

VOLUME
II of V

THE STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas
The Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2018-001540
Lower Court Case No. 2017-CP-40-2220

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S.C. SUPREME COURT

LESLIE TODD PARVIN,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA

PETITIONER.

APPENDIX

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1 trigger was pulled.

2 Q. And the further the gun is away from the person or
3 where they entered the body, the further away, the less soot
4 or stippling that you would see?

5 A. That's correct. It will spread out much like a spray
6 can. The further away you get from whatever you are
7 painting with a spray can, it gets wider and less dense.
8 The closer you are, the heavier and tighter the pattern is.

9 Q. And in this case on your observations of Edgar Lopez
10 during your autopsy, it wasn't an actual contact wound, but
11 I believe you characterized it as a close?

12 A. That's correct, close, meaning that there was stippling
13 present.

14 Q. And in your expertise, approximately how far away, or
15 can you give a distance or a range of distance that gun
16 would have been from his face to end up that would have been
17 from his face when he was shot?

18 A. A couple inches, depending on the type of ammunition
19 used and the weapon used. You know, maybe up to 18 inches,
20 but more practical estimate would be more like six inches,
21 seven inches, but I can't actually say that without doing a
22 set of test firings in barber paper with that ammunition and
23 that gun.

24 Q. Okay. You have to have that ammunition and that gun?

25 A. That's correct.

1 Q. But you can give them a range that would be somewhere
2 between two and 18 inches?

3 A. Several inches, yes.

4 Q. Several inches would be.

5 The second wound that you observed, the entrance wound,
6 was to what area of the body?

7 A. It was to the abdomen.

8 Q. To the abdomen area?

9 A. Uh-huh.)

10 Q. And that was also an entrance wound to the front of
11 him?

12 A. Yes.

13 Q. And you mentioned that was a distant wound. What do
14 you mean when you say that?

15 A. Distant means there was no soot seen; there was no
16 powder stippling seen; that the gun was further than the
17 first gunshot wound, which was identified.

18 Now, I have labeled these 1 and 2. I don't actually
19 know the firing sequence in these. Those are just labeled
20 for convenience purposes and documentation.

21 So this gun was further away than the first gunshot
22 wound -- I mean the second wound was further away than the
23 first gunshot wound.

24 Q. And so the term distances just means that it's probably
25 greater than 18 inches away?

- 1 A. As an estimate, yes, or even further.
- 2 Q. Even further?
- 3 A. Yeah.
- 4 Q. It could be very far away, but as close as 18 inches?
- 5 A. The maximum firing range of the weapon and given the
- 6 physical circumstances of the shooting, yes.
- 7 Q. And you also mentioned that both of these exited out, I
- 8 believe, one out the back of the head, the one to the face?
- 9 A. It went out the back of his neck, yes.
- 10 Q. His neck, excuse me?
- 11 A. Yes.
- 12 Q. And then the second one was to the abdomen, exited in
- 13 what part of his body?
- 14 A. Along its course of bullet lacerates liver, lung lobe,
- 15 and it went out the back of his body.
- 16 Q. Okay. And in this case with these two one wounds, the
- 17 one to the face, and I believe you mentioned that the second
- 18 one actually caused injury to his thigh, as well as you
- 19 mentioned some bleeding in the lungs, as well as bleeding in
- 20 the liver area?
- 21 A. Well, both those bullets caused damage.
- 22 Q. Would either or both of these gunshot wounds to have
- 23 been lethal?
- 24 A. Yes.
- 25 Q. Either would have been lethal?

1 A. Yes.

2 Q. So either one of them would have killed him?

3 MS. PRINGLE: Objection to the leading. I don't
4 think he answered either.

5 THE COURT: All right. Is there a question, or a
6 statement, or what?

7 BY MS. CAMPBELL:

8 Q. What -- either of these gunshot wounds, could they have
9 caused -- would they have caused his death?

10 A. Yes.

11 Q. As a part of your examination do you also submit blood
12 and/or urine for toxicology examination?

13 A. Yes.

14 Q. What is that, sir?

15 A. What we do is what's called a general drug screen and
16 we are looking for certain substances, specifically illicit
17 substances, such as narcotics, marijuana, and then any
18 degree of alcohol that may or may not be present.

19 Q. And that's something that you take into consideration
20 when determining the final cause of death?

21 A. Yes.

22 Q. And in this case with Edgar Lopez did he have any drugs
23 present in his system?

24 A. Drugs, no.

25 Q. However, he had alcohol present in his system?

1 A. He did.

2 Q. And what was his alcohol level?

3 A. 0.379.

4 Q. Taking in all factors in your observations and --
5 Let me back up for a second because I skipped
6 something.

7 During the course you mentioned that this external
8 examination, there is also an internal examination?

9 A. Yes.

10 Q. And was that done in this case?

11 A. Yes.

12 Q. And how was the internal examination done to confirm
13 your initial observations?

14 A. The internal examination is done for two reasons. One
15 is to document the actual injury that was caused by the
16 gunshot wounds, and the other thing is is that you also look
17 for the presence or absence of disease which may have
18 contributed to his death.

19 Q. And you did that in this case with Mr. Lopez?

20 A. Yes.

21 Q. And upon your examinations and taking into
22 consideration all your findings, what was the cause of death
23 for Mr. Lopez?

24 A. Edgar Lopez died as a result of cardiac arrest due to
25 two gunshot wounds. Essentially he bled to death.

1 Q. And would either one of those gunshot wounds have
2 caused his death?

3 A. Yes.

4 Q. I'm going to show you some photographs marked 145
5 through 149 and just first ask you if you can look at those,
6 and just don't show them to the jury yet.

7 A. Yes.

8 Q. And during the course of the autopsy, does the
9 sheriff's department also attend the autopsy?

10 A. Usually, yes.

11 Q. And, in fact, did they take photographs for later to be
12 used in court?

13 A. Yes.

14 Q. And that was done in this case?

15 A. Yes.

16 Q. And do these photographs fairly and accurately depict
17 the wounds that we were talking about, as far as Mr. Lopez?

18 A. Yes.

19 MS. CAMPBELL: Your Honor, at this time I offer
20 into evidence.

21 THE COURT: Ladies and gentlemen, I'm going to
22 have you go to the jury room for a few moments, please. Do
23 not discuss the case.

24 (The following takes place outside the presence of
25 the jury panel)

1 THE COURT: With regard to various photographs,
2 has the State shared them with the defense?

3 MS. CAMPBELL: They have got a copy of all the
4 photographs.

5 THE COURT: Have they been premarked?

6 MS. CAMPBELL: I have premarked some this morning,
7 yes, sir.

8 THE COURT: All right.

9 MS. CAMPBELL: I will be glad to show them all to
10 them at this time, if that would --

11 THE COURT: All right. We will be at ease while
12 you all look at them.

13 You can step down, doctor.

14 THE WITNESS: Thank you. I appreciate it.

15 (Whereupon, proceedings were recessed)

16 (Whereupon, proceedings were reconvened)

17 THE COURT: What say the defense?

18 MS. PRINGLE: Your Honor, we would object to any
19 of the photographs. These are all photographs taken during
20 the course of the two autopsies of Mr. Lopez and Mr.
21 Gutierrez, the objection being under 403. They are highly
22 prejudicial and inflammatory, more prejudicial than
23 probative of anything. The doctor has already testified on
24 it regarding Mr. Lopez that he suffered two gunshot wounds.
25 He testified in great detail about those gunshot wounds, and

1 I anticipate them doing the same thing with regard to Mr.
2 Gutierrez, the gunshot wounds suffered by him.

3 The pictures -- there is nothing in dispute about
4 the gunshot wounds, the pictures add any information to, or
5 which they would be probative of.

6 I would direct the court's attention to the recent
7 case of State v. Torrez, a South Carolina Supreme Court
8 death penalty case, in which the Supreme Court recently,
9 "just as an aside we take this opportunity to address an
10 area of growing concern in this court that is at issue.
11 Admissible or at the outer limits of what our law" --

12 COURT REPORTER: Ms. Pringle, you need to read a
13 little slower. Thank you.

14 MS. PRINGLE: "That are at the outer limits of
15 what our law prevents a jury to consider. We strongly
16 encourage all solicitors to refrain from pushing the
17 envelope on admissibility in order to gain entry."

18 Judge, I think the significance of that is not
19 just the language, but in that case that's a death penalty
20 case. Most of the cases where these photographs, autopsy
21 photographs, photographs in particular are admissible are
22 death penalty cases. And that, of course, is a different
23 situation where they are showing the real nature of the
24 crime and exactly the circumstances in what the defendant
25 did, so it's a different analysis, but it's also a

1 heightened analysis.

2 THE COURT: Is there an objection accompanying an
3 argument and a brief and a recitation of all the cases?

4 MS. PRINGLE: I'm sorry?

5 THE COURT: Must all objections include an
6 argument and a brief and a recitation of all the cases, or
7 is that only to be made when they testify in court,
8 objections and arguments on objections?

9 MS. PRINGLE: I would leave it at that.

10 THE COURT: Per the rules?

11 MS. PRINGLE: I would leave it at that.

12 If we can just -- these are Mr. Lopez and this is
13 Mr. Gutierrez.

14 THE COURT: Rule 18(b) says, "no argument shall be
15 made on objections to the admissibility of evidence or
16 conduct of trial, unless specifically requested by the
17 court."

18 I sustain the objection to Exhibits No. 148, 146,
19 145, 147, and 149. Are these all they took?

20 MS. CAMPBELL: They will be with the next autopsy,
21 Your Honor. I did this just to expedite things.

22 THE COURT: We will mark them all for
23 identification at this time.

24 Any ruling regarding the admissibility of the
25 photographs would be subject to being revisited based on the

1 testimony.

2 MS. CAMPBELL: Thank you, Your Honor. That would
3 be our desire, that they become relevant at a later time.

4 If I might just get him to identify those as well,
5 just so that they will be in the record for ID only?

6 THE COURT: Yes.

7 MS. CAMPBELL: Thank you.

8 Bring the jury.

9 THE BAILIFF: Yes, sir.

10 (The following takes place in the presence of the
11 jury panel)

12 THE BAILIFF: The jury is present.

13 THE COURT: All right, very well.

14 The objection is sustained.

15 MS. CAMPBELL: Thank you, Your Honor.

16 THE COURT: You may proceed.

17 BY MS. CAMPBELL:

18 Q. Again I show you photographs 145, 146, 147, 148 and 149
19 for ID purposes at this point only. Do you recognize those?

20 A. Yes, I do.

21 Q. And do those photos fairly and accurately depict the
22 exit and entrance wounds we have been discussing, as far as
23 Mr. Lopez's autopsy?

24 A. Yes.

25 Q. As part of your autopsy, do you also prepare a chart

1 generally showing the area of the exit and entrance wounds
2 in homicide cases?

