25 Q. Can you tell us who took these photographs?

1 A. I took all these photographs.

2 Q. Can you tell us whether they are an accurate
3 depiction of your visual analysis of these items?

4 A. It is. And this analysis and everything was done in
5 the lab that we have there at the Sheriff's Office.

6 Q. I want to start with these two items. Start with
7 the two items you told us about just a few moments ago being
8 the door hinges. These items were collected at ■ Cecil Lane?

9 A. Yes, ma'am.

10 Q. If you could go ahead and open those up please.

11 A. (Witness complies.)

12 THE COURT: If they have an exhibit number on them,
13 say that please.

14 MS. MAYES: It does, Your Honor. It is 114, a joint
15 exhibit.

16 BY MS. MAYES:

17 Q. Do you see the item which you labeled as item 7?

18 A. Yes.

19 MS. MAYES: I'm sorry, Your Honor, 77 through 82
20 will be for evidence.

21 THE COURT: Any objection to 77 through 82.

22 MR. BELL: No, Your Honor.

23 THE COURT: They're in evidence without objection.

24 BY MS. MAYES:

25 Q. 78 is labeled item 7. Who did the labeling there?

1 A. I did that when I took the photographs. So This is
2 item 7. This is how I took it out of the bag. This is the
3 condition that it was in. I put a piece of paper down
4 underneath it and photographed it as it was found inside the
5 burn area. So it was photographed and then once it was
6 photographed, we, through some trial and error, we wound up
7 using gun solvent and a brass Brillo pad to clean it up. Once
8 it got cleaned up, we again took photographs of it.

9 Q. And the photographs were for what purpose?

10 A. We photographed it because we noticed up underneath
11 all of the burned stuff once we got it cleaned up that on one
12 side of the leaf is marked China and on the other side that
13 there is a number 973 that is imprinted on the leaf.

14 Q. All right. That's item 7 before the cleaning. What
15 are we looking at here in State's 78?

16 A. This is where it's been cleaned and you can see
17 China there on the right-hand side near that top screw hole.

18 Q. And what, if any, unique inscription or numeral
19 inscription may be present?

20 A. So the China is present, still present here as well
21 as on the other side 973 is present.

22 Q. So in the lab you're photographing and observing
23 both sides of the hinge?

24 A. Yes.

25 THE COURT: If you are done, put it back in the

1 package that it belongs in.

2 MS. MAYES: Yes, sir, Your Honor.

3 BY MS. MAYES:

4 Q. I'm gonna show you a photograph which is State's 79
5 and ask you what we're looking at here?

6 A. Again, this is the hinge that we collected there at
7 the scene on Cecil. This is prior to us cleaning it up, prior
8 to us doing anything with it. Again, I got the item
9 information and all and we cleaned it the same way. We used
10 gun solvent and a Brillo pad and we were able to get the exact
11 same information off of it. One side says China and the other
12 says 973.

13 Q. I'm gonna show you what is State's 80. Would this
14 be before or after the cleaning here?

15 A. This would be after the cleaning and it's still
16 present today.

17 Q. The numerical inscription?

18 A. Yes.

19 Q. If we can return that to its packaging being item 9.
20 Did you ever go to the Richland County Coroner's Office?

21 A. Yes. I did. I went on over there and photographed
22 everything that was in the burn barrel with the deceased and
23 photographed everything that was in the barrel as evidence.

24 Q. I'm gonna show you what is already in evidence as
25 State's 29, State's 30 is already in evidence, State's 31 is

1 already in evidence, and ask you if you are familiar with this
2 series of photographs?

3 A. I am not familiar with this. This is the Coroner's
4 Office.

5 MR. BELL: Objection, Your Honor.

6 THE COURT: All right. So he can't talk about it.

7 MS. MAYES: I can address that.

8 BY MS. MAYES:

9 Q. And you went to the Coroner's Office for what
10 purpose?

11 A. I went to the Coroner's Office because as I said he
12 had laid out anatomically the deceased and found items inside
13 the trash can with her which I was there to collect as
14 evidence.

15 Q. And what were those items that you went to collect
16 as evidence that had been recovered from the debris from the
17 trash can?

18 A. One of those items was a hinge half as well as some
19 other smaller metal pieces and there was also several pieces
20 of finished wood in there as well.

21 Q. I'm gonna show you what is already in evidence,
22 State's 51 and ask you how you're familiar with that item?

23 A. So when I went to the Richland County Coroner's
24 Office and collected all of that evidence, item 4 of the
25 evidence that I was collecting was basically just a bunch of

1 metal stuff. After I was approached by the lieutenant
2 pertaining to hinges, I then went and checked out item 4 from
3 evidence. I went through all of item 4 that we had collected
4 from the Richland County Coroner's Office. In amongst that
5 was a hinge half. I extracted that hinge half out as evidence
6 identifying it as evidence 4.1 where once it was pulled out we
7 again photographed that one, treated it, cleaned it and
8 photographed it again.

9 Q. I'm gonna ask you, who took this photograph which is
10 State's 81 and ask you what we're looking at here?

11 A. This would be a photograph that I exposed. We're
12 looking at a hinge half prior to it being cleaned.

13 Q. Is that photograph, can you tell us whether or not
14 that photograph depicts this item packaged in 51?

15 A. It does. It has item 4.1 there that corresponds to
16 my evidence item 4.1 here in the bag.

17 Q. Coming from the Coroner's Office and trash can
18 debris?

19 A. Correct.

20 Q. I'm gonna show you what is State's 82 and ask you
21 what we're looking at here?

22 A. So this is after we cleaned it up. Again, item 4.1
23 and as you can see on the bent piece of the leaf there is the
24 same number 973.

25 Q. Having done this visual inspection what, if

1 anything, is significant about the official comparison of
2 these items?

3 A. So we know that we have a half leaf with two
4 knuckles. If you look, the whole pattern, the screw pattern
5 is the same in all three pieces. We also know that they have
6 the same knuckles, so this is from a five knuckle leaf which
7 is consistent with three hinges being on an exterior door
8 which is what we found out at the burn scene was an exterior
9 door, metal on the outside, and the shape of them are the
10 same, the knuckles are the same, the screw pattern is the same
11 and they all have the exact same markings on them.

12 Q. The 973?

13 A. The 973 and the name Made in China.

14 Q. Can you tell us whether or not item 14 which you had
15 described as a press on nail was submitted to any other lab
16 for analysis?

17 A. I know that it was sent to SLED or the South
18 Carolina Law Enforcement Division.

19 Q. The photographs that we saw of the blanket once
20 removed, can you tell us whether or not that was also
21 collected by the Sheriff's Department?

22 A. Yes. The blanket itself was collected as
23 evidence.

24 MS. MAYES: Your Honor, may we approach?

25 THE COURT: Yes, ma'am.

1 (Side bar off the record.)

2 BY MS. MAYES:

3 Q. I'm gonna show you this item and ask you whether or
4 not you recognize it and if so, how?

5 A. I do recognize the box. It contains my handwriting
6 as well as my evidence markings on it and the blanket on the
7 inside is the blanket that I collected there at the scene.

8 Q. Being the scene of the burn pile?

9 A. Yes. Cecil Lane.

10 MS. MAYES: Your Honor, this would be State's 116
11 for evidence.

12 THE COURT: Any objection?

13 MR. BELL: No objection, Your Honor.

14 THE COURT: All right. It's In evidence without
15 objection.

16 BY MS. MAYES:

17 Q. Now, following the work that was done there at Cecil
18 Lane, can you tell us whether or not you were involved in the
19 execution of any additional search warrants in this case?

20 A. Yes. After we finished up there at Cecil Lane, we
21 went back and dropped our evidence from there at Cecil Lane
22 inside our crime lab and locked it, secured it up. We were
23 then notified shortly after that that they had obtained a
24 search warrant for another residence pertaining to this
25 investigation.

1 Q. What was that residence?

2 A. If you allow me, I have to look at my notes.

3 Q. Certainly.

4 A. Yes. That address was [REDACTED] McDonald Avenue, West
5 Columbia.

6 Q. McDonald Avenue?

7 A. Correct.

8 Q. What, if anything, do you know about that residence
9 or have you learned pursuant to your investigation in this
10 case about the significance of that residence?

11 A. What I was initially informed was is that it's the
12 residence that the suspect was living in. There was, I was
13 briefed referenced potential of this being the actual scene of
14 the death and that it needed to be processed.

15 Q. How long were y'all at that location and can you
16 tell us the date and time?

17 A. We arrived over there approximately 17:00 hours or
18 5:00 in the afternoon and we left on the following morning at
19 approximately 3:30 in the morning.

20 Q. All right. So this transpired over the course of
21 one day into the next day?

22 A. Yes.

23 Q. What were the dates?

24 A. We began processing the residence on the 21st of
25 June and then we finished up on the 22nd of June.

1 Q. Were you aware during the course of your
2 investigation involvement at the scene as to whether or not
3 the victim Alena Kennedy also had access to this location?

4 A. We were told that she had been staying there just
5 prior to her death. I don't recall if they told me how long
6 it had been, but that she had been staying there.

7 Q. All right. If you could, please refer to your notes
8 from the processing of this scene. I'm gonna show you what is
9 premarked as State's 69, 70, 71, 72, 73, 74, 75 and 76 and ask
10 you whether or not you are familiar with these photographs?

11 A. I am. These are photographs I took at the scene.

12 Q. All right. Are they a fair and accurate depiction
13 of the scene as you recall it on that date?

14 A. They are.

15 MS. MAYES: Those items would be for evidence, Your
16 Honor, being photographs of McDonald Avenue.

17 THE COURT: Any objection?

18 MR. BELL: I just want to look at these. I don't
19 think I looked at these before.

20 THE COURT: Yes, sir.

21 MR. BELL: Without objection, Your Honor.

22 THE COURT: All right. So 69 through 76 are in
23 evidence without objection.

24 BY MS. MAYES:

25 Q. All right. Take us through your processing of this

1 scene, please.

2 A. So when we arrived, the first thing that we do with
3 every scene as you saw with the other photographs is we just
4 take photographs of the outside, the exterior, from the
5 exterior in. We took our photographs there, we went into the
6 residence, we took what's referred to as our 360 photographs.
7 So every room that we come into, we try to take 360
8 photographs of that entire room. It helps document what's
9 there before we start searching because once we start
10 searching, things are gonna be altered, so this is the purest
11 way in which we're able to document and photograph that scene
12 prior to us doing our search. So those photographs pertain to
13 photographs of the 360 of the bedroom as well as I believe the
14 living room of the residence.

15 Q. All right. I'm gonna show you State's 44 already in
16 evidence and ask you if you recognize that?

17 A. Yes. That's the front of the residence there on
18 McDonald Avenue. It's a single wide residence.

19 Q. Now, once you go into the various rooms of the home,
20 what's the protocol for photography?

21 A. So like I said, once we enter that room, we take our
22 360 photographs and what that basically means is from the
23 entranceway I'm gonna take photographs of the wall all the way
24 around to 90 degrees, and then I'm gonna go into the next
25 corner of the room or as close into that corner as possible

1 and take photographs all the way to 90 degrees, the next
2 corner 90 degrees, and then back to the original corner 90
3 degrees trying to photograph everything in that room as it
4 lies before we get started.

5 Q. All right. What are we looking at in State's 74?

6 A. That would be a photograph in the living room of the
7 residence.

8 Q. Now, ultimately was anything of a suspicious nature
9 taken from a trash can in the home?

10 A. There was. In the kitchen of the home there was a
11 towel, a piece of fabric that had reddish brown stains on it.
12 We used a chemical called phenolphthalein which reacts to
13 blood. We used the phenolphthalein, it turned positive. It's
14 a presumptive test, but it turned positive and because it
15 turned positive -- Let me back up. The great thing about
16 phenolphthalein is it will give you a false positives all the
17 time, but it won't be a false negative, and it reacts off the
18 blood that's in, or it reacts off the iron that's in blood so
19 when you use it, it turns pink and as I said, it will never
20 give you a false negative, always a false positive, a negative
21 false. It's extremely sensitive so we can use it on very,
22 very small sample of blood. So we use phenolphthalein. The
23 way you use phenolphthalein is you use cotton tip applicators,
24 you apply sterile water to it and then you swab the surface
25 area that you're interested in. You then apply alcohol,

1 phenolphthalein and then hydrogen peroxide and that mixture
2 will cause it to turn pink for its positive, and that's what
3 we did with this item found in the trash can and it was
4 subsequently collected as evidence.

5 Q. All right. And the towel itself, did you collect
6 that as evidence?

7 A. Yes.

8 Q. Did you swab it?

9 A. Yes.

10 Q. And for what purpose?

11 A. We swabbed it for DNA in order to send it back for
12 it to be tested.

13 Q. All right. And then can you clarify when you go
14 into a scene like this whether something is related to a crime
15 or not, what's the procedure you follow for actually taking it
16 just in case?

17 A. So if something looks out of place, if something
18 doesn't match with the rest of the house, just like we
19 collected things in the burn area over at Cecil that we have
20 no idea what it is, like the green piece of plastic, we
21 couldn't identify what it was, but we'll take it because it
22 might be important later, the same thing took place at [REDACTED].
23 There was things that such as the towel in the kitchen and
24 everything, it looked out of place so it was collected as
25 evidence.

1 Q. All right. So that's for precautionary purposes?

2 A. Correct.

3 Q. I'm gonna show you what is State's 73 and ask you
4 what we're looking at here?

5 A. This is the entranceway to the bedroom that was in
6 use. The door is there present on the right-hand side and the
7 mattress and bed is there on the left-hand side.

8 Q. All right. And then this is 71, but if you could
9 tell us whether or not this is the same location?

10 A. Yes. That's the same one as I said in my 360 so
11 this is just expounding upon that going into the far corner.

12 Q. And State's 69.

13 A. Again, from the far corner back towards the
14 doorway.

15 Q. And 70.

16 A. This is from that far corner against the far wall
17 and this depicts the closet and there's a dresser in that
18 photograph as well.

19 Q. And finally 75.

20 A. Another one just closer into the room showing the
21 closet. It also shows that there was a cabinet for the
22 clothes and all beside the closet and a little bit better
23 picture of that dresser.

24 Q. 72 depicts --

25 A. Again, that's --

1 Q. -- what room in the home?

2 A. That's again the bedroom and again it's from the
3 doorway looking in. You can see the bed as well as that
4 dresser with a TV on top of it.

5 Q. Can you tell us what, if any, type of covering or
6 carpeting is on the floor?

7 A. There is carpet on the floor and I believe there is
8 a carpet cutting or something like that that was on the floor
9 as well.

10 Q. Now, I'm gonna ask you to refer to your report.
11 What, if any, notation did you make regarding the location of
12 female clothing?

13 A. Uhm, on the exterior of the house on the backside,
14 that picture depicted the front door, on the backside of the
15 house we were able to locate or we did locate a set of
16 clothing, a top and a pair of pants. I believe it was a black
17 top, a pair of pants. They were photographed and they were
18 collected.

19 Q. What, if anything -- I'm gonna show you State's 76
20 and ask you whether or not you recognize it?

21 A. I do.

22 Q. What, if anything, was significant again about those
23 clothing items for you to take them into evidence?

24 A. We were - when we looked at these items and
25 photographed them, we observed that, like I said, a pair of

1 jeans and a shirt. What really stuck out with the
2 investigators there on scene we were notified that, or we were
3 told that the victim was very petite in size.

4 MR. BELL: Objection, Your Honor.

5 THE COURT: I don't believe that he's relaying
6 hearsay evidence. Just talk about what you did as a
7 result of your findings.

8 MS. MAYES: Your Honor, I can move on.

9 BY MS. MAYES:

10 Q. I'm gonna show you these two items and ask you
11 whether or not you recognize them?

12 A. Yes. This is packaging that I did there at the
13 scene.

14 Q. Okay. And tell us what these items are and where
15 they were seized from?

16 A. These items, the first one is a blue pair of pants.
17 They were located inside of a trash can on the backside of the
18 house and then 7.2 is a black zip up top and it was located in
19 the same trash can as the pants.

20 Q. These are the same items you seized?

21 A. Yes. These are the same items that I seized and we
22 collected these because they were an extra small.

23 Q. From an outdoor trash can.

24 MS. MAYES: This would be State's 117 and 118, Your
25 Honor, for evidence.

1 THE COURT: I'm sorry. What are the numbers again
2 please?

3 MS. MAYES: 117 would be the pants, 118 would be the
4 black zip up top.

5 THE COURT: All right. Very good. Any objection to
6 that?

7 MR. BELL: No, Your Honor.

8 THE COURT: All right. They're both in evidence
9 without objection.

10 MS. MAYES: And, Your Honor, 76 is the photograph of
11 these items. We offer that as well at this time.

12 THE COURT: All right. I think that's already -- 69
13 through 76 came into evidence so I think it's in
14 evidence.

15 BY THE WITNESS:

16 Q. This photograph depicts, as we were going through
17 this trash can we found these clothes and the size of the
18 clothing. We laid them out, photographed them and then
19 collected them as evidence.

20 BY MS. MAYES:

21 Q. Throughout your search of McDonald Avenue, and you
22 can refer to your report and to the return, at any point in
23 time was a Bank of America debit card in the name of Alena
24 Kennedy recovered?

25 A. I'm not seeing anything in my notes pertaining to a

1 Bank of America debit card.

2 Q. All right. And were any miscellaneous house keys
3 ever recovered as evidence in this case?

4 A. No.

5 MS. MAYES: Nothing further at this time, Your
6 Honor.

7 THE COURT: Mr. Foreman, ladies and gentlemen of the
8 jury, let's take a short break for about 10 minutes. Go
9 to the jury room. Thank you.

10 (Whereupon, the jury entered the jury room at 11:30
11 a.m.)

12 THE COURT: Take a short break, about 10 minutes.
13 Thank you very much.

14 (Short break.)

15 BAILIFF: All rise.

16 THE COURT: Thank you. Please be seated. State
17 ready for the jury to come in?

18 MS. MAYES: Yes, sir, Your Honor.

19 THE COURT: Defense?

20 MR. BELL: Yes, Your Honor.

21 THE COURT: Ask the jury to come in please.

22 (Whereupon, the jury entered the courtroom at 11:45
23 a.m.)

24 THE COURT: All right. Cross examination.

25 MR. BELL: Thank you, Judge.

1 CROSS EXAMINATION

2 BY MR. BELL:

3 Q. Good morning.

4 A. Good morning.

5 Q. I'm looking at your case supplemental report for ■

6 Cecil Lane. Do you have that?

7 A. Yes, sir.

8 Q. Item 4, a piece of cloth was collected, correct?

9 A. I'm sorry. I didn't hear you.

10 Q. Item 4, a piece of cloth was collected?

11 A. Correct.

12 Q. Item 5, a piece of tarp collected?

13 A. Correct.

14 Q. Item 6, doorknob?

15 A. Correct.

16 Q. Item 7, door hinge?

17 A. Yes.

18 Q. Item 8, black tape?

19 A. Yes.

20 Q. Item 9 metal door hinge?

21 A. Correct.

22 Q. Item 10, unknown substance?

23 A. Correct.

24 Q. Item 11, fabric unknown?

25 A. Correct.

1 Q. Item 12, blanket white with floral pattern?

2 A. Correct.

3 Q. Item 13, vehicle parts, interior floor parts?

4 A. Yes.

5 Q. Item 14, nail, possibly press on nail?

6 A. Yes.

7 Q. Item 15, door, metal exterior door both pieces?

8 A. Yes.

9 Q. Item 16, metal rebar?

10 A. Yes, sir.

11 Q. Item 17, cloth, unknown cloth?

12 A. Yes.

13 Q. Item 18, plastic. Unknown green plastic?

14 A. Correct.

15 Q. Item 20, car mats. Gray floor mats?

16 A. Correct.

17 Q. Is this a testing request document (indicating)?

18 A. If you'll give me just a second, I've never seen
19 this form before, so if you'll let me read over it.

20 Q. If you look on your third page, I believe that's
21 your signature.

22 A. No. This is just that I dropped it off. I might
23 have dropped it off, but I don't read this so give me just a
24 second.

25 Q. You sign things without reading them?

1 A. Okay.

2 Q. Is this what that is?

3 A. Yes.

4 Q. Okay. And a DNA profile was developed in this case
5 for Alena Kennedy using DNA swabs from her mother and father,
6 correct?

7 A. I do not know about that.

8 Q. Is that Alena Kennedy's name listed on here?

9 A. Yes.

10 Q. Listed in a chart?

11 A. Yes. Now, all that chart says is Alena Kennedy
12 female white Caucasian.

13 Q. Okay. Also below there was Lee Anthony Corley,
14 correct?

15 A. I would have to see it again.

16 Q. It's your document. You signed it.

17 THE COURT: Sir, he said he never seen it before.

18 BY THE WITNESS:

19 A. Yes. His name is listed in the same chart below her
20 name and it says male, black African American.

21 BY MR. BELL:

22 Q. In that same chart do you see Harriet Coleman's name
23 listed there?

24 A. I do not.

25 Q. Now, the second box -- I'll get to the second box

1 here in just a second. I'm looking at your report for [REDACTED]
2 McDonald Avenue.

3 A. One second. All right.

4 Q. Item 1.1, red tie with knot?

5 A. Correct.

6 Q. Item 1.2, torn white shirt?

7 A. Correct.

8 Q. I apologize. Torn white T-shirt. Item 1.3, white
9 T-shirt?

10 A. Correct.

11 Q. Item 1.4, white sheet?

12 A. Correct.

13 Q. Item 1.5, white athletic pants with blue stripe?

14 A. Yes.

15 Q. Item 1.5, -- I'm sorry. 1A, Two swabs inside
16 washing machine?

17 A. Yes.

18 Q. Item 2A swabs from inside drying machine?

19 A. Yes.

20 Q. Item 3, cream towel with reddish brown stain?

21 A. Yes.

22 Q. Item 4, purple pillow case?

23 A. Yes.

24 Q. Item 5, gray carpet from bedroom?

25 A. Correct.

1 Q. Item A, two swabs from reddish brown stain on
2 dresser?

3 A. Yes.

4 Q. Item 6.1, puppy pad?

5 A. Yes.

6 Q. Item 6.2, socks?

7 A. Yes.

8 Q. Item 6.3, black T-shirt?

9 A. Correct.

10 Q. Item 6.4, torn pieces of white T-shirt?

11 A. Correct.

12 Q. It 6.5, white T-shirt?

13 A. Yes.

14 Q. Item 7.1, blue jeans with tears in legs?

15 A. Yes.

16 Q. These are the same items that we saw up here?

17 A. Yes, sir.

18 Q. Item 7.2, zip up blouse, black zip up blouse?

19 A. Yes.

20 Q. Same items we saw up here?

21 A. Yes, sir.

22 Q. Black and pink tube top?

23 A. Yes, sir.

24 Q. Red carpet from bedroom?

25 A. Yes, sir.

1 Q. Now, I'm looking at your supplemental report, CSI
2 lab, [REDACTED] Gibson Road.

3 A. I did a couple of those. Can you be more specific
4 on which one?

5 Q. I cannot. I don't mind showing you (proffering.)

6 A. Okay. Yes. This pertained to a blue salt.

7 MR. BELL: Beg the Court's indulgence for a
8 moment.

9 THE COURT: Certainly.

10 NY MR. BELL:

11 Q. You took the photographs at -- Do you recognize that
12 photograph previously marked as State's Exhibit 90?

13 A. Uhm, let me check. I know that's an interior
14 vehicle. There was a couple vehicles involved. I don't know
15 if I processed that vehicle or not, sir, so give me just a
16 second.

17 Q. Mercury white van?

18 A. No. I did not process a van.

19 Q. But you obtained this blue salt?

20 A. I did not obtain it from the vehicle. No, sir.

21 Q. It was not -- But you did later obtain it, correct?

22 A. Yes. I did. It was in the evidence warehouse.

23 Q. Did it look the same as that found within the van?

24 A. It appeared to. Yes, sir. I was more worried about
25 finding it in my notes than --

1 Q. I'm gonna show you this document again, submission
2 three, your signature on the third page, the second box here
3 --

4 A. Mm-hmm.

5 Q. -- is a set of charts?

6 A. Okay.

7 Q. And we have item descriptions here, correct?

8 A. Yes, sir.

9 Q. And on item description first box is a Craftsman
10 hacksaw?

11 A. Yes, sir.

12 Q. And the examination request is blood?

13 A. Yes, sir.

14 Q. And the next item is swabs, swab E from gray stain
15 on rear passenger door, exam request blood?

16 A. Yes.

17 Q. Swabs. Swab F from gray stain on upper rear
18 passenger door exam request blood?

19 A. Yes.

20 Q. Bed linens, item number 12, blanket with floral
21 pattern, item request or exam request ownership?

22 A. Yes, sir.

23 Q. Miscellaneous item type item 14 nail, DNA nail
24 comparison, correct?

25 A. Yes, sir.

1 Q. Swabs. Item 15 A, swabs from door, touch exam,
2 request touch DNA?

3 A. Mm-hmm.

4 Q. ■ Cecil Lane?

5 A. Yes, sir.

6 Q. And that just listed 15 items which you collected,
7 correct? There's a total of 21. I listed out 15.

8 A. Okay.

9 Q. Here, the second box for testing. Now, this
10 includes both Cecil Lane and ■, correct?

11 A. Yes.

12 Q. And only six boxes of items actually requested for
13 testing, correct?

14 A. Yes, sir.

15 Q. ■ McDonald Avenue. I believe I listed 19 items
16 that I went through with you, some of them have .1, some of
17 them have .2, some of them have .3, correct?

18 A. Correct.

19 Q. And this exam request only has six boxes items
20 requested testing on, correct?

21 A. Correct.

22 Q. Now, when you started your testimony related to ■
23 McDonald Avenue, correct me if I'm wrong, if quote your words
24 were "we learned it was the suspect's residence"?

25 A. Yes.

1 Q. The suspect?

2 A. That's what I was aware of.

3 Q. And on this request form is there anywhere listing
4 Harriet Coleman's sample for testing?

5 A. So in block 2 there's nothing requesting of her
6 testing.

7 Q. Now, we saw the government make a big deal about
8 these clothes here. Did you ever test those clothes for any
9 touch DNA?

10 A. I did not test them for anything.

11 Q. Did you ever scrape them for any hairs?

12 A. No. That's -- Whenever we deal with clothing and
13 stuff like that that has potential for various trace elements,
14 you mentioned hair, dirt, stuff like that, instead of us doing
15 it in the lab and possibly losing other evidence in trying to
16 gather some evidence, that is something that we would send to
17 SLED where they are able to securely scrape, test and collect
18 any foreign debris off of it so that's not something that we
19 would do in our lab.

20 Q. Were you aware of whether or not whoever made any
21 request to SLED for that?

22 A. I am not aware.

23 Q. You also examined the blue Kia 2006 Spectra,
24 correct?

25 A. Yes. Let me get my notes. Okay.

1 Q. And you processed that vehicle, correct?

2 A. Correct.

3 Q. You processed that with Bluestar?

4 A. Bluestar? No. I did not.

5 Q. Phenolphthalein?

6 A. No. I did not.

7 Q. You did not. You did examine it though? You
8 processed it?

9 A. Sure. I photographed it. I went through it,
10 located items and collected evidence out of the vehicle.
11 During my processing of the vehicle and photography I did not
12 notice anything that appeared to be a reddish brown stain or
13 diluted reddish brown stain within the vehicle.

14 Q. So it wasn't processed with Bluestar
15 phenolphthalein?

16 A. Or luminol.

17 Q. Or luminol. And are you aware of whether or not any
18 DNA sample was ever compared against any items that you
19 requested for testing or you collected with Harriet Coleman?

20 A. I'm not aware of any testing that took place at the
21 SLED lab as far as the results so...

22 MR. BELL: No further questions.

23 THE COURT: Any redirect?

24 MS. MAYES: Yes, sir, Your Honor.

25 REDIRECT EXAMINATION

1 BY MS. MAYES:

2 Q. You mentioned, I believe you were questioned about
3 the items taken from McDonald Avenue and specifically about
4 swabs from a dryer?

5 A. Yes.

6 Q. Swabs from a washer?

7 A. Correct.

8 Q. Can you elaborate on that?

9 A. So when we went to search the residence, we found
10 inside the washing machine clothes that had recently been
11 washed and left in there to include the tie and the sheets and
12 everything so what we did is we collected the items that were
13 in there and then to help locate or finding the source of DNA
14 we swabbed the inside of both of those to see whether or not
15 it was present.

16 Q. So how many swabs from washer and how many from the
17 dryer?

18 A. Give me just a second. Two from each.

19 Q. All right. And also you mentioned previously and on
20 cross examination about the towel with the reddish stain?

21 A. Correct.

22 Q. Was that swabbed?

23 A. Yes. It was treated with, or a phenolphthalein
24 test and then swabs taken.

25 Q. Who took the swabs?

1 A. I did.

2 Q. Okay. And also I believe you just responded on
3 cross examination about swabbing a dresser at McDonald
4 Avenue?

5 A. No. I was not asked about a dresser.

6 Q. Okay. Is that noted on your report?

7 A. Yes. There was a dresser in the bedroom that we did
8 use Bluestar on which was positive for blood and Bluestar what
9 it is is a chemical substance very similar to phenolphthalein
10 but when it reacts with blood, instead of turning pink like
11 phenolphthalein, it actually turns a bright blue. We use both
12 phenolphthalein, or we use not phenolphthalein, we use luminol
13 and we use Bluestar when we're looking for a possible blood
14 area because it is a presumptive for blood and then we're able
15 to take from there swabs. There's two, like I said, luminol
16 is another chemical that we can use for that, but it destroys
17 DNA. Bluestar is a little bit gentler on DNA. If we're able
18 to get it and if it luminesce, then we're able to collect a
19 swab for testing later.

20 Q. I'm gonna show you this item and ask you whether you
21 recognize it?

22 A. Yes. This is my packaging and my initials on the
23 containers on the inside of this.

24 Q. Can you tell us whether or not this includes the
25 swabs from the washer?

1 A. Yes. It does.

2 Q. Swabs from the dryer?

3 A. Yes.

4 Q. Swabs from a door on the dresser?

5 A. Correct.

6 Q. And the swabs taken from the towel that you
7 previously identified had a stain?

8 A. Correct.

9 MS. MAYES: This would be State's 119 for evidence,
10 Your Honor.

11 THE COURT: Any objection?

12 MR. BELL: No, Your Honor.

13 THE COURT: It's in evidence without objection.

14 BY MS. MAYES:

15 Q. Then in addition from McDonald Avenue what, if
16 anything, did you note regarding SIM cards?

17 MR. BELL: Objection, Your Honor. Beyond the scope
18 and she's already asked about this.

19 THE COURT: I don't find that to be proper reply.
20 Thank you.

21 MS. MAYES: Okay. Nothing further.

22 THE COURT: Anything on those questions just asked?

23 RECROSS EXAMINATION

24 BY MR. BELL:

25 Q. Any of those additional items, were they tested

1 against Harriet Coleman?

2 A. I do not know.

3 MR. BELL: No further questions.

4 THE COURT: All right. Do you wish the witness to
5 be excused?

6 MS. MAYES: Yes, sir, Your Honor.

7 THE COURT: Any objection?

8 MR. BELL: No, Your Honor.

9 THE COURT: All right. Sir, you're released from
10 your subpoena. Go back to your regular duties. Come up
11 and talk to me for a second please.

12 (Side bar off the record.)

13 THE COURT: All right. Call your next witness
14 please.

15 MS. MAYES: The State calls Courtney Thompson.

16 Thereupon,

17 COURTNEY THOMPSON

18 after having been first duly sworn, testified as follows,

19 THE CLERK: Please have a seat. Once you're seated,
20 state your full name spelling your last please.

21 THE WITNESS: My name is Courtney Thompson,
22 T-h-o-m-p-s-o-n.

23 DIRECT EXAMINATION

24 BY MS. MAYES:

25 Q. All right. Good morning, Ms. Thompson. Tell us a

1 little bit about yourself. Where are you employed and in what
2 capacity?