3 A. Yes.

4 Q. I'm going to show you what's been marked as State's
5 Exhibit No. 9. Do you recognize that?

6 A. Yes.

7 Q. And is that a chart that you actually prepared in
8 conjunction with Edgar Lopez's autopsy?

9 A. Yes.

10 Q. And would this aid you in explaining the entrance and
11 exit wounds for the jury?

12 A. Yes.

13 MS. CAMPBELL: Your Honor, at this time we would
14 offer State's Exhibit No. 9.

15 THE COURT: What says defense?

16 MS. PRINGLE: We don't have any objection.

17 THE COURT: It's admitted.

18 MS. CAMPBELL: I'll get back to that.

19 BY MS. CAMPBELL:

20 Q. The second autopsy that you performed that morning was
21 on I believe Pablo Guzman-Gutierrez?

22 A. Yes.

23 Q. And, again, the history you got was similar in nature
24 as far as Mr. Lopez's history?

25 A. Yes.

1 Q. And, again, can you tell the jury generally your
2 findings when doing your initial examination and then
3 subsequently the internal examination on Mr.
4 Guzman-Gutierrez?

5 A. Mr. Guzman-Gutierrez was the victim of multiple gunshot
6 wounds.

7 Specifically there was a distant perforating gunshot
8 wound to the right upper back near the shoulder at a
9 distance of 11 inches from the top of the head and seven
10 inches to the right of midline. The wound is circular with
11 a 0.4 inch diameter. A 0.1 inch abrasion border is present
12 around the wound. No soot or powder stippling is
13 identified. The bullet is found to enter the body at this
14 site traveling upwards approximately 45 degrees, to the left
15 45 degrees, and forward 10 degrees. The bullet then exits
16 near the anterior upper shoulder at a distance of nine
17 inches from the top of the head and three inches to the
18 right of midline.

19 The exit wound is gaping, measuring 0.9 by 0.8 inch in
20 radius diameter. The bullet then proceeds into the right
21 chin at a distance of eight inches from the top of the head
22 and 1.5 inch to the right of midline. This wound is gaping
23 measuring 1 inch by 2.5 inch in greatest diameters. The
24 underlying mandible, which is the jaw, in here, is
25 fractured. The bullet then ricochets back down into the

1 original wound track to be recovered near the entrance
2 wound. Along its course the bullet also lacerates the right
3 upper lung lobe with associated right hemothorax. Once
4 again, that's blood in the right chest cavity. Recovered
5 projectile is a copper jacketed bullet of medium to large
6 caliber. The number one --

7 COURT REPORTER: Can you read that one more time
8 for me?

9 A. The recovered projectile is a copper jacketed bullet of
10 medium to large caliber. The number 147, which is the
11 autopsy number for that year and the initial CN, which are
12 my initials, are inscribed on the base of the bullet by
13 myself.

14 Gunshot wound number 2 is to the right mid back at a
15 distance of 20 inches from the top of the head and two
16 inches to the right of midline. The wound is circular with
17 a 0.4 inch diameter. There is a 0.1 inch abrasion contusion
18 around the wound. No soot or powder stippling is
19 identified. The bullet then travels left approximately 10
20 degrees, forward approximately 20 degrees, and upwards
21 approximately 80 degrees. Along its course the bullet
22 lacerates the right ventricle of the heart. There is an
23 associated right hemothorax and a hemopericardium. The
24 hemopericardium is the sac where the heart sits and it
25 protects the heart. When the bullet goes through the heart,

1 it actually lacerates that and there is bleeding into
2 pericardial sac.

3 The exit wound is elliptical, measuring 0.8 by 0.5 inch
4 in greatest diameters. It's in the right mid chest. The
5 exit wound has lacerated edges. The bullet exits between
6 the third and fourth ribs. Of course, the bullet exits and
7 is not recovered.

8 Gunshot wound number 3 is to the right lower back at a
9 distance of 24 inches from the top of the head and one inch
10 to the right of midline. The wound is circular with a 0.4
11 inch diameter. No soot or powder stippling is identified.
12 A 0.1 inch abrasion border and contusion is present around
13 the wound. The bullet is found to enter at this site
14 traveling to the right approximately 20 degrees, upwards 80
15 degrees, and forward approximately 10 degrees. Along its
16 course the bullet lacerates the right lower lung lobe.
17 There is an associated right hemathorax.

18 The exit wound is located on the right lateral chest 15
19 inches from the top of the head and six inches to the right
20 of midline. The exit wound is elliptical measuring 0.9 by
21 0.3 inch. It has lacerated edges and the bullet is not
22 recovered.

23 Gunshot wound number 4 is a grazed gunshot wound to the
24 right lower chest at a distance of 24 inches from the top of
25 the head, four inches to the right of midline, and measures

1 2.3 by 0.4 inch in greatest diameter. No soot or powder
2 stippling is identified. No vital structures transected and
3 the bullet is not recovered.

4 A graze wound is just where the bullet brushes up
5 against the skin causing an injury there, but does not
6 actually penetrate into the body.

7 Q. And that would be the final wound you mentioned on the
8 lower abdomen?

9 A. Yes.

10 Q. And that wound never actually entered or perpetrated
11 the body at all?

12 A. That's correct.

13 Q. And as far as -- and you are taking these in the
14 order -- you can't tell this jury which one happened first
15 or what order they happened in?

16 A. No.

17 Q. But taking them in the order in which you -- you have
18 to pick one and start there, right?

19 A. That's correct.

20 Q. The first one that you mentioned entered in what part
21 of the body?

22 A. That entered in the right upper back.

23 Q. The right upper back?

24 A. Uh-huh.

25 Q. And then how did it travel through the body, because

1 you mentioned that it ends up into the mandible and part of
2 the head too. Explain to the jury how that happened.

3 A. It entered in the right part of the back, came up out
4 of the shoulder and back into the chin, and it was in this
5 configuration. Exactly where the hand was I don't know, but
6 the bullet comes out here, into the chin, fractures the jaw,
7 and goes back into the wound track. So the chin and arm,
8 the shoulder area were pretty much touching each other when
9 he received the gunshot wound.

10 Q. You mentioned that it actually came in and broke the
11 jaw, the mandible of the jaw bone?

12 A. Yes.

13 Q. And then proceeded back into the shoulder area where it
14 was recovered?

15 A. Yes.

16 Q. And you were able to determine that based on your
17 external observations, as well as your internal dissection?

18 A. Yes.

19 Q. And in that case, in this wound, you mentioned that the
20 entrance wound is in the back, is that correct?

21 A. That's correct.

22 Q. And then it exits out the shoulder, into the jaw, and
23 then back into the shoulder?

24 A. Yes.

25 Q. And in that case you actually recovered the projectile

1 on this one?

2 A. Yes.

3 Q. I'm going to show you what's been marked as State's
4 Exhibit No. 133. Do you recognize that?

5 A. Go ahead and open it up?

6 Q. Yes.

7 A. This is a bullet I recovered from Mr. Gutierrez.

8 Q. And I think you actually mentioned that you actually
9 inscribed your initials on the bottom of it?

10 A. Yes.

11 Q. And that was done.

12 And once that bullet was recovered in this case, once
13 you opened up the body and cut it open, at that point would
14 it have been turned over to law enforcement?

15 A. Yes.

16 Q. And that was done in this case?

17 A. Yes.

18 Q. And during the time period that you had that bullet in
19 your possession, you didn't alter it or tamper with it in
20 way, other than initialing it so you could later identify
21 it?

22 A. No.

23 MS. CAMPBELL: Your Honor, at this time we offer
24 State's Exhibit No. 133 into evidence.

25 THE COURT: What says the defense?

1 MS. PRINGLE: Objection, until the chain of
2 custody is fully established. The projectile has been all
3 over the place since Dr. Nichols has had it.

4 THE COURT: All right. It's admitted for
5 identification purposes at this time.

6 MS. CAMPBELL: Thank you, Your Honor.

7 BY MS. CAMPBELL:

8 Q. The second wound that you took I believe you mentioned
9 entered the right mid back?

10 A. Yes.

11 Q. And that would have been -- the entrance wound was in
12 the back?

13 A. Yes.

14 Q. And that one subsequently traveled through the body and
15 there was an exit wound associated with that?

16 A. That's correct.

17 Q. Based on your internal examination, were you actually
18 able to see the progress of the bullet through the body to
19 the exit wound?

20 A. Yes.

21 Q. And during that I believe you mentioned it also had
22 contact or lacerated the heart or the sac around the heart?

23 A. The heart, yes.

24 Q. Would that have been a fatal wound?

25 A. Yes.

1 Q. And I forgot to ask. On the first one, the wound that
2 went through the shoulder and up and down, would that
3 necessarily have been a fatal wound?

4 A. Yes.

5 Q. And that one you mentioned also it exited what part of
6 the body, the second gunshot wound?

7 A. The second one was right mid chest.

8 Q. Right mid chest?

9 A. Yes.

10 Q. So that traveled from the back to the front in pretty
11 much straightforward?

12 A. Well, essentially, but it was in the back and it came
13 forward exiting approximately here. And, of course, that's
14 pretty much where your heart is, and the bullet went through
15 his heart.

16 Q. The third penetrating wound that you mentioned was also
17 to the right lower back, correct?

18 A. That's correct.

19 Q. And that one actually traveled through the body, and
20 againm that projectile exited the body?

21 A. That's correct.

22 Q. And it actually lacerated, I believe, the lung?

23 A. That's correct.

24 Q. Right lower lung.

25 Would that have also been considered fatal?

1 A. Yes.

2 Q. And then finally the fourth wound that you saw evidence
3 of was just a grazing to the actual front?

4 A. Yes.

5 Q. And that would not have been a lethal injury?

6 A. No.

7 Q. And as far as which one came first or the order them
8 came in, again myou are just taking them -- you can't say?

9 A. No, I can't.

10 Q. As far as the penetrating wounds to the back, you
11 mentioned earlier about the stippling and estimating how far
12 the gun would have been from the person. Can you say were
13 those distant or close wounds or contact wounds?

14 A. No soot or powder stippling was identified on either
15 wound, so those would be considered distance. Exactly what
16 distance it was I can't say. It's just far enough way that
17 no soot or powder stippling was deposited on the body.

18 Q. And, again, that would have been an estimate of 12 to
19 18 inches up to the entire firing range of the gun?

20 A. That's correct.

21 Q. And, again, you can't tell about the actual gun itself?

22 A. That's correct.

23 And one thing I want to point out, I don't actually do
24 the test firing. There are firearms examiners that do that,
25 but the gun that has to be examined is going to be that gun

1 with that ammunition.

2 Q. Did you also get blood, urine, and things of that
3 nature to be sent off for a toxological examination?

4 A. Urine was sent off and I notice in the report that I
5 have a blood ethanol level listed. It's incorrect. It's a
6 urine ethanol that we received back.

7 Q. And what was the -- was the presence of any drugs in
8 his system?

9 A. Drugs, no; ethanol, yes.

10 Q. And what was the amount in his system?

11 A. 0.33 percent.

12 Q. Based on your examination of this body, as well as the
13 bullet wounds, toxicology and everything, did you come to a
14 conclusion as to the cause of death for Mr.
15 Gutierrez-Guzman?

16 A. Yes, I did.

17 Q. And what was that?

18 A. He died as a result of a cardiac arrest due to multiple
19 gunshot wounds.

20 Q. Multiple gunshot wounds?

21 A. Yes.

22 Q. And, again, the three penetrating to the back area,
23 your testimony was that at any one of those would have been
24 lethal?

25 A. Yes.

1 Q. I'm going to show you what's been marked as State's
2 Exhibit No. 8, and first ask you do you recognize that?

3 A. Yes, I do.

4 Q. And what does that show, sir?

5 A. That shows the three gunshot wounds to Mr.
6 Guzman-Gutierrez.

7 Q. And would that be helpful in you showing the jury what
8 we have been talking about?

9 A. Yes.

10 Q. And this was actually prepared by you?

11 A. Yes.

12 Q. It's been blown up?

13 A. Yes.

14 MS. CAMPBELL: Your Honor, at this time we offer
15 State's Exhibit No. 8.

16 MS. PRINGLE: No objection.

17 THE COURT: It's admitted.

18 MS. CAMPBELL: Your Honor, may the witness step
19 down for a moment?

20 THE COURT: He may.

21 (Witness off the witness stand)

22 BY MS. CAMPBELL:

23 Q. This is the first victim that you examined that
24 morning?

25 A. Yes.

1 Q. Mr. Lopez.

2 And do you depict the approximate area of the entrance
3 and the exit wounds in this case?

4 A. Yes. Once again, this was a standard form. It doesn't
5 represent the proportions of the victim. We just use it for
6 documentation purposes.

7 You can see gunshot number one was to the right face
8 and came out of the back of the left neck here.

9 Gunshot wound number two is to the mid abdomen and
10 comes out of the left back here.

11 Q. And you have mentioned that you have got gunshot wound
12 and then an exit wound, and then exit, exit, and those would
13 have been another exit of the body?

14 A. That's correct.

15 Q. And with State's Exhibit No. 8, which is Mr.
16 Guzman-Gutierrez, the facts show the entrance and exit
17 wounds in this case?

18 A. It does.

19 Q. And where are all the entrance wounds in this case?

20 A. Well, three of them, the penetrating perforating ones
21 are to the right back area.

22 The graze was here.

23 The exit wound for number one was the shoulder and you
24 could see the chin. That would show the approximation of
25 this area with the chin, causing almost mirror image

1 injuries as the bullet exited the body, and that was the one
2 that the bullet was recovered from.

3 Number two is to the right mid back, came out of the
4 mid chest. That's the one that lacerated the heart.

5 Number three, lower back out the right lateral chest
6 here and that lacerated the lung lobe.

7 And this is our graze wound right here.

8 Q. Thank you, sir.

9 (Witness back on the witness stand)

10 BY MS. CAMPBELL:

11 Q. And let me back up just one more question about both of
12 them. And referring to Mr. Lopez, did you do a height and
13 weight on each of these gentleman?

14 A. Yes.

15 Q. And what was the height and weight of Mr. Lopez?

16 A. Mr. Lopez, 64 inches, which was 5'4". Weight is 140
17 pounds.

18 Q. And on Mr. Guzman?

19 A. His weight is 196 pounds and his height is 73 inches,
20 which is 6'1".

21 Q. And both of these men were in their thirties?

22 A. Yes.

23 MS. CAMPBELL: Beg the court's indulgence.

24 (Off the record)

25 (Back on the record)

1 BY MS. CAMPBELL:

2 Q. As far as your findings, had you found any indication
3 of any bruising, any type of struggle, defensive wounds, or
4 anything of that nature? Was there any indication on either
5 of these men of any other wounds that you noted?

6 A. No significant offensive or defensive injuries on Mr.
7 Guzman-Gutierrez, and none on Mr. Lopez.

8 Q. Thank you.

9 MS. CAMPBELL: Thank you.

10 THE COURT: Ms. Pringle.

11 MS. PRINGLE: If it please the court.

12 CROSS EXAMINATION BY MS. PRINGLE:

13 Q. Good morning.

14 A. Good morning. It's been a while. It's a pleasure to
15 see you again.

16 Q. And you.

17 Dr. Nichols, it's your job to testify when you are
18 being qualified -- you are a forensic pathologist, right?

19 A. Right.

20 Q. And so that means it's your job to determine not just
21 the cause of death, but the manner of death?

22 A. Except in Richland County.

23 Q. Except in Richland County?

24 A. Yes.

25 Q. And when you do an autopsy, you do it as quickly as it

1 comes to your attention as quickly as you are able, correct?

2 A. Yes.

3 Q. And occasionally I know that you have gone actually
4 to -- sometimes you even go to the scene in doing and
5 performing an autopsy when you become involved in a case
6 sometimes?

7 A. On occasion I have, yes.

8 Q. You didn't -- but you didn't do that in this case?

9 A. No.

10 Q. And you do that because you want to consider all the
11 information, as a solicitor was asking you, the history,
12 statements, information from law enforcement and information
13 from the coroner's office, and you did obtain that in this
14 case, correct?

15 A. Yes.

16 Q. From law enforcement and the coroner's office?

17 A. Yes.

18 Q. The gunshot wound that you discussed regarding Mr.
19 Edgar Lopez, you talked about there being two wounds, and I
20 only want to talk to you about the gunshot wound to the
21 face. You described that as a close gunshot wound, correct?

22 A. Correct.

23 Q. I just want to make sure that this is very clear.

24 Close means that there is stippling present?

25 A. That's correct.

1 Q. And when you have soot present, that is when you have
2 it -- how close do you have to have it?

3 A. I'm sorry, a fraction of an inch away when the trigger
4 is pulled.

5 Soot is obviously black, like in the middle of soot and
6 charcoal or fireplaces. That gets deposited around the skin
7 in a ring-like fashion.

8 If the gun goes back a couple of inches and now the
9 trigger is pulled, the soot, which is lighter, dissipates
10 and the unburned gunpowder, which is heavier, it looks like
11 someone took a pencil and just dotted all around the skin.

12 Q. But that's not what we have in this situation?

13 A. We do. We have stippling.

14 Q. We have stippling?

15 A. Yes.

16 Q. And you testified that the stippling means that it's
17 several inches, up to 18 inches away, is that correct?

18 A. As an approximation, yes.

19 Q. It could be even further?

20 A. Depending on the gun and the type of ammunition used,
21 yes, ma'am.

22 Q. There is no way for you to say for sure. You do know
23 that that shot is close, because there is some stippling
24 present?

25 A. That's correct.

1 Q. That's about all you could say as far as that distance,
2 right?

3 A. That's correct.

4 (Off the record)

5 (Back on the record)

6 BY MS. PRINGLE:

7 Q. Just to be very clear, the only stippling on Mr. Lopez
8 is the stippling to this shot?

9 A. The face, right, and the right side of the face, not
10 the left side.

11 Q. I'm sorry.

12 And the toxicology -- I'm not sure I heard you right,
13 but with regard to Mr. Lopez, .379, correct?

14 A. Blood alcohol is .379, that's correct.

15 Q. And Mr. Gutierrez was .333?

16 A. That's his urine.

17 Q. Thank you.

18 A. Okay.

19 MS. PRINGLE: Nothing further.

20 THE COURT: Anything further?

21 MS. CAMPBELL: Just one question, Your Honor.

22 REDIRECT EXAMINATION BY MS. CAMPBELL:

23 Q. When she's talking about distances, we are talking
24 about approximate distances from the end of the barrel?

25 A. Right, the muzzle.

1 Q. Thank you.

2 MS. CAMPBELL: I don't have anything further.

3 THE COURT: Anything further?

4 MS. PRINGLE: Nothing further.

5 THE COURT: Thank you, sir.

6 THE WITNESS: Judge, it's a pleasure.

7 THE COURT: Next witness.

8 MS. WALKER: Your Honor, the State calls Debbie
9 Goff.

10 THE COURT: Debbie Goff.

11 SLED AGENT DEBORAH GOFF, having been first duly
12 sworn, testified as follows:

13 THE CLERK: Have a seat in the witness box and
14 state your name for the record and spell your full name.

15 THE WITNESS: My name is Deborah R. Goff.

16 D-E-B-O-R-A-H. G-O-F-F.

17 DIRECT EXAMINATION BY MS. WALKER:

18 Q. Where are you currently employed?

19 A. I work with the South Carolina Law Enforcement
20 Division.

21 Q. And what is it that you do for SLED?

22 A. I work as a forensic artist.

23 Q. Could you please tell the jury what a forensic artist
24 does?

25 A. The majority of what we do is composite sketches. So

1 what we do is interview witnesses, witnesses of a crime or
2 witnesses of an unknown suspect, and we interview them in
3 order to get a composite sketch, which may lead to
4 identifying who that suspect is.

5 Q. And what sort of training have you gone through in
6 order to qualify you for a sketch artist?

7 A. My training background is I have a Bachelor of Fine
8 Arts Degree from Georgia State University, majoring in
9 illustration.

10 I have taken Karen T. Taylor's comprehensive composite
11 drawing class in 2006.

12 In 2008, I was trained at the Federal Bureau of
13 Investigations Academy in Quantico, Virginia for forensic
14 facial imaging.

15 And I have also had additional training at the
16 International Association for Identification Educational
17 Conference in 2008.

18 And I also became certified as a forensic artist in
19 2008, with the International Association For Identification,
20 and I have been a member with the International Association
21 For Identification since 2003.

22 Q. Can you explain to the jury what exactly a composite
23 sketch is?

24 A. A composite sketch is an image made up of component
25 parts that resembles -- that represents the witness' memory

1 of what a suspect looked like at the time of the crime.

2 Q. And how many of those, approximately, have you done?

3 A. I have done approximately about seven hundred.

4 Q. And the purpose of these sketches is what?

5 A. The purpose of a composite sketch is to help generate
6 leads. Often police leave them in the public as a plea for
7 help to help identify who an unknown person is, which may
8 lead to an arrest.

9 Q. Can you walk the jury through exactly the information
10 that you gather in order to do these composite sketches and
11 that entire process?

12 A. The process that we use is first I'll do a preliminary
13 interview with the witness to see if they are able to do a
14 composite sketch. And then I will sit down with them one on
15 one and interview them, asking open-ended questions so that
16 the witness can describe to me in their own words what they
17 saw and what the person looked like.

18 As the sketch starts developing, I will then introduce
19 some photo reference material, which is a catalog supplied
20 by the Federal Bureau of Investigation, that helps the
21 witness point out to me differences in features and stuff
22 and that helps us get a little bit more detailed with the
23 sketch.

24 And then when we get the sketch to a point where there
25 isn't anything else that the witness can tell me that we can

1 do to make it look more like the suspect, then I'll complete
2 the interview. And at the end I'll ask the witness to rate
3 the drawing on a scale of 1 to 10 so that investigators know
4 how much this sketch resembles the witness' memory of what
5 the suspect looked like.

6 Q. And regarding this case, did you have the opportunity
7 to do a composite sketch?

8 A. Yes, I did.

9 Q. When?

10 A. Let me look at my notes.

11 The composite sketch was done on August 5th, 2010.

12 Q. And do you recall the location?

13 A. It was at the Richland County sheriff's department.

14 Q. And do you remember who you interviewed in order to get
15 the information for this composite?

16 A. I had interviewed Alfredo Zuniya. And also in this
17 interview I did have an interpreter, Sergeant Rafael
18 Gonzales, who interpreted the interview.