3 A. I work for the South Carolina Law Enforcement
4 Division also referred to as SLED. I am a forensic serologist
5 in the DNA case work department.

6 Q. All right. And when you say that you work in
7 serology, tell us a little bit about serology. What does that
8 term mean in terms of forensic analysis?

9 A. Forensic serology is the examination of various
10 types of evidence for bodily fluids most commonly blood,
11 semen, and saliva. The reason why we look for these types of
12 bodily fluids is that they're all excellent sources of DNA.
13 In my field of work I can also examine items of evidence for
14 other trace amounts of DNA that may be left behind by someone
15 by them either handling an item or wearing an item and I'm
16 trained and am able to process various types of evidence for
17 that type of DNA as well.

18 Q. All right. Can you tell us whether you have been
19 qualified previously as an expert in courts in this state in
20 the field of forensic serology?

21 A. Yes. I have.

22 Q. Is it possible to estimate how many such times?

23 A. It's been about 30 times now.

24 MS. MAYES: Your Honor, at this time the State
25 offers Courtney Thompson as an expert in the field of

1 forensic serology.

2 THE COURT: Do you wish to voir dire the witness or
3 challenge her qualifications?

4 MR. BELL: I do not, Your Honor.

5 THE COURT: Very good. The Court qualifies her to
6 give her opinion in the field of forensic serology.

7 BY MS. MAYES:

8 Q. Ms. Thompson, do you have with you a copy of a
9 report that you generated from the State Crime Lab?

10 A. Yes. I do.

11 Q. Tell us what, if any, items you handled in this
12 case?

13 A. The two items that I looked at in this case was
14 SLED's item number 12 which was a Craftsman hacksaw blade and
15 then SLED item number 15 which was a floral pattern blanket.

16 Q. All right. Regarding the blade what, if any, type
17 of analysis was conducted on the item?

18 A. For the hacksaw blade the analysis requested on it
19 was to be looked at for blood and I did presumptive testing on
20 that item and when I say presumptive, I just mean that I
21 didn't do a test that could confirm the presence of blood but
22 it can give us a good idea that blood might be present. In
23 serology what that means is that it needs further examination
24 so I conducted tests on that blade and it was negative for the
25 possible presence of blood.

1 Q. All right. In addition to the blade what, if any,
2 other items did you examine?

3 A. The floral pattern blanket I also examined and my
4 result for that is it reads as no analysis was performed.
5 Simply what that means is I did not when I was examining the
6 item find anything of value to further test or investigate.

7 Q. I'm gonna show you what is State's 116 and ask you
8 whether or not you recognize this item?

9 A. I do recognize this item. It is the blanket and I
10 recognize it based off of also the SLED markings that are
11 placed on it by myself. After I was done with this
12 examination, I sealed the box back up and my initials and the
13 date that I sealed it back up are present on the outside of
14 the box.

15 Q. All right. And if you could take a moment there and
16 take a look at 116 and tell us what, if any, areas you would
17 have examined for this particular item?

18 A. Due to its large size we have a special area where a
19 larger item such as this can be hung up and viewed a little
20 bit better in its entirety and so I did, in fact, hang the
21 entire item and then did a visual examination on both sides of
22 the item just to ensure that I was thorough in looking over
23 everything prior to packaging it back up again.

24 Q. Now, when you're looking at it, Agent Thompson, can
25 you tell us whether or not you're specifically looking for any

1 type of stains?

2 A. Yes. I would have been looking for anything that
3 appeared to be biological in nature so something like blood
4 would have been something that would have caught my eye and I
5 would have wanted to test further. I did not find anything
6 though that appeared to be biological in nature.

7 Q. If you had observed anything like that, what action,
8 if any, would you have taken?

9 A. Based on what I observed I most likely would have
10 attempted to test it for the possible presence of blood.

11 Q. At any point during your visual examination of that
12 blanket did you note anything that would require further
13 serological analysis?

14 A. I didn't note anything that I felt would be of DNA
15 value.

16 Q. Now, in addition to actually collecting known stains
17 or suspected stains, what other type of DNA can be conducted
18 there at the lab?

19 A. So I mentioned earlier that I can process items for
20 what might be a little bit more of a trace amount of DNA
21 that's left behind. We have two phrases that we kind of use
22 to denote that. One is called ownership DNA. That typically
23 implies clothing items to something that would have been worn
24 by an individual, shirt, pants, so on. And then another type
25 of DNA we consider is called touch DNA. That's DNA that's

1 left behind by the handling or interaction with a particular
2 item and so you might expect something like that to be like
3 possibly a cell phone or something of that nature where you
4 don't wear it but you have come into contact with it and there
5 is a possibility that you left some of your DNA behind on
6 it.

7 Q. Did you consider this item suitable for touch DNA
8 analysis that you just described?

9 A. I did not consider it an item that would be suitable
10 for that. It is, first of all, not an item that's a good
11 candidate for that due to its size alone because typically the
12 process that we go through with trying to collect touch
13 evidence it would have required more than of our capabilities
14 to that, but it really was not even something that I would
15 consider it would have been of probative value to the case.

16 Q. All right. And I want to ask you a little bit about
17 that. When you say probative value, is that, are there
18 criteria that you consider there at the crime lab?

19 A. Yes. There are things that we consider whenever
20 we're trying to evaluate evidence and trying to ensure that
21 we're collecting something that would be of value and
22 hopefully generate a DNA profile. Something of this nature
23 that what was described to me had been out in the elements is
24 not a very good candidate for DNA analysis. Things that have
25 been exposed to outdoors for any period of time can have

1 degraded or actually no DNA left. If it has rained, sunshine,
2 extreme heat, basically any of that can cause DNA to break
3 down and so when it has been outside or exposed to the
4 elements for a while, that would definitely deteriorate any
5 type of possibility that we would be able to get anything from
6 it.

7 Q. So within the SLED lab what, if any, criteria do you
8 have in place for the touch DNA analysis of common household
9 items?

10 A. When also evaluating this particular item, it was
11 made known to us that this was something that would have
12 possibly been in contact by multiple individuals that were
13 living in the home as it was a blanket that was inside the
14 home so various individuals would have had contact with it.
15 In that case because we cannot really say when DNA was placed
16 upon a certain item, it really wouldn't lend any information
17 about the case. Simply because someone's DNA was there, it
18 doesn't necessarily implicate them in being of value at all.

19 Q. Are you able to age DNA and determine when it was
20 left?

21 A. No. We cannot do that at all. We have no
22 technology that allows us to say when DNA was deposited. We
23 can only say that it was or was not present.

24 Q. Based on those factors, Ms. Thompson, did you
25 forward that blanket on for further analysis such as touch DNA

1 analysis?

2 A. No. I did not do anything further with the blanket.

3 MS. MAYES: Nothing further of this witness, Your
4 Honor.

5 THE COURT: Cross examination?

6 MR. BELL: Brief, Your Honor.

7 CROSS EXAMINATION

8 BY MR. BELL:

9 Q. You mentioned other samples, other items within the
10 blanket that you may be able to develop DNA from could be
11 hair?

12 A. Uhm, well if hair - hair can be left behind on items
13 because it is something that is naturally shed, however, it is
14 a bit similar to touch DNA in that if an individual shed hair
15 on a particular item, it doesn't necessarily implicate them in
16 any way, shape or form because I cannot say when the hair was
17 left on that particular blanket.

18 Q. Now, you weren't asked to examine any shirts or
19 pants in this case?

20 A. I was not. No.

21 MR. BELL: No further questions.

22 THE COURT: Any redirect?

23 MS. MAYES: Yes, sir, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. And, Agent Thompson, if you had observed any hair on
2 the blanket what, if any, action would you have taken?

3 A. In this particular instance had I seen any hair, I
4 would not have collected it because it is similar to that of
5 touch DNA that it would not have really provided any actual
6 probative information to the case because individuals who had
7 come in contact with the blanket, had they left their hair, it
8 would not have necessarily provided any information that
9 investigators actually probably already didn't know about that
10 particular item.

11 Q. Do your notes indicate whether any hair was
12 observed?

13 A. My notes do not indicate that. No. But it was not
14 something that it was anything that I can recall observing
15 whenever I was evaluating the evidence.

16 MS. MAYES: Thank you. Nothing further.

17 THE COURT: Anything on those questions?

18 MR. BELL: One question.

19 THE COURT: Yes, sir.

20 RECROSS EXAMINATION

21 BY MR. BELL:

22 Q. You said information that investigators probably
23 didn't already know?

24 A. Right.

25 Q. You're supposed to test these items, correct?

1 A. Correct.

2 MR. BELL: Okay. No further questions.

3 THE COURT: Thank you. All right. Do you wish this
4 witness to be excused?

5 MS. MAYES: Yes, sir, Your Honor.

6 THE COURT: Any objection?

7 MR. BELL: No, Your Honor.

8 THE COURT: All right. Very good. Ma'am, you're
9 released from your subpoena. You may go back to your
10 regular duties. Thank you. All right. Ladies and
11 gentlemen, we're gonna break for lunch at this point in
12 time. Come back in the courtroom at 2:00 so I'm sure
13 they'll tell you to come back a little bit earlier than
14 that. Please remember don't talk about the case. Don't
15 allow anybody to talk to you about it. Thank you very
16 much.

17 (Whereupon, the jury was released for lunch break at
18 12:25 p.m.)

19 THE COURT: Anything from the State at this point in
20 time?

21 MS. MAYES: No, sir, Your Honor.

22 THE COURT: From the defense?

23 MR. BELL: No, Your Honor.

24 THE COURT: Very good. See y'all back, we'll start
25 at 2:00. Okay. Thank you.

1 (Lunch break.)

2 THE COURT: All right. Solicitor, is the State
3 ready for the jury to come in?

4 MS. MAYES: Yes, Your Honor.

5 THE COURT: And the defense?

6 MR. BELL: Yes, Your Honor.

7 THE COURT: All right. Very good. Ask the jury to
8 come in please.

9 (Whereupon, the jury entered the courtroom at 2:00
10 p.m.)

11 THE COURT: All right. Solicitor, your next witness
12 please, ma'am.

13 MS. MAYES: The State calls Catherine Leisy.

14 THE COURT: Please come around to be sworn.

15 Thereupon,

16 CATHERINE LEISY

17 after having been first duly sworn, testified as follows,

18 THE CLERK: Please have a seat. Once you're seated,
19 state your full name spelling your last please.

20 THE WITNESS: Catherine Leisy, L-e-i-s-y.

21 DIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. Good afternoon, Agent Leisy. Tell us a little bit
24 about yourself. Where are you employed?

25 A. I work for the South Carolina State Law Enforcement

1 Division more commonly referred to as SLED.

2 Q. What do you do there for SLED?

3 A. I'm a forensic scientist assigned to the DNA case
4 work department. My responsibilities include processing
5 forensic cases, issuing reports based on the results and
6 conclusions drawn in those cases and testifying as necessary.
7 I also assist in the training of lesser qualified analysts and
8 assist in validation and research in the laboratory.

9 Q. How long have you been working there specifically in
10 the DNA analysis division?

11 A. For over 13 years.

12 Q. And have you been qualified previously as an expert
13 in the field of DNA analysis?

14 A. I have.

15 Q. Tell us a little bit about your educational
16 background.

17 A. I have a bachelor of science degree genetic
18 engineering from Cedar Crest College in Allentown,
19 Pennsylvania. I also have approximately four years of
20 experience as a forensic DNA analyst at a private testing
21 facility known as Werk and Selmark that was located in
22 Germantown, Maryland. I have received inhouse training by
23 other court qualified analysts in all the different types of
24 tests and analyses I'm required to perform and I also have to
25 undergo proficiency testing on an annual basis to show that I

1 can follow protocols and that I'm performing tests as I'm
2 expected to.

3 Q. Is it possible for you, Agent Leisy, to determine
4 how many times you have been previously qualified as an expert
5 in the courts in this case?

6 A. It's well over 50 occasions.

7 MS. MAYES: Your Honor, at this time we would offer
8 Agent Leisy as an expert in the field of forensic DNA
9 analysis.

10 THE COURT: All right. Does the defense wish to
11 voir dire the witness or challenge her qualifications?

12 MR. BELL: I do not, Your Honor.

13 THE COURT: All right. She is qualified then to
14 give her opinion. You may proceed.

15 BY MS. MAYES:

16 Q. Agent Leisy, I want to ask you first of all about
17 your initial involvement in this case, Agent Leisy, with the
18 victim being Alena Kennedy. Can you tell us how you became
19 aware of the victim's condition and then what, if any, actions
20 were taken to develop a DNA profile?

21 A. When we perform DNA testing, our goal is to develop
22 DNA profiles from items of evidence and then compare them to
23 the DNA profiles of known individuals for comparison and we do
24 that typically using what's known as a known standard so it's
25 either a cotton swab that's rubbed on the inside of the cheek

1 to collect cells which we call a buccal swab or a blood
2 sample. In this particular case there was not going to be a
3 sample available to me for testing for the victim. Because of
4 that we developed a DNA profile from the biological parents of
5 the victim and by doing so I could do essentially a paternity
6 comparison between the biological parents of that individual
7 and any profile that's developed from the evidence to
8 determine whether or not that evidence could have been the
9 biological offspring of those biological parents.

10 Q. All right. And to clarify, I believe you're
11 referring to the victim's remains or the skeletal condition?

12 A. That's what I understand. Yes.

13 Q. Would you able to retrieve a DNA sample directly
14 from the skeletal remains?

15 A. That depends on exactly the condition of the
16 remains. It's often very difficult for us. We can try.
17 We're sometimes successful at it, but it's not at all uncommon
18 for us to use the biological parents' profiles instead of
19 attempting with skeletal remains.

20 Q. All right. And which DNA samples did you receive
21 from the parents of Alena Kennedy?

22 A. I received what was identified as SLED item number
23 1, buccal swabs from Ricky Kennedy and SLED item number 2,
24 buccal swabs from Jeneice Kennedy.

25 Q. All right. I'm gonna show you State's 47 and

1 State's 46 and ask you whether or not you recognize these
2 items?

3 A. Yes. I do.

4 Q. And what are those?

5 A. These are the buccal swabs I previously mentioned of
6 the biological parents of Alena Kennedy.

7 Q. Did you - were you able to utilize these two swabs
8 from the mother and father in order to develop a DNA profile
9 for the victim Alena Kennedy?

10 A. They're not necessarily used to develop a profile
11 for that individual, but we can use them to do a comparison to
12 an evidentiary profile that's developed to determine if these
13 two individuals could have been the biological parents.

14 MS. MAYES: Your Honor, if it's not already in
15 evidence, the State would offer number 52. I'm sorry.
16 Number 46 and number 57 for evidence at this time.

17 THE COURT: All right. Any objection?

18 MR. BELL: No objection, Your Honor.

19 THE COURT: All right. State's 46 and 57 into
20 evidence.

21 BY MS. MAYES:

22 Q. So using what you developed from these two items 46
23 and 47, were you --

24 THE COURT: 47 or 57?

25 MS. MAYES: 46, Your Honor, and 47.

1 THE COURT: 47. All right. 47 In evidence. Thank
2 you.

3 BY MS. MAYES:

4 Q. -- were you able to then use a profile to then
5 develop, the profile that you developed to compare to any
6 other items that may have been submitted by the Lexington
7 County Sheriff's Department?

8 A. I was able to perform a comparison to some of the
9 evidence, yes.

10 Q. So I want to talk about the items submitted. Did
11 you develop a report in this case?

12 A. I issued two reports. Yes, ma'am.

13 Q. And does your report indicate all the various items
14 that were submitted for DNA analysis?

15 A. Yes. It does.

16 Q. Can you start at the beginning of your report and
17 take us through those items that were submitted?

18 A. The first item of evidence issued on the final
19 report that I issued was identified as SLED item number 3. It
20 was described as swabs from item 3 towel and that particular
21 swab was identified as 3A by the submitting agency. I
22 performed a preliminary screening test looking for the
23 possible presence of blood. That particular item was positive
24 indicating that there was possible blood present. A partial
25 DNA profile was developed from the item but due to the limited

1 information obtained this profile was not suitable for
2 comparison to any known individuals.

3 Q. Now, were other swabs taken from that same towel and
4 submitted to you?

5 A. Based on the description of all the items submitted
6 there was also what was identified as SLED item number 7 and
7 described as swabs from item 3 towel, item 3B. For that
8 particular item again I performed a preliminary screening
9 test. It was positive indicating the possible presence of
10 blood. The DNA profile developed from that item was a mixture
11 of at least two individuals. The DNA profile developed from
12 the major contributor to this mixture is from an unidentified
13 female individual and is not consistent with being a
14 biological offspring of Ricky Kennedy and Jeneice Kennedy and
15 due to the inability to calculate a statistic no further
16 interpretation can be provided regarding the minor
17 contributor.

18 Q. All right. So to break that down in lay person
19 terms, you were able to determine that blood identified on
20 this towel did not belong to Alena Kennedy; is that correct?

21 A. I can determine that the DNA profile that was
22 developed did not come from Alena Kennedy as it is not
23 consistent with being from a biological offspring from her
24 parents.

25 Q. So on my note for that I'm going to write not the

1 victim or not consistent with the victim's DNA.

2 A. That's correct.

3 Q. Now, what other items were submitted?

4 A. We also received a set of swabs that were identified
5 as being from inside a washing machine and labeled and
6 submitting agency 1A, that was SLED item number 4. I
7 performed a preliminary test on that and that particular item
8 was negative for the possible presence of blood, therefore, I
9 did not perform further DNA testing on that item.

10 Q. So swabs from the washing machine were negative for
11 blood?

12 A. Correct.

13 Q. What else?

14 A. The next item would be SLED lab number 5, identified
15 as swabs from inside of the dryer and it was submitting agency
16 item 2A and that item was also negative for the possible
17 presence of blood and I did not perform any further DNA
18 testing.

19 Q. All right.

20 A. The next item would be SLED item number 6 identified
21 as swabs from door on dresser. It was submitting agency item
22 A. I performed again the same preliminary test looking for
23 the possible of blood. That particular item was positive
24 indicating the possible presence of blood and the DNA profile
25 developed is from an unidentified male individual.

1 Q. So being a male individual we know that's not the
2 victim?

3 A. Correct.

4 Q. What else?

5 A. The next item would be SLED item number 8, described
6 as swabs from trash can handle, small one. I attempted to
7 develop a DNA profile, but there was no profile developed in
8 testing that item.

9 Q. All right. I'm gonna ask you a little bit more
10 about that and I'm gonna show you these items and ask you to
11 tell us exactly what portions of the trash can were swabbed
12 and then submitted to you.

13 A. Based on again the item description as it was
14 submitted, SLED item number 8 was from the smaller handle of a
15 trash can. SLED item number 9 was submitted as swabs from the
16 bigger or larger handle of the trash can.

17 Q. All right. And does the packaging indicate which
18 agent submitted those items or collected those items from the
19 trash can?

20 A. I'm sorry. I can't really read the initials that
21 are present on the coin envelope.

22 Q. All right. What about the sealing official?

23 A. The sealing official was James Tallon who is a SLED
24 agent.

25 Q. All right. Are you familiar with what division

1 Agent Tallon was working in back in 2017?

2 A. At that time he was part of the SLED crime scene
3 department.

4 Q. Okay. So the trash can handle that was processed
5 pursuant to that SLED Agent Tallon CSI, how many swabs were
6 taken of the small handle of the trash can?

7 A. For a specific number of swabs I would have to refer
8 to my notes.

9 Q. Okay.

10 A. My documentation indicates that there were two swabs
11 collected from the handle of the trash can.

12 Q. That would be the small handle?

13 A. That's correct.

14 Q. All right. And the what about the large handle, can
15 you tell us whether or not swabs were collected?

16 A. Again, there were two swabs collected from the
17 larger handle of the trash can and there was no DNA profile
18 developed from those swabs.

19 Q. Okay. So as for the small handle and the large
20 handle were you able to develop any DNA profile?

21 A. No. I was not.

22 Q. Now, can you tell us a little bit more about that?
23 If an item is exposed to weather or to the elements, how, if
24 at all, may that play a role in the ability to eventually
25 recover DNA evidence?

1 A. When DNA is deposited on an item and that item left
2 exposed to the elements, there are a number of factors that
3 can work to break down or degrade the DNA. So exposure to
4 sunlight, heat, moisture, bacteria, and enzymes that just
5 occur naturally in the environment can all break down DNA
6 which makes it more difficult for us to develop a DNA profile
7 and it can reach the point where it's so degraded that we
8 can't develop a profile at all.

9 Q. So you were not able to make any DNA profile on any
10 of those swabs; is that correct?

11 A. On the swabs from the trash can, that's correct.

12 Q. What else was submitted to you.

13 A. The next item was identified as swabs E from rear
14 passenger door of a white van and that would be SLED item
15 number 13. Presumptive testing or preliminary testing for
16 that particular item was negative for the possible presence of
17 blood. I did attempt to develop a DNA profile from this item,
18 but no profile was able to be developed.

19 Q. So I'm gonna slow you down a little bit there. Can
20 you tell us whether there was one swab or multiple swabs from
21 that white van?

22 A. For item 13 the rear passenger door swabs, there
23 were two swabs collected.

24 Q. And if I could, I want to make a note as to each
25 area of that van that was swabbed beginning with your first

1 swab.

2 A. Item 13 was from the rear passenger door.

3 Q. And you indicated that you did some type of testing
4 on that for the presence of blood?

5 A. That's correct. I performed the same preliminary
6 test that I did on several of the other items in the case.

7 Q. And what were the results?

8 A. For that particular item it was negative.

9 Q. Were you able to develop a DNA profile from that
10 swab?

11 A. I was not.

12 Q. What swab did you examine next from the white van?

13 A. The next would be SLED item 14 which was identified
14 as swab F from the upper frame of the rear passenger door of
15 the white van.

16 Q. What testing did you do?

17 A. I again performed a preliminary screening for the
18 possible presence of blood. That particular test was negative
19 for that item. I did attempt to develop a DNA profile but no
20 profile was developed.

21 Q. What swab next?

22 A. The next item was identified as SLED item 16 which
23 was a fingernail. I performed a --

24 Q. I want to skip over that and then we'll come back to
25 that.

1 A. Yes, ma'am.

2 Q. Do you have any other swabs that were submitted from
3 that white van?

4 A. The last set of -- No. Not from the van. The last
5 set of swabs that was tested would be SLED item 17 identified
6 swabs from door and there was no DNA profile developed from
7 that item.

8 Q. All right. Now, going back to the white van, how
9 many various swabs were collected, if you can refer to your
10 notes?

11 A. From the van for both items 13 and 14 there were two
12 swabs collected.

13 Q. And you mentioned the door. Do your notes indicate
14 what, if anything, was significant about the door?

15 A. Just based on the information that I had on that,
16 they believed that there was possible biological material
17 present on the door. There were four swabs collected. I did
18 make an attempt again to develop a DNA profile but I was
19 unable to.

20 Q. All right. And are you aware as to where this door
21 had been in relation to this investigation?

22 A. Just vaguely. I believe it had been left outside
23 for some period of time. I don't know exactly how long.

24 Q. Was there any further description of the door?

25 A. Based on the submitting paperwork I believe it's

1 just identified as swabs from door. Yeah. There's not much
2 more specific information.

3 Q. Is it your understanding that's a door from outside
4 near a burn area?

5 A. That's correct.

6 Q. And you said four swabs from that door?

7 A. Yes, ma'am.

8 Q. And they were tested for what reason?

9 A. To try and determine if there was any biological
10 material or possibly skin cells from an individual that had
11 been transferred to the door.

12 Q. And what were the results of that analysis?

13 A. I was unable to develop a DNA profile from that
14 item.

15 Q. Now, in a situation where an item is left outside
16 again in the elements what, if any, role may that play in your
17 ability to recover DNA?

18 A. Again, it's the same factors we would be concerned
19 about, sunlight, heat, moisture, bacteria, enzymes that may
20 act to degrade or break down the DNA.

21 Q. Okay. And then you mentioned a fingernail. Tell us
22 about that item.

23 A. That would be SLED item 16. It was a fingernail
24 submitted. I took a swab of that fingernail. I took a
25 portion of sterile cotton, used an extraction buffer that we

1 use in our testing rubbed that along the surface of the nail
2 and then followed that with a dry portion of cotton to try and
3 collect any cells that may have been present on the surface of
4 the nail to try and identify who the nail may belong to.

5 Q. To clarify further, you actually examined this with
6 the naked eye?

7 A. I did. Yes.

8 Q. Did that appear to be a biological nail or an
9 artificial nail?

10 A. It appeared to me to be a natural nail not
11 artificial.

12 Q. And what, if anything, were you able to determine
13 in regards to DNA?

14 A. There was no DNA profile developed from that
15 particular item.

16 Q. What, if anything, must be necessary in order for
17 you to develop a DNA profile from a nail, a fingernail?

18 A. We're really looking for any type of cell. It can
19 be skin cells that have been collected underneath the
20 fingernail or blood that's been collected. We do sometimes
21 use fingernails to identify remains, but typically that's when
22 we've got more tissue present so there's gonna be more cells
23 available for testing. This particular nail didn't seem to
24 have any biological material still attached to it to develop a
25 profile from.

1 Q. Now, at some point did you become aware of a blanket
2 that had been submitted to your DNA - I'm sorry, to your
3 serology department?

4 A. Yes, ma'am.

5 Q. I'm gonna show you what is State's 116.

6 A. That would appear to be the blanket.

7 Q. Okay. Now, were you able to determine if SLED
8 serology was able to develop any type of blood stain or human
9 bodily fluid type stain from that blanket?

10 A. Based on our serologist documentation and my
11 communication with her it didn't appear that there was any
12 biological standard that would be suitable for DNA testing
13 present on the blanket.

14 Q. All right. And as a DNA analyst can you tell us
15 whether or not you would consider touch DNA appropriate for an
16 item such as that?

17 A. What we refer to as touch DNA is just DNA that is
18 transferred when an individual comes in physical contact with
19 an item so it's typically just skin cells that are rubbed off
20 on an item. An item like a blanket we can perform testing,
21 but we can't tell you exactly when that DNA was left on that
22 item so in an instances where an individual may have been in
23 contact with an item previously, it's possible that that's
24 when that transfer occurred so it can tell us whether or not
25 the DNA is there, but it doesn't tell us when it was

1 transferred or in exactly what manner it was transferred.

2 Q. How, if at all, may weather have played a role in
3 your decision as to whether or not it met the criteria for
4 analysis?

5 A. Again, we're concerned about the same environmental
6 factors, being out in the heat and the moisture and all the
7 different factors environmentally that impact whether or not
8 we can develop a profile from an item such as this.

9 Q. Okay. So if you had any type of DNA on that
10 blanket, would you be able to age when it was deposited?

11 A. I would not.

12 Q. What about a household item. What, if anything, can
13 you tell us about household items where multiple people may
14 have access to that item?

15 A. It's not at all uncommon to find mixtures of various
16 individuals living in a home or frequent the home. Transfers
17 through touch can really be through quite casual contact so
18 any item that you come in frequent contact with you would
19 expect to see some level of transfer between that individual
20 and the item.

21 Q. What, if any, criteria does SLED have for evaluation
22 or analysis of household or commonly touched items?

23 A. It really is case specific as to what we're looking
24 for and what we think might be informative. Typically we are
25 looking more for bodily fluids than we are for touch, but if

1 we're concerned about touch, we want it to be an item that
2 that individual necessarily hasn't had exposure to, so if we
3 do develop a profile, it's not because it's something that
4 they handle on a daily basis. Again, we can't ever determine
5 exactly when or how that transfer occurs, just that at some
6 point it did occur.

7 Q. And if ultimately you have an item such as a bed
8 spread or a couch pillow, is it possible to have DNA from
9 multiple persons who ever had contact with it?

10 A. Absolutely. A mixture of multiple individuals would
11 not at all be unusual for that type of thing.

12 Q. Can that occur even if the contact would have been
13 months or even a year beforehand?

14 A. That's possible. Yes.

15 MS. MAYES: Nothing further of this witness, Your
16 Honor.

17 THE COURT: Cross examination.

18 MR. BELL: Briefly, Your Honor.

19 CROSS EXAMINATION

20 BY MR. BELL:

21 Q. Item 3A and 3B collected swabs from the same
22 towel?

23 A. That would be the indication based on the item
24 description from the submitting agency. Yes, sir.

25 Q. You were able to eliminate Alena Kennedy as being a

1 contributor?

2 A. I can exclude her from being -- I can exclude the
3 contributor to that mixture as being a biological offspring of
4 Jeneice Kennedy and Ricky Kennedy.

5 Q. Because Alena's biological offspring you can exclude
6 her, correct?

7 A. Correct. That DNA profile did not come from Alena
8 Kennedy based on my comparison.

9 Q. It did come from an unidentified female individual
10 though?

11 A. That's correct.

12 Q. You discussed a blanket. Hairs that come out off of
13 a blanket, would that be possible to develop a DNA profile
14 from hairs off of a blanket?

15 A. It can be. It would depend on the condition of the
16 hair. Typically what we're looking for with hair is the root
17 material attached. That's the portion for testing to try and
18 develop a profile and hairs collected from an item such as a
19 blanket if they had a root could be a potential source for
20 DNA.

21 Q. And an old hair brush might also contain a sample of
22 hair?

23 A. That's possible. Yes, sir.

24 Q. From somebody's residence, correct?

25 A. Yes, sir.

1 Q. Now, I want to ask you about some items. I want to
2 see if you can locate those items on either of your
3 supplemental or your original report. Do you have those in
4 front of you?

5 A. I do.

6 Q. Is there ever any socks listed there?

7 A. I was not given any socks to perform testing on.

8 No, sir.

9 Q. Was there ever a black T-shirt?

10 A. There was no black T-shirt transferred to my custody
11 or assigned to me for analysis.

12 Q. Was there ever torn pieces of a white T-shirt?

13 A. No, sir. Not that was transferred to me.

14 Q. Was there ever blue jeans with tears in the legs?

15 A. No, sir.

16 Q. Was there ever a black zip up blouse?

17 A. That was not indicated for DNA analysis. No, sir.

18 Q. Was there ever a black and pink tube top?

19 A. No, sir.

20 Q. Was there ever a piece of cloth?

21 A. There was not.

22 Q. Now, the nail you mentioned, you said you did a
23 visual inspection, correct?

24 A. Correct.

25 Q. You didn't do any type of comparison to a known

1 sample of a nail in that item, did you?

2 A. I didn't have any form of nail to compare it to. I
3 just swabbed it to try to develop a DNA profile that may be
4 present on that item.

5 Q. Didn't compare it to see whether they were made of
6 the same material?

7 A. Again, I had nothing else to compare it to. It did
8 appear to me to be a natural nail. That's really the best I
9 can tell you as far as description.

10 Q. But you did not compare it to a known sample of a
11 natural nail to determine whether or not it was a natural
12 nail?

13 A. That's not a test that we perform and I had no other
14 standard to compare it to.

15 Q. Are you aware whether or not SLED had that done?

16 A. I'm not aware. No, sir.

17 Q. Did you ever attempt -- When you burn hair and you
18 burn nails, it's got a specific smell, correct?

19 A. Yes, sir.

20 Q. Did you ever try to take something like a solder and
21 put it on that nail to determine whether or not that smell
22 existed?