19 Q. And do you memorialize what the location and date of
20 these interviews?

21 A. Yes.

22 Q. And these sketches, are they intended to be an exact
23 likeness of the suspect?

24 A. A composite sketch is not expected to be an exact
25 portrait of the person, because we are working with

1 somebody's memory and, memory isn't one hundred percent to
2 start with, so the most that we are hoping for is that it's
3 a good enough of a likeness or a general overall appearance
4 which may lead to the identity of who the person is.

5 Q. And what was the description that you were given in
6 order to --

7 A. The sketch is a result of my interview with Alfredo
8 Zunija.

9 Q. Do you recognize this?

10 A. Yes, I do.

11 Q. This has already been marked and entered as State's
12 Exhibit 6.

13 Did the witness give you any other pertinent
14 information regarding this suspect?

15 A. No, he did not.

16 MS. WALKER: No further questions.

17 THE COURT: All right, defense.

18 MR. SHEALEY: May it please the court.

19 CROSS EXAMINATION BY MR. SHEALEY:

20 Q. It's good to see you again, Ms. Goff.

21 A. Uh-huh.

22 Q. Just briefly. You have a second page, other than the
23 actual sketch, that includes your notes, right?

24 A. Yes, I do.

25 Q. Do you have that with you?

1 A. Yes, I do.

2 Q. Okay. Some of the things that Alfredo told you through
3 this translator are descriptive features and you have little
4 blanks where you can memorialize that, right?

5 A. Yes.

6 Q. He said that the approximate height was about 5'6",
7 right?

8 A. Yeah, my notes are based on the witness' memory, so
9 they aren't factual. They are just him trying to describe
10 to me what he saw.

11 Q. That's what he told you, right?

12 A. That's what --

13 Q. That's what he remembers?

14 A. Right.

15 Q. Right.

16 Said stocky, right?

17 A. That's one of the words that he used to describe his
18 build.

19 Q. Glasses, right? Wearing glasses?

20 A. Yeah, I mean the sketch that he remembered him wearing
21 glasses.

22 Q. And you wrote down wavy hair, brownish, dirty blond, in
23 terms of hair?

24 A. Yes, that describes what the witness remembers his hair
25 appearing like at the time of the crime.

1 Q. Okay. I see in your sketch you have earrings drawn
2 with the ears, based on Alfredo's memory?

3 A. Yes.

4 Q. And he mentioned a tattoo of a nude woman with lose
5 hair on his back, correct?

6 A. Yeah, he was describing some type of tattoo with a --
7 my notes say a woman with lose hair, nude, yes.

8 MR. SHEALEY: That's all. Thank you.

9 THE WITNESS: Okay.

10 THE COURT: Anything further?

11 MS. WALKER: No, Your Honor.

12 THE COURT: All right, thank you.

13 Next witness, please.

14 MS. SIMPSON: The State calls Andrea Thompson.

15 ANDREA THOMPSON, having been first duly sworn,
16 testified as follows:

17 THE CLERK: Have a seat in the witness box and
18 state your name for the record and spell it, please.

19 THE WITNESS: Andrea Thompson, A-N-D-R-E-A.
20 T-H-O-M-P-S-O-N.

21 DIRECT EXAMINATION BY MS. SIMPSON:

22 Q. Good morning Ms. Thompson.

23 A. Good morning.

24 Q. Where do you work?

25 A. Paul's Pantry Express.

1 COURT REPORTER: Pantry?

2 THE WITNESS: Pantry Express 600.

3 BY MS. SIMPSON:

4 Q. And what do you do there?

5 A. Manager.

6 Q. Manager.

7 And back on July 30th of 2010, and the beginning of
8 August of 2010, where were you working?

9 A. Paul's Pantry Express 600.

10 Q. All right. Were you --

11 A. Shell station.

12 Q. Were you working in the same capacity as well?

13 A. Yes.

14 Q. Okay. And do you recall the police coming to talk to
15 you during that time period?

16 A. They called me first. I had to come to them.

17 Q. Okay. And did you recover a portion of a videotape
18 surveillance from your store?

19 A. Yes, ma'am.

20 Q. And did you reduce that information to a CD for law
21 enforcement?

22 A. They more or less made the CD that I supplied them.

23 THE COURT: Ma'am, you are speaking kind of softly
24 there. Could you move the mike to you?

25 THE WITNESS: Okay.

1 A. I just turned --

2 THE COURT: Ma'am?

3 A. I just turned the CD.

4 THE COURT: Ma'am. Ma'am. Can you hold the mike?

5 THE WITNESS: Mike closer?

6 THE COURT: Yes.

7 A. Okay. I just turned up the time that they needed.

8 They used their people to burn the CD, actually.

9 BY MS. SIMPSON:

10 Q. And I'm going to show you what's been marked as State's
11 Exhibit 7. Have you had a chance to review this video?

12 A. Yes, ma'am.

13 Q. And is that -- does it fairly and accurately represent
14 the information that you provided to law enforcement?

15 A. That's what I saw on there, yes, ma'am.

16 MS. SIMPSON: Your Honor, at this time the State
17 would seek to introduce State's Exhibit 7 into evidence.

18 THE COURT: What says defense?

19 MS. PRINGLE: No objection.

20 THE COURT: Admitted without objection.

21 MS. SIMPSON: Your Honor, I have no further
22 questions.

23 THE COURT: Questions by the defense?

24 CROSS EXAMINATION BY MS. PRINGLE:

25 Q. Good morning.

1 A. Good morning.

2 Q. You testified you weren't actually working that day,
3 correct?

4 A. No, I worked that day. I was off at the time.

5 Q. You were what?

6 A. I was off of work at the time the police called me.

7 Q. Okay. And so the day that the video was taken, you
8 were working that day?

9 A. I was working that morning.

10 Q. Okay. That morning, but not that evening?

11 A. Right.

12 Q. So you were not in the store at the cash register, or
13 anywhere else, at six o'clock, 6:30 that evening?

14 A. No, ma'am.

15 Q. Okay. And you had two other employees working for you
16 that day by the name of Christa and Debbie?

17 A. As I recall, yes.

18 Q. Sound about right?

19 A. Yes.

20 Q. All right. Thank you.

21 MS. SIMPSON: Nothing further.

22 THE COURT: All right. You may step down, ma'am.

23 Next witness.

24 MS. CAMPBELL: We call Yvonne Woods.

25 INVESTIGATOR YVONNE WOODS, having been first duly

1 sworn, testified as follows:

2 THE CLERK: Have a seat in the witness box and
3 state your name for the record and spell it, please.

4 THE WITNESS: Yvonne Woods, W-O-O-D-S.

5 COURT REPORTER: First name, too, please.

6 THE WITNESS: Y-V-O-N-N-E.

7 DIRECT EXAMINATION BY MS. CAMPBELL:

8 Q. Ms. Woods, where are you employed?

9 A. Richland County sheriff's department.

10 Q. What do you do there, ma'am?

11 A. Crime scene investigator.

12 Q. And as a crime scene investigator, what do your duties
13 include?

14 A. Respond to all crime scenes in Richland County. I
15 document, photograph, collect and preserve evidence at the
16 crime scene.

17 Q. And that is commonly referred to as CSI. Is that crime
18 scene investigation?

19 A. Yes, ma'am.

20 Q. And you are a member of that unit at the Richland
21 County sheriff's department?

22 A. Yes, ma'am.

23 Q. Can you tell this jury a little bit about your
24 education and your training both in law enforcement and in
25 crime scene investigation?

1 A. Crime scene investigation, I have had 24 months of
2 internal training; testing for proficiency in processing of
3 footwear and tire and track development; blood stain pattern
4 analysis; trajectory analysis; process major crime scenes;
5 legal aspects of court testimony; footwear and tire track
6 examination; latent prints examination. Also annual
7 proficiency testing as well.

8 Q. And in a crime scene, typically you go to a crime
9 scene, it's your duty basically to first photograph and then
10 collect any possible evidence that may be later tested?

11 A. Correct.

12 Q. For things such as fingerprints and DNA?

13 A. Yes, ma'am.

14 Q. And as well as some footwear impressions and things of
15 that nature?

16 A. Yes, ma'am.

17 Q. And your training has been specifically in the last 24
18 months in that area?

19 A. Yes, ma'am.

20 Q. And you mentioned that you have proficiency testing.
21 So your actual results, as well as your work, is reviewed on
22 a regular basis?

23 A. Yes, ma'am.

24 Q. And you said that you actually trained in this
25 capacity. Do you go to various classes?

1 A. Yes, ma'am.

2 Q. And have you had numerous classes in all these areas
3 that we have been discussing; photographic, processing --
4 and when we say processing the crime scene, what do we mean?

5 A. We would go in, we photograph it. We look for evidence
6 in the scene.

7 Q. Could that include processing, let's say, for
8 fingerprints?

9 A. Yes, ma'am.

10 Q. As well as processing and collecting DNA swabs that may
11 be later tested?

12 A. Yes, ma'am.

13 Q. That may be sent to SLED?

14 A. Yes, ma'am.

15 Q. And you have been trained in all those areas?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Your Honor, at this time I would
18 offer her as an expert in crime scene investigation.

19 THE COURT: What says defense?

20 MR. SHEALEY: No objection, Your Honor.

21 THE COURT: She is so qualified.

22 BY MS. CAMPBELL:

23 Q. I want to turn your attention back to July the 30th,
24 that evening. Did you get called out to a crime scene here
25 in Richland County?

1 A. Yes, ma'am.

2 Q. And where did you go that evening?

3 A. I went to [REDACTED] [REDACTED] [REDACTED].

4 Q. And approximately what time were you actually

5 dispatched to that area?

6 A. I was notified at 19:37 --

7 Q. Okay.

8 A. -- and arrived at 20:02.

9 Q. Is that military time?

10 A. Military, I'm sorry.

11 Q. Okay. And so that would be?

12 A. 7:37.

13 Q. And what time did you arrive?

14 A. 20:02.

15 Q. And that would be right around eight o'clock?

16 A. Eight o'clock.

17 Q. That evening?

18 A. Yes.

19 Q. And at that point it was still light when you got

20 there?

21 A. Yes, ma'am.

22 Q. And tell this jury what initially --

23 Did anyone assist you that evening in processing that

24 crime scene?

25 A. I assisted Investigator Beeler at the scene. He was

1 the primary --

2 COURT REPORTER: Beeler? I'm sorry, Investigator
3 Beeler?

4 A. Beeler.

5 BY MS. CAMPBELL:

6 Q. Why did it take two of you that --

7 A. He was the primary and I was the secondary.

8 Q. When you got there what did you observe?

9 A. I observed two male victims on the ground.

10 Q. Was other law enforcement --

11 A. Yes, ma'am.

12 Q. -- or other people in the area?

13 A. Yes, ma'am.

14 Q. Had the crime scene been secured when you got there?

15 A. Yes, ma'am.

16 Q. And typically how was the crime scene secured?

17 A. Log. They do a log. They put up crime scene tape and
18 do a log of people that go in and out of the crime scene.

19 Q. And that would have been done prior to you getting
20 there?

21 A. Yes, ma'am.

22 Q. And I believe it was Deputy Bland who was monitoring
23 who was coming in and out of the scene?

24 A. Yes, ma'am.

25 Q. And what's the purpose in securing a crime scene such

1 as that once the police arrive?

2 A. For physical evidence, to protect the evidence.

3 Q. Whenever you go to a crime scene, such as a homicide
4 crime scene, or rape, or armed robbery, whatever, when you
5 get there you don't have any preconceived ideas about what
6 may be relevant and what may not, is that correct?

7 A. That's correct.

8 Q. And your duty is to observe everything, photograph it
9 and collect any --

10 MR. SHEALEY: Your Honor, at this time we object
11 to the continuing leading.

12 THE COURT: Don't lead the witness.

13 MS. CAMPBELL: Thank you, Your Honor.

14 BY MS. CAMPBELL:

15 Q. What are your duties when you get there to a scene, as
16 far as --

17 A. I document, photograph, collect. I preserved and
18 collect.

19 Q. That evening when you got there, you mentioned that you
20 observed two victims?

21 A. Yes, ma'am.

22 Q. And where were those victims located at the crime scene
23 as you observed them?

24 A. At the fence. One on the right, one on the left at the
25 fence line, inside the fence.

1 Q. And can you describe the general area of the house
2 where you were processing the scene?

3 A. The house was to the right and the victims were to the
4 left of the house. It was a closed-in area. It had a
5 walkway in the center. It was a tight-knit area.

6 Q. When you said that it was a closed-in area, you mean it
7 had a fence around it?

8 A. Fence.

9 Q. And you observed evidence in this case both inside and
10 outside that fence?

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

12 Q. Do you know whether or not EMS had already come and
13 gone by the time that you got there?

14 A. Looking at the crime scene log, I do.

15 Q. Okay. And they had already been there?

16 A. Yes, ma'am.

17 Q. And so both of the people had been pronounced dead when
18 you got there?

19 A. Yes, ma'am.

20 Q. So their bodies were left there when you got there?

21 A. Yes, ma'am.

22 Q. Okay. If there had been any signs of life, they would
23 have been removed?

24 A. That's correct.

25 Q. Did you photograph the area including where the victims

1 were?

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

3 Q. And once you did that, did you actually do an
4 examination of the victims to see if there was any evidence
5 on the victims themselves?

6 A. I did not touch the victims until the coroner arrived.

7 Q. And why was that, ma'am?

8 A. Evidence is my business. The body is the coroner's
9 business. I didn't collect until they got there.

10 Q. Once they had gotten there, though, and gave you the
11 okay to actually go over and tamper with the witnesses --
12 the victims, excuse me, did you go up and collect certain
13 evidence on the victims?

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

15 Q. What was that?

16 A. GSR, which is gunshot residue kits, from both victims.

17 Q. So you collected that actually there at the scene while
18 they were still lying on the ground?

19 A. Yes, ma'am.

20 Q. And what is GSR and what's the purpose in collecting
21 that? You don't do the testing yourself, do you?

22 A. No, I do not.

23 GSR is a kit that includes sticky tabs and swabs. And
24 what I do is do the palms and the back of the hands to
25 collect residue from a discharged firearm, and I collect two

1 swabs from both sides - the palm and the back of the hand.
2 And I also do a control swab as well, and I package it and
3 submit it into evidence.

4 Q. And when you say GSR, it's called a gunshot residue
5 test?

6 A. Yes, gunshot residue test.

7 Q. And in this case you collected those from each victim
8 separately?

9 A. Yes, ma'am.

10 Q. And then those would have been submitted to SLED?

11 MR. SHEALEY: Objection to the leading.

12 THE COURT: Don't lead the witness.

13 BY MS. CAMPBELL:

14 Q. Would those have been submitted for testing?

15 A. That's correct.

16 Q. By someone other than yourself?

17 A. Yes, ma'am.

18 Q. While there did you also collect any other swabs from
19 the victims?

20 A. I collected buccal swabs.

21 Q. And tell this jury what is a buccal swab?

22 A. It's a known swab for DNA. It's a known. It's from
23 the victim and I swabbed inside of the mouth.

24 Q. And what's the purpose in doing that for later testing?

25 A. For DNA purposes, to identify.

1 Q. So that's -- each were collected, one from each victim
2 in this case?

3 A. That's correct.

4 Q. And were those also packaged properly?

5 A. Yes, ma'am.

6 Q. And these items of evidence, the gunshot residue kit
7 and the buccal swabs used that you talked about, were those
8 later submitted into the evidence room?

9 A. That's correct.

10 Q. During the time period those were in your custody, did
11 anyone tamper with them or alter them in any way?

12 A. No, ma'am.

13 Q. Did you also collect certain items from the victims
14 pockets in this case?

15 A. Two phones, one on each victim.

16 Q. One from each victim?

17 A. Yes, ma'am.

18 Q. And were those also turned over for investigative
19 purposes?

20 A. Yes, ma'am.

21 Q. Once you had collected those items from the victims,
22 were the bodies then turned over to the coroner's office?

23 A. Yes, ma'am.

24 Q. You mentioned earlier that you photographed the general
25 area. Tell this jury basically how you go about

1 photographing the area and what you are trying to
2 memorialize.

3 A. What I done was basically in a triangulation of all
4 evidence, so I can go from one side to the next and do an up
5 close, mid range, and a distance of the whole scene.

6 Q. And are there certain aids that you use in order to
7 mark what may or may not be significant evidence down the
8 road?

9 A. As far as placards, numbers, in which I did not place
10 there.

11 Q. But you were there while they were being placed?

12 A. Yes.

13 Q. And you actually did some of the photographing of those
14 areas yourself?

15 A. Yes, ma'am.

16 Q. I want to show you what's been marked as State's
17 Exhibits No. 78 through 82 and first ask if you recognize
18 those?

19 A. These are the photographs that I took.

20 Q. You took that day?

21 A. Yes, ma'am.

22 Q. And did you take these after your arrival that same
23 day?

24 A. Yes, ma'am.

25 Q. And do these fairly and accurately depict the general

1 seen when you got there?

2 A. Yes, ma'am.

3 MS. SIMPSON: Your Honor, at this time I would
4 offer 78 through 82.

5 (Off the record)

6 (Back on the record)

7 MR. SHEALEY: Without objection, Your Honor.

8 THE COURT: Admitted without objection.

9 MS. CAMPBELL: Your Honor, may we approach?

10 THE COURT: Let's all stand for a moment.

11 (Whereupon, the lawyers approached the bench for
12 an off-the-record discussion)

13 THE COURT: Ladies and gentlemen, we will take
14 another break now. Please do not discuss the case.

15 (The following takes place outside the presence of
16 the jury panel)

17 THE COURT: We'll take a couple of minutes to give
18 the defense an opportunity to look at the pictures again.

19 (Off the record)

20 (Back on the record)

21 THE COURT: All right. What are you offering now,
22 Ms. Campbell?

23 MS. CAMPBELL: I'm offering a number of crime
24 scene photos, Your Honor, if I could get them back from
25 them.

1 MR. SHEALEY: We are still trying to take the
2 opportunity to review them.

3 THE COURT: All right. This is something y'all
4 have not done before the trial?

5 MR. SHEALEY: We have two hundred or so photos,
6 but we don't know what she's going to enter into evidence.

7 THE COURT: You haven't reviewed the entire two
8 hundred?

9 MR. SHEALEY: Yes, sir, we have, but we don't know
10 what she's going to enter into evidence.

11 THE COURT: Well, let's go with the ones that
12 she's prepared to enter. We will deal with them one by one.

13 All right, bring the jury.

14 MR. SHEALEY: I mean, I can go ahead and object to
15 some of them. Some of them are gruesome and up-close shots.
16 Some of them are cumulative, multiple shots of the same
17 thing. That would be our objection. I think -- we would
18 ask the court to look at them as well.

19 THE COURT: I have to look at all of them, though,
20 if I have to rule on them.

21 MR. SHEALEY: Yes, sir, and we haven't even had a
22 chance to look at them.

23 (The following takes place in the presence of the
24 jury panel)

25 THE BAILIFF: Your Honor, the jury is present.

1 THE COURT: All right, you may proceed.

2 MS. CAMPBELL: Thank you, Your Honor.

3 Your Honor, at this time I would ask permission to
4 publish State's Exhibit 78 through 82.

5 THE COURT: 78 through 82 are in evidence.

6 MS. CAMPBELL: They are in evidence.

7 THE COURT: You may proceed.

8 BY MS. CAMPBELL:

9 Q. I show you what's been marked as State's Exhibits 83
10 through 86. Were these also photographs of the same areas
11 or similar areas at the crime scene, just later in the day?

12 A. Yes, ma'am.

13 Q. And those were taken at night?

14 A. Yes, ma'am.

15 MS. CAMPBELL: Your Honor, at this time I would
16 offer State's Exhibit 83 through 86.

17 THE COURT: What says the defense?

18 MR. SHEALEY: I don't have any objection to these.

19 THE COURT: They are admitted without objection.

20 MS. CAMPBELL: Permission to publish?

21 THE COURT: Yes.

22 MS. CAMPBELL: Thank you.

23 BY MS. CAMPBELL:

24 Q. You mentioned that you observed two victims in the
25 general area when you got there. I'm going to show you

1 what's been marked as State's Exhibit 10 through 15. Do
2 those show the area where the victims were located, as well
3 as nearby?

4 A. Yes, ma'am.

5 Q. And do those fairly and accurately depict the scene as
6 you photographed it that night?

7 A. Yes, ma'am.

8 MS. CAMPBELL: Your Honor, at this time we offer
9 State's Exhibit 10 through 15.

10 THE COURT: What says defense?

11 MR. SHEALEY: No objection to these.

12 THE COURT: Admitted without objection.

13 MS. CAMPBELL: Permission to publish, Your Honor?

14 THE COURT: You may.

15 MS. CAMPBELL: Thank you.

16 BY MS. CAMPBELL:

17 Q. I show you what's been marked as State's Exhibit No. 16
18 through 19. Do those also show the victims and their
19 positions when you got there that night?