23 A. That is not a test or type of analysis that we
24 perform at SLED.

25 Q. You did a visual inspection? I'm just asking about

1 --

2 A. Sure.

3 Q. -- additional. I'm looking at your report. I see
4 comparison standards; is that correct?

5 A. Yes, sir.

6 Q. And the two comparison standards are a buccal swab
7 from Ricky Kennedy and a buccal swab from Jeneice Kennedy?

8 A. That's correct.

9 Q. Nowhere in here is there a buccal swab from Harriet
10 Coleman?

11 A. I'm sorry. From whom?

12 Q. Nowhere in here is there a buccal swab for Harriet
13 Coleman?

14 A. That's correct.

15 Q. You were never asked to test any items against a
16 buccal swab of Harriet Coleman?

17 A. I never received a known standard from an individual
18 by that name.

19 MR. BELL: No further questions.

20 THE COURT: Redirect?

21 MS. MAYES: Yes, sir, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MAYES:

24 Q. What, if any, limitations are you facing when you
25 don't have any skin cells attached to a fingernail?

1 A. When there's not material present or again the DNA
2 is too little if there is material present, we're just not
3 gonna be able to develop a profile. There has to be enough
4 material for us to have enough DNA to develop that profile and
5 it has to be in good enough condition to perform the
6 testing.

7 Q. All right. And then were there ever any indications
8 that hair was found in the blanket?

9 A. Not that I can see in the documentation that I
10 received from or serologist Courtney Thompson.

11 Q. All right. And then counsel was asking you about
12 samples submitted from Harriet Coleman, a person who has been
13 arrested also in relation to this case and the defendant
14 Anthony Lee Corley also arrested in connection with this case.
15 When persons are arrested what, if any, action is taken that
16 can ultimately be utilized by SLED for comparison analysis?

17 A. Depending on exactly what it is that we're looking
18 for in the evidence and what information would be probative or
19 informative, a standard can be collected from that individual
20 either in the form of a buccal swab as we have in this case or
21 a blood standard. A sample or a profile can then be developed
22 from that sample to be compared to evidentiary profiles.

23 Q. All right. And upon arrest does SLED, can you tell
24 us whether or not upon arrest for a felony charge such as
25 murder a buccal swab would be taken from the individual?

1 A. Typically for most violent crimes and felonies
2 samples are collected upon arrest. Those particular samples
3 are not forwarded to the case work department. They're used
4 for a different purpose. That sample is not necessarily gonna
5 come to me for analysis and comparison.

6 Q. And where does it go?

7 A. It goes to our databasing department and databasing
8 is a collection of DNA profiles for known individuals and from
9 like for items of evidence or crime scenes that can be used
10 for comparisons under certain circumstances in different
11 cases.

12 Q. All right. And if you had found evidence that
13 needed to be submitted to that database in this case, would
14 you have done so?

15 A. I would if any of the profiles were deemed to be
16 eligible and suitable for submission to that database for
17 comparison.

18 Q. So ultimately that could be compared to the
19 defendant Mr. Corley?

20 A. It could assuming if his profile is currently in the
21 database, anything that would submitted would be compared to
22 all the profiles including Mr. Corley's.

23 Q. Okay. And would that also include the co-defendant
24 who is arrested on felony accessory charge?

25 A. If it is a qualifying offense and that sample was

1 collected, that profile would be present in the database until
2 it's expunged for one of several reasons, but as long as it's
3 in the database, anything submitted would be compared to it.

4 Q. Okay. And what is the acronym for that database?

5 A. The database is referred to as CODIS which stands
6 for Combined DNA Index System. It's an electronic database.
7 It is maintained by the FBI and it contains samples submitted
8 at state level by a lab such as ours as well as samples
9 submitted Federally and depending on the eligibility of a
10 profile and the quality of the profile we can search not only
11 against profiles submitted by the State, but we can search
12 profiles submitted by all states.

13 Q. Can you tell us whether or not you use that CODIS
14 database on a regular basis?

15 A. Yes. We do.

16 Q. Okay. Were any of the items that you analyzed
17 yourself in this case suitable for submission into the CODIS
18 database?

19 A. No. Based on CODIS guidelines, none of the profiles
20 developed would have been eligible for entry.

21 Q. Did you have any type of indication that a buccal
22 swab would have been needed from either the defendant or Ms.
23 Coleman?

24 A. Again, that's largely dependent on the investigative
25 needs as far as whether or not a comparison needs to be made.

1 I do have both an unidentified male and an unidentified female
2 profiles and whether or not there needs to be a comparison to
3 a specific individual is up to the investigation and the
4 Solicitor's Office. We run what they send to us.

5 Q. All right. And you, yourself did not find any items
6 that needed to be entered into CODIS because they met the
7 criteria for CODIS?

8 A. Correct. I didn't find that any of these items
9 would have been eligible for database entry.

10 MS. MAYES: Nothing further.

11 THE COURT: Anything on those questions?

12 MR. BELL: Again, just briefly.

13 RECROSS EXAMINATION

14 BY MR. BELL:

15 Q. It's all dependent on if it's entered into the
16 database system, correct?

17 A. As far as -- I'm sorry.

18 Q. You mentioned arrest and that's all dependent on if
19 it's entered into the database system?

20 A. Correct. South Carolina state laws again based on a
21 qualifying offense when an individual is arrested, that sample
22 is collected and then entered into the database until there is
23 a reason for it to be removed.

24 Q. And you don't make that decision?

25 A. I do not. We do have a databasing department. We

1 work closely with them in determining what's eligible and what
2 can be entered, but they are responsible for entering or
3 deleting profiles, if necessary, from that database.

4 Q. And it's not your job to choose which items are
5 submitted to you for testing?

6 A. That's correct. I can only test what is submitted
7 to me and perform testing as is requested.

8 MR. BELL: No further questions.

9 THE COURT: You wish the witness to be released?

10 MS. MAYES: Yes, sir, Your Honor.

11 THE COURT: Any objection?

12 MR. BELL: No objection.

13 THE COURT: All right. Ma'am, you're released from
14 your subpoena. You may go back to your regular duties.
15 Next witness please.

16 MS. MARTIN: Your Honor, we call Christopher
17 Burnett.

18 Thereupon,

19 CHRISTOPHER BURNETT

20 after having been first duly sworn, testified as follows,

21 THE CLERK: Please have a seat. Once you're seated,
22 state your full name spelling your last please.

23 THE COURT: Come around right up here please. Face
24 the clerk.

25 THE WITNESS: Christopher Burnett, B-u-r-n-e-t-t.

1 DIRECT EXAMINATION

2 BY MS. MARTIN:

3 Q. Good afternoon, Agent Burnett. Where are you
4 working now?

5 A. State Law Enforcement Division.

6 Q. When did you make that job change?

7 A. Approximately on the 17th of January.

8 Q. Of this year, just a few weeks ago?

9 A. Yes, ma'am.

10 Q. And before that, where were you employed?

11 A. Lexington County Sheriff's Department.

12 Q. How long were you with the Sheriff's Department here
13 in Lexington?

14 A. Just under five years.

15 Q. Okay. When you were here in Lexington, what
16 department, if you will, were you assigned to or what were
17 your normal duties?

18 A. I was assigned to the patrol region so just
19 answering calls and traffic stops and that sort of stuff.

20 Q. If I can direct your attention back to June 22nd and
21 23rd of 2017, did you have any involvement with the defendant
22 Tony Corley?

23 A. Yes, ma'am.

24 Q. Okay. Can you tell us how you became involved in
25 this case?

1 A. I responded to assist the fugitive team to go to an
2 address and to assist in locating Mr. Corley.

3 Q. Were on you the fugitive task force or you just
4 assisted?

5 A. I just assisted. I was a patrol deputy at that
6 time.

7 Q. Do you remember the address where you went?

8 A. Yes, ma'am. ██████████ Calvary Church Road.

9 Q. In Lexington County?

10 A. Yes, ma'am.

11 Q. And what was the purpose of going to Calvary Church
12 Road?

13 A. The fugitive team, I met with them, and they said
14 this is the location that Mr. Corley could be located at so we
15 went to go assist.

16 Q. Were there active warrants pending for Mr. Corley?

17 A. Yes, ma'am.

18 Q. After arriving at that location, did y'all find Mr.
19 Corley there?

20 A. Yes, ma'am.

21 Q. And was he taken into custody?

22 A. He was. Yes, ma'am.

23 Q. And who was the primary person who had control and
24 custody over Mr. Corley?

25 A. After we searched the house, I came back out and

1 took custody of him, placed him in handcuffs and all that
2 stuff and placed him in the back of my patrol vehicle.

3 Q. You said he was searched. Is that a standard
4 procedure when you're arresting someone?

5 A. Yes, ma'am. Search incident to arrest.

6 Q. Have you had an opportunity to review your
7 supplemental report from 2017?

8 A. Yes, ma'am. I have.

9 Q. And after your review of this, can you tell us if
10 Mr. Corley had items on his person that were confiscated
11 pursuant to arrest?

12 A. Yes, ma'am. A Samsung cell phone, a USB device and
13 a piece of paper.

14 Q. Okay. Agent Burnett, if I could show you what's
15 been marked as State's Exhibit 120. Can you recognize that
16 item there?

17 A. Yes, ma'am. That's the Samsung cell phone.

18 Q. Does it have your initials somewhere on the
19 packaging?

20 A. Yes, ma'am. That's my name right here and my
21 handwriting.

22 Q. Okay. Does it also have the date?

23 A. Yes, ma'am. 6/23/17.

24 Q. And would you have packaged it in this plastic
25 packaging?

1 A. Yes, ma'am.

2 Q. What would you have done with it after sealing it?

3 A. Put it in the evidence box.

4 MS. MARTIN: Your Honor, move to introduce State's
5 120 into evidence.

6 THE COURT: Any objection?

7 MR. BELL: No objection, Your Honor.

8 THE COURT: All right. It's in evidence without
9 objection.

10 BY MS. MARTIN:

11 Q. If I can show you what's been marked as State's
12 Exhibit 121. Do you recognize that item?

13 A. Yes, ma'am.

14 Q. Can you tell us what that is?

15 A. It's a black USB device.

16 Q. Was it taken from Mr. Corley at the time of
17 arrest?

18 A. Yes, ma'am.

19 Q. Did you package it in that plastic packaging?

20 A. Yes, ma'am. I did.

21 Q. Do you recognize your initials?

22 A. Yes, ma'am.

23 Q. Was it then turned into evidence at the Sheriff's
24 Department?

25 A. Yes, ma'am. It was.

1 MS. MARTIN: Your Honor, we would move that item
2 into evidence.

3 THE COURT: Any objection?

4 MR. BELL: No, Your Honor.

5 THE COURT: All right. It's in evidence without
6 objection.

7 MS. MARTIN: Your Honor, that's all the questions I
8 have for this witness.

9 THE COURT: Cross examination.

10 MR. BELL: I have no questions for this witness.

11 THE COURT: Thank you very much. You wish the
12 witness to be excused?

13 MS. MARTIN: Please, Your Honor.

14 THE COURT: Any objection?

15 MR. BELL: No, Your Honor.

16 THE COURT: All right. Sir, you're released from
17 your subpoena. Go back to your regular duties.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: Next witness please.

20 MS. MAYES: Jerica Gunter.

21 Thereupon,

22 JERICA GUNTER

23 after having been first duly sworn, testified as follows,

24 THE CLERK: Please have a seat. Once you're seated,
25 state your full name spelling your last please.

1 THE WITNESS: My name is Jerica Gunter,
2 G-u-n-t-e-r.

3 THE COURT: You're gonna have to speak up.

4 THE WITNESS: My name is Jerica Gunter, G-u-n-t-e-r.

5 DIRECT EXAMINATION

6 BY MS. MARTIN:

7 Q. Good afternoon, Ms. Gunter. Ms. Gunter, can you
8 tell us, do you know the defendant seated over there Tony
9 Corley?

10 A. Yes.

11 Q. And how long prior to his arrest in 2017, about how
12 long had you known him?

13 A. Three or four years.

14 Q. Okay. Do you live around here in Lexington
15 County?

16 A. Yes, ma'am.

17 Q. And are you here today because you volunteered to
18 come?

19 A. No. I was subpoenaed.

20 Q. And back in 2017 how would you classify your
21 relationship with Mr. Corley?

22 A. Uhm, I guess personal.

23 Q. Personal friends?

24 A. Yeah.

25 Q. Okay. And were you acquainted through any social

1 media accounts?

2 A. Facebook.

3 Q. Okay. If I can show you what's been marked for ID
4 as State's Exhibit number 8. Do you recognize this home page?

5 A. Yes. Yes, ma'am.

6 Q. Okay. And whose home page?

7 THE COURT: Speak up just a little bit please,
8 ma'am.

9 BY THE WITNESS:

10 A. Yes, ma'am.

11 BY MS. MARTIN:

12 Q. And whose home page do you recognize it to be?

13 A. Tony Corley.

14 Q. The defendant that's here in court today?

15 A. Yes.

16 Q. And is that who you were friends with on Facebook?

17 A. As far as I know. Yes.

18 Q. And did y'all communicate through Facebook
19 Messenger?

20 A. Yes, ma'am.

21 Q. Were your messages extremely intimate would we say
22 at times?

23 A. Yes, ma'am.

24 Q. State's Exhibit 127, I'm gonna ask you if you have
25 seen this document before?

1 A. Yes, ma'am.

2 Q. What do you recognize it to be?

3 A. A message that I had sent to him.

4 Q. Okay. And using this, you may hold it, can you tell
5 us what is the date of the message?

6 A. Uhm, it says April 29th, 2017.

7 Q. What is your message to Tony Corley?

8 A. And if we were supposed to have been together like
9 that, then what is this girl trying to insinuate.

10 MS. MAYES: Your Honor, I would offer State's 127
11 into evidence.

12 THE COURT: Any objection?

13 MR. BELL: No objection, Your Honor.

14 THE COURT: All right. 127 is in evidence without
15 objection.

16 BY MS. MAYES:

17 Q. Ms. Gunter, if I can show you what's been marked for
18 ID only 128. If you could look at that and tell us whether or
19 not you recognize that screen shot?

20 A. Yes.

21 Q. What does it pertain to?

22 A. Uhm, I guess, uhm, a screen shot that had been taken
23 by me, uhm, of something I took online.

24 Q. Does it have a date?

25 A. April 27th.

1 Q. Of what year?

2 A. It doesn't say.

3 Q. Who is the other person involved?

4 A. Haley Coleman.

5 Q. Did you know Haley Coleman?

6 A. No, ma'am.

7 Q. And does the screencap have anything at all to do
8 with the prior message we just talked about?

9 A. That was what I was asking him, I guess.

10 Q. Okay. So let me make sure I understand. The
11 Facebook message that we have put into evidence referenced the
12 other message that you took a screen shot on; is that correct?

13 A. Yes, ma'am.

14 MS. MAYES: Please answer any questions the defense
15 may have.

16 THE COURT: Cross examination.

17 MR. BELL: Briefly.

18 CROSS EXAMINATION

19 BY MR. BELL:

20 Q. April 29th, 2017 was the date of that message,
21 correct?

22 A. Yes.

23 Q. Okay. Did you have a child less than six months
24 before this --

25 A. Uhm --

1 Q. -- that you did not know who the father was?

2 A. Well, I mean, when I had my child, I mean, it was
3 kind of obvious who the father was, I guess. When I had my
4 child, it was obvious who the father was.

5 Q. Have you had any DNA testing of the child?

6 A. No.

7 MS. MARTIN: Objection, Your Honor, as to relevancy.

8 THE COURT: Come over here and talk to me.

9 (Side bar off the record.)

10 MR. BELL: I would like to clear that up.

11 THE COURT: Go ahead.

12 BY MR. BELL:

13 Q. Six weeks prior to, less than six weeks prior to
14 April 29th, 2017 you had had a child?

15 A. My son's birthday is [REDACTED] [REDACTED].

16 THE COURT: I'm sorry, ma'am. I can't hear what
17 you're saying.

18 BY THE WITNESS:

19 A. My son's birthday is [REDACTED] [REDACTED]. I'm not sure
20 exactly how long the difference is, but anything between,
21 anything before [REDACTED] [REDACTED], 2017 that was my son's birthday.

22 BY MR. BELL:

23 Q. Okay. And there were questions about who this child
24 was?

25 A. Uhm, I mean, I had questions when I was pregnant

1 whether I knew who the father was or not, but when I had my
2 child, it was clear, I mean, he's a white baby so...

3 Q. So the child is not Tony Corley's?

4 A. No.

5 Q. And this was six weeks prior to a message about
6 being in an exclusive relationship?

7 A. Uhm, I'm not sure how to answer that.

8 MR. BELL: No further questions.

9 THE COURT: Any redirect?

10 MS. MAYES: No, Your Honor.

11 THE COURT: Wish the witness to be excused?

12 MS. MAYES: Yes, please.

13 THE COURT: Any objection?

14 MR. BELL: No, Your Honor.

15 THE COURT: All right. Ma'am, you're released from
16 your subpoena. You're free to leave. Next witness
17 please.

18 MS. MARTIN: Your Honor, we would call officer or
19 Investigator Snelgrove.

20 THE COURT: Please meet the clerk's representative
21 right there.

22 Thereupon,

23 BRENDA SNELGROVE

24 after having been first duly sworn, testified as follows,

25 THE CLERK: Please have a seat. Once you're seated,

1 state your full name spelling your last please.

2 THE WITNESS: Brenda Snelgrove, S-n-e-l-g-r-o-v-e.

3 THE COURT: Go ahead.

4 DIRECT EXAMINATION

5 BY MS. MARTIN:

6 Q. Investigator Snelgrove, where are you employed?

7 A. Lexington County Sheriff's Department.

8 Q. And in which department do you work?

9 A. In the crime scene investigations.

10 Q. How long have you been employed there?

11 A. Going on five years.

12 Q. Okay. And have you always been in crime scene
13 investigation?

14 A. With Lexington County, yes, ma'am.

15 Q. And where were you employed before Lexington
16 County?

17 A. Before Lexington County, I was employed with
18 Newberry County Sheriff's Office as a road deputy.

19 Q. And in July of 2017 did you have occasion to go to
20 McDonald Avenue down in South Congaree?

21 A. Yes, ma'am.

22 Q. What was the purpose of this visit?

23 A. To execute a search warrant.

24 Q. And is it fair to say there was multiple agents
25 with you?

1 A. There was.

2 Q. And Investigator Tom Smith, would he have been
3 with you?

4 A. Yes, ma'am.

5 Q. And when you conduct search warrants, is there
6 documentation that goes along with that?

7 A. Yes, ma'am. There's note taking, sketches if that's
8 needed and photographs.

9 Q. And is evidence collection part of that as well?

10 A. Yes, ma'am.

11 Q. And can you tell me exactly how it works? Did you
12 and Investigator Smith work together on that day?

13 A. We did.

14 Q. And if someone was photographing, what was the other
15 person doing?

16 A. The other person was usually taking notes or he was
17 obtaining bags for the evidence collection.

18 Q. And would it be fair to say that y'all worked
19 together?

20 A. Yes. We did.

21 Q. If you could please look at State's 122. Can you
22 please tell us if you recognize that photograph?

23 A. I do.

24 Q. What does it depict?

25 A. It depicts the item that he marked with placard

1 number 10, it's a clear plastic case with three nano SD cards
2 or micro cards.

3 MS. MARTIN: Your Honor, I move State's 122 into
4 evidence.

5 THE COURT: Any objection?

6 MR. BELL: No, Your Honor.

7 THE COURT: It's in evidence without objection.

8 BY MS. MARTIN:

9 Q. If I can show you what's been marked as State's 123.
10 Can you recognize the markings on that bag?

11 A. I do.

12 Q. Okay. Can you tell us the markings on the bag, what
13 does it depict?

14 A. The handwritten is the case number and the item
15 number and it says SIM cards and (3) in parentheses.

16 Q. Could you please see if you recognize what's within
17 that bag.

18 A. Yes, ma'am.

19 Q. What does it contain?

20 A. It's three coin envelopes. One has the plastic case
21 I spoke of earlier and it has one of the cards in it and the
22 other two have a card in each of those as well.

23 MS. MARTIN: Your Honor, we would move State's 123
24 into evidence.

25 THE COURT: Any objection?

1 MR. BELL: No, Your Honor.

2 THE COURT: All right. It's in evidence without
3 objection.

4 MS. MARTIN: Please answer any questions that the
5 defense may have.

6 THE COURT: Cross examination.

7 CROSS EXAMINATION

8 BY MR. BELL:

9 Q. You also responded on June 21st, 2017 to [REDACTED]
10 McDonald Avenue?

11 A. Yes, sir.

12 Q. Okay. And did you - you went on the back deck,
13 correct?

14 A. Yes, sir.

15 Q. And there was a dirty white sheet found on the back
16 deck?

17 A. On the back deck? I would have to check the
18 notes.

19 Q. (Proffering.)

20 A. Thank you.

21 Q. The second paragraph, second line.

22 A. Yes, sir.

23 Q. Okay. And you did a phenolphthalein test on that?

24 A. Yes, sir.

25 Q. And that was negative for blood?

1 A. That's correct. So just a presumptive test.

2 Q. And there was bedding discovered in a trash that was
3 a dirty white comforter?

4 A. Yes, sir.

5 Q. And you conducted a phenolphthalein presumptive test
6 on that and it came back negative for blood as well?

7 A. Let me check in my report.

8 Q. Second page.

9 A. Yes, sir.

10 Q. First paragraph, third line.

11 A. Looks like I conducted a phenolphthalein presumptive
12 test on the pillow that had the reddish brown stains.

13 Q. Okay. And it was negative for blood?

14 A. That is correct.

15 Q. No items on the back deck were found to test
16 positive for blood that you tested?

17 A. Out of everything I collected and that was tested
18 they tested negative.

19 Q. And that was [REDACTED] McDonald Avenue?

20 A. Yes, sir.

21 MR. BELL: No further questions.

22 THE COURT: Any redirect?

23 MS. MARTIN: No, Your Honor.

24 THE COURT: Wish the witness to be excused?

25 MS. MARTIN: I do, Your Honor.

1 THE COURT: Any objection?

2 MR. BELL: No, Your Honor.

3 THE COURT: All right. Ma'am, you're released from
4 your subpoena. Go back to your regular duties.

5 MS. MARTIN: Your Honor, may we approach?

6 THE COURT: Sure.

7 (Side bar off the record.)

8 THE COURT: All right. Ladies and gentlemen, we'll
9 take a short break for about five or ten minutes. Thank
10 you very much.

11 (Whereupon, the jury entered the jury room at 3:00
12 p.m.)

13 (Short break.)

14 BAILIFF: All rise.

15 THE COURT: Thank you. Thank you very much. You
16 may be seated. All right. Is the State ready for the
17 jury to come in?

18 MS. MAYES: Yes, sir, Your Honor.

19 THE COURT: And the defense?

20 MR. BELL: Yes, Your Honor.

21 THE COURT: Ask the jury to come in please.

22 (Whereupon, the jury entered the courtroom at 3:10
23 p.m.)

24 THE COURT: State ready to proceed?

25 MS. MAYES: Yes, Your Honor.

1 THE COURT: Defense?

2 MR. BELL: Yes, Your Honor.

3 THE COURT: I'll remind everybody, I don't know if
4 it's on out there, but there's a fan right above me so if
5 y'all can keep your voice up, it will help, all right?
6 Thank you very much. Who is your next witness?

7 MS. MAYES: Detective Brian Travis.

8 Thereupon,

9 BRIAN TRAVIS

10 after having been first duly sworn, testified as follows,

11 THE CLERK: Please have a seat. Once you're seated,
12 state your full name spelling your last please.

13 THE WITNESS: Brian Travis, T-r-a-v-i-s.

14 DIRECT EXAMINATION

15 BY MS. MAYES:

16 Q. All right. Tell us a little bit about yourself,
17 Detective Travis. Where are you employed?

18 A. I'm employed at the Lexington County Sheriff's
19 Department as a sergeant in the professional standards
20 division.

21 Q. All right. As Your Honor said just a few moments
22 ago, can you pull that microphone closer to you and speak into
23 it.

24 A. Okay. I'm a sergeant with the Lexington County
25 Sheriff's Department in the professional standards division.

1 Q. All right. How long have been with the Sheriff's
2 Department?

3 A. 13 years.

4 Q. All right. Tell us about your background with the
5 Sheriff's Department before you were in the professional
6 standards division?

7 A. In 2007 I started as a road deputy before moving
8 into the rank of a field training officer. I then became a
9 detective in our property crimes in the south region before
10 moving to investigations of major crimes, for six and a half
11 years after that I worked in out intelligence unit and then I
12 was promoted this past fall to sergeant of professional
13 standards.

14 Q. What, if any, training and experience do you have,
15 Detective Travis, in the field of cellular phone analysis,
16 cellular records analysis including cell tower location
17 data?

18 A. For those six and a half years that I worked in the
19 intelligence unit that was my primary focus was communications
20 analysis. I went through training conferences through the
21 International Association of Law Enforcement Intelligence
22 Analysts, The International Association of Criminal Analysts,
23 as well as through training with numerous software, pieces of
24 software that do analysis of phone records.

25 Q. Have you testified previously as an expert in the

1 field of cell phone mapping and records analysis?

2 A. I have.

3 Q. Does this include information related to cell tower
4 locations?

5 A. It does.

6 Q. And analysis of cell records?

7 A. Correct.

8 Q. Can you tell us whether or not that also includes
9 financial records?

10 A. I have also testified as financial.

11 Q. Have you been qualified as an expert in the courts
12 of this state in that field?

13 A. I have.

14 Q. Do you know how many such times?

15 A. Eight times.

16 Q. Does that include criminal court?

17 A. They were all in criminal court.

18 Q. And in homicide cases?

19 A. Most of them have been homicide cases.

20 MS. MAYES: Your Honor, at this time the State
21 offers Detective Brian Travis as an expert in the field
22 of cell phone records analysis and mapping.

23 THE COURT: All right. Do you wish to voir dire the
24 witness or challenge his qualifications?

25 MR. BELL: I do not, Your Honor.

1 THE COURT: All right. Very good. He is qualified
2 to give his opinion in those fields. You may proceed.

3 BY MS. MAYES:

4 Q. Now, previously in this case you had an opportunity
5 to examine cell phone records; is that correct?

6 A. Yes.

7 Q. Can you tell us whether that includes cell phone
8 records belonging to the defendant in this case Anthony Lee
9 Corley?

10 A. That is true.

11 Q. Can you tell us whether or not that includes the
12 victim in this case Alena Kennedy?

13 A. They did.

14 Q. Can you tell us whether or not that also includes a
15 Harriet or Haley Coleman who is also charged in relation to
16 this case?

17 A. Yes. I have her phone records as well.

18 Q. I'm gonna show you some items now and ask you
19 whether or not you recognize them. First, I'm gonna start
20 with State's Exhibit 56. This set of records is already in
21 evidence and if you will give me a moment, I want you to tell
22 us what phone number we're dealing with and who that cell
23 phone provider is.

24 A. The cell phone provider is T-Mobile and the phone
25 number for the subscriber is 803-201-2257.

1 Q. Based on your work on this case whose phone number
2 is that? And if you need to refer to your map, just let us
3 know.

4 A. I do apologize. That's the phone number related to
5 Mr. Corley.

6 Q. All right. You mentioned Alena Kennedy. Who was
7 her cell phone provider?

8 A. I believe it was also T-Mobile.

9 MS. MAYES: I'm gonna show you some records already
10 in evidence and, Your Honor, pursuant to our previous
11 hearing on this matter this would be State's 45. If we
12 may approach.

13 THE COURT: Yes, ma'am.

14 (Side bar off the record.)

15 BY MS. MAYES:

16 Q. I'm gonna show you what is State's 45 already in
17 evidence and ask you whether or not you recognize that item?

18 A. These are the phone records from T-Mobile for the
19 subscriber Alena Kennedy.

20 Q. All right. And now I'm gonna show you these records
21 which are a different size font. If you could take a look at
22 those.

23 A. (Witness complies.) It's the same phone record just
24 blown up in size.

25 Q. For purposes of your testimony can you tell us

1 whether or not those would be more advantageous?

2 A. It's much easier to read.

3 Q. What is the phone number for Alena Kennedy?

4 A. 803-238-8735.

5 Q. And that cell provider again?

6 A. T-Mobile.

7 Q. Now, I'm gonna ask you to take a look at an
8 additional item and ask you whether or not you recognize this
9 pre-marked as State's 130 (proffering)?

10 A. These are Sprint cell phone records for
11 803-446-9758.

12 Q. Do you know whether or not these are the records
13 affiliated with Harriet Coleman?

14 A. These are the ones affiliated with Harriet
15 Coleman.

16 MS. MAYES: Your Honor, pursuant to our previous
17 hearing on this matter and South Carolina Code Section
18 19-5-520 the State offers 130 now as evidence.

19 THE COURT: Do you object?

20 MR. BELL: No, Your Honor.

21 THE COURT: All right. They're in evidence without
22 objection.

23 BY MS. MAYES:

24 Q. Now, considering all of these records can you tell
25 us whether or not you had the opportunity to analyze and

1 assess cell tower information related to these records?

2 A. Yes. I have on all three of these phones gone
3 through and done a location analysis and a communication
4 analysis.

5 Q. Can you tell us what that means in terms of what
6 type of work you're doing to then ultimately determine a
7 possible location for a subject's phone?

8 A. On a lot of different phone communications they give
9 the tower that the phone is using in order to make that
10 communication. What we generally think of as a tower can
11 sometimes be a 50 foot tower, it can sometimes just be a
12 signal antenna on top of a building but each one of those is
13 uniquely identified so on the phone records when there's
14 location data, it tells you which cell site, which side of
15 that tower it's hitting off of and it gives you a GPS location
16 for where that is and you can look and see the general area
17 the phone is in when it's being used for that call.

18 Q. Were you able to find cell tower data for all three
19 of the phone records affiliated with subjects in this case?

20 A. Yes. There was location information on all three
21 phones.

22 Q. All right. I want to start with the date of April
23 21st, 2017. Were you able to examine those records for any
24 activity on that day?

25 A. Yes. I was. And I then created mapping, map

1 diagrams of those.

2 Q. What time did you begin your assessment and how long
3 did you look at records and activity through?

4 A. I had split it up into two time frames so that way
5 it wouldn't be an overwhelming map. It goes from about seven
6 in the morning until 10 a.m. and then from about 10 a.m. into
7 the early afternoon. I think it was 12:10, I think.

8 Q. All right. I'm gonna show you some items and ask
9 you whether or not you recognize them. These are premarked as
10 State's 124, 125, 126 and 129. Who prepared these items?

11 A. I created all four of those.

12 Q. For what purpose?

13 A. To display the written records that are here.
14 Because of the, I call it a large quantities of data in this
15 packet, sometimes it's just easier to just see a visual
16 representation of it.

17 MS. MAYES: Your Honor, with the Court's permission
18 if the witness may step down.

19 THE COURT: All right, sir. You may step down.
20 Just you need to make sure you keep your voice up.

21 THE WITNESS: Yes, sir.

22 BY MS. MAYES:

23 Q. If you could, start with the first map that you
24 developed in this case.

25 A. On this first map it has all three sets of phone

1 reports. It goes on 4/21/2017 from 7:00 a.m. to 10:00 a.m.

2 THE COURT: I'm sorry. Could you read the State's
3 Exhibit number at the top?

4 THE WITNESS: It is State's Exhibit 124.

5 THE COURT: Go ahead, sir.

6 BY MS. MAYES:

7 Q. Also, Detective Travis, speak loud enough for the
8 court reporter to get your testimony.

9 A. Uhm, all the maps use the same legend. They all
10 have the same three phone numbers which is those verified as
11 803-201-2257, 803-446-9758, and 803-238-8735. They're color
12 coded in green, blue and red. Green being the 446-9578, blue
13 being the 238-8735 and red then being 201-2257.