20 A. Yes, ma'am.

21 Q. And do those fairly and accurately represent the scene
22 as you saw it?

23 A. Yes, ma'am.

24 MS. CAMPBELL: Your Honor, at this time we would
25 offer these into evidence.

1 MR. SHEALEY: Your Honor, we object to 16 and 19 as
2 being cumulative.

3 And they offered 15 through --

4 THE COURT: Cumulative as to what?

5 MR. SHEALEY: To the same thing, to each other.

6 THE COURT: They are admitted over objection.

7 MS. CAMPBELL: Thank you, Your Honor.

8 Permission to publish?

9 THE COURT: You may.

10 COURT REPORTER: Ms. Campbell, what numbers,
11 please? I don't think you said.

12 MS. CAMPBELL: I'm sorry, 16 through 19.

13 BY MS. CAMPBELL:

14 Q. I'm going to show you what's been marked as State's
15 Exhibits 21, 22, and then 24 through 26. Do those depict --

16 MS. CAMPBELL: Your Honor, for the record I'm
17 withdrawing 20 and 23.

18 BY MS. CAMPBELL:

19 Q. Do those depict one of the victims and how he appeared
20 when you got there that night?

21 A. Yes, ma'am.

22 MS. CAMPBELL: Your Honor, at this time we would
23 offer 21, 22, and then 24 through 26.

24 MR. SHEALEY: Your Honor, I would object to
25 Exhibits 21, 22, and 25.

1 THE COURT: 25 was not offered.
 2 MR. SHEALEY: 25 was not offered?
 3 THE COURT: She said 21, 22, 24 and 26 at this
 4 time.
 5 MS. CAMPBELL: Through 26, I'm sorry. I
 6 apologize.
 7 MR. SHEALEY: 21, 22 and 25 under State v. Torrez
 8 and objection to 403, Your Honor.
 9 THE COURT: Tell me again the ones you objected
 10 to.
 11 MR. SHEALEY: I objected to 21. I believe -- 20,
 12 21, 25.
 13 THE COURT: Those are the ones you are objecting
 14 to?
 15 MR. SHEALEY: Yes.
 16 State's 22, State's 25, State's 21. 21, 22, and
 17 25, sir.
 18 THE COURT: 24 and 26 are admitted without
 19 objection.
 20 25 is admitted over objection.
 21 21 and 22 are marked for identification purposes
 22 only.
 23 MS. CAMPBELL: Thank you, Your Honor.
 24 Permission to publish 25, 24 and 26?
 25 THE COURT: You may.

1 BY MS. CAMPBELL:

2 Q. The second victim in the case, did you also take
3 certain photographs, 27 through 30, of his position?

4 A. Yes, ma'am.

5 Q. And were those photographs you took that night of how
6 he appeared when y'all got to the scene and the beer can
7 next to him?

8 A. Yes, ma'am.

9 MS. CAMPBELL: Your Honor, at this time I would
10 offer 27, 28, 29, and 30.

11 MR. SHEALEY: Your Honor, I would object to all of
12 these, which are 27, 28, 29, and 30, as being cumulative.
13 Additionally, as to photo 29 under State v. Torrez and 403.

14 THE COURT: 27 and 30 are admitted over objection.
15 28 and 29 are admitted for ID only -- marked for
16 ID only.

17 MS. CAMPBELL: At this time, Your Honor?

18 THE COURT: Yes.

19 MS. CAMPBELL: Thank you.

20 28 and 29 are ID; and 27 and 30 are in?

21 THE COURT: Yes.

22 MS. CAMPBELL: Okay.

23 Permission to publish, Your Honor?

24 THE COURT: You may.

25 BY MS. CAMPBELL:

1 Q. Once you were there at the scene and had photographed
2 the victims from a distance and how they appeared, did you
3 also photograph some specific wounds to the second victim's
4 body?

5 A. Yes, ma'am.

6 Q. Including bullet wounds to the back, as well as a graze
7 wound to the front of his body?

8 A. Yes, ma'am.

9 Q. And I'm showing you what's been marked as State's
10 Exhibits 31, 32, and 33. Do those show --

11 You actually pulled up his shirt to show those?

12 A. The coroner did.

13 Q. The coroner did?

14 A. Yes, ma'am.

15 Q. And then you photographed what he showed you?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Your Honor, at this time we would
18 offer these three into evidence, State's Exhibits 31, 32 and
19 33.

20 MR. SHEALEY: Your Honor, we would object to all
21 three of these under Rule 403 and Torrez.

22 THE COURT: Objection is sustained as to 31, 32
23 and 33. They would be marked for identification only.

24 MS. CAMPBELL: Yes, Your Honor, subject to maybe
25 coming in later?

1 BY MS. CAMPBELL:

2 Q. Once you had photographed the general scene, as well as
3 the victims and how they appeared on the ground, did you
4 also start photographing certain evidence?

5 A. Yes, ma'am, as they were marked.

6 Q. In your observations of the scene and your training,
7 did it become apparent that there was some gunshots in this
8 case.

9 A. Yes, ma'am.

10 Q. And, as such, is there certain evidence typically that
11 you will look for at a scene that may become significant
12 down the road?

13 A. Yes, ma'am.

14 Q. And specifically the term shell casings, are you
15 familiar with that?

16 A. Yes, ma'am.

17 Q. And tell the jury why you are looking for shell
18 casings, or if you are, why you looking for shell casings at
19 the scene?

20 A. I was advised this was a shooting, so the first thing
21 I'm looking for is shell casings at the scene.

22 Q. And in your experience as a law enforcement officer, as
23 well as a crime scene investigator, how does a shell casing
24 typically left at the scene?

25 A. Rephrase the question, please.

1 Q. How does the shell casing end up being left at the
2 scene?

3 A. Once the weapon is fired it's ejected and your shell
4 casings are on the ground, if it's a semiautomatic weapon.

5 Q. If it's a semiautomatic weapon?

6 A. Yes, ma'am.

7 Q. And in this case I want to show you what's been marked
8 as State's Exhibits 34 and 35. I believe that shows a shell
9 casing I believe located by Mr. Lopez's feet?

10 A. Yes, ma'am.

11 Q. And is that how it appeared when you got there that
12 day?

13 A. Yes, ma'am.

14 MS. CAMPBELL: Your Honor, at this time I would
15 offer 34 and 35 into evidence.

16 MR. SHEALEY: No objection, Your Honor.

17 THE COURT: Admitted without objection.

18 MS. CAMPBELL: Your Honor, permission to publish?

19 THE COURT: You may.

20 BY MS. CAMPBELL:

21 Q. Were there also other shell casings that you
22 photographed at the scene today both with markers and
23 without markers?

24 A. Yes, ma'am.

25 Q. I'm going to show you what's been marked as 36 through

1 41. Are those close-ups of the shell casings, some of which
2 you eventually collected after photographing them there at
3 the scene that day?

4 A. I photographed, I did not collect.

5 Q. That would be Investigator Beeler who actually
6 collected those?

7 A. Correct.

8 Q. And you assisted him?

9 A. Yes.

10 Q. But you actually did the photographing of those?

11 A. Yes, ma'am.

12 Q. And then they were later collected?

13 A. Yes, ma'am.

14 Q. Thank you.

15 MS. CAMPBELL: State's Exhibit 36 through 41.

16 COURT REPORTER: 45? 41?

17 MS. CAMPBELL: 35 through --

18 COURT REPORTER: 36.

19 THE COURT: 36 through 41.

20 MS. CAMPBELL: 36 through 41.

21 MR. SHEALEY: No objection, Your Honor.

22 THE COURT: Admitted without objection.

23 MS. CAMPBELL: Permission to publish?

24 THE COURT: You may.

25 BY MS. CAMPBELL:

1 Q. And we will get back to the areas these were located in
2 a minute.

3 I want to show you what's been marked as State's
4 Exhibits No. 42 and 43. Is that a close-up of another shell
5 casing that was observed and ultimately recovered in this
6 case?

7 A. Yes, ma'am.

8 Q. And does that fairly and accurately depict how it
9 appeared, both from a little further and then right there?

10 A. Yes, ma'am.

11 MS. CAMPBELL: - Your Honor, at this time I would
12 offer 42 and 43.

13 MR. SHEALEY: No objection.

14 THE COURT: Admitted without objection.

15 BY MS. CAMPBELL:

16 Q. And State's Exhibit No. 42, you have a marker here,
17 this orange thing?

18 A. I did not place that there.

19 Q. But that was placed there?

20 A. Yes, ma'am.

21 Q. But that wouldn't have been part of the original crime
22 scene?

23 A. No, ma'am.

24 Q. But that's to memorialize the placement which is shown
25 in that State's Exhibit 43?

1 A. That's correct.

2 Q. And is my finger pointing to the actual shell casing
3 that's located there?

4 A. Yes, ma'am?

5 Q. And what area of the yard is this in?

6 A. At the fence line.

7 Q. At the fence line?

8 A. Yes, ma'am.

9 Q. And is the gate actually shown in these photographs?

10 A. Yes, ma'am.

11 Q. And that's how it appeared when you got there that day?

12 A. Yes, ma'am.

13 MS. CAMPBELL: Permission to publish, Your Honor?

14 THE COURT: You may.

15 BY MS. CAMPBELL:

16 Q. You mentioned that you photographed the crime scene
17 both with and without markers. I'm going to show you what's
18 been marked as State's Exhibits No. 44, 45 and 46. Does
19 this show the area outside the gate, outside the yard?

20 A. Yes, ma'am.

21 Q. And are there certain -- in this one I believe certain
22 markers that were placed showing the position of certain
23 items?

24 A. Yes, ma'am.

25 Q. And you actually placed the yellow markers there with

1 the letters on them?

2 A. I did not.

3 Q. Investigator Beeler actually placed them and you
4 photographed them?

5 A. Yes, ma'am.

6 Q. I'm sorry I keep messing that up.

7 But the items weren't moved? The markers were
8 just memorializing them?

9 A. That's correct.

10 MS. CAMPBELL: Your Honor, at this time I would
11 offer 44, 45 and 46.

12 MR. SHEALEY: No objection.

13 THE COURT: Admitted without objection.

14 MS. CAMPBELL: Thank you, Your Honor.

15 BY MS. CAMPBELL:

16 Q. And specifically in State's Exhibits No. 46, there are
17 three different markers shown there?

18 A. Yes.

19 Q. The lettering beside them?

20 A. Yes, ma'am.

21 Q. I believe it's AA, AB --

22 A. That's correct.

23 Q. -- and AC?

24 A. Yes, ma'am.

25 Q. And what do those items show the location of?

1 A. Casings, fired casings.

2 Q. And would that be in or outside the fenced area?

3 A. Inside -- I mean -- correction, outside the fenced
4 area.

5 MS. CAMPBELL: Permission to publish, Your Honor.

6 THE COURT: You may.

7 BY MS. CAMPBELL:

8 Q. I'm going to show you what's been marked as State's
9 Exhibits 47 through 52. Do these show close-ups of those
10 shell casings with the markers next to them?

11 A. Yes, ma'am.

12 Q. And were those photographs actually taken by you that
13 night?

14 A. Yes, ma'am.

15 MS. CAMPBELL: Your Honor, at this time we would
16 offer 47 through 52.

17 MR. SHEALEY: No objection.

18 THE COURT: Admitted without objection.

19 MS. CAMPBELL: Thank you, Your Honor.

20 Permission to publish?

21 THE COURT: Yes.

22 MS. CAMPBELL: Thank you.

23 BY MS. CAMPBELL:

24 Q. Continuing -- right inside the fence did you continue
25 to mark and then photograph items that you thought might be

1 significant? I'll show you State's Exhibits 53 through 57.