14 Q. So Kennedy is in blue, Corley is in the pink?

15 A. Red.

16 Q. And then Coleman is in green; is that correct?

17 A. Correct. On this specific map again it is from 7:00
18 a.m. to 10:00 a.m. on the 21st and it shows the phone call
19 location data from the three phones during that time frame.

20 Q. Let's start with Corley. What, if anything, did you
21 determine about Corley's whereabouts in the earlier part of
22 that morning in the 7:00 a.m. to 9:00 a.m. range?

23 A. Given this close, I know it will be difficult for
24 y'all to see, but in this cluster right here in the middle
25 there's several different calls starting at 7:15 going through

1 8:35. The line on there represents the azimuth and the
2 azimuth only means the direction the antenna points and that's
3 provided by the phone company. So we know kind of in the
4 downward general decision that's where the phone is being used
5 from. We also have a second cell site over on this side
6 pointing up into this direction. Again, that goes from 8:30
7 to 8:09 all way up through 9:16 in this area, and you can see
8 both of these towers point toward the azimuth, point towards
9 the same direction and as the map notates they're both kind of
10 centered on the defendant's house.

11 Q. All right. At any point on the morning of April
12 21st in the time period between 7:00 a.m. and 10:00 a.m. does
13 the defendant Corley's phone, of course we're talking about
14 the phone, does the phone indicate any type of movement?

15 A. So we do have one other item on here at 9:59. You
16 can see that he hits off the tower in Lexington significantly
17 different from where the other towers are showing that he has
18 moved, the phone has moved its location.

19 Q. All right. You said that's 9:59 a.m.?

20 A. Yes.

21 Q. Now, where you're looking at this location being the
22 new location at 9:59, can you tell is whether or not that
23 tower is in the vicinity of this courthouse?

24 A. It is.

25 Q. How close?

1 A. It is, it's at the end of kind of right down by the
2 Sheriff's Department and the sector again for this one points
3 in this direction towards the courthouse.

4 Q. Can you tell us whether or not that's consistent
5 with that phone being in the vicinity of this courthouse?

6 A. If the phone was in the vicinity of this courthouse,
7 it would hit off that sector of that tower.

8 Q. Now, moving on from Corley, I want to talk about the
9 victim's phone, the phone of Alena Kennedy.

10 A. All right.

11 Q. What, if anything, is indicated regarding her
12 phone?

13 A. So the only information we received, it's very hard
14 to see the line, kind of runs right along the highway for the
15 azimuth on the tower, but there's four points at 9:22, 9:23,
16 9:50, and 9:51 a.m. and that's gonna be a tower off of
17 Industrial Drive.

18 Q. Can you tell us whether or not that's in the
19 vicinity of this courthouse?

20 A. It's close. It's not the closest to the courthouse,
21 but you have overlapping coverage between these two so the
22 phone would be in the area of the Town of Lexington.

23 Q. Okay. And what was the last time on that?

24 A. It was at 9:51 a.m.

25 Q. You said that's a tower on Industrial Drive?

1 A. Mm-hmm.

2 Q. That tower overlaps with what area?

3 A. It would overlap with, Industrial Drive is just down
4 from the courthouse so it's not far off.

5 Q. Now, as for Coleman what, if anything, is indicated
6 about her phone activity?

7 A. Coleman's phone is in green and it's over here and
8 there are calls at 7:58, 8:00, 9:37 pointing towards the South
9 Congaree area.

10 Q. All right. Now, earlier that morning I want to go
11 back to 7:00 a.m. If that's a different map, let me know.
12 Was there any type of activity earlier?

13 A. Uhm, not - not phone activity. We did map out also
14 location information that was in the Sprint phone records and
15 that's one of the other exhibits.

16 Q. Okay. All right. So based on your observations
17 between her first time of use and that is what time?

18 A. 7:58.

19 Q. Okay. So between 7:58 and then the last time of
20 use?

21 A. 9:37.

22 Q. 9:37 a.m. That time is in what vicinity?

23 A. Area of South Congaree, in that area.

24 Q. And this was 7:00 a.m. until 10:00 a.m. Can you
25 tell is whether or not you mapped the same individuals for the

1 date of 4/21/17 for a time period after 10:00 a.m.?

2 A. I did. I created another map from 10:00 a.m. to
3 12:10 p.m.

4 MS. MAYES: All right. And 125, 126 and 129, Your
5 Honor, I believe are all in evidence as well?

6 THE COURT: Yes, ma'am. No. I'm sorry. They have
7 not been moved into evidence. None of them have been
8 moved in so are you asking to move all of them in at this
9 time?

10 MS. MAYES: Yes, sir, Your Honor.

11 THE COURT: Any objection?

12 MR. BELL: No objection.

13 THE COURT: All right. Very good. So 124, 125, 126
14 and 129 are now in evidence without objection.

15 BY MS. MAYES:

16 Q. What are we looking at on this map which would be
17 State's 125?

18 A. On this exhibit again it's the same three phone
19 numbers with the same three color codes. Now we've moved the
20 time frame from 10:00 a.m. to 12:10 p.m. and again this is
21 just looking at the phone call records.

22 Q. All right. What, if any, activity is shown for the
23 defendant Corley's phone as you continue on after 10:00 a.m.?

24 A. So you've got two, like I said, two towers here
25 pointing in the same direction covering 10:20, 10:21, 10:48.

1 We then have a movement down to a tower on South Lake at 10:55
2 and then finally the tower in South Congaree 12:10 p.m.

3 Q. That would indicate a return to the South Congaree
4 area?

5 A. Correct.

6 Q. What time again was that?

7 A. 12:10.

8 Q. For how long does the map indicate that phone was in
9 the vicinity of this courthouse?

10 A. Up until 10:48 a.m. 9:59 to 10:48.

11 Q. What, if anything, did you observe about the
12 victim's phone in terms of cellular location between 10:00
13 a.m. and 12:10 p.m.?

14 A. So the same tower we saw on the previous map we have
15 four calls between 10:03 and 10:24 a.m. We then move up to
16 the tower off of Gibson Road at 11:58 and then we have a tower
17 on South Lake at 12:03 so it would appear it kind of moved up
18 and then came back.

19 Q. Can you tell us whether or not those locations are
20 in the vicinity of this courthouse?

21 A. The first two would be.

22 Q. What were those times? Give those to us.

23 A. So from 10:03 until 11:58 there are phone calls that
24 cover the vicinity of the courthouse. At 12:03 they would
25 have moved away from this area.

1 Q. And now for Coleman.

2 A. Coleman hits off this one tower here, here, here.
3 We also have one over here. So we have 11:21, 10:13, 10:44
4 and 11:11, and again you have overlapping coverage between
5 these two and then we've got these two separate towers on the
6 other side of what's commonly referred to as Dixiana.

7 THE COURT: Remember, you're not talking to the
8 Solicitor. You've got to talk to the jury and you've got
9 to keep your voice up.

10 BY MS. MAYES:

11 Q. At what point, if any, is there an indication that
12 Ms. Coleman was no longer in the South Congaree area?

13 A. Well, this 10:44, it is not close enough to be
14 considered part of South Congaree --

15 MR. BELL: Objection, Your Honor.

16 THE COURT: Yes, sir. I'm sorry. There's an
17 objection.

18 MR. BELL: I think she needs to ask the question
19 properly where the phone is, not where the individual
20 is.

21 THE COURT: Right. Rephrase your question.

22 MS. MAYES: Yes, sir, Your Honor.

23 BY MS. MAYES:

24 Q. The phone affiliated, the phone number, the phone
25 records affiliated with Coleman, what, if any, indication do

1 you have about that location when it leaves South Congaree?

2 A. So on this map for the phone at 10:13 and at 10:44
3 it's away from the South Congaree area. At the 11:12 and
4 11:11 time it's in South Congaree so it appears from the
5 previous map it would have left, the phone would have left
6 South Congaree and then come back to it.

7 Q. Okay. If you could look at this map and tell us
8 what time it indicates the phone left South Congaree and what
9 time approximately it would have returned back to that area?

10 A. 10:13 it would have left and 11:11 it would have
11 returned.

12 Q. Now, you mentioned some additional maps in this
13 case. That would be State's 126 and 129. What, if any,
14 additional data is reflected in this map and how does it aid
15 you in determining the phone's location?

16 A. Sprint provides more location information than
17 T-Mobile does. T-Mobile only has location information on
18 phone calls. Sprint also provides other files that show
19 approximate locations based off the phone research and that's
20 what these project is besides just the phone call, it also has
21 those projected locations from Sprint. In this case every one
22 of those projected locations except for one is just the cell
23 phone tower that it's hitting off.

24 Q. What are we looking at this map being 126?

25 A. So in 126, again, it's the same three phones from

1 7:00 a.m. until 10:00 a.m., however, now it has that
2 additional location data. So in this we don't know what side
3 of the tower they're hitting off of. They don't provide that
4 information, but we can see there were six times between 7:03
5 and 7:14 that there was a connection to this tower, there was
6 one at 7:17 here, 7:17 here, and then there was over 40 points
7 here on that tower as well as one additional one here.

8 Q. So looking at these various locations between 7:03
9 a.m. through 7:17 all the way up to 7:58 can you tell us what,
10 if any, indication there would be that that phone is moving or
11 traveling?

12 A. So when you look at the correlation of where the
13 points are, these two can be both at the person's home and
14 still connect to those two towers, however, once you get to
15 these points, they're too far away for that, so that would
16 indicate that the person who had the phone would have had to
17 have moved.

18 Q. All right. So I want to talk about that in terms of
19 the person's phone. Were you provided an address for Harriet
20 Coleman?

21 A. I was.

22 Q. All right. And what do you understand that address
23 to be?

24 A. It was on Sangaree Drive. I don't recall the
25 numerics.

1 Q. Okay. And which, if any, indications do you have
2 that the phone was within the area of Sangaree?

3 A. So again, you've got this tower hit where the
4 location data is on Sangaree and this one that's on Highway
5 321. They both triangulate to be able to cover that area and
6 based on historical analysis of all of the data that's in that
7 packet, that's where most of the phone locations were when
8 being used.

9 Q. This area that you just identified, can you tell us
10 whether or not that covers, those cell towers cover that area
11 of Sangaree Drive?

12 A. Correct. They do cover that area.

13 Q. Now, you mentioned South Congaree. Are you familiar
14 with the location of McDonald Avenue?

15 A. It's in the South Congaree area there.

16 Q. Is it depicted on the map?

17 A. It's this line right here, too small to be
18 labeled.

19 Q. Okay.

20 A. That's McDonald Avenue.

21 Q. What is this item here?

22 A. That's the GIS position of the location I was given
23 from the courthouse to McDonald Avenue.

24 Q. All right. Is McDonald Avenue, can you tell us
25 what, if any, vicinity that is to South Congaree?

1 A. It's just outside of the town limits of South
2 Congaree. Most people would call it being South Congaree.

3 Q. What towers looking at this map would cover that
4 South Congaree area of McDonald Avenue?

5 A. So on this map there are three towers that kind of
6 cross back and forth so you have one on Pine Street, one off
7 of Pine Ridge Drive and one off of Edmond Highway.

8 Q. Can you tell us whether or not there's an indication
9 that the phone attributed to Coleman at any point leaves the
10 Sangaree area?

11 MR. BELL: Objection. Leading.

12 THE COURT: Solicitor, how about rephrase your
13 question.

14 MS. MAYES: Yes, sir, Your Honor.

15 BY MS. MAYES:

16 Q. Are there any indications that it may be anywhere in
17 the vicinity of McDonald Avenue?

18 A. So on these cell towers they have generally three
19 antennas. Each antenna points about 120 degrees from the
20 other so you get a big circle of coverage. You have to be on
21 a side that that antenna faces to hit off of it. This
22 antenna, and again, the phone company tells you which
23 direction they point in. This one points at about 310
24 degrees. You cannot be on the side where Sangaree area is on
25 that side of the tower in any, way, shape or form. So in

1 order to hit off of that side of the tower, you would have to
2 be on that side of the tower itself.

3 Q. What time is reflected for that phone?

4 A. The first for sure off that sector would be 7:58
5 a.m., and then there's additional, 8:00, 8:37.

6 Q. Now, are you familiar with an elementary school by
7 the name of Wood Elementary School?

8 A. Yeah. It's in Pine Ridge, South Carolina.

9 Q. Are you familiar with the location or area?

10 A. It shares a property with Pine Ridge Middle at the
11 corner of Pine Ridge Drive and Fish Hatchery Road. I think
12 it's [REDACTED] Pine Ridge.

13 Q. Would you be able to identify that area on this
14 map?

15 A. It would be right here.

16 Q. Can you tell us whether or not any of the activity
17 for the phone attributed to Coleman would be in that area?

18 A. So any of these points on this tower could cover
19 that area.

20 Q. What are those times?

21 A. It starts at 7:17 through, all the way up through
22 hits through 9:52 a.m.

23 Q. Was any additional information obtained from the
24 records you have already talked about regarding the victim's
25 phone and the phone attributed to Corley?

1 A. No. T-Mobile doesn't provide any additional
2 location information besides the phone calls themselves.

3 Q. And then this would be State's Exhibit 129. Tell us
4 what time frame that covers again and what area.

5 A. Again, it's from 10:00 a.m. to noon, 12:10 p.m., and
6 it covers the same three phones, but adds additional location
7 information from Sprint.

8 Q. What, if anything, is new or different about this
9 map?

10 A. So now we're adding in different locations that are
11 identified from that PCMD data.

12 Q. Regarding the phone of who?

13 A. The one attributed to Harriet Coleman.

14 Q. What, if any, indications are outside of the South
15 Congaree area?

16 A. So this is in Columbia. This off of Bluff Road in
17 Columbia. Those are not seen on the other ones. We had more
18 points into this tower that's off of 321.

19 Q. So based on all of that information do you have an
20 opinion as to whether or not that phone remained at South
21 Congaree throughout that period of time?

22 A. Based on the phone call information I have and
23 additional information they did not stay in South Congaree.

24 Q. Thank you. You may return.

25 A. (Witness complies.)

1 Q. So I want to move forward now beyond the date of
2 April 21st, 2017 and ask you whether you had an opportunity to
3 review cell tower locations for the date of June 22nd, 2017 in
4 the early morning hours around approximately 1:32 a.m.?

5 A. Did you say June 22nd?

6 Q. I'm sorry. April 22nd. My mistake.

7 A. Yes. I did review April 22nd.

8 Q. All right. What hours did you review?

9 A. I was focusing on the hours between 1:00 and 2:00
10 a.m.

11 Q. And specifically as to the phone number attributed
12 to Anthony Corley, were you able to determine any type of cell
13 tower location for that phone?

14 A. It hit off of that Pine Street tower in South
15 Congaree at 1:18 a.m. and 1:39 a.m.?

16 Q. 11:00 a.m. and 1:39 a.m.?

17 A. Correct.

18 Q. Is that the same tower or a different tower?

19 A. That's that same Pine Street tower that's on the map
20 that faces 180 degrees.

21 Q. What, if anything, can you tell us about the
22 vicinity of this tower at Pine Street in the proximity to
23 McDonald Avenue being the residence of Corley?

24 A. They're very close to each other, kind of on
25 opposite sides of South Congaree which is a relatively small

1 town.

2 Q. Can you tell us whether or not, do you have an
3 opinion as to whether or not a person at McDonald Avenue, what
4 tower they would hit?

5 A. That would be most likely sector and tower that they
6 would hit off of Pine Street 180 degrees azimuth.

7 Q. Based on that information, do you have an opinion as
8 to whether or not that phone attributed to Corley was within
9 the vicinity of McDonald Avenue between those hours 1:18 a.m.
10 and 1:39 a.m.?

11 A. That would be a reasonable assumption.

12 Q. Now, moving on to April 23rd, 2017, pursuant to this
13 investigation did you have an opportunity to research or look
14 at the area of [REDACTED] Cecil Lane?

15 A. Yes.

16 Q. As well as any towers that may be associated or
17 within the proximity of that location?

18 A. Yes.

19 Q. Were you able to -- Tell us what you did in terms of
20 that location this date April 23rd, 2017? What records did
21 you look at and what were you finding?

22 A. So I looked at all of the phone records for all
23 three of the phones that were provided. Again, for the
24 evening hours of 4/23, I think is what it was, I use a
25 software program made by the company called Uncharted Software

1 called GeoTime and it takes that information and puts it in
2 mapping format so when I look at that time frame, there were
3 49 transactions on the towers around Cecil Lane for the phone
4 related to Mr. Corley.

5 Q. All right. If you could slow down. And again, the
6 last four digits of that phone?

7 A. 2257.

8 Q. And what, if anything, did you determine regarding
9 those 49 transactions and its proximity to Cecil Lane?

10 A. So they were in the vicinity of Cecil Lane and then
11 there were 17 additional nearby hits in that area.

12 Q. What were the hours that you looked at where these
13 49 transactions occurred in the vicinity of Cecil Lane for
14 that phone number ending in 2257?

15 A. It was on 4/23 and I believe it was from 5:00 p.m.
16 on.

17 Q. Do you have notes in that regard?

18 A. I do not have -- The first hit was at 11:28 a.m.
19 The last hit was at 9:47 p.m.

20 Q. That would be approximately 11:28 a.m. through 9:47
21 p.m.?

22 A. Correct.

23 Q. Now, for that phone after 9:47 p.m., did you have
24 any further activity?

25 A. There's not. There's no more activity after 9:47

1 p.m. on that date.

2 Q. And if a phone is cut off, would you see activity?

3 A. No. If a phone were turned off, if it didn't have a
4 signal, if the battery just died in it or if it were in a
5 location that it couldn't receive any coverage or even if the
6 phone's just not being used, then there wouldn't be any
7 information on the call detail record.

8 Q. Now, in addition to that phone, did you also have an
9 opportunity to review the cell phone records of the phone
10 attributed to Harriet Coleman on that same date April 23rd,
11 2017?

12 A. I did.

13 Q. Did you also examine those records for any activity
14 within the proximity of [REDACTED] Cecil Lane?

15 A. I did.

16 Q. What, if anything, did you determine?

17 A. That there were three hits in that area between 5:45
18 and 8:00 p.m.

19 Q. When you say within that area what, if anything, do
20 you recall?

21 A. I believe they were just off of South Lake on the
22 other side of the street from where Cecil is.

23 Q. Do you have an opinion as to whether the towers that
24 you observed would cover Cecil Lane?

25 A. Yes. They would.

1 Q. As for that phone what, if any, activity occurred
2 after 9:00 p.m.?

3 A. There was no more activity after 9:00 p.m. on that
4 date.

5 Q. And again, the reasons for that, potential reasons
6 for that?

7 A. The battery could have been dead, the phone could
8 have been cut off, or in the case of Ms. Coleman if the phone
9 was not using any kind of data whatsoever, it wouldn't provide
10 anything to me. It wouldn't provide any information, but
11 because of that additional PCMD information, if she were just
12 doing things like browsing the Internet, it would still give
13 me location phone information, so it would lead me to believe
14 the phone was either dead or turned off.

15 Q. Okay. Now, you mentioned that you also examined the
16 victim's phone records?

17 A. Correct.

18 Q. Did you examine those records for anything of
19 significance?

20 A. Generally what I look for in a victim's cell phone
21 records is pattern changes in their lifestyle or change of
22 life situations we generally refer to them. It's where things
23 are going one way and then suddenly they change.

24 Q. What, if anything, was significant about activity
25 with that phone after April 21st, 2017?

1 A. Looking at the phone records, you can see that there
2 was a major impact in the pattern of usage on the 21st. The
3 phone numbers that were contacted before and after changed
4 completely. The frequency of communication changed and also
5 the locations that had been used before and after were
6 different.

7 Q. What do you mean by different?

8 A. People are pattern oriented. We have the same
9 house, the same job --

10 MR. BELL: Objection, Your Honor.

11 BY THE WITNESS:

12 Q. -- we travel in the same --

13 MR. BELL: He's not qualified as an expert in the
14 field of what people do. I mean, that's beyond the
15 scope.

16 THE COURT: I'll allow you to ask him what he did to
17 look at or come up with the statement he made about the
18 changes.

19 BY MS. MAYES:

20 Q. Detective Travis, did that phone belonging or
21 attributed to Alena Kennedy remain in use even after the
22 21st?

23 A. Yes. It did.

24 Q. Did the use after the 21st appear consistent with
25 any of the previous activity and phone usage you saw in the

1 records?

2 A. No.

3 Q. And I believe you also had an opportunity to review
4 some Bank of America records in this case?

5 A. I did.

6 MS. MAYES: Your Honor, these were also the subject
7 of Code Section 19-5-520 notice of evidence, and we offer
8 them in evidence at this time.

9 THE COURT: What is the number please, ma'am?

10 MS. MAYES: This would be 131.

11 THE COURT: Any objection to State's 131?

12 MR. BELL: No, Your Honor.

13 THE COURT: They're in evidence without objection.

14 BY MS. MAYES:

15 Q. Whose name is that account in, Detective Travis?

16 A. Alena M. Kennedy.

17 Q. All right. And can you tell us whether or not there
18 are any transactions on April 23rd of 2017?

19 A. There are six different transactions.

20 Q. Okay. And do you see any transactions in the amount
21 of five dollars?

22 A. There's one in the amount of five dollars.

23 Q. Where is that?

24 A. The Pantry Express, South Congaree.

25 Q. All right. And do you see any restaurants?

1 A. There's a McDonald's in Lexington for \$20.83.

2 Q. What date were both of those transactions?

3 A. The transaction was run on 4/23 and it cleared the
4 bank on 4/25.

5 Q. For both McDonald's and then the five dollars Pantry
6 Express?

7 A. Correct.

8 MS. MAYES: Nothing further, Your Honor.

9 THE COURT: All right. Cross examination.

10 CROSS EXAMINATION

11 BY MR. BELL:

12 Q. Now, the tower information you mentioned like GPS.
13 Now, that's the tower location, not the location of the
14 phone?

15 A. Correct. They're GPS coordinates for the tower.

16 Q. For the tower. I want that to be clear. I think
17 you misspoke that you said it was a GPS location. I don't
18 think you verified that's the tower.

19 A. Correct. That is of the tower. All of these are
20 referring to the tower's location.

21 Q. Okay. And GPS, there's no exact science to cell
22 phone tower data, correct?

23 A. In what manner are you --

24 Q. There's different variables. There's variability in
25 that they're straight lines. It's not necessarily straight -

1 it's a vector, correct?

2 A. It's an azimuth. It's telling you what direction
3 the antenna points so it always points in the same
4 direction.

5 Q. It does, but in your maps here, I'm gonna show you,
6 you only have straight lines, correct?

7 A. Again, that's the azimuth. It's just a
8 representation of the direction the antenna faces.

9 Q. And this straight line doesn't mean that it goes all
10 the way to that far (indicating)?

11 A. Correct.

12 Q. And the distance in which a phone connects to a
13 tower depends on a lot of different variables?

14 A. Correct. It's all wave propagation.

15 Q. And it also includes the use of the network?

16 A. Correct.

17 Q. And that could cause you to jump to a different
18 tower if one network is full?

19 A. Correct.

20 Q. And obstructions could cause you to jump to another
21 tower from one phone to another - from one tower to another
22 with the phone?

23 A. If you were moving and something obstructed the
24 view, yes. If you were standing still though, no.

25 Q. The height of the tower could affect it, too?

1 A. To a certain degree, yes.

2 Q. Weather can affect it?

3 A. Yep.

4 Q. And so the straight line is just the direction but
5 it's actually a vector so it could be within --

6 A. Right. They have approximately 120 degrees of
7 coverage.

8 Q. And if you move to the other vector, it shows coming
9 to it a different direction?

10 A. Right. It would be the other azimuth.

11 Q. Okay. But it's still the same tower?

12 A. Still the same tower.

13 Q. So would you agree that these lines and the distance
14 of these lines is a bit misleading?

15 A. The lines again represent what direction the antenna
16 points, the length is just a standardized length. It's not
17 representative of the tower coverage.

18 Q. And within your program you can change the length of
19 the line?

20 A. That is a straight mapping program. I put in all
21 the parameters.

22 Q. So you put in the parameters of how long this line
23 which the azimuth is on?

24 A. Yeah. It's the standard length for cell phone
25 analytics.

1 Q. Standard length. It doesn't mean the standard
2 length of coverage of that tower?

3 A. Correct. Every tower has a different coverage.

4 Q. Based on the phone, too?

5 A. The phone doesn't have to do with it.

6 Q. The power of the phone?

7 A. (Witness shaking head.)

8 Q. Okay.

9 A. The power of the phone may change where it connects
10 to, but it doesn't change the strength of the tower.

11 Q. So the power changes - the power of the phone
12 changes the tower that it connects to?

13 A. It's possible to influence it, but it doesn't change
14 the range of the tower.

15 Q. Okay. Understood. And towers vary?

16 A. They do.

17 Q. And the average distance of a tower is probably
18 about 22 miles?

19 A. That is not an accepted average.

20 Q. No? It's not?

21 A. No.

22 Q. What would you say the average is?

23 A. Sprint has testified that their coverage is two to
24 ten miles. Verizon and ATT have never given us a accurate
25 estimate and the standard for the working groups for the

1 association is average about three miles.

2 Q. So the maximum is ten?

3 A. According to Sprint that's what the maximum of
4 theirs is.

5 Q. Okay. Maybe I misspoke there but the maximum
6 average around ten?

7 A. Sprint is two to ten miles. Most of the phone
8 companies consider that priority data and won't give out
9 accurate measurements and as you said, with propagation that
10 changes so it probably also leads into their decision.

11 MR. BELL: No further questions.

12 THE COURT: All right. Redirect?

13 MS. MAYES: No, sir, Your Honor.

14 THE COURT: Do you wish the witness to be excused?

15 MS. MAYES: Yes, sir, Your Honor.

16 THE COURT: All right. Sir, you are released from
17 your subpoena. Go back to your regular duties.

18 THE WITNESS: Thank you, sir.

19 THE COURT: Do you think we might want to clear some
20 of that away?

21 MS. MAYES: Yes, sir.

22 THE COURT: All right, ma'am. Who is your next
23 witness please, ma'am?

24 MS. MAYES: The State calls Dr. William Stevens.

25 THE COURT: All right.

1 Thereupon,

2 WILLIAM D. STEVENS

3 after having been first duly sworn, testified as follows,

4 THE CLERK: Please have a seat. Once you're seated,
5 state your full name spelling your last please.

6 THE WITNESS: William Stevens, S-t-e-v-e-n-s.

7 THE COURT: Go ahead, Solicitor.

8 DIRECT EXAMINATION

9 BY MS. MAYES:

10 Q. Tell us a little bit about yourself. Where are you
11 currently employed and in what capacity?

12 A. I'm employed at Richland County Coroner's Office as
13 a forensic anthropologist.

14 Q. How long have you been in that line of work?

15 A. 20 years.

16 Q. All right. Tell us what a forensic anthropologist
17 does and what your educational background and training is that
18 led you to become a forensic anthropologist.

19 A. Okay. The job of the forensic anthropologist is to
20 recover and identify human remains. We usually get involved
21 when they are decomposed skeletal remains, fragmentary, burned
22 remains, anything we can't readily identify by visual means at
23 an autopsy and we also get involved in interpreting traumatic
24 injury to the bones so our job is basically to come up with a
25 biological profile of the person from the unrecognizable so as

1 to determine the sex, age and race of a person.

2 Q. All right. What is your educational background?

3 A. I have a bachelor's in anthropology, a master's and
4 a Ph.D. in anthropology from Carolina.

5 Q. Now, Dr. Stevens, have you testified previously as
6 an expert in courts of this state in the field of forensic
7 anthropology?

8 A. Yes. I have.

9 Q. How many such times have you testified?

10 A. This is the fourth.

11 MS. MAYES: Your Honor, at this time we would offer
12 Dr. Stevens as an expert in the field of forensic
13 anthropology.

14 THE COURT: Do you wish to voir dire the witness or
15 challenge his qualifications?

16 MR. BELL: No, Your Honor.

17 THE COURT: All right. He's qualified to give his
18 opinion in the field forensic anthropology. You may
19 proceed.

20 BY MS. MAYES:

21 Q. First I want to ask you about your involvement in
22 this case concerning a victim by the name of Alena Kennedy.
23 Take us through how you became involved and what your work
24 was.

25 A. Okay. I received a call from the Lexington County

1 Coroner's Office on June 16th of 2017 regarding the remains
2 being found in a rural area of Lexington County and that was
3 kind of late in the day so I responded to go assist them on
4 the next day arriving in the morning out to the crime scene
5 where I met with the coroner and SLED CSI agents and the
6 Lexington County Sheriff's deputies, took photographs and
7 assisted them in -- Well, first made the determination these
8 are definitely human remains found in a trash can on the side
9 of the road and assisted them in searching for any additional
10 remains that were scattered around the area and then we
11 recovered those, the trash can and additional evidence and we
12 transported it back to the Richland County Coroner's Office
13 where I have a lab for forensic anthropology so that we could
14 work there in order to remove those remains from this garbage
15 can.

16 Q. All right. So to clarify, you were actually at the
17 crime scene out on Two Notch Road?

18 A. Yes. I went out there.

19 Q. And then beyond that did work in your lab?

20 A. That's correct.

21 Q. I'm gonna show you these photographs and ask you
22 whether or not you can recognize them. This would be State's
23 number 1, and then this series includes State's 3, State's 2,
24 State's 4, State's 5 and then State's 6 and ask you whether or
25 not you recognize those?

1 A. One at a time or whether I recognize all of them?

2 Q. Yes. All of them.

3 A. Okay. I do recognize all of them.

4 Q. Can you tell us whether or not they are a fair and
5 accurate representation as to numbers 1 and 2 of your
6 observations at the scene?

7 A. They are. That is the container, trash can at the
8 scene as I remember seeing it.

9 Q. And as to State's 3, 4, 5 and 6 are those a fair and
10 accurate representation of your work in this case regarding
11 the skeletal remains?

12 A. They are. That is work that took place at the
13 anthropology lab.

14 MS. MAYES: At this time, Your Honor, the State
15 would offer each of these items as evidence that were not
16 previously offered. I believe that's gonna be number 1
17 and 2, and actually all of these, Your Honor.

18 THE COURT: Okay. 1 through 6. Any objection?

19 MR. BELL: Take a look real quick, Your Honor. No
20 Objection.

21 THE COURT: Very good. So 1 through 6 are now in
22 evidence without objection.

23 BY MS. MAYES:

24 Q. Now, what relation is the study, if any, is the
25 study of anthropology to human bones?

1 A. Anthropology includes biological anthropology, a
2 field of anthropology which studies human variations, how
3 humans are similar, different, and how they age and how it
4 ties in with genetics, how populations are different, races
5 and we use biological anthropology and forensic anthropology
6 for the purpose of identifying humans.

7 Q. Having been at the scene, can you tell us whether or
8 not you recognize any bones in this photograph and what we're
9 looking at?

10 A. Yes. There are bones within the trash can and
11 scattered onto the dirt and in the puddle there.

12 Q. If you could show us where those are in the
13 photograph?

14 A. Yeah. (Witness complies.) Those are ribs and
15 vertebrae from the thorax of a human body. These are
16 vertebrae spilling out onto the ground. The lower portion of
17 the spine right there. That's a void in the concrete there
18 where you can see down into where the remains are.

19 Q. Some photographs are already in evidence. Do you
20 recognize yourself in this photograph, State's 29?

21 A. Yes.

22 Q. What color are you wearing?

23 A. I'm in the white Tyvek suit.

24 Q. State's 35, what, if anything, is occurring in this
25 photograph?

1 A. This is the process we use to remove the remains
2 from this garbage can and we're using screens there to recover
3 the burnt artifacts and remains that are present at the bottom
4 so we've got a trash can with a concrete layer and then ash
5 layer underneath the concrete so the concrete is on top and it
6 contains human remains and then there's human remains and a
7 layer of burned debris underneath it. We had to cut the trash
8 can to remove it from the concrete block and we carefully
9 worked it to recover every piece of evidence from the ash
10 layer and then we took the concrete block apart by breaking it
11 with tools to extract the rest of the bones. That's the
12 process going on right there.

13 Q. Are any bones present in State's 35 in this
14 photograph?

15 A. Yes. Bones being extracted right there and there's
16 fabric material and more bones right there.

17 Q. I'm gonna show you 36 and ask you what we're looking
18 at here.

19 A. You're looking at ribs and vertebrae and a clavicle,
20 part of the shoulder.

21 Q. Now, from these bones that you recovered what, if
22 any, type of analysis were you able to do and how did you go
23 about that?

24 A. Well, given that they are burned and fragmentary
25 there are some steps involved. There's also decomposed soft

1 tissue, a minimal amount of it, but we had to clean them and
2 then what we do in forensic anthropology we will then arrange
3 those bones in anatomical order by position of all the parts
4 and so we can identify things like a pattern. If there are
5 fractures, if there's trauma, we want to see it all laid out
6 in relation to each other and we undertook first to recover
7 them, to clean them and then to lay them out in order and then
8 photography and documentation of everything that's there and
9 also an inventory of what might be missing when we have
10 remains like this.

11 Q. State's 3 you identified a few moments ago in
12 evidence. I'm gonna ask you what we're looking at here. If
13 you can take us through your observations regarding these
14 skeletal remains.

15 A. Okay. Here are all the remains that we recovered
16 laid out in order and you can see that the torso, shoulder
17 blades and skull are fairly intact. This is kind of a common
18 pattern from burning. When you burn a fresh body, the limb
19 bones will kind of curl up in a position and they will be
20 exposed to heat for longer and hotter temperatures and
21 they will char, whereas the rest of the body is kind of
22 protected for a little while depending on how long the fire
23 goes on and the torso and head can be protected from the
24 severity of the burning so that's why you see the limb bones
25 especially the right arm and right leg being burned into

1 fragments. So when a body is burned and when bones, when it's
2 done to the bones, they undergo changes in color and then they
3 get charred and then they fracture. So that's what you see
4 going on and that also happened to the skull and the other
5 parts that are in two piles there and there are parts that
6 couldn't be put where they go because they are burned beyond
7 recognition.

8 Q. And State's 6 you identified a few moments ago also
9 in evidence, what are these items in State's 6?

10 A. These are all the material artifacts, items in the
11 burn layer of ashes that were not human bones so they were
12 like hinges and parts of doors, metal things, nails and
13 screws.

14 Q. Okay. Regarding these items and specifically what
15 is this item?

16 A. A door hinge, plate and there's some fabric up to
17 the top left.

18 Q. All of those items came from what location?

19 A. Everything in the photo came from the garbage can.

20 Q. Now, we saw just a few moments ago the skeletal
21 remains. How, if at all, do you go about examining the
22 remains for any evidence of injury?

23 A. We look over every bone and use magnification and
24 look for anything that looks like perimortem trauma which
25 means it occurred around the time the body was fresh at or

1 around the time of death and fractures have a characteristic
2 appearance, blunt force, gunshot wounds we can distinguish
3 what those look like based on kind of the mechanics of bone,
4 how it behaves when it breaks. So we go over every portion of
5 the skeleton. We, in this case we have fire damage,
6 postmortem damage, but we sort out the parts that are relevant
7 to injuries or to damage to the body prior to the postmortem
8 events that took place in this case burning and encasement in
9 concrete.

10 Q. I'm gonna show you these two items and ask you
11 whether or not you recognize them?

12 A. I do.

13 Q. And who sketched this diagram?

14 A. I produced a diagram to show how the body was placed
15 in the trash can.

16 Q. This is your work?

17 A. That's mine.

18 Q. And if you could tell us what, if anything, we're
19 looking at in this image?

20 A. Two diagrams, anterior and posterior of the human
21 skeleton female that reflect all the bones in the skeleton and
22 their anatomical position in the body.

23 MS. MAYES: Your Honor, at this time the State would
24 offer both of these items as evidence and they are 133
25 and 134.

1 THE COURT: All right. 133 is which one?

2 MS. MAYES: That would be the skeleton. 134 would
3 be the diagram of the --

4 MR. BELL: I have no objection with this. I do have
5 objection to --

6 THE COURT: All right. So let me be clear. 134 is
7 the diagram he did of the position of the body in the
8 trash can?

9 MS. MAYES: Yes, sir, Your Honor.

10 THE COURT: All right. And 133 is a general
11 description of the skeletal position of a female person?

12 MS. MAYES: Yes, sir, Your Honor. I can lay a
13 foundation.

14 THE COURT: All right. Please.

15 BY MS. MAYES:

16 Q. If you could take a look at this for a moment
17 yourself, Dr. Stevens.

18 A. Yes, ma'am.

19 Q. Can you tell us whether or not that image properly
20 reflects the female anatomy?

21 A. It does.

22 Q. Does that include the skeletal portions of the human
23 body?

24 A. It does. It appears to be a complete skeleton.

25 Q. Does it appear consistent with your education and

1 training of the human anatomy?

2 A. It does.

3 Q. Can you tell us whether or not this would aid you in
4 your description of your findings?

5 A. It would. It would allow me to show locations of
6 certain features of the skeleton and trauma.

7 MS. MAYES: For evidence, Your Honor.

8 THE COURT: All right. I'm gonna allow State's 134
9 in evidence without objection. You continue your
10 objection to 133?

11 MR. BELL: I do, Your Honor.

12 THE COURT: I'm gonna allow 133 in evidence over the
13 objection of defense. You may proceed.

14 MS. MAYES: I want to ask you about your image that
15 you indicated that you sketched. With the Court's
16 permission may the witness step down?

17 THE COURT: All right. Sir, I'll allow you to step
18 down and use that microphone and please make sure you
19 keep your voice up.

20 THE WITNESS: Yes, sir.

21 BY MS. MAYES:

22 Q. Come around this side so the court reporter can hear
23 you. Speak loud enough even for the last juror to hear you.
24 Looking here at State's 134 --

25 THE COURT: Do you think you could move it back so

1 the court reporter can see him?

2 MS. MAYES: Yes, sir, Your Honor.

3 THE COURT: There you go. Good.

4 BY MS. MAYES:

5 Q. Dr. Stevens, take us through this sketch, what we're
6 looking at.

7 A. Okay. I made this as I noted not to scale. This
8 is, we did lots of measurements of this item of evidence, but
9 I used this just for reference. It's based on photographs and
10 our physical act of removing the remains just to document
11 which way the skull is pointed, which way the vertebrae and
12 ribs are oriented and that the locations of the big items of
13 evidence that we saw in the picture up there.

14 Q. All right.

15 A. And what we see is the remains placed essentially
16 head down in the trash can with concrete poured on top and the
17 void is empty space where the body has decomposed so the
18 concrete did not completely cover the whole body. The pelvis
19 is sticking up in the air and when decomposition happened,
20 that left a hole there, so when this trash can was knocked
21 over as you saw in the crime scene photo, remains then fell
22 out or were removed by activity of animals.

23 Q. Where is the skull in relation to your diagram?

24 A. Down at the bottom.

25 Q. Where is the pelvis?

1 A. The pelvis is up here.

2 Q. What, if anything, does that indicate about the
3 placement of the body prior to the concrete being poured on
4 top of it?

5 A. Head down with the hips or pelvis in the air and
6 limbs were kind of folded together so maybe almost a fetal
7 position.

8 Q. What was the general size of the trash can?

9 A. It was about 16 inches wide and I don't recall the
10 depth of it but three, three and a half feet estimate.

11 Q. Having removed the skeletal remains were you able to
12 determine whether there was any type of injury to the skeletal
13 remains or damage to the skeletal remains?

14 A. Yes.

15 Q. All right. And then through your training and
16 experience are you able to make a determination as to whether
17 any of those injuries may have occurred prior to the
18 burning?

19 A. Yes.

20 Q. Okay. And what, if any, determinations did you make
21 in that regard?

22 A. Okay. Well, we did a process of removing them,
23 cleaning them up, and as you say laying them out in order and
24 then looking over every bone we found examples of rib
25 fractures at locations on the skeleton.

1 Q. I'm gonna show you what is State's 133. Now, if you
2 need to refer to your notes, just let me know.

3 A. Okay.

4 Q. How do you go about making a determination as to
5 whether any injuries occurred before a fire?

6 A. Well, in this case we documented fractures occurring
7 at the base of the neck on the first and second vertebrae -
8 I'm sorry - first and second ribs which articulate or attach
9 to the higher thoracic vertebrae up here right beneath your
10 neck and they were on both sides. Two of them, the highest
11 ones on the first ribs - sorry - two are present on the first
12 ribs and the one on the side displayed discoloration between
13 the fragments of the fracture so one part of the fracture is
14 subjected to the fire, the other part was not damaged by heat.
15 We can see that from the color change and what that means is
16 that the fracture occurred prior to the body being burned
17 because when say a fracture takes place and is displaced, that
18 means the bone is pushed down into the body cavity and the
19 outer portion remains on the, closer to the thin skin area of
20 the back and it was subjected to fire so there's a bone in two
21 different pieces fractured and it's two different
22 discoloration changed by heat so it happened prior to burning
23 if that makes sense.

24 Q. All right. Now, can you clarify what portion of the
25 --

1 MR. BELL: Objection, Your Honor. May we approach?

2 THE COURT: Yes, sir.

3 (Side bar offer the record.)

4 BY MS. MAYES:

5 Q. Can you clarify, Dr. Stevens, which portion here on
6 the female skeleton diagram you're referring to as having
7 observed these injuries that appeared to have occurred prior
8 to the fire?

9 A. Okay. The one definitely occurring prior to fire is
10 right here. I can mark on it?

11 Q. Yes.

12 A. Okay. It's a complete fracture. It's broken in two
13 pieces and displaced, like pushed into the body cavity.
14 You want me to put the other fractures on here?

15 Q. Yes.

16 A. (Witness complies.)

17 Q. Those are before the fire?

18 A. Those are, they're in the same pattern as the one -
19 they don't show the same burning discoloration that indicates
20 they were definitely before the fire, but by association they
21 look like the same pattern of injury. They could be before
22 the fire and they're also more protected by the muscles of the
23 shoulder blade so they may be something that doesn't get
24 exposed to burning as quickly.

25 Q. I'm gonna back up a little bit. This is rib number

1 what?

2 A. One.

3 Q. And this is rib number what?

4 A. One.

5 Q. Those two ribs, do you have an opinion as to whether
6 or not the injury you observed to those two ribs, rib number 1
7 on the left and rib number 1 on the right occurred before or
8 after the fire?

9 A. Right definitely and left probably.

10 Q. All right. Now, when looking at ribs, did you also
11 have the opportunity to examine the actual cervical
12 vertebrae?

13 A. I did.

14 Q. Did the cervical vertebrae, how did it appear?

15 A. They were intact. Normal.

16 Q. Any indications of a broken neck?

17 A. No.

18 Q. Okay. So where the ribs are concerned, you have
19 noted number 1. What are we looking at now below rib number 1
20 on the left and rib number 1 on the right?

21 A. The second rib right and left.

22 Q. Okay. And for those injuries are you able to make a
23 determination as to whether they occurred before or after the
24 fire?

25 A. No.

1 Q. Now, when you have activity such as depicted in
2 State's 134, how, if at all, does the handling of the remains
3 impact your findings?

4 A. Well, they can, in the early period after death we
5 can get fractures from transporting the body from putting it
6 in the trash can from dumping concrete on top of it, that can
7 result in fractures so...

8 Q. Okay. Do you know based on your training and
9 experience whether or not these injuries occurred at the time
10 of death?

11 A. I thought they're perimortem based on the
12 characteristics of the fractures, the fresh bone breaks and
13 they are in a pattern that tells me about compressive force
14 and/or twisting to the base of the neck, that's what those
15 represent and they're perimortem so at or near around the time
16 of death.

17 Q. When you say compressive force, can you tell us what
18 you mean by that?

19 A. Applying force directly to the base of the neck
20 and/or twisting. When you twist an area like that around the
21 cervical, you're gonna fracture the places where the ribs
22 attach to the vertebrae.

23 Q. All right. And do you have an opinion as to whether
24 or not those injuries are consistent with a fall?

25 A. No. Those are in a protected area which usually is

1 not representative of a fall. Those tend to be more lateral
2 fractures from a fall and arm breaks and things like that.

3 Q. Thank you. You may return.

4 A. (Witness complies.)

5 Q. Now, in regards to strangulation injuries, Dr.
6 Stevens, are you able to make any determination regarding that
7 type of injury and please explain?

8 A. Well, in this case I think I'll defer to the
9 pathologist on that because I lack any evidence of, and I'm
10 not an expert on soft tissue, so what I'm seeing is applied
11 force and fracture, but it indicates violence to the body, but
12 strangulation itself is more of a diagnosis that a pathologist
13 makes.

14 Q. That's because it would require what type of
15 tissue?

16 A. It would require the throat, the airway, things that
17 are decomposed, so I'm just looking at bones in this case.

18 Q. All right. So with a strangulation injury that
19 would involve soft tissue, do you have any evidence of soft
20 tissues remaining for Alena Kennedy?

21 A. I do not. It was all liquefied so decomposed kind
22 of fluid. That's what the soft tissue turns into.

23 Q. Any skin?

24 A. Very little. Just mostly fluid.

25 Q. Any fingernails?

1 A. I don't think we recovered any fingernails. Those
2 are gonna be burned away like the arms were.

3 Q. Any larynx?

4 A. No.

5 Q. If there were hemorrhaging or bruising to these
6 remains, would you be able to see it?

7 A. I would not.

8 Q. I'm going to show you what is State's 4 and State's
9 5 also in evidence and ask you if you're familiar with these
10 items and if so, how?

11 A. I am. Those are photographs of the cervical
12 vertebrae and first rib.

13 Q. And did the cervical vertebrae, how did it appear to
14 you?

15 A. This one was has postmortem damage. That is
16 actually not trauma fracture.

17 Q. All right.

18 A. There was fracture to a thoracic vertebra.

19 Q. But in terms of the cervical vertebrae 1 through
20 8?

21 A. They're all intact.

22 Q. All right. And what are we looking at in State's
23 5?

24 A. The first rib there.

25 MS. MAYES: I believe State's 5 is in evidence, Your

1 Honor?

2 THE COURT: Yes. 5 is in evidence. 1 through 6 are
3 in evidence. Yes. They are.

4 BY MS. MAYES:

5 Q. If you could tell us, Dr. Stevens, what we're
6 looking at here?

7 A. That is the first left rib up here in the shoulder
8 girdle and it is the fracture I told you about that has color
9 differentials and displaced fractures so that is the one that
10 you can see heat damage on the posterior end. Let me get my
11 pointer. Right there. And then the rest of the bone is
12 completely unaffected by the fire so that's a pre-existing
13 fracture on the body prior to it being burned.

14 Q. Do you know if an injury such as this can also occur
15 due to mishandling of a body?

16 A. It probably can, compressive force and/or twisting
17 of the head or neck.

18 Q. All right. Now, what is meant by the hyoid bone?

19 A. The hyoid bone anchors the larynx and throat
20 cartilage and it is a bone in your throat area that can be
21 normally in three pieces so it has a body and then it has two
22 wings on it and as you get older it will fuse together as the
23 cartilage turns to bone along with your thyroid cartilage in
24 your throat can also turn into bone as you get older.

25 Q. What, if any, observations did you make regarding

1 the hyoid bone?

2 A. We recovered the hyoid bone and it's in three parts
3 and they are not fused together and that's a normal state of a
4 younger person having three different parts and it displayed
5 no irregularities and no fractures to it.

6 Q. Where is the hyoid bone in relation to the body?
7 Can you show us?

8 A. Right here (indicating.) It kind floats in there
9 and doesn't attach onto anything directly.

10 Q. And what, if anything, is unique about this area of
11 the body?

12 A. So specifically here, uhm, well, the hyoid bone as I
13 said is in three parts and unfused so it's a flexible bone at
14 this point in her remains.

15 Q. And is that depicted in your report?

16 A. I have a photo of the hyoid and its three parts
17 arranged as it sits naturally in the body.

18 Q. What, if anything, did you determine about the
19 condition of the hyoid bone?

20 A. It was intact.

21 Q. And who took that photograph?

22 A. I took that photograph.

23 Q. Was it included in your report?

24 A. Yes. It was.

25 Q. Is that what we're looking at in this photo?

1 A. It is.

2 Q. Okay. And can you tell us whether or not that
3 accurately depicts the hyoid bone of Alena Kennedy?

4 A. It does.

5 MS. MAYES: And, Your Honor, this would be State's
6 132 for evidence.

7 THE COURT: Any objection?

8 MR. BELL: Your Honor, I need to see that. There's
9 a picture on the back of it as well. That's what I would
10 object to.

11 THE COURT: Let me see it please.

12 MS. MAYES: We can substitute or redact at a later
13 time.

14 THE COURT: All right. Before it goes to the jury
15 then you will just put one in that just shows what's up
16 front in 132. With that I'll allow it into evidence.

17 BY MS. MAYES:

18 Q. So if you could, tell us what we're looking at here
19 in State's 132. And you may step down.

20 A. (Witness complies.) Okay. We're looking at the
21 hyoid bone, the body part of it, the center right here and the
22 two sides of it which are in the order it would appear in your
23 throat cartilage.

24 Q. And what is located here in these areas?

25 A. Those are where the bone is in three parts so

1 there's cartilage between the bone, the wing, cartilage, body,
2 cartilage, and then the other wing.

3 Q. What, if anything, is significant about the presence
4 of cartilage between those bones?

5 A. That means it's flexible so if you bend, it will
6 give, flex, the sides of it.

7 Q. Do you always necessarily expect a fracture to the
8 hyoid bone if there's --

9 MR. BELL: Objection, Your Honor. Leading and he
10 also just testified this was outside the scope of his
11 ability to --

12 THE COURT: Well, why don't you ask him a couple
13 questions about that if you didn't mind first, okay?

14 BY MS. MAYES:

15 Q. Regarding the hyoid bone as it relates to injuries,
16 is that something you're familiar with?

17 A. Yes. From the skeletal remains and from seeing the
18 autopsies. Yep.

19 Q. All right. Can you tell us whether or not you have
20 studied the role of the hyoid bone in pathology, specifically
21 in the field of autopsies, pathology and forensic
22 anthropology, your field?

23 A. Yes. I have seen it on the job countless times with
24 autopsies so the role of - the pathologist always examines the
25 hyoid and the throat cartilage.

1 Q. And you have been present for that when that
2 occurred?

3 A. Many times. Yes.

4 Q. Do you always necessarily expect injuries to the
5 hyoid bone when there's a compression of that part of the
6 body?

7 A. No.

8 Q. And why not or why not?

9 MR. BELL: Objection, Your Honor.

10 THE COURT: I'm gonna allow that.

11 BY MS. MAYES:

12 Q. And why or why not?

13 A. Because it's a flexible bone especially at a younger
14 person's age. At an older person age you can see fractures
15 when it ossifies and loses the cartilage.

16 MS. MAYES: Thank you. You man return. Nothing
17 further of the witness at this time, Your Honor.

18 THE COURT: All right. Cross examination.

19 CROSS EXAMINATION

20 BY MR. BELL:

21 Q. Do you mind stepping down?

22 A. (Witness complies.)

23 THE COURT: Remember to keep your voice up.

24 THE WITNESS: I'm sorry.

25 THE COURT: Just remember to keep your voice up.

1 THE WITNESS: Yes, sir.

2 BY MR. BELL:

3 Q. Looking at State's Exhibit 133 that's been
4 introduced into evidence, would you include the additional
5 perimortem fractures to the rib section?

6 A. Yes.

7 Q. Would you mark those on this diagram?

8 A. Yes, sir. Can I refer to my diagram there to get it
9 correct?

10 Q. You may. You may.

11 A. To get it correct.

12 THE COURT: As best you can, do not stand in front
13 of the court reporter.

14 MR. BELL: I apologize.

15 THE COURT: That's all right. So he can see the
16 witness. Thank you.

17 BY MR. BELL:

18 Q. Where are these additional fractures?

19 A. Okay. These are lower down on the left side of the
20 ribs on the ribs number 3, 4, 5 and then one vertebra has a
21 lateral fracture connecting to those rib fractures that's
22 right in there.

23 Q. And you said that perimortem means at or about the
24 time of death prior to the burning here?

25 A. These I can't tell you definitively that they

1 occurred prior to the burning because they don't show signs of
2 burning, but they're also protected by as the torso escaped a
3 lot of the fire damage.

4 Q. I'm gonna read here. Do you recognize this?

5 A. Yes.

6 Q. Is that your signature there?

7 A. Yes.

8 Q. Skeletal remains display evidence of perimortem
9 trauma of the vertebrae and the ribs which is consistent with
10 blunt force trauma to the sternal region. That's not included
11 in that report, correct, what you just said?

12 A. How so?

13 Q. You said that was not perimortem.

14 A. No. The perimortem, absolutely. All of them appear
15 as perimortem fractures. They are fresh bone breaks that
16 occurred at or around the time of death. I itemized them in
17 there at the end of the report so... And by saying sternal,
18 I'm referring to that region of the upper chest.

19 Q. Do you recognize this document?

20 A. I do. Yes, sir.

21 Q. What is this?

22 A. This is an arrangement of the thorax, the vertebrae
23 and the ribs laid out in kind of a close up photo of our
24 skeleton and showing in pink areas the location of every
25 perimortem trauma.

1 MR. BELL: We'll mark this as Defense Exhibit 4.

2 (Whereupon, Defendant's Exhibit #4 marked for
3 identification.)

4 MR. BELL: I move this into evidence.

5 THE COURT: All right. So Defendant's Exhibit 4.
6 Any objection?

7 MS. MAYES: No objection from the State, Your Honor.

8 THE COURT: It's in evidence without objection.

9 BY MR. BELL:

10 Q. And in your report you said this was consistent with
11 blunt force trauma to the sternal region?

12 A. Yes.

13 Q. Sternal region being this area?

14 A. Sternal area and shoulder girdle.

15 Q. Blunt force trauma would be impact?

16 A. Impact, compression and/or torsion as a component
17 that produces these type of fractures generally considered, we
18 label them blunt force to distinguish between gunshot, sharp
19 force and blunt force.

20 Q. The Solicitor didn't ask you to show any of these
21 injuries. You can have a seat. The Solicitor didn't ask you
22 to show any of these additional injuries during your
23 testimony.

24 A. That's correct. We discussed the ones that occurred
25 in the upper region and prior to the fire.

1 Q. These also --

2 THE COURT: Let him sit down before -- Go ahead and
3 sit down.

4 THE WITNESS: (Complies.)

5 THE COURT: All right. Go ahead.

6 BY MR. BELL:

7 Q. These injuries also occurred prior to the fire that
8 you just marked; is that correct?

9 A. The ones I just marked I cannot tell you whether
10 they occurred prior to the fire because they are perimortem,
11 but they don't display evidence that shows differential and
12 effects of burning as did the first rib.

13 Q. I'm showing you figure 18 from your report. Do you
14 recognize this?

15 A. I do.

16 MR. BELL: I'll mark this as Defense Exhibit 5.

17 (Whereupon, Defendant's Exhibit #5 marked for
18 identification.)

19 THE COURT: Any objection? Any objection to that
20 one?

21 MS. MAYES: Is it the entire report?

22 MR. BELL: No, Your Honor.

23 THE COURT: You'll have your opportunity in
24 redirect.

25 MR. BELL: It's exhibit 18.

1 THE COURT: Is there any objection to that?

2 MS. MAYES: No, sir, Your Honor.

3 THE COURT: All right. Very good.

4 MR. BELL: I move this into evidence.

5 THE COURT: I'm gonna allow Defendant's Exhibit 5 in
6 evidence.

7 BY MR. BELL:

8 Q. And this is figure 18 from your report?

9 A. That's correct.

10 Q. And this indicates that perimortem fractures figure
11 15 and 18 occurred prior to burning of the body and are not
12 related to heat or encasement in concrete. This is your
13 report.

14 A. Mm-hmm. That's correct.

15 Q. That is not what you just said right there?

16 A. There's a portion of them that do reflect that they
17 occurred prior to the burning. The other ones I can't tell
18 you if they did or not because they weren't affected by
19 burning and they are fresh bone breaks.

20 Q. They weren't affected by burning. They're fresh
21 bone breaks.

22 A. Right.

23 Q. Indicating perimortem trauma or perimortem fractures
24 is indicated in your report?

25 A. Right, sir.

1 Q. Which you issued on July 18th, 2017?

2 A. That's correct.

3 Q. Prior to your discussions with the Solicitor's
4 Office last week, correct?

5 A. That's correct.

6 Q. You met with them last week prior to coming up here
7 and marking on this chart?

8 A. Correct.

9 Q. And they didn't include these additional fractures
10 that are within your report?

11 A. Correct.

12 Q. So we just testified about the hyoid bone. Do you
13 recognize this?

14 A. I do.

15 Q. What is this?

16 A. That's the hyoid bone of Alena Kennedy.

17 MR. BELL: Mark this as Defense Exhibit 5.

18 (Whereupon, Defendant's Exhibit #5 marked for
19 identification.)

20 THE COURT: Any objection to Defendant's 5?

21 MS. MAYES: No, sir, Your Honor.

22 THE COURT: It's in evidence without object.

23 MR. BELL: I'd offer in evidence Defendant's Exhibit
24 5.

25 THE COURT: I already ruled it in evidence.

1 MR. BELL: Thank you, Judge.

2 BY MR. BELL:

3 Q. Now, you just testified there was no fractures to
4 the hyoid bone?

5 A. That's correct.

6 Q. And you just testified that you have knowledge about
7 strangulation and fractures to the hyoid bone.

8 A. I have seen it many times. Yes, sir.

9 Q. Are you aware that one third of all victims of
10 strangulation show fractures to the hyoid bone?

11 A. Anecdotally I can't tell you the percentage. I have
12 seen when they are fracture or not. But it's age dependent
13 based on the condition and not occurring in younger
14 individuals.

15 Q. On direct you just made the assertion that the hyoid
16 bone unfractured doesn't matter?

17 A. The hyoid bone is unfractured in this case. That's
18 what we have. Yes.

19 Q. But you're aware that one-third of all strangulation
20 shows a fractured hyoid?

21 A. I'm not aware of that fact, that statistic.

22 Q. And you have only seen autopsies. You have never
23 studied it.

24 A. I have studied skeletal fractures and hyoids can
25 fracture, but yes, observed in autopsy.

1 Q. And you would agree that evidence of a hyoid
2 fracture would be relevant to a diagnosis of strangulation?

3 A. It would be relevant.

4 Q. So if there was a fracture, it would be relevant to
5 strangulation?

6 A. It would be relevant to strangulation or force
7 applied to the throat if there was one.

8 Q. But in this case you're telling me it's not
9 relevant?

10 A. It's relevant to the fact that there is none because
11 it's a bone that's still intact and flexible.

12 Q. Your report doesn't indicate any orbital
13 fractures?

14 A. Orbital did you say?

15 Q. Yes.

16 A. Referring to the skull?

17 Q. Yes.

18 A. It does not. No.

19 Q. And during your examination of these remains, there
20 are no markings on these bones to indicate any serration with
21 any type of tool such as a saw?

22 A. I found no tool marks on the bones. It should be
23 noted that the limbs as you saw were charred and burned to
24 fragments, but among the fragments no evidence of any tool
25 marks.

1 Q. But given an impact to the chest such as a football
2 tackle would be considered blunt force trauma?

3 A. Yes. That would.

4 MR. BELL: I have no further questions.

5 THE COURT: Redirect.

6 MS. MAYES: Yes, sir, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. MAYES:

9 Q. Dr. Stevens, if you could take your time, I want you
10 to refer directly to your report.

11 A. Okay.

12 Q. Were you able to, to a reasonable degree of
13 certainty within your field of forensic anthropology, were you
14 able to make a determination as to which, if any, injuries
15 occurred before the fire and if so, if you could tell us --

16 MR. BELL: Objection, Your Honor. Beyond the scope
17 of my questioning.

18 THE COURT: I'm gonna allow it. I believe it is
19 proper redirect. I'm gonna allow it. Go ahead.

20 BY MS. MAYES:

21 Q. -- and, doctor, we're talking about before the fire,
22 based upon your opinion to a reasonable degree of scientific
23 certainty in your field?

24 A. Before the fire, prior to burning, the fracture of
25 the left first rib right there occurred.

1 Q. All right. Are there any other fractures that you
2 can say to a degree of scientific certainty within your field
3 occurred before the fire?

4 A. Based on their association to this left first rib,
5 they look like a pattern consistent with a pattern of trauma
6 to the lower neck compression and/or twisting, so they are
7 associated, they're in a pattern of standard type of injury
8 there. They don't display the burning characteristics but
9 they are also shielded by muscles.

10 Q. As to the other fractures are you able to make a
11 determination to a reasonable degree of scientific certainty
12 in your field as to whether or not they occurred before or
13 after the fire?

14 A. The left side fractures I can't make a determination
15 because they are protected. They don't display any burning
16 but, and they are fresh bone breaks, i.e., perimortem around
17 the time of death, but I cannot confidently say they occurred
18 prior to or after the burning of the body.

19 Q. In terms of your report that you were questioned
20 about and the term perimortem, what is your definition within
21 your field of that term perimortem?

22 A. Perimortem refers to fresh bone break, i.e., the
23 bone was fleshed and it's protected and it still displays its
24 collagen fibers, everything in that bone that makes it, you
25 know, it's not a dry bone break. Dry bone breaks are

1 differentiated by borders that are ragged margins and they
2 stain different colors and this is clearly on the intact body
3 is when these fractures occurred.

4 Q. Okay. Now, can perimortem injuries occur after
5 death?

6 A. Within anthropology the perimortem period is longer
7 or broader than within forensic pathology because we don't
8 have the condition of the bone, we don't have the soft tissues
9 and the hemorrhage and the bruising of tissues that we can
10 look at. We just look at the bone. That means it's a longer
11 period, a lot of more gray area than within forensic
12 pathology.

13 Q. Is there a specific time limit for that?

14 A. It depends entirely on the condition that the body
15 is in so in cold climate or being burned or being in the hot
16 summertime, things happen more rapidly so there's a lot of
17 variables in that.

18 Q. Okay. And for all of these injuries regardless of
19 when they occurred can you tell us whether or not mishandling
20 of the body can produce such injuries?

21 A. Yes. Mishandling of the body, applying weight to
22 it, any sort of thing that produces, replicates some blunt
23 force or pressure.

24 MS. MAYES: Thank you. Nothing further.

25 THE COURT: And questions on those questions just

1 asked?

2 RECROSS EXAMINATION

3 BY MR. BELL:

4 Q. The additional information that you provided
5 regarding these injuries, please find it in your report.

6 A. Do you have a specific question in mind about a
7 specific injury?

8 Q. The question she just asked you relating to the
9 additional fractures which I had you add to this chart, where
10 in your report is that information?

11 A. Okay. It's itemized in an appendix here. Let me
12 get it for you. I got a bit disorganized. It is here.
13 Appendix B, the last page and shows the location of every
14 perimortem injury on the last page.

15 Q. And every single one of these rib injury 1,
16 perimortem fracture, rib injury 2, perimortem fracture, rib
17 injury 2, perimortem fracture, rib injury 3, perimortem
18 fracture, rib injury 4, perimortem fracture, rib injury 5,
19 perimortem fracture. The additional information which you
20 just testified to about these additional fractures that I had
21 you add, where is that additional information within your
22 report?