2 A. I continued to photograph.

3 That's correct.

4 Q. And are these photographs that you took that night?

5 A. Yes, ma'am.

6 Q. After placing the markers there?

7 A. After Investigator Beeler placed the markers.

8 MS. DAVIS: No objection.

9 THE COURT: Admitted without objection.

10 BY MS. CAMPBELL:

11 Q. In State's Exhibit No. 53, it actually shows an area
12 where earlier there had been a body located? So when this
13 photograph was taken, had the body been removed?

14 A. Yes, ma'am.

15 Q. Both of them had been removed?

16 A. Yes, ma'am.

17 Q. So that's the only difference?

18 A. Yes, ma'am.

19 Q. And in this I notice that you have markers AD, E, F, H,
20 J and G. What items do those actually memorialize?

21 A. Evidence at the scene.

22 Q. And then did you later go in and take close-ups?

23 A. Yes, ma'am.

24 Q. But that's -- other than you placed -- y'all placing
25 the markers in there, it's how it appeared when you got

1 there?

2 A. Yes, ma'am.

3 Q. And the item that's marked as item number 1, would that
4 be the area where the bodies were removed?

5 A. Yes, ma'am.

6 MS. CAMPBELL: Permission to publish, Your Honor.

7 THE COURT: You may.

8 BY MS. CAMPBELL:

9 Q. Let me show you what's been marked as State's Exhibit
10 No. 58. Do you recognize that?

11 A. Yes, ma'am.

12 Q. Is that a close-up of marker AB?

13 A. Yes, ma'am.

14 Q. And let me show you State's Exhibits No. 59 through 64.
15 Do you recognize those?

16 A. Yes, ma'am.

17 Q. And are those also close-ups, ones of the markers AE
18 and AF?

19 A. Yes, ma'am.

20 Q. And let me show you State's Exhibit 65 through 68. Do
21 those depict among those markers including AG and AJ?

22 A. Yes, ma'am.

23 Q. And those are photographs taken that night?

24 A. Yes, ma'am.

25 Q. And then I'm going to show you State's Exhibits 69

1 through 71. Are those close-ups?

2 A. Yes, ma'am.

3 MS. CAMPBELL: Your Honor, at this time we would
4 offer State's Exhibit 58 through 71 into evidence.

5 MR. SHEALEY: Your Honor, I would just object to
6 65 and 66 as cumulative, and 67 under Torres and 403.

7 THE COURT: Okay, objection sustained as to 66 and
8 67. Overruled as to 65. All the others are in.

9 MS. CAMPBELL: Thank you, Your Honor.

10 Your Honor, at this time permission to publish?

11 THE COURT: You may.

12 BY MS. CAMPBELL:

13 Q. Finally, as far as photographs you took that night,
14 State's Exhibit 72 through 77, are those also photographs
15 that you took?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Your Honor, at this time we offer
18 72 through 77.

19 MR. SHEALEY: Your Honor, I would only object to
20 72 under Rule 403.

21 THE COURT: 72 is admitted over objection. The
22 others are admitted.

23 MS. CAMPBELL: Thank you, sir.

24 Permission to publish?

25 THE COURT: You may.

1 BY MS. CAMPBELL:

2 Q. Once you have photographed, you also mentioned that you
3 collected certain items of evidence from the victims?

4 A. That's correct.

5 Q. I'm going to show you State's Exhibits No. 125. You
6 mentioned that you collected gunshot residue kits from both
7 victims in the case?

8 A. Yes, ma'am.

9 Q. And 125 that's been marked for ID at this point, is
10 that the gunshot residue kits that you submitted -- that
11 were submitted into evidence in this case?

12 A. Yes, ma'am.

13 Q. During the time period those were in your custody, did
14 anyone alter them or tamper with them?

15 A. No, ma'am.

16 Q. You also mentioned you collected a buccal swab from
17 each victim for DNA testing down the road. Did you also
18 collect any swabs from the bloody areas in the yard, once
19 the bodies were moved?

20 A. Yes, ma'am.

21 Q. And I show you State's Exhibit No. 126. Are those
22 items that you collected?

23 A. Yes, ma'am.

24 Q. And during the time period that you had both the buccal
25 swabs, as well as the blood -- the swabs from the blood

1 stains at the scene, did anyone alter them or tamper with
2 them in any way?

3 A. No, ma'am.

4 Q. And, finally, you also mentioned that you collected, I
5 believe, a phone from the pocket of each victim?

6 A. Yes, ma'am.

7 Q. And State's Exhibit No. 127, are those the phones that
8 you collected?

9 A. Yes, ma'am.

10 Q. And were later turned over for investigation purposes?

11 A. Yes, ma'am.

12 MS. CAMPBELL: Your Honor, at this time I would
13 offer State's Exhibits 127. The other two would be ID only
14 at this point.

15 THE COURT: For ID only?

16 MS. CAMPBELL: Just this group.

17 The ones that were later tested we will do for ID
18 at this point.

19 127 we would offer into evidence at this time.

20 MR. SHEALEY: Yes, sir, this evidence, no
21 objection.

22 THE COURT: It's entered without objection.

23 MS. CAMPBELL: Thank you.

24 BY MS. CAMPBELL:

25 Q. As far as the markers, going through them, the markers

- 1 that was marked AA, and -- actually the photographs have
2 already been published, what does that show in that photo?
- 3 A. The shell casing.
- 4 Q. Marker AB?
- 5 A. Shell casing.
- 6 Q. Marker AC?
- 7 A. Shell casing.
- 8 Q. Marker AD?
- 9 A. Two shell casings.
- 10 Q. And marker AE?
- 11 A. Shell casing.
- 12 Q. And marker AF?
- 13 A. Budweiser beer can.
- 14 Q. Marker AG?
- 15 A. Projectile jacket.
- 16 Q. We have referred to shell casings, but now you refer to
17 projectile jacket. What's the difference between those two,
18 do you know?
- 19 A. That's the part of the round itself.
- 20 Q. The actual bullet?
- 21 A. The bullet.
- 22 Q. And the shell casing comes out of the gun, but the case
23 jacket would come from where, projectile jacket?
- 24 A. From the casing itself, or the bullet.
- 25 Q. The bullet?

1 A. Yes.

2 Q. Marker AH?

3 A. Shell casing.

4 Q. Marker AI?

5 A. Ball cap.

6 Q. A ball cap?

7 A. Yes, ma'am.

8 Q. Next to which victim?

9 A. Guzman.

10 Q. And then marker AJ?

11 A. Ball cap.

12 Q. And AK?

13 A. Beer can.

14 Q. And then as the numbers progress up, it memorializes

15 the number of beer cans?

16 A. That's correct.

17 Q. I believe those were collected by Investigator Beeler?

18 A. That's correct.

19 Q. So he can testify to those?

20 A. Yes, ma'am.

21 Q. Did you also do a number of measurements while you were

22 there at the scene as to the location of these items that we

23 have referred to that have been marked with letters and

24 numbers?

25 A. Yes, ma'am.

1 Q. And those are memorialized in your report as well?

2 A. Yes, ma'am.

3 Q. Did you do any kind of diagram, not to scale, of the
4 crime scene itself?

5 A. A hand diagram.

6 Q. Was that later memorialized into a computerized version
7 of that?

8 A. Yes, ma'am.

9 Q. And, again, this is not to scale, as it says in big
10 letters down here?

11 A. That's correct, not to scale.

12 Q. I'm going to show you State's Exhibit No. 1 --

13 MS. CAMPBELL: Is it 23 or 73? I can't tell.

14 COURT REPORTER: 123.

15 BY MS. CAMPBELL:

16 Q. Is that a blowup of the diagram that was actually
17 prepared in this case?

18 A. Yes, ma'am.

19 Q. And does that show the approximate location of some of
20 the -- or all of the items that we have been referring to?

21 A. Yes, ma'am.

22 MS. CAMPBELL: Your Honor, at this time we offer
23 State's Exhibit 123 into evidence.

24 MR. SHEALEY: No objection, Your Honor.

25 THE COURT: Admitted without objection.

1 MS. CAMPBELL: Court's indulgence.

2 (Off the record)

3 (Back on the record)

4 BY MS. CAMPBELL:

5 Q. Once you had assisted Investigator Beeler in processing
6 this crime scene, essentially the main part of your duties
7 were concluded in this case?

8 A. That's correct.

9 MS. CAMPBELL: That's all I have, Your Honor.

10 THE COURT: Cross-examination, Mr. Shealey.

11 MR. SHEALEY: May it please the court.

12 CROSS EXAMINATION BY MR. SHEALEY:

13 Q. All right. You told us how you are trained in crime
14 scene investigation, right?

15 A. Yes, sir.

16 Q. A lot of taking photos and documenting exactly where
17 everything is, correct?

18 A. That's correct.

19 Q. And that's so the police, such as yourself, and other
20 investigators to know exactly to the best of your ability
21 what happened in a crime scene, right?

22 A. Correct.

23 Q. You are also trained in the collection of DNA, correct?

24 A. Correct.

25 Q. And you took a couple of buccal swabs in this case,

1 right?

2 A. Yes, sir.

3 Q. You are trained in gunshot residue, correct?

4 A. Correct, to collect it.

5 Q. You took a couple tests of those as well, right?

6 A. To collect, correct.

7 Q. From each of Mr. Edgar Lopez and Pablo

8 Gutierrez-Guzman, right?

9 A. Correct.

10 Q. Okay. And that is typically to see if there is a
11 residue from potentially shooting a gun on someone's hand,
12 right? That's the basis of the test, right?

13 A. Correct.

14 Q. Okay. Are you aware of the results in this test?

15 MS. CAMPBELL: Objection, Your Honor. She testify
16 can't to the facts of this. We have an expert coming.

17 THE COURT: Restate the question or ask another
18 one.

19 BY MS. DAVIS:

20 Q. Are you aware of the gunshot residue results in this
21 test?

22 A. I got the results back from SLED.

23 Q. Right.

24 So you would be then aware that Mr. Lopez --

25 MS. CAMPBELL: Objection, Your Honor.

1 THE COURT: What's the basis for the -- I have to
2 hear the question.

3 MS. CAMPBELL: He said --

4 THE COURT: Ask the question.

5 BY MR. SHEALEY:

6 Q. So you would be aware of the gunshot residue results
7 for Mr. Lopez?

8 A. The results, correct.

9 Q. And that result would show gunshot --

10 MS. CAMPBELL: Objection.

11 THE COURT: I have to hear the question.

12 MS. CAMPBELL: Your Honor, may we approach?

13 THE COURT: Yes.

14 MS. CAMPBELL: Thank you.

15 (Whereupon, the lawyers approached the bench for
16 an off-the-record discussion)

17 THE COURT: The objection is sustained.

18 MR. SHEALEY: Thank you, Your Honor.

19 BY MR. SHEALEY:

20 Q. We took a lot of photos in this case, right?

21 A. Yes, sir.

22 Q. A lot of taking pictures of the shell casings, where
23 they were located?

24 A. That's correct.

25 Q. And the purpose of that is to essentially give you an

1 idea of how -- where maybe a shot was fired from,
2 essentially?