23 A. Well, that's it, the location of them and the fact
24 that they are perimortem fresh bone breaks and then the one
25 that's clearly before the fire is indicated in the last

1 paragraph and described in greater detail so... But all of
2 them represent perimortem fresh bone breaks and they're all
3 documented on the diagram and in the appendix.

4 Q. Thank you.

5 A. Yes, sir.

6 THE COURT: Any further questions?

7 BY MR. BELL:

8 Q. One question. Where in your report does it mention
9 anything about twisting?

10 A. Uhm, it does not so that is my expert opinion about
11 the things that can produce those type of fractures.

12 Q. So back in July of 2017 that information wasn't in
13 your report?

14 A. No. I described the location and the way they were
15 oriented so I didn't describe the forces that produced them at
16 that point.

17 Q. And if somebody mortal combat style grabs somebody
18 by their neck and made a C clamp and jerked backed, would you
19 expect a fracture to the hyoid bone?

20 A. It's possible.

21 MR. BELL: No further questions.

22 THE COURT: All right. Do you wish the witness to
23 be excused?

24 MS. MAYES: Yes, sir, Your Honor.

25 THE COURT: Any objection?

1 MS. MAYES: Yes, sir, Your Honor. The State calls
2 Detective Mike Phipps.

3 THE COURT: Please come around to be sworn.
4 Thereupon,

5 MICHAEL PHIPPS
6 after having been first duly sworn, testified as follows,

7 THE CLERK: Please have a seat. Once you're seated,
8 state your full name spelling your last please.

9 THE WITNESS: Michael Phipps, P-h-i-p-p-s.

10 DIRECT EXAMINATION

11 BY MS. MAYES:

12 Q. Good morning. Tell us a little bit about yourself.
13 Where are you employed?

14 A. I work for the Lexington County Sheriff's
15 Department.

16 Q. What kind of work do you do there?

17 A. Currently I do forensic examinations on digital
18 evidence. I work with the task force of South Carolina,
19 Electronic Crime Task Force. It's a task force set up by the
20 Secret Service and I'm a full-time task force officer within
21 that task force.

22 Q. And if you could pull the microphone just a little
23 bit closer to you. How long, Sergeant Phipps, have you been
24 in the field of examining cellular phones, electronic devices
25 and computers for analysis?

1 A. Approximately 12 years. During that time I was in
2 the crime scene unit. I was a crime scene officer for 13
3 years and during that time a collateral duty that we had was
4 we also examined digital evidence primarily cell phones.
5 During that time about four years ago I left the crime scene
6 unit as far as responding to crime scene calls and dedicated
7 one hundred percent to doing forensic exams on digital
8 evidence.

9 Q. All right. And what, if any, type of work do you do
10 in conjunction with the United States Secret Service?

11 A. Like I said, I was a full-time task force officer.
12 I work out of the Secret Service lab and that's all we do is
13 we intake digital evidence whether it's cell phones,
14 computers, GPS devices.

15 Q. What type of certifications or special training do
16 you have in this field?

17 A. I've had over 700 hours of instruction in digital
18 evidence over the last 12 years.

19 Q. Have you testified previously as an expert in the
20 field of computer analysis, cell phone analysis and digital
21 devices analysis?

22 A. I have.

23 Q. Do you have an estimation of how many times you have
24 been qualified as an expert in that field in courts of this
25 state?

1 A. At least 13 times as far as digital evidence is
2 concerned. A couple of additional times when it refers to
3 cell phone records.

4 Q. What was the most recent training that you received
5 in this field?

6 A. I actually just came back last week from training in
7 Alabama, a three week course of training.

8 MS. MAYES: Your Honor, at this time the State would
9 offer Sergeant Mike Phipps as an expert in the field of
10 forensic analysis of digital and media devices including
11 cell phones.

12 THE COURT: Do you wish to voir dire the witness or
13 challenge his qualifications?

14 MR. BELL: No, Your Honor.

15 THE COURT: All right. I'm gonna qualify him to
16 give his opinion in the field of forensic analysis in the
17 areas of computers, cell phones and digital equipment.
18 You may proceed.

19 BY MS. MAYES:

20 Q. Now, take us through the process when you are
21 getting ready to conduct analysis in terms of chain of custody
22 and how you go about ensuring that the item remains secure?

23 A. Since I work out of a lab, I usually, the first
24 indication I get is a request from the officer involved in the
25 case. He will send me an e-mail. He'll usually attach a

1 search warrant to that email. I will then take that, go to
2 our evidence unit where the evidence is securely stored, I'll
3 sign that evidence out, I'll verify that the seals on the
4 evidence are still intact, that no one has tampered with it
5 since it was sealed by whoever originally submitted it to
6 evidence, the items are then photographed, taken out for
7 identification, distinguishing features noted, any damage
8 noted, and then the forensic examination commences at that
9 point.

10 Q. Specifically as to this case, the investigation of
11 the homicide of Alena Kennedy what, if any, devices were
12 submitted to you for analysis?

13 A. There were quite a few devices. I have to refer to
14 my notes.

15 Q. Okay.

16 A. There are 20 items of evidence that were submitted.
17 There were SanDisk Cruzer, 64 gig thumb drive, there were
18 three SIM cards.

19 Q. Okay. And I want to take them slowly for the court
20 reporter to get them all. You mentioned the first item is
21 what?

22 A. A SanDisk Cruzer, a 64 gig thumb drive.

23 Q. Can you tell us whether or not that's the same thumb
24 drive that was on the defendant's person Tony Corley when he
25 was arrested?

1 A. That was the notation on the paperwork that I
2 received. Yes, ma'am.

3 Q. All right. And what was next?

4 A. There were three SIM cards. SIM cards are small
5 electronic devices that are inserted into cell phones that
6 allow the network whether it's Verizon, T-Mobile, whoever to
7 identify that phone on their network so these were just loose
8 SIM cards.

9 Q. Next can you tell us whether or not there was a
10 Duracell SD card?

11 A. Yes. An SD card is a memory storage device that
12 goes into a computer or cell phone depending on the type of
13 card. It was an 8 gig Duracell card found.

14 Q. Now, there has been a mention of evidence from the
15 address of [REDACTED] Greengarden. Can you tell us whether or not
16 you received that evidence?

17 A. I don't have any notation as to where the evidence
18 came from. I just have a listing of the items that I
19 examined.

20 Q. Was there an iPhone?

21 A. There was an iPhone 4S.

22 Q. What color was that iPhone?

23 A. It was white.

24 Q. All right. Were there any Kyocera phones?

25 A. Two Kyocera phones were submitted. Yes.

1 Q. Can you tell us first of all whether or not you
2 received a Kyocera phone for a Haley Coleman?

3 A. I did. It was a Kyocera C6730, that was the model
4 number, and it was entered in our evidence unit under PR
5 number 103988.

6 Q. I'm gonna show you this item and ask you whether or
7 not you recognize it (proffering)?

8 A. Yes. This is the same phone that was the Kyocera
9 C6730 for Haley Coleman.

10 Q. And did you conduct an analysis on that phone?

11 A. I did.

12 Q. Did that include what's known as a phone
13 extraction?

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

15 Q. What does that term mean?

16 A. When we extract data from digital evidence, in this
17 case with the cell phone we use a product called Cellebrite.
18 That company develops hardware and software specifically
19 targeted for law enforcement to forensically recover data from
20 electronic items, and it does it in a manner that doesn't
21 alter that data or change it in any way, so in this case I
22 used Cellebrite, physical extraction device or UFED to recover
23 data from this phone.

24 Q. All right. And then was there an additional Kyocera
25 to this?

1 A. There was. There was a C5170 model Kyocera and it
2 appeared to have not been in use. There was no battery
3 present with it and the back was missing.

4 Q. The battery had been removed from that phone?

5 A. Right. Yes, ma'am.

6 Q. Now, can you tell us whether or not a Samsung phone
7 was also submitted?

8 A. There were two Samsung phones. Excuse me. Three
9 Samsung phones that were examined. Yes, ma'am.

10 Q. Who did those belong to according to the information
11 you have?

12 A. Two of them were recovered I believe on a search
13 warrant. I didn't have any information as to where they were
14 recovered during that search warrant. One of them is noted as
15 belonging to Tony Corley. It was a Samsung SNJ700T. It was
16 entered in our evidence as PR item number 103574.

17 Q. Are you aware as to whether or not that is the cell
18 phone that was with Mr. Corley upon his arrest in June of
19 2017?

20 A. That's what I was informed of. Yes, ma'am.

21 Q. Can and you tell us what, if any, action you took
22 with that phone?

23 A. The same process. The item was signed out from our
24 evidence, photographically documented, examined using
25 Cellebrite.

1 Q. All right. Can you tell us what, if any, other item
2 was submitted for analysis in terms of any SD cards or micro
3 cards?

4 A. There were three additional SanDisk SD cards and one
5 micro SD card. There was a PNY branded SD card as well.

6 Q. And then can you tell us whether or not an
7 additional Samsung phone was submitted in this case from a
8 Susan Corley or a Susan Grice?

9 A. It was.

10 Q. Was that phone also analyzed?

11 A. Yes, ma'am. It was.

12 Q. To your knowledge, Sergeant Phipps, did you have an
13 opportunity to analyze all of the electronic devices that were
14 submitted to you from the first one at [REDACTED] Greengarden
15 Drive?

16 A. Yes.

17 Q. Or at least attempt to examine them if you were
18 able?

19 A. Correct. There were a couple items that we were not
20 able to gain access to either due to the fact that there
21 wasn't a power source available for the device or it was a
22 locked device.

23 Q. Okay. Locked device meaning?

24 A. It was pin locked and in the specific cases with
25 iPhone and Apple it's extremely difficult to deal with in a

1 locked state.

2 Q. What color was that iPhone?

3 A. It was a white iPhone.

4 Q. Now, when it's locked, is there a password?

5 A. It was a pin code, a four digit pin code.

6 Q. That pin code is set by who?

7 A. The user of the device.

8 Q. So the user would have the pass code?

9 A. Right. The iPhone also did not have its associated
10 SIM card with it so it appeared to be a phone that may have
11 been taken out of service and people just hold onto phones
12 when they move onto a new one. They just throw it in the
13 drawer.

14 Q. Tell us a little bit about SIM cards and why SIM
15 cards are sometimes removed?

16 A. Well, the SIM card, of course, identifies that phone
17 on the network so when you upgrade a phone, traditionally you
18 would take your old SIM card, put it in the new phone,
19 therefore, you would have the old phone left over with no
20 other use for it.

21 Q. I'm gonna show you all of these items and ask you
22 whether or not you recognize them and if so, how?

23 A. I do. The only item that I don't believe that I'm
24 familiar with is the Samsung tablet.

25 Q. Okay. I'm gonna show you what is, does not have a

1 marking on it. I'm gonna ask you whether or not you recognize
2 this item and if so, how?

3 A. This is the Samsung cell phone attributed to Tony
4 Corley. I recognize it by our PR number and also my initials
5 on the evidence sheet.

6 Q. All right. And is that the phone you referenced
7 earlier as having done an extraction on?

8 A. Yes, ma'am.

9 MS. MAYES: Your Honor, there is no evidence marker
10 on it.

11 THE COURT: All right. So --

12 MS. MAYES: Actually, let me check the inside.

13 THE COURT: All right.

14 MS. MAYES: Here we go. It's State's 120 already in
15 evidence I believe, but if not, we offer it at this
16 time.

17 THE COURT: State's 120, is there any objection to
18 that coming in?

19 MR. BELL: The phone itself, I'm not necessarily
20 sure about the exact contents at this point, Your Honor.
21 There may be a hearsay exception.

22 THE COURT: Okay. But to the phone itself?

23 MR. BELL: Not the phone itself.

24 THE COURT: All right. Very good. So State's 120
25 is the phone. It's in evidence.

1 BY MS. MAYES:

2 Q. All right. And, Sergeant Phipps, if you could
3 please identify the cell phone from this group that belonged
4 to Haley Coleman and that you previously testified you
5 conducted an analysis on.

6 A. Yeah. It would be this phone. I recognize it by
7 our associated PR number and my initials on the evidence
8 package.

9 Q. All right. Would this phone have remained in the
10 custody of the Sheriff's Department up until your analysis?

11 A. I'm not -- I haven't reviewed chain of custody
12 sheets, but I signed it out and then I signed it back into our
13 evidence unit. My initials are still on the seal so I would
14 be the last person to have opened that seal.

15 MS. MAYES: Your Honor, at this time the State would
16 offer the cell phone of Haley Coleman being a Samsung --
17 I'm sorry, a Kyocera C6730 as State's 137.

18 THE COURT: Any objection?

19 MR. BELL: I have no objection, Your Honor, subject
20 to my previous, the contents. I think they've got to lay
21 a foundation for the actual contents, not the phone
22 itself.

23 THE COURT: All right. Very good. So State's 137
24 is in evidence. You may proceed.

25 MS. MAYES: Yes, sir, Your Honor.

1 BY MS. MAYES:

2 Q. Now, you mentioned multiple SD cards and the SD
3 Cruzer thumb drive, the one that was on the defendant's person
4 at the time of his arrest. You examined all of those items?

5 A. I did.

6 Q. Did you recover any materials of evidentiary
7 value?

8 A. There were none. No.

9 Q. Throughout your examination of these other items
10 excluding the phone of Corley and excluding the phone of
11 Coleman, did you find any other items of evidentiary value?

12 A. I did not.

13 Q. Now, once you did the extraction on Corley and
14 Coleman, their phones, what is the process for actually
15 examining any communications between the parties?

16 A. The software we use takes various messaging such as
17 the native sms or texting apps on phones as well as like third
18 party applications like Facebook Messenger and it compiles it
19 in a form that we can print it out and read it in a human
20 readable text.

21 Q. And were text messages recovered from both phones of
22 Corley and Coleman?

23 A. They were.

24 Q. And then specifically as to the phone of the
25 defendant Tony Corley, can you tell us whether or not you were

1 able to access any type of web history?

2 A. We were. In addition to artifacts such as text
3 messaging, your browsing history in phones like using Google
4 Chrome Browser leaves artifacts that give you a history of
5 websites that were visited as well as web searches that were
6 conducted on the device.

7 Q. Now, speaking specifically about that phone that you
8 have regarding the defendant Tony Corley, the Samsung J700T,
9 what, if anything, did you determine about whether that phone
10 was password protected?

11 A. It was. It had a user, a pin code that was set up
12 by the user to keep the phone locked when it wasn't opened by
13 that user and in use.

14 Q. And what, if anything, did you determine about any
15 type of gmail account registered with the phone?

16 A. There were two gmail accounts associated with the
17 device. There was one specifically assigned to the device.
18 When you set up an android phone such as this, you have to
19 assign a gmail address to it. Some people forget that they
20 have even done that, but in this case there was the gmail
21 address of [REDACTED]gmail.com. That was the one that was
22 actually synched with the phone. Additionally, there was
23 another gmail address associated with the phone as far as
24 Facebook is concerned and it was an address of
25 [REDACTED]@gmail.com.

1 Q. I want to ask you a little bit more about that.
2 When you say that the gmail account of [REDACTED]@gmail.com
3 was synched with Facebook, how does that work?

4 A. Well, obviously to register with Facebook you have
5 to give them an email address so this email address was
6 registered with Facebook. The name associated with that
7 Facebook account is Tony Corley so as you interact with
8 Facebook, they will send you email updates saying you have got
9 new friend requests or you're being followed and we found
10 multiple emails associated with that gmail account with the
11 greeting, Tony Corley, you have new and whatever.

12 Q. All right. And then beyond that was there a vanity
13 address associated with that Facebook account?

14 A. There was a vanity, a second Facebook account
15 registered under the [REDACTED] gmail account and the address or the
16 name that was associated with that one was helltopaycorley and
17 helltopay all one word.

18 Q. All right. I'm gonna show you what's marked as
19 State's Exhibit 8 for ID and ask you to take a look at these
20 items and ask you whether or not you see any information --
21 First of all, what are these items?

22 A. These were items that were supplied by Facebook as
23 business records to show the registered user of various
24 accounts.

25 Q. Do you see any common account or synched accounts

1 with the phone that you extracted with that Facebook
2 records?

3 A. I do. This first one is under the [REDACTED]@gmail
4 address noted on the cell phone and on this one it gives a
5 vanity name of [REDACTED] and just a first name Tony and
6 the last name Corley.

7 Q. What, if anything, does that indicate to you
8 regarding the correlation between the account and the phone,
9 the Facebook account and the phone?

10 A. Whoever obviously was using the phone was able to
11 log into the gmail account and receive updates from this
12 Facebook account as well.

13 Q. Okay. Now, can you tell us whether or not this
14 phone had any type of apps installed?

15 A. It had Facebook Messenger installed on it. There
16 were various other apps as well but Facebook Messenger is what
17 we found correspondence with.

18 Q. This particular phone, were you able to determine
19 when it was activated for use by that gmail account that you
20 just told us about the [REDACTED]@gmail account?

21 A. The phone was fairly recent as far as being
22 activated on the network. The reported SIM card change time
23 on it was May 29th, 2017.

24 Q. All right. So can you tell us what, if anything,
25 that indicates regarding the activation time for this

1 particular phone that you analyzed being the Samsung J700T?

2 A. It appeared to be a phone that had been used by
3 someone else previously. There was a previous phone number
4 associated with it. A lot of times when we acquire a phone
5 forensically like this, we can actually see a previous number
6 that was associated with that so I was seeing a previous
7 number so it wasn't like a brand new phone but it had been
8 factory reset and put back into use around that same time.

9 Q. What does that mean reset?

10 A. You can go in and force a factory reset setting all
11 the defaults back to factory wiping all memory of the phone so
12 that it can be utilized by someone else or if you're just
13 wanting to get rid of the phone and get rid of your personal
14 information so no one else can access it.

15 Q. Okay. And tell us a little bit about the activation
16 of this new device and how, if at all, that may affect social
17 media and things of that nature?

18 A. Well, when you set up a new phone, if you're not
19 importing your data straight over, you have to go in and log
20 back into your accounts to get access to them again. Usually
21 people forget because once you do that initial set up on
22 accounts, when you log into Facebook, it recognizes that
23 device as being new so you don't necessarily have to enter
24 your user name, pass codes again. When you log in, it just
25 sees, hey, this is the same phone. It has a unique identifier

1 that Facebook can track, therefore, it pretty much knows it's
2 you and when you go to a new device, you're forced to enter
3 credentials that you may have forgotten at some point in time
4 because you haven't used them in a while.

5 Q. Can you tell us whether or not there was an
6 indication that May 29th would be the first time Corley
7 actually used this phone?

8 A. There were attempts to login and change the reset
9 passwords on the device.

10 Q. Okay. And what, if anything, does that indicate to
11 you regarding any prior use of that phone by this user?

12 A. Like I said, the phone had been wiped and factory
13 reset so obviously whoever picked it up and started using it
14 at that point would have to re-enter everything from the
15 ground up.

16 Q. Okay. Now, in terms of the activity you saw on the
17 phone, how frequent was activity?

18 A. There was a lot of usage of the phone throughout the
19 day and early morning hours consistent.

20 Q. And were you able to determine if there had been
21 communication with a Haley Coleman?

22 A. There was. There was text messaging between --

23 MR. BELL: Objection, Your Honor. I don't think a
24 proper foundation as to the name by a phone number and
25 then say that's associated. I'm not sure what

1 communications they're discussing.

2 THE COURT: All right.

3 MR. BELL: I think it needs to be more specific.

4 THE COURT: I think you need to establish a little
5 bit more background on the Kyocera phone.

6 MS. MAYES: Yes, sir.

7 BY MS. MAYES:

8 Q. So I'm gonna show you two documents. One is 135,
9 State's 135, and I want to back up a little bit and ask you
10 for some more details about these phones. What, if any, phone
11 number was associated with the Samsung and is this information
12 you were able to see on your extraction?

13 A. It is. The phone number associated with the Samsung
14 SMJ700T phone was 803-201-2257.

15 Q. Is that the same phone you indicated had the
16 ██████████ gmail account?

17 A. It did. Yes, ma'am.

18 Q. And then what about the Kyocera?

19 A. The Kyocera model C6730, the phone number associated
20 with it is 803-446-9758.

21 Q. All right. And what, if any, name or gmail accounts
22 were associated with the Kyocera?

23 A. The Kyocera had several emails, some gmails, some
24 yahoos. There was a ██████████@ymail.com, a
25 ██████████@yahoo.com, a ██████████@gmail.com.

1 Q. All right. Can you tell us whether or not you were
2 able to observe text messages between those two phone numbers
3 during your extraction of Corley's phone?

4 A. I was. Yes.

5 Q. Can you tell us whether or not you were able to
6 observe text messages between those two parties during your
7 extraction of the phone with the [REDACTED] web address?

8 A. Yes.

9 Q. Was it one text message or multiple text messages?

10 A. Multiple.

11 Q. I'm gonna show you what is 135. Which phone did
12 this come from, State's 135?

13 A. State's 135 shows communication coming from the
14 Kyocera phone 803-446-9758 phone number.

15 Q. Then I'm gonna show you what is State's 136 and ask
16 you what we are looking at in this extraction?

17 A. This is communication -- Let me get my numbers
18 straight here. This would be the same phone, the Kyocera
19 phone communication to and from.

20 Q. Okay. Now, did you also have the opportunity to do
21 an extraction on the Corley phone for outgoing text
22 messages?

23 A. I did.

24 Q. Take a moment and review this document and tell us
25 what, if anything, you recognize.

1 A. (Witness complies.) This shows all incoming and
2 outgoing text messaging associated with the Samsung cell
3 phone.

4 Q. All outgoing?

5 A. Should be all outgoing and incoming.

6 Q. Okay. And then this item?

7 THE COURT: Are any of those marked with an exhibit
8 number?

9 MS. MAYES: These are for ID at this time, Your
10 Honor.

11 THE COURT: I know, but we don't know on the record,
12 somebody reading the record, they won't know what he was
13 looking at if he doesn't say the number so the previous
14 one, what was that number he was looking at?

15 MS. MAYES: That's going to be 138, Your Honor, and
16 this would be 139 for review at this time.

17 BY THE WITNESS:

18 A. This is text communication from the perspective of
19 the Samsung phone. This is State's 139 and it's just all
20 outgoing text. It does not show the corresponding incoming.
21 It just shows outgoing.

22 BY MS. MAYES:

23 Q. From which phone?

24 A. The Samsung with the phone number of 803-201-2257.

25 Q. So to clarify, what's the difference between 138 and

1 139?

2 A. 138 shows all incoming and outgoing so it's showing
3 both sides of the conversation. State's 139 just shows
4 outgoing communication.

5 MS. MAYES: Your Honor, at this time 138 would
6 remain for ID which includes incoming. 139 would be for
7 evidence being outgoing only from the Samsung J700T.

8 THE COURT: Any objection to 139?

9 MR. BELL: I haven't seen it yet, Your Honor.

10 MS. MAYES: (Proffering.)

11 MR. BELL: I do have an objection, Your Honor.
12 There's irrelevant information within this extraction.

13 THE COURT: All right. Mr. Foreman, ladies and
14 gentlemen of the jury, go to the jury room please.

15 (Whereupon, the jury entered the jury room at 10:15
16 a.m.)

17 THE COURT: All right. Explain your objection to me
18 please.

19 MR. BELL: Your Honor, I think they need to explain
20 the relevance of every single one of the outgoing text
21 messages in here and not just offer the entire printout
22 of outgoing messages we have here.

23 THE COURT: All right. Let me have the exhibit
24 please.

25 MR. BELL: (Proffering.)

1 THE COURT: Your objection is noted for the record.
2 I'll allow it into evidence. Exhibit 139 is in evidence
3 over objection of the defense. Ask the jury to come back
4 in please.

5 MR. BELL: Your Honor, I would also note an
6 objection under 403, the probative value of some of these
7 messages does not outweigh the prejudicial effect of the
8 language in some of these messages. I think some of
9 those messages you're not able to show what they're in
10 response to and the language is just, you know, language
11 that might inflame the passions of the jury, so under 403
12 I would object to the entire outgoing messages being
13 entered.

14 THE COURT: All right. Do you anticipate trying to
15 introduce 138 at some point in time?

16 MS. MAYES: It is marked for ID, Your Honor. It
17 does contain hearsay from other individuals so for that
18 reason we are offering it at this time.

19 THE COURT: All right. 139 -- I'm sorry. Y'all
20 need to stop for a second. Close the door and stop for a
21 second. 139, I'm asking the witness, how many different
22 phones are the messages sent to? Can you tell that from
23 139?

24 THE WITNESS: One moment, sir. It appears to be
25 only about four, but I would have to analyze it a little

1 closer to be sure.

2 THE COURT: All right. By looking at that can you
3 tell from that exhibit how many of them went to
4 803-446-9758?

5 THE WITNESS: Approximately nine, Judge.

6 THE COURT: All right. I'm gonna allow 139 for all
7 those that go to 803-446-9758 and the others I'm not
8 allowing at this time until those numbers are identified.
9 Thank you.

10 MR. BELL: I would just ask they be redacted from
11 being entered.

12 THE COURT: It's not going into the jury until all
13 the rest of them are identified or changed. Thank you.
14 I'm gonna allow it in evidence for that one number only
15 at this point in time. The State ready for the jury to
16 come in now?

17 MS. MAYES: Yes, Your Honor.

18 THE COURT: Defense?

19 MR. BELL: Yes, Your Honor. I apologize.

20 THE COURT: That's all right. Ask the jury to come
21 in please.

22 (Whereupon, the jury entered the courtroom at 10:25
23 a.m.)

24 THE COURT: All right. Solicitor, you may
25 continue.

1 BY MS. MAYES:

2 Q. All right. Now, in addition to what you have
3 identified in 139, I'm gonna show you what is State's 136. We
4 had talked previously about the Samsung. I want to talk now
5 about the Kyocera and your extraction of that phone.

6 A. State's 136 is a report from the perspective of the
7 Kyocera area code 803-446-9758 and it shows all of the text
8 messaging between that phone and the Samsung 803-201-2257.

9 Q. So isolated between those two parties?

10 A. That's correct.

11 Q. This would be the extraction from the Kyocera?

12 A. That's correct.

13 MS. MAYES: Your Honor, this would be State's 136
14 for evidence at this time.

15 MR. BELL: I have an objection, Your Honor, as to
16 the messages confrontation clause, hearsay on incoming
17 messages until I have an opportunity to review.

18 MS. MAYES: Very well. It's for ID at this time,
19 Your Honor.

20 THE COURT: All right. Thank you very much.

21 BY MS. MAYES:

22 Q. And then just to confirm in what is State's 139,
23 were you also able to determine corresponding messages between
24 those two individuals or the user of the Kyocera and the user
25 of the Samsung?

1 A. I'm sorry. Restate that again.

2 Q. Okay. So in State's 139 being the extraction from
3 the Samsung, were you also able to identify the corresponding
4 messages that are in State's 136 from the Kyocera?

5 A. Yes.

6 Q. And what dates did you see the interaction between
7 the Kyocera and Samsung?

8 A. It appears roughly June 23rd, 2017 through June
9 21st, 2017.

10 Q. All right. So between --

11 THE COURT: I'm sorry. The first date was what?

12 THE WITNESS: June 23rd.

13 THE COURT: Through what?

14 THE WITNESS: Well, it's in reverse order. I'm
15 looking at it in reverse order. June 21st through June
16 23rd.

17 THE COURT: Very good. Thank you.

18 BY MS. MAYES:

19 Q. When you say reverse order, can you explain what you
20 mean by that?

21 A. The table, the listing is in chronological order
22 just reversed. I was looking at it opposite.

23 Q. All right. I'm gonna show you one more item that's
24 going to be State's 140 and ask you what we're looking at here
25 and how, if at all, it may correspond to exhibit 139 from the

1 Samsung?

2 A. It's text messaging from the Samsung's perspective
3 going out to the Kyocera phone 803-446-9758.

4 Q. All right. So it's limited to only those parties
5 being the Kyocera and the Samsung?

6 A. That's correct.

7 THE COURT: What was that document again?

8 THE WITNESS: State's 140, your Honor.

9 THE COURT: Okay.

10 BY MS. MAYES:

11 Q. All right. So having examined all of these items,
12 can you tell us whether or not throughout your purview if
13 there was any indication of prior phones being utilized by the
14 subject Corley?

15 A. Could you rephrase the question?

16 Q. Yes. So are you able to maintain the same phone
17 number with different devices?

18 A. Yes. When you get a new phone, you're able to
19 transfer your phone number from an old device to a new one.

20 Q. Were you able to indicate what, if any, prior phones
21 had been used or affiliated with this number or this gmail
22 account?

23 A. Not from the hardware itself. I was advised through
24 phone records that there was an indication that phone number
25 had been transferred.

1 Q. What do you mean by that?

2 A. The phone records will show when you subpoena a
3 carrier, they will, in addition to having your number,
4 they will show you the various devices that were assigned that
5 number through time.

6 Q. All right. And you also have testified before and
7 are familiar with the analysis of such phone records?

8 A. Yes, ma'am.

9 Q. In this case regarding the defendant Tony Corley was
10 there any indication of prior phones being utilized --

11 A. Yes.

12 Q. -- in affiliation with that same number?

13 A. Yes. There was.

14 Q. The 2257 number. Now, the reports that we are
15 looking at that you actually generated that have already been
16 marked and received in the case, have they been converted in
17 accordance with what's known as UTC time?

18 A. Uhm, when you're dealing with electronic devices and
19 time, it can get kind of confusing. Carriers such as Verizon,
20 T-Mobile usually maintain their records in something called
21 UTC time or universal time coordinate. Basically it's a point
22 on the earth where there's no time zone so to speak so when
23 you're referring to 8:00 a.m. in France versus 8:00 a.m. here,
24 UTC time is that exact same moment in time. Obviously it
25 could be dark at one point in time and daylight in the other

1 country, but it just gives a standard reference globally that
2 people can refer to a time. So UTC time is usually where it's
3 logged. Your phone does the same thing, but applies the
4 offset meaning that it knows where you are geographically
5 within the world. So it knows, for instance, if we are
6 here in this courtroom, it knows we are in South Carolina and
7 it knows that it's eastern standard time so the time offsets
8 minus five hours from UTC time. So it can get kind of
9 confusing when you look at records. If it's displaying UTC
10 time to our local time here, you have to take that UTC time
11 and subtract about five hours from it.

12 Q. All right. And the reports that are generated and
13 marked as evidence items, have you already made those time
14 adjustments so that we are now looking at eastern standard
15 time?

16 A. Yes. The only caveat is that the Samsung was set
17 correctly for each time zone so during the time of this
18 incident we were under daylight savings so there was a four
19 hour offset, spring forward, fall back one hour. On the
20 Kyocera it was actually registered in a time zone still the
21 minus five eastern time zone but it wasn't recognizing the
22 daylight savings offset so the times that are displayed there
23 you have to add an hour to them to get to what would be the
24 equivalent time shown within the Samsung device.

25 Q. Okay. Now, one more question about that matter in

1 terms of UTC time. Facebook records. Are you familiar with
2 Facebook records and how they are supplied?

3 A. Yes, ma'am.

4 Q. Okay. And can you tell us whether or not Facebook
5 records require a UTC conversion?

6 A. Yes. The time records in these exhibits here
7 displayed a time and then UTC out beside it meaning that is
8 actual UTC time. If it was being compensated for, you would
9 have an offset shown there as well.

10 Q. All right. So in terms of Facebook records, how
11 many hours do we have to subtract to equate to eastern
12 standard time when looking at a Facebook message for
13 example?

14 A. For the time period we're discussing here it would
15 be minus four hours because it was during summertime when
16 daylight savings was in effect.

17 Q. What about April 21st, April 22nd and April 23rd of
18 2017?

19 A. Correct. Daylight savings went into effect March
20 12th, 2017 so it would be after that point in time.

21 Q. Now, in addition to the text messages that you were
22 able to review, you mentioned web history. Can you tell us
23 whether or not there were any indications that the Corley
24 phone being the Samsung accessed any websites of interest?

25 A. There were quite a few searches, web searches that

1 are involved in this case. Yes.

2 Q. What do you mean by that?

3 A. Specifically searching for any activity involving
4 missing persons, any news articles around that same time
5 involving this case.

6 Q. All right. Can you tell us whether or not Coleman's
7 phone being the Kyocera also had similar searches?

8 A. Yes.

9 Q. Okay. What is meant by a keyword search?

10 A. When you actually bring up like a Google search and
11 you type in whatever you physically type into that window is
12 logged and it could be a string, it could be a misspelled
13 word, but it's still registered in the phone just the way you
14 typed it so the keyword searches here in these reports show
15 what was actually typed in that search text.

16 Q. All right. As to the phone of Corley being the
17 Samsung, were you able to determine any keyword searches on or
18 around June 22nd of 2017 of interest?

19 A. Yes, ma'am. There was a keyword search for the term
20 manslaughter and then 13.

21 Q. And the date of that keyword search?

22 A. June 22nd, 2017.

23 Q. And that would indicate what?

24 A. Someone was trying to research that search term.

25 When we -- In addition to showing the search term, it actually

1 has the hypertext or URL or link that was provided by Google
2 and I was able to click on that and see the return for it
3 which returns search results specific to legal research for
4 manslaughter.

5 MS. MAYES: Thank you. Nothing further.

6 THE COURT: Cross examination.

7 MR. BELL: Please the Court, Your Honor.

8 CROSS EXAMINATION

9 BY MR. BELL:

10 Q. I'm showing you State's Exhibit 37. Do you
11 recognize this device?

12 A. I believe that's 137.

13 Q. I'm sorry. 137.

14 A. Yes. I do. It's the Kyocera cell phone.

15 Q. It's Kyocera?

16 A. Yes.

17 Q. I didn't know how to pronounce it. I always called
18 it Kyocera.

19 A. I could be. That's just the way I go with it.

20 Q. Okay. Do you have the extraction report of web
21 history for the Kyocera C6730 report with you?

22 A. I do not.

23 Q. You do not. So the government did not provide you
24 with that extraction report to look at and talk to the jury
25 about?

1 A. I do not have it with me.

2 Q. Okay. I'm showing you here the extraction report
3 and I would like you to look at the summary. Is this
4 extraction report for detected model C6730?

5 A. It is. Yes, sir.

6 Q. Okay. I want to do one thing first also. You
7 mentioned other email addresses with this?

8 A. Yes.

9 Q. Could you tell me those?

10 A. [REDACTED]@gmail.com, [REDACTED].

11 Q. What was that?

12 A. It's [REDACTED]@gmail.com,
13 [REDACTED]@gmail.com.

14 Q. [REDACTED] you said?

15 A. [REDACTED]@gmail.com. [REDACTED]@gmail.com,
16 [REDACTED]@yahoo.com, and [REDACTED]@ymail.com.

17 Q. [REDACTED]@ymail?

18 A. That's correct.

19 Q. Seven accounts associated with that phone,
20 correct?

21 A. Well, those were - email addresses were found on the
22 phone. It's not that those are email addresses assigned to
23 the phone. Whenever you - if I were to hand my phone to you
24 and you logged into your Facebook account, it would log the
25 email address associated with your Facebook so any other users

1 that use that particular device, that's how their email
2 addresses are captured on the device.

3 Q. I would like you to - if you could make sure I'm
4 accurate, look at the web history for this C6730 Kyocera. Do
5 I currently have that pulled up and are you reviewing that?

6 A. I am.

7 Q. I would like you to go to UTC plus zero on June
8 13th, 2017 and would you read item number 320.

9 THE COURT: Is he reading from an exhibit?

10 MR. BELL: Your Honor, they introduced it into
11 evidence, the phone --

12 THE COURT: Let's find the exhibit then.

13 MR. BELL: The phone would be here, the extraction
14 report has not been introduced but he testified that he
15 extracted this phone.

16 THE COURT: Okay. Well, then, let's find the
17 exhibit and put it in evidence and then you can talk
18 about it.

19 BY MR. BELL:

20 Q. Do you recognize this extraction report?

21 A. I believe. Yes, sir. The Kyocera.

22 Q. It's the Kyocera?

23 A. Yes.

24 Q. And that would be the one associated with Haley
25 Coleman?

1 A. Yes, sir.

2 Q. And item 320 is wltx.com. I'm sorry. 319 is
3 google.com, ampwww.wltx.com, news local Lexington woman
4 missing for weeks. Deputies need help finding her.

5 THE COURT: Are you testifying, sir?

6 BY MR. BELL:

7 Q. Is that on there?

8 A. May I see it?

9 THE COURT: And again, have you moved that into
10 evidence?

11 MR. BELL: I have not, Your Honor.

12 THE COURT: Then he can't talk about it.

13 MR. BELL: At this point in time I move into
14 evidence the extraction report for the Kyocera 6730. I
15 would ask it to be marked as Defense Exhibit 6.

16 THE COURT: Defense 6, is that correct?

17 MR. BELL: That is correct.

18 (Whereupon, Defendant's Exhibit #6 marked for
19 identification.)

20 THE COURT: When you get that document, sir, I want
21 you to reflect the phone number that's associated with
22 it. Any objection to Defendant's 6 coming into evidence?

23 MS. MAYES: If we could have the original number on
24 that?

25 MR. BELL: It's the actual phone and it's listed on

1 there, but he just identified through looking at the
2 electronic version that this is the same extraction
3 report but a printed out version.

4 THE COURT: Any objection?

5 MS. MAYES: No, sir, Your Honor. That is from the
6 extraction report.

7 THE COURT: Defendant's 6 is in evidence. Before
8 you start, sir, if you would give the document to him.
9 I want him to identify to the phone number that that
10 document is associated with.

11 BY MR. BELL:

12 Q. Please tell me what phone number these documents are
13 associated with?

14 A. Without the cover page it's hard for me to identify
15 it. It appears to be the same Kyocera model number that we're
16 speaking about here in court today.

17 THE COURT: Where is the cover page?

18 MR. BELL: Your Honor, the cover page would be an
19 additional printed out. They have not introduced any
20 cover pages in any of these extraction reports. They
21 don't print out the extraction report or the cover page
22 there. It is just the extraction report and has an
23 identifying phone and the phones have been entered into
24 evidence.

25 THE COURT: All right. So you believe it's

1 associated with 803-446-9758?

2 THE WITNESS: Yes, sir.

3 THE COURT: Very good. Go ahead.

4 BY MR. BELL:

5 Q. Could you read item 319?

6 THE WITNESS: May I approach?

7 THE COURT: Yes, sir. If you need to get down and
8 go by the podium there, that would be fine. Not a
9 problem.

10 BY THE WITNESS:

11 A. (Witness complies.) Line item 319 is showing
12 google.com activity for the www.WLTX.com website and the
13 landing page, whenever you visit a particular page on a
14 website, they assign it a title and the title of this page was
15 Lexington woman missing for weeks. Deputies need help finding
16 her.

17 BY MR. BELL:

18 Q. Would you please read 254?

19 A. Again, line item 254 from the WLTX website, title
20 page, missing mother's family asks the public for help.

21 Q. 226.

22 A. Line 226.

23 Q. I apologize.

24 A. Line 226, again, WLTX website, missing mother's
25 family asks the public for help.

1 Q. 222.

2 A. WLTX, same heading, missing mother's family asks for
3 the public for help.

4 Q. 218.

5 A. Again, WLTX with the same title and message.

6 Q. 217.

7 A. This appears to be the same WLTX website. There's
8 other html associated with it and the same landing page of
9 Lexington woman missing, family needs help finding her.

10 Q. 216.

11 A. WLTX, same title page.

12 Q. 215.

13 A. Same website, same thing.

14 Q. 211.

15 A. Same thing. Same website, same title page.

16 Q. 209.

17 A. Same website, same title page.

18 Q. 208.

19 A. Same website, same title page.

20 Q. And what's that title page?

21 A. Missing mother's family asks the public for help.

22 Q. 197.

23 A. WLTX, same title page.

24 Q. 196.

25 A. WLTX, same title page.

1 Q. 195.

2 A. 195 is facebook.com with Lexington County Sheriff's
3 Department.

4 Q. 194.

5 A. WLTX, Lexington woman missing title page.

6 Q. 193.

7 A. WLTX, same title page.

8 Q. 192.

9 A. WACH.com, title page, LCSD searching for missing
10 woman last seen April 18th.

11 Q. 191.

12 A. WLTX, Lexington woman missing for weeks.

13 Q. Does the remainder of the columns contain very
14 similar type?

15 A. Yes.

16 Q. What's the date on that?

17 A. June 14th.

18 Q. So similar searches type of web page visits?

19 A. Yes. Various searches for news media outlet
20 information.

21 Q. What's the date on this?

22 A. June 14th.

23 Q. 153, could you read that and indicate what was done
24 here by this web or 152 and indicate what was done here? What
25 the user would have input to get a web result of this sort?

1 A. Which line are you speaking of?

2 Q. 152.

3 A. 152. Evidently we're looking at the actual web
4 history versus search history so the web history is showing a
5 direct from a search result to a wxfg.com website where
6 evidently the name Kennedy was also a hit result.

7 Q. Was that Alena Kennedy up there was used as the
8 search?

9 A. I don't know what the original search was. That's
10 not showing the search. It's showing that Kennedy was
11 involved in the original search.

12 Q. So the user would have had to input the word
13 Kennedy?

14 A. Yes, sir.

15 Q. 138, is there a similar search?

16 A. WLTX website, again asking missing --

17 THE COURT: Speak up please.

18 BY THE WITNESS:

19 A. Missing mother's family asking for help.

20 BY MR. BELL:

21 Q. 102, 103, 105, 106, 107 similar type searches?

22 A. Yes, sir.

23 Q. What's the date?

24 A. June 16th.

25 Q. Number 33.

1 A. From the website of policemag.com, the resulting
2 page is vehicle impounding. I don't know what its reference
3 is.

4 Q. 32.

5 A. Same website, same result.

6 Q. 31.

7 A. 31 is the scstatehouse.gov website landing on the
8 legislature mobile portion of the page.

9 Q. 30.

10 A. 30 legalmatch.com, page landed on, when can police
11 impound a car.

12 Q. 27.

13 A. Criminaldefenselawyer.com website. What can I do
14 when the police tow my car.

15 Q. 25.

16 A. Chafharbin.com website, stops, searches and seizures
17 in South Carolina, know your rights.

18 Q. Is that a lot of chatter on number 24? What does
19 that indicate?

20 A. Well, I mean, the website is sellwithchat.com.

21 Q. Within that website what were the references? Are
22 there any key words relating to search and seizures in South
23 Carolina, know your rights?

24 A. Yeah. At the very end there's reference to that
25 language. I'm not sure how that applies to the website.

1 Q. Number 17, what's the title of that?

2 A. Snelllaw.com website, violent crime header, crimes
3 involving force in Lexington, South Carolina.

4 Q. Have you ever driven in Lexington, South Carolina?

5 A. Yes, sir.

6 Q. Have you ever seen a billboard associated with that
7 law firm?

8 A. I have heard of the name. Yes, sir.

9 Q. Number 15.

10 A. Again, snelllaw.com website, same thing.

11 Q. And number 9.

12 A. Again, same website snelllaw.com, investigated by
13 police question mark.

14 Q. Number 7.

15 A. Google search. It says a whole long string of
16 search terms. Is it legal to not have to answer any questions
17 until they have a warrant in Lexington.

18 Q. You can have a seat.

19 A. (Witness complies.)

20 Q. And that extraction report again corresponds with
21 what phone?

22 A. The 803-446-9758.

23 Q. Did the government ask you to talk about that when
24 they were questioning you before me?

25 A. I don't understand your question.

1 Q. Did they ask you to identify this extraction report
2 for that phone?

3 A. Yes.

4 Q. They did?

5 A. I'm still not understanding. We're talking about
6 this phone.

7 Q. This table right here --

8 A. Right.

9 Q. -- asked you to introduce this document relating to
10 the web history and web search of this phone right here.

11 A. No, sir. You're the one that produced that.

12 MR. BELL: No further questions.

13 THE COURT: Redirect?

14 MS. MAYES: Yes, sir, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Sergeant Phipps, do you recall getting the question
18 if Ms. Coleman's phone also searched media articles related to
19 this case?

20 A. Yes, ma'am.

21 Q. And again, you reviewed the web history of the
22 defendant?

23 A. Yes, ma'am.

24 MR. BELL: Objection. Asked and answered.

25 THE COURT: I'm gonna allow it.

1 BY MS. MAYES:

2 Q. Those media articles that we just looked at,
3 multiple media articles what, if any, other web history did
4 you observe and see those same articles?

5 A. On both phones.

6 Q. Including the phone of Corley?

7 A. Correct.

8 Q. Was that one search or multiple searches for media
9 articles related to this case?

10 A. Multiple.

11 Q. And did that include the name Alena Kennedy?

12 A. Yes.

13 MS. MAYES: Nothing further.

14 THE COURT: Anything on those questions?

15 MR. BELL: No, Your Honor.

16 THE COURT: Do you wish the witness to be excused?

17 MS. MAYES: Yes, sir, Your Honor.

18 THE COURT: Any objection?

19 MR. BELL: No, Your Honor.

20 THE COURT: All right. Sir, you may step down.

21 You're released to go back to your regular duties. All
22 right. Who is your next witness, ma'am?

23 MS. MAYES: Haley Coleman, Your Honor.

24 THE COURT: All right. Before we do that then,
25 ladies and gentlemen, Mr. Foreman, take the jury to the

1 BETHANY MARTINELLI

2 after having been first duly sworn, testified as follows,

3 THE CLERK: Please have a seat. Once you're seated,
4 state your full name spelling your last please.

5 THE WITNESS: Bethany Martinelli,
6 M-a-r-t-i-n-e-l-l-i.

7 THE COURT: Go ahead.

8 MS. MARTIN: Thank you.

9 DIRECT EXAMINATION

10 BY MS. MARTIN:

11 Q. Ms. Martinelli, where are you presently living?

12 A. Charleston, South Carolina.

13 Q. Okay. And back a couple years ago had you had an
14 opportunity to meet someone named Haley Coleman?

15 A. Yes, ma'am.

16 Q. Can you tell us how you met Ms. Coleman?

17 A. I was in the Lexington County Jail living with
18 her.

19 Q. Were y'all roommates, cellmates? Can you tell me?

20 A. In the beginning, no, but then we became like, I
21 guess, neighbors.

22 Q. Did y'all develop any type of relationship?

23 A. Mm-hmm. Yes, ma'am.

24 Q. How would you classify that relationship?

25 A. We actually got a long pretty well.

1 Q. Were you friends?

2 A. Mm-hmm.

3 Q. And to your knowledge when y'all were in jail
4 together, did Ms. Coleman get letters from a boyfriend?

5 A. Uhm, yeah. She had letters from a guy.

6 Q. And were they love letters some of them?

7 A. I would classify them. Yes.

8 Q. Do you know who they were from?

9 A. No. She said Tony.

10 Q. And did you ever meet someone named Tony Corley?

11 A. No, ma'am.

12 Q. And do you know when you got out of the county
13 jail?

14 A. Uhm --

15 Q. Approximate time.

16 A. May 3rd of last year 2019. May 5th.

17 Q. After you got out, did you still communicate with
18 Haley Coleman?

19 A. Yes, ma'am. We kind of formed a bond. I knew about
20 her kids and her mom was elderly so I actually kind of kept up
21 with her and her mom.

22 Q. And did you have ways that you could communicate
23 with Haley while she was in jail and you were out of jail?

24 A. Uhm, the telephone and then the tablets.

25 Q. Okay. Do you know what the official name of the

1 tablets are?

2 A. The tablet or the email?

3 Q. Right. The program.

4 A. Smartjail.

5 Q. Okay. Can you tell us a little bit about how that
6 works and how you would communicate with Haley?

7 A. It's just like an email. She sends you a message,
8 you send it back.

9 Q. Did you do that over a period of time with Ms.
10 Coleman?

11 A. Yes, ma'am. Yes, ma'am.

12 MR. BELL: No objection, Your Honor.

13 THE COURT: What is the exhibit number?

14 MS. MAYES: It's going to be State's 141.

15 THE COURT: All right. Altogether it's State's 141?

16 MS. MAYES: Yes, sir, Your Honor.

17 THE COURT: All right. I understand there's no
18 objection to State's 141?

19 MR. BELL: No, Your Honor.

20 THE COURT: All right. Very good. It's in evidence
21 without objection.

22 BY MS. MARTIN:

23 Q. Ms. Martinelli, can you take a moment and review
24 that document?

25 A. (Witness complies.)

1 Q. And have you seen that prior to today?

2 A. Yes, ma'am.

3 Q. Can you tell us what is your role in those -- Well,
4 first, let me ask you this: Can you identify what is
5 contained on those papers?

6 A. They're the emails.

7 Q. Okay. When you say they're the emails, who are they
8 between?

9 A. Uhm, they're between Haley and I and Lee Corley.

10 Q. And can you tell us how you came to be involved in
11 emails with Haley and Lee Corley?

12 A. Haley had asked - it's what you call Boomerang.
13 It's where you send a message for someone when they're in jail
14 because they can't send it out.

15 Q. Based on conversations with Ms. Coleman what did you
16 do?

17 A. I would copy and paste the message that she sent me
18 to Lee Corley and then when he would respond, I would copy and
19 paste it and send it to her.

20 Q. Okay. Did you know who Lee Corley was?

21 A. No, ma'am.

22 Q. Can you explain a little bit more in detail, I think
23 you said that you would copy and paste what Haley sent you and
24 then what would you do next?

25 A. I would send it to Lee Corley.

1 Q. If you didn't know Lee Corley, how were you able to
2 send messages purported to someone named Lee Corley?

3 A. Haley had given me his name and inmate number and
4 when you go to the smartjail website, you can search somebody.
5 You can search anybody that's incarcerated.

6 Q. And did you do that?

7 A. Yes, ma'am.

8 Q. And what information do you learn when you do
9 that?

10 A. Just their name.

11 Q. Okay. And then you learned how to communicate with
12 that person?

13 A. Mm-hmm. You send them - it's kind of like friend
14 request. You send them a thing asking would you like to
15 communicate and then they accept it or you accept it depending
16 on who sends it and then you just start communicating.

17 Q. So did you send such a request to someone named Lee
18 Corley?

19 A. Yes, ma'am.

20 Q. Was this person based on the knowledge you had in
21 Lexington County Detention Center?

22 A. Yes, ma'am.

23 Q. After you were accepted by Lee Corley, what did you
24 do next?

25 A. I just started sending the messages back and

1 forth.

2 Q. Okay. You explained how you communicated Haley's
3 messages. Can you tell us how you would communicate a message
4 you received from Lee Corley?

5 A. I would copy and paste it and just copy it to
6 hers.

7 Q. And send it back?

8 A. Mm-hmm.

9 Q. Did there come a time that you stopped doing these
10 communications?

11 A. Yes, ma'am.

12 Q. Can you tell us why you stopped doing these
13 communications?

14 A. I don't remember the exact date but, uhm, I got a
15 call from a detective and basically he said, you know, I don't
16 think you realize who you're communicating with. He didn't go
17 into details. He just told me to search the individual
18 because at the time I was living in North Carolina when I got
19 arrested so I didn't know anything about anybody down here and
20 so I searched his name and, you know, of course, read what I
21 read and I stopped. I stopped communication with him and with
22 Haley.

23 MS. MARTIN: Please answer any questions Mr. Bell
24 may have.

25 THE COURT: Cross examination.

1 CROSS EXAMINATION

2 BY MR. BELL:

3 Q. Do you have a copy of the messages up there?

4 A. I have what she gave me.

5 Q. Okay. Would you look at these for me?

6 A. Mm-hmm. (Witness complies.)

7 Q. And when I ask you to locate, could you locate?

8 A. Mm-hmm.

9 Q. First of all, I do want to ask you, Haley reached
10 out to you to send these messages, right?

11 A. Mm-hmm.

12 THE COURT: You need to say yes or no because the
13 court reporter is taking down the answer.

14 THE WITNESS: Yes, sir.

15 THE COURT: Thank you, ma'am.

16 BY MR. BELL:

17 Q. And on June 23rd, 2019 at 4:04 p.m. --

18 A. What date?

19 Q. June 23rd, 2019, 4:04 p.m. you were sent, hey, will
20 you please keep a check on Lee Anthony Corley and let me know
21 when he goes to court? Thank you.

22 A. These aren't in order.

23 Q. You can refer to the back. That's the originals.
24 It sort of works its way backwards.

25 THE COURT: If you know where it is, I don't mind

1 you pointing it out to her to help her.

2 BY MR. BELL:

3 Q. Those are not within those records. I'll move on.

4 I'll move to June 29th, 2019 towards the back.

5 A. I'm sorry. Okay.

6 Q. There's a message there that Haley Coleman sent you
7 asking you about Mr. Corley?

8 A. Which one? There's a couple of them on the 29th.

9 Q. It's going to be at 4:04 p.m.

10 A. Oh, right here. This one?

11 Q. Yes. In that message Harriet Coleman asks about
12 Corley?

13 A. She was -- There was an officer named Ms. Faulkner.
14 She said she was asking about her and asking if she knew
15 Corley. Is that the one?

16 Q. And she reached out to you to keep track of
17 Mr. Corley and Haley?

18 A. She said, I don't know what to make of that. Do you
19 think I should write him? If I decide to, will you send it
20 for me if I send it to you?

21 Q. All right. And she reached out to you to reach out
22 to him?

23 A. Yes, sir.

24 Q. On July 1st, 2019, Haley sent you another message
25 and in that message Haley wanted you to send a friend request

1 thing on here?

2 A. I -- Yes. She asked me to do that. I don't see
3 that on the 1st on these.

4 Q. July 1st, 2019, 3:41 p.m. (Indicating.) It works
5 backwards.

6 A. I'm sorry. She said, hey, can you do me a favor and
7 send Tony a request thing on here and see if he accepts?

8 Q. And on July 8th, 2019 you sent a message to Tony
9 Corley, bad moji said she loves you and to keep your head up.
10 She is going to send me a message to send to you later when
11 she's on rec. You sent that message?

12 A. Yes, sir.

13 Q. Okay. On July 8th Haley sent you a message at 7:41
14 p.m. asking have you heard anything about a court date. Haley
15 sent this message to you at 7:41 p.m. Can you read that
16 message? And you can leave out any expletives.

17 THE COURT: She might need some help locating it.

18 BY THE WITNESS:

19 A. No. I've got it. I think it starts here and ends
20 here, but it doesn't ask -- that's just what I copy and pasted
21 to him.

22 BY MR. BELL:

23 Q. I'm asking you to read what you copy and pasted.

24 A. Oh, okay. So I heard you've been asking about me.
25 You didn't think Ms. Faulkner wasn't gonna tell me lol. Oh,

1 do you miss me? I miss you, too.

2 Do I have to say this --

3 Q. I said you do not.

4 THE COURT: No. Do not. You don't have to say the
5 expletives. No, ma'am.

6 BY THE WITNESS:

7 A. So how have you been holding up? Hopefully staying
8 positive and keeping your head up. Have you heard anything
9 about a court date? I heard something about it being this
10 month. I miss my best friends. How about the boys?
11 Downstairs you referred to me as your wife. I wonder where
12 they got that from, lmao. Listen, Bethany is good people so
13 don't feel no type of way about sending nothing back. I guess
14 we will see how bad you want to talk to me. I've been
15 thinking about you a lot. You trick tramp, bleep, dope, bleep
16 bleep, love you, Boo.

17 THE COURT: Thank you, ma'am.

18 BY MR. BELL:

19 Q. These similar type messages from Haley continued?

20 A. Uhm, honestly I didn't read every message. I copied
21 and pasted from what I was given and I could look through very
22 quickly. Yes.

23 Q. Okay. And again, it was Haley that reached out to
24 you to get in contact?

25 A. Yes, sir.

1 MR. BELL: No further questions.

2 THE COURT: Any redirect?

3 MS. MARTIN: Just briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. MARTIN:

6 Q. Ms. Martinelli, can you tell us whether or not in
7 your review of these messages back and forth, was it, how
8 would you classify the kinds of messages from Haley to Tony?
9 Were they happy, sad, angry, lovey-dovey?

10 A. They were - I mean, you would think they were in a
11 relationship. Lovey-dovey.

12 Q. What about the message that you boomeranged from
13 Tony or from Lee to Haley?

14 A. Uhm, from what I read, you know, I mean, I was
15 giving it to him, yes. I mean, I thought they were in a
16 relationship.

17 Q. If I could direct your attention --

18 MS. MARTIN: And I may need to approach the witness,
19 Your Honor.

20 THE COURT: Yes, ma'am. Probably easiest. Yes,
21 ma'am.

22 BY MS. MARTIN:

23 Q. July 8th of 2019 at 4:21, there's a message from Lee
24 to Bethany. Can you tell us, have you found it?

25 MR. BELL: Objection, Your Honor. This is beyond

1 the scope of - she had the opportunity to --

2 THE COURT: How about letting me look at this.

3 MR. BELL: -- ask these questions before.

4 THE WITNESS: (Proffering.)

5 THE COURT: I find it to be proper. I'll allow
6 it.

7 MS. MARTIN: Thank you, Your Honor.

8 BY MS. MARTIN:

9 Q. At 3:34 defense asked you about a message that
10 Bethany sent to Lee on the same day at 4:21. Can you tell us
11 what Lee's response was to Haley?

12 A. What's up? Tell her I love her, too, and my head is
13 way up. What's good with you?

14 MS. MARTIN: Thank you. That's all we have, Your
15 Honor.

16 THE COURT: Anything on those questions?

17 MR. BELL: No, Your Honor.

18 THE COURT: All right. Do you wish this witness to
19 be excused?

20 MS. MARTIN: Please, Your Honor.

21 THE COURT: Any objection?

22 MR. BELL: No, Your Honor.

23 THE COURT: All right. Ma'am, you're released from
24 your subpoena. Go back to your regular duties or
25 activities.

1 THE COURT: All right. Very good. All right.
2 Thank you very much. With that, is the State ready for
3 the jury to come in?

4 MS. MAYES: Yes, sir, Your Honor.

5 THE COURT: And the defense?

6 MR. BELL: Yes, Your Honor.

7 THE COURT: All right. Ask the jury to come in
8 please.

9 (Whereupon, the jury entered the courtroom at 1:35
10 p.m.)

11 THE COURT: All right. Solicitor, your next witness
12 please, ma'am.

13 MS. MAYES: The State calls Haley Coleman.

14 THE COURT: All right. Please come around to be
15 sworn, ma'am.

16 Thereupon,

17 HARRIET COLEMAN

18 after having been first duly sworn, testified as follows,

19 THE CLERK: Please have a seat. Once you're seated,
20 state your full name spelling your last please.

21 THE WITNESS: My name is Harriet Coleman,
22 C-o-l-e-m-a-n.

23 THE COURT: Go ahead, Solicitor.

24 DIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. Ms. Coleman, today you are in a orange jump suit.
2 Why is that?

3 A. Because I committed a crime.

4 Q. I need you to pull the microphone a little bit
5 closer towards you. You said you committed a crime?

6 A. Yes, ma'am.

7 Q. Tell this Court what crimes you have committed?

8 A. I committed accessory after the fact of murder,
9 criminal conspiracy and desecration.

10 Q. Desecration?

11 A. Of human remains. Yes, ma'am.

12 Q. What other charges do you have pending?

13 A. Three counts of financial bank card fraud and two
14 counts of possession of less than a gram of meth.

15 Q. Those crimes occurred in 2017?

16 A. Yes, ma'am.

17 Q. Ms. Coleman, have you been offered any type of plea
18 offer or plea negotiation in exchange for your testimony in
19 this courtroom today?

20 A. No.

21 Q. No plea offer whatsoever?

22 A. No, ma'am.

23 Q. I want to ask you about that charge that you have
24 for possession of meth. How old are you, Ms. Coleman?

25 A. 30 years old.

1 Q. How long have you had a drug problem?

2 A. For 10 years.

3 Q. What drugs have you been using throughout your
4 adulthood?

5 A. Meth amphetamines.

6 Q. What's another word for that?

7 A. Ice.

8 Q. How is it that you know the defendant in this case
9 Tony Corley?

10 A. Uhm, I met him through my child's father and the
11 group of people we were hanging around in the drug gang.

12 Q. You said your child's father. Who is that?

13 A. Thomas Rotan.

14 Q. Approximately when is it that you met the defendant
15 Tony Corley?

16 A. Back in 2015.

17 Q. Tell us about your relationship.

18 A. Uhm, I was in love with him. Uhm, he, uhm, I was, I
19 thought he was a good friend of mine. I thought. And I fell
20 in love with him, uhm, and obviously I was wrong.

21 Q. You say you fell in love with him. Let me ask you
22 about that. Did that include a sexual relationship?

23 A. Yes.

24 Q. Did that occur on one occasion or more than one
25 occasion?

1 A. More than one.

2 Q. The time you met Tony Corley and this relationship
3 began --

4 MR. BELL: Objection, Your Honor. Leading.

5 THE COURT: I'm gonna allow that question.

6 BY MS. MAYES:

7 Q. -- what can you tell us about your emotional or
8 mental state at that time?

9 A. Uhm, I had very bad relationships. I had low self
10 esteem. I was in abusive relationships through my life and I
11 just wanted somebody to love me and he showed me that love.

12 Q. How did he show that to you?

13 A. He cared. He - well, he pretended to care. He,
14 uhm, and that, and he supplied me with the drugs that I
15 needed.

16 Q. Did that include ice or meth amphetamine?

17 A. Yes, ma'am.

18 Q. Approximately when did the two of you start a sexual
19 relationship?

20 A. Early 2017.

21 Q. And where was he living at the time?

22 A. At his house on McDonald Avenue.

23 Q. All right. How frequently would you go there to see
24 him?

25 A. Every other day, maybe five times out of the week.

1 Q. How did the two of you normally communicate?

2 A. Through Facebook.

3 Q. Were you aware of any other relationships that he
4 was in at the time?

5 A. Yes.

6 Q. Do you consider yourself his only girlfriend?

7 A. No.

8 Q. Is it possible for you to estimate how many other
9 women you know he was involved with at the same time he was
10 involved with you?

11 A. Multiple.

12 Q. Were you aware of that at the outset?

13 A. Yes.

14 Q. Have you remained aware of that throughout?

15 A. Yes.

16 Q. Can you tell us whether or not you continued to be
17 in a relationship with him even knowing that?

18 A. I did.

19 Q. Who is Nicole Chavis also known as Nicole Glass?

20 A. His ex-girlfriend, one of the women he was
21 associating with.

22 Q. What time frame was that?

23 A. The whole time that I was talking to him.

24 Q. And who is Courtney Posey?

25 A. Another one of his associates.

1 Q. Female or male?

2 A. Female.

3 Q. What do you understand their relationship to have
4 been?

5 A. Sexual.

6 Q. Can you tell us whether or not you were aware of
7 that at the same time that he was involved with you?

8 A. Yes.

9 Q. Now, I'm gonna go back to the spring of 2017. Where
10 were you living at the time?

11 A. At my mother's.

12 Q. What's her address?

13 A. [REDACTED] Sangaree Drive.

14 Q. At that point in time was Tony driving?

15 A. No.

16 Q. How would he normally get around?

17 A. He would call for rides.

18 Q. Had he ever called you for a ride?

19 A. Yes.

20 Q. What arrangement did y'all have about how he would
21 get places?

22 A. Uhm, well, it came to I ended up loaning him a
23 vehicle of mine or that I had owed payments on. When I got
24 another vehicle, instead of me returning it to the car
25 dealership, I decided to let him use it since he was in need

1 of a vehicle at the moment.

2 Q. Tell us what type of vehicle that was?

3 A. It was a Kia Spectra.

4 Q. What color was that Kia?

5 A. Cobalt blue.

6 Q. That had originally been your car?

7 A. Yes.

8 Q. Did you have any other vehicles that you let him use
9 on occasion?

10 A. No.

11 Q. What other vehicles did you have?

12 A. I had a van.

13 Q. What color was the van?

14 A. It was white.

15 Q. Is that a Mercury van?

16 A. Yes, ma'am.

17 Q. Had you had any discussions with Tony about a court
18 appearance on April 21st of 2017?

19 A. Yes, ma'am.

20 Q. Was he driving at that point in time April 21st,
21 2017?

22 A. No.

23 Q. You said you considered him a friend?

24 A. Yes, ma'am.

25 Q. How often, if at all, was it that you would give him

1 a ride places?

2 A. Uhm, every now and then. It wasn't too often.

3 Q. And have you discussed court appearance?

4 A. Yes.

5 Q. Do you know for sure whether or not he had a ride to
6 his court appearance?

7 A. No. He said he was not sure.

8 Q. All right. And ultimately what did you do in
9 response to that?

10 A. I went by there after dropping my son off at school
11 that morning to make sure whether or not he had a ride to roll
12 call.

13 Q. So I want to ask you about that. The son you took
14 to school was how old?

15 A. He was three.

16 Q. What school was he attending?

17 A. Congaree Wood Early Childhood.

18 Q. Where is its location within Lexington County?

19 A. It's on Pine Ridge in Pine Ridge right outside of
20 South Congaree.

21 Q. All right. And that Wood Elementary, what time
22 would you normally need to have the three year old there?

23 A. By eight.

24 Q. What time would you normally pick him up from
25 there?

1 A. By 10:30.

2 Q. On that morning what occurred? Did you take him to
3 Wood?

4 A. Yes, ma'am.

5 Q. What happened after you left Wood Elementary?

6 A. I drove by Tony's house to see if he needed a ride
7 to roll call.

8 Q. And how close was Tony's house to Wood Elementary?

9 A. Probably five minutes.

10 Q. What time would you estimate you would have arrived
11 there at Tony's?

12 A. Right at eight.

13 Q. Ms. Coleman, take us through what happened when you
14 got there on the morning of April 21st, 2017.

15 A. I get there and Tony tells me to come inside. He's
16 panicked. You can tell something is wrong. He's pacing back
17 and forth. He looks distraught. He tells me to sit down.
18 While he does that he hands me some drugs, some ice, and asked
19 me if I wanted to get high, and then he continues to explain
20 to me that he needs me to sit at his house until he gets back
21 from roll call. His mama was on the way to pick him up and he
22 needed me to house sit and not let nobody in the house no
23 matter what until he got back.

24 Q. What was his state of mind or demeanor at this point
25 as he's telling you this?

1 A. Panicked. He was pacing back and forth. He seemed
2 like something was wrong. He just seemed distraught.

3 Q. How much ice or meth was it that he gave you?

4 A. It was probably about a 20 bag.

5 Q. Was it enough for you to use?

6 A. Yes.

7 Q. Did you start using it that morning?

8 A. Yes.

9 Q. Let me ask you this: Was that the first and only
10 time that you had been in the company of the defendant Tony
11 Corley --

12 MR. BELL: Objection. She's leading the witness
13 here.

14 THE COURT: How about try to rephrase the question
15 please.

16 MS. MAYES: Yes, sir, Your Honor.

17 BY MS. MAYES:

18 Q. Had you and Mr. Corley ever used drugs in the
19 past?

20 A. Yes.

21 Q. Were you familiar with how he appeared when he was
22 using drugs?

23 A. Yes.

24 Q. Can you tell us whether or not that includes ice or
25 meth amphetamine?

1 A. Yes.

2 Q. What, if anything, did you observe about him that
3 morning?

4 A. That he was very panicked. Like something was
5 wrong. He was pacing. Like I said, he was pacing. He seemed
6 like something bad happened. He was irate.

7 Q. Can you tell us whether or not it appeared he had
8 used meth amphetamine?

9 A. Yes. He did.

10 Q. What did you say in response?

11 A. I just asked him what was wrong and he told me I
12 can't tell you right now. I'll tell you when I get back.
13 Just don't let nobody in the house no matter what until I get
14 back.

15 Q. And where did he go?

16 A. To roll call.

17 Q. By roll call, do you mean -- What part of Lexington
18 County is that?

19 A. Uhm, here at the courthouse, General Sessions roll
20 call.

21 MR. BELL: Objection, Your Honor. May we approach?

22 THE COURT: Yes.

23 (Side bar off the record.)

24 BY MS. MAYES:

25 Q. While you were there at his house was anyone else

1 there?

2 A. No.

3 Q. What were you doing?

4 A. Uhm, on my phone sitting in the living room.

5 Q. Then what happened next?

6 A. Then I left to come, to go pick my son up from
7 school, took him to my mom's, dropped him off and then I came
8 back and waited for him to return.

9 Q. All right. And on this particular day what time
10 would it have been approximately that you left to get your
11 son?

12 A. Probably 10:15.

13 Q. And then you would have gone where and took him
14 where?

15 A. To Sangaree Drive.

16 Q. And then went back where after Sangaree?

17 A. To McDonald Avenue.

18 Q. What's at McDonald Avenue?

19 A. That's where Tony lives.

20 Q. All right. What do you remember happening next?

21 A. He returned. When he came, he was with Keith
22 Kirkland and Kendall Hancock and they all came in the house.

23 Q. All right. Do you remember if anybody else was with
24 those two individuals?

25 A. There was another female but I can't recall who she

1 was.

2 Q. All right. What happened when they arrived?

3 A. Uhm, they was just sitting around getting high.

4 Q. And at this point in time are you still using meth
5 amphetamine?

6 A. Yes.

7 Q. Were those individuals using meth amphetamine?

8 A. Yes.

9 Q. Based on your observations was the defendant using
10 meth amphetamine?

11 A. Yes.

12 Q. How long would you estimate they were there?

13 A. An hour or so.

14 Q. What happened after that?

15 A. Uhm, that's when Jake Rupert showed up and we were
16 still sitting is there and getting high.

17 Q. All right. Now, Jake Rupert, is that someone that
18 you know?

19 A. No.

20 Q. Is that someone you're friends or acquainted with?

21 A. No.

22 Q. Do you know how Jake Rupert even ended up there that
23 day?

24 A. He knows Tony.

25 Q. And when Jake Rupert arrived, what happens next?

1 A. It's me and him sitting in the living room and
2 that's when Tony proceeds to tell us about how he's done
3 messed up. He's done something horrible and he tells us about
4 how he's killed somebody and he's panicked and we look at him
5 like, yeah, right. You didn't do nothing like that. And he
6 say, oh, y'all don't believe me? Y'all don't believe me? So
7 he goes to his bedroom, comes back and shows us a picture of
8 her hands.

9 Q. What was your response?

10 A. I looked at Jake and we just looked at each other
11 and just couldn't believe it.

12 Q. All right. What is the demeanor or state of mind of
13 Tony Corley at this point?

14 A. He's - at that point it's almost like, oh, y'all
15 thought I was lying? Like he was bragging.

16 Q. Did he say what, if anything, had happened?

17 A. He - well, he told me later after Jake left that the
18 reason why he did it is because he thought she was drilling
19 holes in his wall for the purpose of spying on him or trying
20 to set him up with somebody and she wouldn't give him her
21 Google password and that's why he did it.

22 Q. Do you know who he was talking about?

23 A. He was talking about Alena.

24 Q. And who was Alena? What was your understanding of
25 how she knew Tony?

1 A. I guess the way they all knew him, the drugs.

2 Q. Let me ask you this: Do you know whether or not
3 Alena had been staying at his house?

4 A. No.

5 Q. Do you know how long Jake was there?

6 A. Not even an hour.

7 Q. And throughout this time were you continuing to use
8 meth?

9 A. Yes.

10 Q. What was Jake's reaction to the photograph?

11 A. He dropped his head and started shaking his head. I
12 guess his was like mine, disbelief.

13 Q. You observed that yourself?

14 A. Yes.

15 Q. What happened after that?

16 A. Uhm, he ends up leaving. Uhm, he said he had to go
17 to --

18 MR. BELL: Objection.

19 THE COURT: Don't say what he said please, ma'am.
20 Just what you observed or saw.

21 BY THE WITNESS:

22 A. He ended up leaving.

23 BY MS. MAYES:

24 Q. All right. Throughout that day where were you?

25 A. In the living room.

1 Q. Did you ever leave Tony's house that day after you
2 learned of this?

3 A. No.

4 Q. And ultimately what happened later?

5 A. Uhm, he starts panicking and threatening to kill
6 hisself. He's waiving a gun around. He's distraught. He's
7 talking about ending his life. He calls his mom to tell his
8 mama. His mama doesn't believe him so he gets aggravated and
9 he throws the phone against the wall. He's just so upset and
10 I couldn't deal with it anymore so I break down and start
11 crying after trying to convince him not to kill hisself,
12 trying to be the friend and talk him out of it, and then
13 finally I just break down and had to go outside and sit in my
14 car.

15 Q. You said he had placed a call?

16 A. Mm-hmm.

17 Q. What is his mother's name?

18 A. Susan. I'm not sure of her last name.

19 Q. Were you a witness to that call?

20 A. Yes.

21 Q. What, if anything, did you witness him saying to
22 her?

23 A. That he wasn't playing anymore. He was just gonna
24 end it. He just couldn't deal with it no more.

25 Q. Okay. And you go where?

1 A. I go outside and sit in my car.

2 Q. What happened next?

3 A. He comes out there and he hugs me and he says, he
4 was sorry and he said let's just figure this out.

5 Q. And how did you respond to that?

6 A. I said okay.

7 Q. Now, that day while he was at roll call, I'm gonna
8 show you --

9 MR. BELL: Objection, Your Honor. Leading.

10 BY MS. MAYES:

11 Q. I'm gonna show you a photograph.

12 THE COURT: I'll allow it. Go ahead.

13 BY MS. MAYES:

14 Q. I'm gonna show you a photograph which is State's
15 Exhibit 9 and ask you whether or not you recognize this?

16 A. Yes. Yes.

17 Q. Okay. What is this?

18 A. That's the message he sent me right after he left
19 roll call saying that he loved me.

20 Q. And the message is sent from?

21 A. Him.

22 Q. And what type of media is he using to send this?

23 A. Text message.

24 Q. And do you respond?

25 A. Yes.

1 Q. What is your response?

2 A. Where does that come from.

3 Q. And what was his response?

4 A. Just want you to know.

5 Q. And what was the date of that message?

6 A. April 21st.

7 Q. Do you recognize or do you have -- Who created this
8 screencap?

9 A. Uhm, I'm not sure.

10 Q. Okay. Do you recognize the message?

11 A. Yes.

12 Q. How did you have him saved in your contacts?

13 A. As Tony.

14 Q. What did you know his phone number to be at the
15 time?

16 A. 201 number.

17 Q. Can you tell us for the record what that is?

18 A. 803-201-2257.

19 MS. MAYES: Your Honor, at this time State's Exhibit
20 9 would be for evidence.

21 THE COURT: Any objection?

22 MR. BELL: Without objection.

23 THE COURT: All right. State's 9 is in evidence
24 without objection.

25 BY MS. MAYES:

1 Q. Prior to this date, had he ever told you that he
2 loved you before?

3 A. No.

4 Q. That date April 21st, why is that significant, if at
5 all?

6 A. That's the day he left for roll call.

7 Q. And where were you when you received that message?

8 A. Sitting in his living room.

9 Q. And so later that evening you're in your car. What
10 happens next?

11 A. He comes out there and says he's sorry and says
12 let's figure this out and I agree.

13 Q. When you say you agree, what do you mean by that?

14 A. I told him I would help him figure it out, what his
15 next move was.

16 Q. Did he appear to know what his next move was?

17 A. Not at first, but he had a general idea.

18 Q. How long did you stay at Tony's house after April
19 21st?

20 A. It didn't seem that long because being on meth your
21 times run together. What really is a day may seem like a
22 couple hours. It messes up your view of time so what seemed
23 like a couple hours was actually like the day after.

24 Q. All right. And did you continue to use drugs?

25 A. Yes.

1 Q. Where were you on April 23rd, 2017?

2 A. That's when we went to Cecil Lane.

3 Q. And who lives there at Cecil Lane?

4 A. His uncle.

5 Q. Whose idea was it to go there?

6 A. His.

7 Q. Tell us what occurred prior to the two of you going
8 to Cecil Lane?

9 A. We just came up with the idea and he went outside
10 and brought a trash can into the back door and he pulled it up
11 into where his bedroom door is and I heard him putting the
12 body in the trash can.

13 Q. Where were you at?

14 A. In the living room.

15 Q. What were you able to hear?

16 A. The sound of something being placed inside of a
17 trash can.

18 Q. All right. Now, you mentioned before that he had
19 shown you a picture?

20 A. Yes.

21 Q. What was his demeanor or attitude when he showed you
22 that picture?

23 A. Trying to prove something like because we didn't
24 believe him so he wanted to make it be known that he was
25 telling us the truth.

1 Q. Do you know where he went in his home in order to
2 take that photograph?

3 A. His bedroom.

4 Q. What do you recall seeing in the photograph?

5 A. A blanket wrapped around hands.

6 Q. And on the 23rd who drove to Cecil Lane?

7 A. We both did. I followed him in my blue car in my
8 van.

9 Q. Where did the trash can end up?

10 A. In the back of my van.

11 Q. Who placed it there?

12 A. Tony.

13 Q. And you followed him where?

14 A. To Cecil Lane.

15 Q. What occurred when you got there?

16 A. When we got there, he told his uncle that he had
17 some trash he needed to burn and then he proceeded to unload
18 it into the backyard and that's when he lit the trash can on
19 fire.

20 Q. All right. I'll show you a photograph and ask you
21 whether or not you recognize what's in the photograph. This
22 is State's 92 already in evidence.

23 A. That's the burn barrel.

24 Q. Do you recognize this location State's 83?

25 A. Yes.

1 Q. Where is that location?

2 A. That's the front porch of his uncle's home.

3 Q. I'll show you this photograph State's 68.

4 A. That's where the burn took place.

5 Q. Who all was there for this.

6 A. Me and him.

7 Q. Just the two of you?

8 A. Yes, ma'am.

9 Q. Where was his uncle Murray?

10 A. Inside of the house.

11 Q. Did his uncle Murray have any idea what was going
12 on?

13 A. No, ma'am.

14 Q. What occurred after the two of you arrived in those
15 two vehicles?

16 A. That's when he asked his uncle or told his uncle,
17 chitchatted with him for a while, he told him he had trash he
18 needed to burn and he wanted to use his backyard.

19 Q. What did you see happen next?

20 A. That's when he unloaded it out of the van and rolled
21 it around back and then he lit it on fire.

22 Q. How long was Tony at Cecil Lane that day?

23 A. A few hours.

24 Q. Were you there the whole time?

25 A. No, ma'am.

1 Q. Was there a time that you left?

2 A. Yes.

3 Q. Was there a time that you returned?

4 A. Yes.

5 Q. Did you receive anything from Tony that day?

6 A. No.

7 Q. Can you tell us where you went?

8 A. Uhm, I went to the gas station. I went to
9 McDonald's. I think there was a point in time I even left and
10 went to my mom's and came back.

11 Q. All right. I want to talk about that. You went to
12 McDonald's for what purpose?

13 A. To get some food for all three of us.

14 Q. How did you pay for the food at McDonald's?

15 A. Using Alena's credit card.

16 Q. The Bank of America card of Alena Kennedy?

17 A. Yes, ma'am.

18 Q. How did you acquire that?

19 A. Tony gave it to me.

20 Q. You said you went to get gas?

21 A. Yes, ma'am.

22 Q. Where did you go to purchase gas?

23 A. The gas station right up the road.

24 Q. Now, was this an ordinary gas purchase?

25 A. No.

1 Q. The gas was put in what?

2 A. In a gallon jug.

3 Q. How much was that purchase?

4 A. \$5.00.

5 Q. And why were you getting gas?

6 A. Because he needed more gas for the burn of the
7 body.

8 Q. And did you put gas in that container?

9 A. Yes, ma'am.

10 Q. And where did you take it?

11 A. Back to Cecil Lane.

12 Q. What happened next?

13 A. Uhm, that's when he started, the trash can started
14 melting so he started throwing debris on top of it so it
15 wouldn't be noticeable and was burning it that way.

16 Q. When you say debris, what are you referring to?

17 A. There was a steel door, pieces of wood, anything
18 that he could find.

19 Q. All right. What do you remember being done with the
20 steel door?

21 A. It was laid across it like a teepee.

22 Q. And throughout this time who, if anyone, was in the
23 yard?

24 A. Just me and him.

25 Q. And what happened after that?

1 A. That's when he told me to take his uncle to
2 McDonald's, give it time to cool down and when I got back, he
3 would have it ready to go.

4 Q. What happened when you returned?

5 A. He had it scooped up into another trash can.

6 Q. And then what happened?

7 A. Then he loaded it back in the van and we ended up
8 going back to his house.

9 Q. You're referring to which house?

10 A. McDonald Avenue.

11 Q. All right. So where, if anywhere, was this trash
12 can stored after that?

13 A. There's a storage building right behind his house,
14 in there.

15 Q. And then what happened after that?

16 A. Uhm, that's when he ended up over at Amy and
17 Edward's house and he had lift it in my van and just left me
18 there so I took it to him and dropped it off where he was
19 at.

20 Q. All right. So I want to ask you who is Edward and
21 Amy?

22 A. His friends.

23 Q. Do you know if they knew what was in the van?

24 A. No.

25 Q. And ultimately what, if any, discussions were had

1 about the trash can?

2 A. Uhm, I guess he ended up telling them. I'm not sure
3 exactly.

4 Q. All right. What about between yourself and Tony
5 Corley?

6 A. Uhm, I dropped it off there and told him, you know,
7 you're not leaving me stuck with this. This is your
8 responsibility and I dropped it off to him and I left. I
9 didn't stay for the remainder of that day.

10 Q. What happened after that day?

11 A. Uhm, I guess he managed to get it back to his house
12 and that's when he came up with the idea about the concrete
13 and he needed a place to mix the concrete because he was
14 paranoid about people dropping by his house or getting nosey,
15 being nosey and he was paranoid. That's when I came up with
16 the idea to take it to my mothers on Sangaree, to mix it up
17 and let it dry and it was only supposed to be temporary.

18 Q. When you say it was only supposed to be temporary,
19 what was your understanding of what would eventually happen?

20 A. As soon as it was dry, he would move it.

21 Q. Why your mother's house?

22 A. Because I knew it was, nobody would bother us there.
23 It was late at night. She was asleep. The kids were asleep
24 and I just know it would be somewhere private.

25 Q. Was it taken to Sangaree?

- 1 A. Yes.
- 2 Q. Who, if anyone, took it there?
- 3 A. Me and him both.
- 4 Q. In what type of vehicle?
- 5 A. In my van.
- 6 Q. Where did the concrete come from?
- 7 A. I'm not sure.
- 8 Q. Were you there when that occurred?
- 9 A. It was already there when I got there.
- 10 Q. What about the mixing of it?
- 11 A. That happened on Sangaree Drive.
- 12 Q. All right. And how many bags of concrete were used
- 13 based on what you observed?
- 14 A. Two.
- 15 Q. Who brought the concrete?
- 16 A. He did.
- 17 Q. And it was mixed with what?
- 18 A. Water and a stick.
- 19 Q. Water obtained from where?
- 20 A. Water hose.
- 21 Q. Two bags of concrete?
- 22 A. Yes, ma'am.
- 23 Q. And then what happened?
- 24 A. And then he said he needed to let it dry so I pulled
- 25 it back up in the woods a little bit so it would be out of

1 sight and not really on the property but between the property
2 in the woods and we left.

3 Q. Now, after all of this occurred, how would you
4 describe the relationship you had with Tony at this point?

5 A. He got real distant. He stopped messaging me as
6 much. It's kind of like he was trying to push me off or like
7 he was trying to put this all on me by backing away, like he
8 was trying to pin it on me.

9 Q. What was your reaction to that?

10 A. Uhm, I was distraught. I mean, I was panicked. I
11 didn't - I didn't want him to blame this on me. I wanted him
12 to take care, you know, with what he had to do.

13 Q. How would you normally contact him or communicate
14 with him?

15 A. Facebook.

16 Q. Would he always respond?

17 A. No.

18 Q. I'm gonna show what is State's Exhibit 63 already in
19 evidence, but I want to ask you to take a look at those to
20 yourself.

21 A. (Witness complies.)

22 Q. Do you recognize those communications?

23 A. Yes.

24 Q. How so?

25 A. They were the messages between me and Tony.

1 Q. Do these appear to be a fair and accurate
2 representation of the communications between the two of you?

3 A. Yes.

4 Q. Specifically using what type of application or
5 device?

6 A. Messenger on Facebook.

7 Q. So I want to ask you specifically about a message
8 from May 3rd. Do you recognize this series of messages
9 here?

10 A. Yes.

11 Q. All right. Who were you having that conversation
12 with?

13 A. Tony.

14 Q. You were aware he was seeing other women?

15 A. Yes, ma'am.

16 Q. Was there ever a point in your relationship where
17 you weren't aware of that?

18 A. No, ma'am.

19 Q. Tell us how this message begins on May 3rd at 1:01
20 a.m.

21 A. Uhm, I can't really read that far.

22 Q. Okay.

23 A. It says, okay, you want to have another bitch up in
24 the house. That's why you ain't want me to come in the place
25 on the way to get my car.

1 Q. And you were referring to who?

2 A. Nicole.

3 Q. Okay. And how long, if at all, had he been seeing
4 Nicole?

5 A. Before I started hanging out with him.

6 Q. All right. And when you said you're on your way to
7 get your car, what were you referring to?

8 A. The blue car.

9 Q. Next.

10 A. I remember when you first told me you loved me on
11 April 21st the day you went to roll call and it left me
12 speechless. Now I look at us, this shit's crazy, don't you
13 agree?

14 Q. What's that in reference to?

15 A. Him telling me that he loves me the day he went to
16 roll call.

17 Q. April 21st?

18 A. Yes, ma'am.

19 Q. Did he respond back?

20 A. No.

21 Q. What, if anything, did you say next?

22 A. Uhm, listen, I'm at home. Can you come by here so
23 we can talk please.

24 Q. All right. What if anything else did you say?

25 A. Yo.

1 Q. All right. What if anything else?

2 A. Oh, what happened to the shit you told me the day
3 about me and you was gonna leave from here and not have any
4 contact with anyone from around here? What happened to that?

5 Q. What are you referring to there?

6 A. His plan was to leave town.

7 Q. When was that plan developed?

8 A. Uhm, when the police started coming around.

9 Q. Specifically going back to when this occurred in
10 April --

11 A. Mm-hmm.

12 Q. -- he tells you that he loves you. What, if any,
13 plans were made after that?

14 A. Not until after everything happened.

15 Q. All right. When you say everything happened, you're
16 talking about what?

17 A. When he killed Alena.

18 Q. Had there ever been any plans to run away together
19 before that?

20 A. No.

21 Q. Did there ever come a time where there was a
22 discussion about the trash can being at your mother's house?

23 A. Yes.

24 Q. What were the discussions about that?

25 A. Uhm, he told me that he was not gonna come over if I

1 still had wood in my yard.

2 Q. Whose term was that, wood?

3 A. His.

4 Q. Do you know what, if anything, he was referring
5 to?

6 A. To the body.

7 Q. And what did you tell him in response to that?

8 A. I told him that it wasn't there. That I moved it.

9 Q. Why did you tell him that?

10 A. Because I was trying to get him to come and I knew
11 that would be the only way that he would if he thought that it
12 was gone.

13 Q. Had he been responding to your messages at this
14 point?

15 A. No.

16 Q. What other efforts did you take to reach him other
17 than texting him?

18 A. I even went by his house and left a note on his
19 door.

20 Q. What was his reaction or response to that?

21 A. Nothing.

22 Q. I'm gonna show you these series of text messages on
23 May 4th through May 5th and ask you to take a look at those
24 please, all from exhibit 63.

25 A. (Witness complies.)

1 Q. What was that conversation about there, Ms.
2 Coleman?

3 A. Uhm, about that he was looking for a truck and --

4 Q. For what purpose did he need a truck?

5 A. For so he could move the trash can.

6 Q. And did that conversation go on for some period of
7 time?

8 A. Uhm, no. He would leave a message and then he would
9 stop messaging and then he would message again out of the
10 blue.

11 Q. That message in blue at the top, who is that message
12 from?

13 A. Tony.

14 Q. What does he say?

15 A. He said, okay, if you move the wood, I'll come.

16 Q. I'll show you another message from that same time
17 frame. Who is the message in blue at the top from?

18 A. Tony.

19 Q. What does it say?

20 A. I love you, too. I can't come down there. You've
21 got wood in your driveway.

22 Q. Had you heard him use that term wood before?

23 A. Just on that occasion.

24 Q. And your response was?

25 A. I moved it, baby, and I said I'll walk down the road

1 to meet you if you tell me you're coming.

2 Q. And then you said?

3 A. So will you come get me, baby? Please. I don't
4 want to be here.

5 Q. And his response?

6 A. To where?

7 Q. Okay. And on May 5th what does he say?

8 A. He said, hey, what's good? I'm trying to find a
9 truck.

10 Q. To your knowledge, do you know whether or not he
11 ever found a truck?

12 A. No.

13 Q. How long did this go on, a discussion about the
14 trash can at your house?

15 A. A week. A couple weeks.

16 Q. Okay. And did he ever ask you again where it was?

17 A. No.

18 Q. Let me show you, look at that text (proffering.)

19 A. (Witness complies.)

20 Q. Can you tell us whether or not you were continuing
21 to use drugs throughout this time?

22 A. Yes. I was.

23 Q. Can you read this? If you could read that series of
24 texts on May 10th to yourself please.

25 A. (Witness complies.)

1 Q. I'm going to show you this communication, May 10th,
2 11:20. Again, what, if any, discussion are you having?

3 A. Uhm, he asked again where the wood was at. I told
4 him that it wasn't there.

5 Q. And do you know ultimately what happened to the
6 trash can?

7 A. No, ma'am.

8 Q. Do you know ultimately if he got a truck?

9 A. No, ma'am.

10 Q. And what, if anything, can you tell us about his
11 state of mind as the two of you continued to converse on
12 Facebook messenger?

13 A. He got very paranoid. He felt like somebody was
14 trying to set him up. He just had a paranoid mind frame,
15 guilty conscious.

16 Q. When you say paranoid, how did he express that to
17 you?

18 A. He thought that I was working with the police trying
19 to turn on him.

20 Q. Did he ever express that in any text messages?

21 A. Yes.

22 Q. Read that to yourself please.

23 A. (Witness complies.)

24 Q. What, if anything, did you state to him when he
25 expressed concern that you might be working with the police?

1 A. I told him I'd never do that. That I've had his
2 back through all of this.

3 Q. What did you mean by that when you said you had his
4 back?

5 A. That I've had his back with helping him get rid of
6 the body.

7 Q. And how many times did he express thoughts or
8 opinions like that, Ms. Coleman? Was it only one point in
9 time --

10 A. No.

11 Q. -- or more than one time?

12 A. More than one time.

13 Q. What, if anything, would you say to him?

14 A. Uhm, that I would never do that. That I loved him
15 and I was on his side.

16 Q. Okay. Were you on his side?

17 A. Yes.

18 Q. Why is that?

19 A. Because I loved him.

20 Q. What plans, if any, you said you had plans to leave.
21 What, if any, plans did you have to actually go somewhere?

22 A. He just - he said that we should just relocate to
23 Florida.

24 Q. Were you willing to do that?

25 A. Yes.

1 Q. How many discussions did you have in that regard?

2 A. Uhm, two or three.

3 Q. Did you have any reason to not believe him at that
4 time?

5 A. No.

6 Q. Why were you willing to do that?

7 A. Because my love for him was that strong.

8 Q. What happened later in your relationship regarding
9 Nicole?

10 A. She attacked me.

11 Q. Where did that occur?

12 A. At McDonald Avenue at Tony's house.

13 Q. All right. And when you say she attacked you, tell
14 us a little bit more about that.

15 A. Uhm, she took my car keys out of my purse that was
16 sitting in the living room and ran out the door with my keys.
17 I sent him after her to retrieve them, uhm, but he came back.
18 He didn't have the keys. He took a part out of my car that
19 starts it so she couldn't crank it up with keys. So we're
20 outside and she tells me if I want a ride home, to get in my
21 car and she'll take me home. I said I shouldn't have to do
22 that. That's my car. How can you take my car? I said, if
23 that's the case, I'll just call the police. When I went to my
24 phone to call them, that's when she came around with a mag
25 flashlight, a metal one from behind and whacked me over the

1 head several times and in the face.

2 Q. Now, Nicole, how many times did she come over to
3 Tony's house while you were there?

4 A. Quite a few.

5 Q. And on this particular occasion did you actually
6 call the police?

7 A. Yes.

8 Q. And approximately when did that occur?

9 A. It was in June.

10 Q. All right. June of 2017?

11 A. Yes, ma'am.

12 Q. And did you have any injuries?

13 A. Yes.

14 Q. And who was listed as the victim on that report?

15 A. I was.

16 Q. Did you fight back?

17 A. No.

18 Q. Did you win or lose?

19 A. I lost.

20 Q. And ultimately where was Tony during that whole
21 altercation?

22 A. Standing right there watching the whole thing happen
23 and didn't do anything.

24 Q. And what type of car, which car was it that y'all
25 were arguing over?

1 A. My blue Kia Spectra.

2 Q. Can you tell us whether or not you gave a statement
3 to the police?

4 A. I did.

5 Q. Did you remain involved with Tony after that?

6 A. I did.

7 Q. Did Nicole remain involved with Tony after that?

8 A. She did.

9 Q. Do you know whether he was involved with any other
10 women in addition to Nicole after that?

11 A. I don't know.

12 Q. I'm gonna show you what is State's 128 for
13 identification and ask you what this is. If you could just
14 take a look at it.

15 A. (Witness complies.)

16 Q. Do you recognize that?

17 A. Yes.

18 Q. Whose Facebook account was used to post this
19 message?

20 A. Mine.

21 Q. And where was this message posted?

22 A. On Tony's timeline.

23 Q. And what was the date of that Facebook post that you
24 put on his timeline?

25 A. April 27th.

1 MS. MAYES: Your Honor, this would be State's 128
2 for evidence. It was previously marked for ID.

3 THE COURT: All right. Any objection to State's
4 128?

5 MR. BELL: No objection.

6 THE COURT: In evidence without objection.

7 BY MS. MAYES:

8 Q. On April 27th what was that post about?

9 A. It was basically saying that if you put somebody
10 else in a position that you put me in of having your back with
11 the crime you committed, I bet you they couldn't. They would
12 fold.

13 Q. Were you folding on him?

14 A. No.

15 Q. I want to move forward. You talked about there was
16 an argument with Nicole, and your estimation of when that
17 occurred was?

18 A. Early June.

19 Q. All right. Did you and Tony remain in communication
20 after that?

21 A. Yes.

22 Q. Can you tell us whether or not you remained in
23 communication up until the time of your arrest?

24 A. Yes.

25 Q. All right. So June 15th, 2017 this officer, this