3 A. It's to show the place where the evidence was located
4 at.

5 Q. Right, which is important to the investigators?

6 A. Correct.

7 Q. And you told us already that a semiautomatic weapon
8 will project a shell casing?

9 A. Correct.

10 Q. Where something like a revolver, that won't, correct?

11 A. That's correct.

12 Q. Okay. Now, in this case --

13 And I think you also said, and they can see from the
14 scene, but you described it I think your words were
15 tight-knit area?

16 A. Correct.

17 Q. And you have a white house where Mr. Lopez allegedly
18 lived, and right next to it is a brown kind of shed, right?

19 A. That's correct.

20 Q. And this is all gated in?

21 A. Yes, it is.

22 Q. And the gate is actually there in these photos, at the
23 time of these photos, right?

24 A. As I can recall. I would need to look at the pictures
25 again. The gate was --

1 Q. Actually -- this might help.
2 State's 10 looks like the gate is closed?
3 A. Yes, sir.
4 Q. And that's what you described as a tight-knit area?
5 A. Yes, sir.
6 Q. And you found -- I mean you made some observations as a
7 human as well, correct? I mean, here you documented a trash
8 can full of beer?
9 A. That's correct.
10 Q. Overflowing with beer?
11 A. That's correct.
12 Q. And I believe you found a total of eight shell casings,
13 correct?
14 A. (No response)
15 Q. Do you have your report with you?
16 A. Yes, sir, I'm looking at it now, sir.
17 A projectile jacket. Seven shell casings and a
18 projectile jacket.
19 Q. Well, one of the -- I believe item AE is documenting
20 two shell casings, right?
21 A. I would have to look at the picture again, but --
22 Q. Yes, ma'am.
23 I will walk you through this. There is a photo,
24 State's 45, showing items AA and AB?
25 A. Yes, sir.

- 1 Q. And those depicts two shell casings that were outside
2 of the fenced area, right?
- 3 A. There is three actually marked.
- 4 Q. But the AA and AB --
- 5 A. And the --
- 6 Q. -- are the first ones, correct?
- 7 A. That's correct.
- 8 Q. All right. And then item AC, State's 51, that depicts
9 the shell casing literally right under the fence -- I mean
10 under the gate part of the fence, right?
- 11 A. Right there at the gate, yes, sir.
- 12 Q. That's literally at the entranceway to the gated area?
- 13 A. That's correct.
- 14 Q. Okay. State's 53 showing several, but AD depicts
15 another shell casing, which is literally right in the middle
16 of a walkway, right?
- 17 A. That's correct.
- 18 Q. And you have that reflected in the report?
- 19 A. Yes, sir.
- 20 Q. And that's a close-up of AD, right?
- 21 A. Yes, sir.
- 22 Q. AE in your report depicts two shell casings that are
23 actually found close together, per your report, correct?
- 24 A. That's correct.
- 25 Q. And that's inside the fenced area as well?

1 A. Yes, sir.

2 Q. AH specifically is -- I think the jury might have that,
3 but it's the actual projectile jacket that you mentioned
4 prior, correct?

5 A. Correct.

6 Q. And that was found very close to AE and AF?

7 COURT REPORTE: Did you say AF?

8 MR. SHEALEY: Yes, ma'am.

9 A. Correct.

10 BY MR. SHEALEY:

11 Q. And I don't see a picture here, but AI would be the
12 eighth shell casing, which is actually located next to that
13 brown shed, right?

14 A. That's correct.

15 Q. And that is well up within the whole area?

16 A. Yes, sir.

17 Q. And not -- not close to the fence or anywhere on there?

18 A. Not close to the fence?

19 Q. It's not close to the fence or --

20 A. Okay.

21 Q. Say if the fence is here and the shed would be over
22 here?

23 A. Correct.

24 Q. And then Mr. Lopez's home was back there, right?

25 A. That's correct.

1 Q. And with your training in crime scene investigation and
2 being familiar with semiautomatic weapons versus revolvers,
3 I mean, you know about the way a shell casing might eject,
4 correct?

5 A. Correct.

6 Q. Okay. And typically with, you know, a high caliber
7 semiautomatic weapon, it's going to eject backwards and to the
8 right, correct?

9 A. Pretty much.

10 Q. Yeah.

11 So -- just bear with me. If this is the fence line.
12 here and I'm standing here, you know, no offense, but if I'm
13 pointing a gun at you, it's going to go back to the right,
14 correct?

15 A. Possibly.

16 Q. Rough estimate?

17 A. I -- I can't say.

18 Q. Rough estimate, correct?

19 A. Possibly.

20 Q. So back to the right?

21 A. Possibly.

22 Q. Back to the right, right? Back to the right?

23 A. Possibly.

24 Q. It's not going forward?

25 A. I can't say.

1 Q. But it's not going to be forward?

2 A. Because I don't know what happened prior to --

3 Q. I'm speaking generally about semiautomatic weapons --

4 MS. CAMPBELL: Objection, Your Honor, asked
5 answered that question.

6 THE COURT: All right, next question.

7 MR. SHEALEY: I was going to say speaking
8 generally about her knowledge about semiautomatic weapons.

9 BY MR. SHEALEY:

10 Q. Not necessarily what happened here, but when it fires,
11 it's not going to go forward is it, the shell casing?

12 A. It's going to eject out. Which way it goes depends on
13 what's going on.

14 Q. Okay.

15 A. I --

16 Q. But typically it's going to go back to the right?

17 A. Possibly.

18 Q. Right? Okay.

19 And so of all the shell casings recovered here, you
20 found eight, right?

21 A. Correct.

22 Q. You have got two that are located outside of the fenced
23 area, which would be AA and AB, correct?

24 A. Okay.

25 Q. There is a photo of that and we have already gone over

1 it?

2 A. That's correct.

3 Q. And all the other shell casings were either collected

4 literally under the gate or forward up into that

5 tight-knit --

6 A. In the area.

7 Q. -- area that you were describing?

8 A. That's correct.

9 MR. SHEALEY: Give me one second here.

10 (Off the record)

11 (Back on the record)

12 BY MR. SHEALEY:

13 Q. And here is that AI that was found up right next to the

14 shed, right?

15 A. Yes, sir.

16 Q. Okay. And looking at this photo, State's 76, you don't

17 see any chairs turned over, do you?

18 A. No, sir.

19 MS. DAVIS: Beg the court's indulgence.

20 (Off the record)

21 (Back on the record)

22 MR. SHEALEY: Nothing further, Your Honor.

23 THE COURT: Redirect?

24 MS. CAMPBELL: Just a couple of questions, Your

25 Honor.

1 REDIRECT EXAMINATION BY MS. CAMPBELL:

2 Q. He asked you about the ejection of bullets and
3 everything. You aren't an expert in bullets, are you?

4 A. No, ma'am.

5 Q. Is there someone else in your -- or other people in
6 your department that do all that testing and are experts in
7 that area?

8 A. Yes, ma'am.

9 Q. Are you familiar with Terri Gleason?

10 A. Yes, ma'am.

11 Q. Is she an expert in that area?

12 A. Yes, ma'am.

13 Q. Thank you.

14 THE COURT: Anything further?

15 MR. SHEALEY: No, Your Honor.

16 THE COURT: All right. Thank you. You may step
17 down.

18 Next witness.

19 MS. CAMPBELL: The State calls Investigator
20 Beeler.

21 THE COURT: Let's stand for a moment before we
22 hear from Investigator Beeler.

23 (Off the record)

24 (Back on the record)

25 INVESTIGATOR MICHAEL BEELER, having been first

1 duly sworn, testified as follows:

2 THE COURT: All right, if you will just -- on a
3 break we are not taking testimony, or swearing witnesses, or
4 anything while we are standing.

5 THE CLERK: Sorry, judge.

6 (Off the record)

7 (Back on the record)

8 THE COURT: All right. You have been sworn.

9 THE CLERK: State your name for the record and
10 spell it, please.

11 THE WITNESS: Michael Beeler, B-E-E-L-E-R.

12 DIRECT EXAMINATION BY MS. CAMPBELL:

13 Q. Investigator Beeler, where are you employed?

14 A. I'm a -- Richland County sheriff's department, ma'am.

15 Q. What do you do there, sir?

16 A. I'm a senior crime scene investigator with the crime
17 scene division.

18 Q. As a crime scene investigator what do your duties
19 include?

20 A. My duties include responding to any type of crime in
21 Richland County. Photography collection, documentation,
22 processing of evidence, testifying in court, attending
23 autopsies, scene sketches; all encompassing.

24 Q. Could you tell this jury a little bit about your
25 education and training in the field of crime scene

1 investigation?

2 A. Yes, ma'am. I have an Associate Degrees in Criminal
3 Justice from Midlands Technical College.

4 I have completed an extensive approximately two year
5 in-house crime scene training class with the sheriff's
6 department.

7 I attended the Criminal Justice Academy.

8 I have attended many classes to include crime scene
9 investigation, blood pattern analysis, DNA forensic
10 pathology overview, advanced crime scene photography,
11 footwear tire track impression, courtroom testimony,
12 forensic anthropology and archeology, crime scene
13 reconstruction, scan station training, latent fingerprint
14 examination. Many things.

15 Q. Have you been qualified before as an expert in crime
16 scene investigation?

17 A. Yes, ma'am, I have.

18 Q. And --

19 MS. CAMPBELL: Your Honor, at this time I would
20 offer him as an expert in crime scene investigation.

21 THE COURT: What says the defense?

22 MS. PRINGLE: No objection.

23 THE COURT: He's an expert.

24 BY MS. CAMPBELL:

25 Q. I'm going to turn your attention back to July the 30th,

1 2010. Were you called out to a crime scene on Woodfield
2 Park?

3 A. Yes, ma'am, in Richland County.

4 Q. And approximately what time were you notified?

5 A. I was notified about 7:37 that evening.

6 Q. And what time did you get to the scene?

7 A. About 8:02.

8 Q. Who was assisting you that evening?

9 A. That evening I notified Investigator Woods. I was
10 primary investigator on duty, and I also notified the
11 supervisor on call, which was Investigator Bouknight.

12 Q. Once you got there, tell the jury what you found.

13 A. At the location I found a crime scene that was being
14 maintained. Being maintained does not mean we put up crime
15 scene tape and go home. There is deputies there securing
16 the areas, making sure that no one authorizes access.
17 Nobody walks into the crime scene. Because it's a stop sign
18 up at the end of the intersection doesn't mean people stop.
19 We have to be there to maintain it and make sure nobody goes
20 inside of it.

21 I met with the scene officer, which was -- I believe
22 the log was being maintained by Deputy Bland. I met with
23 Investigator Woods and Investigator Bouknight responded.

24 We found two unresponsive gentlemen laying on the
25 ground inside the fenced area. There was a main house, a

1 detached garage that appeared to be improved for living
2 conditions, a small shed, chairs, approximate four foot high
3 chain linked fence, a five foot high gate, trees and such
4 off to the side away from the main house.

5 Q. Okay. And the area where the victims were actually
6 located --

7 Let me back up. Had EMS already been there and been
8 allowed back there?

9 A. Yes, ma'am, it appeared. One of the victims had little
10 tags that EMS uses to process.

11 Q. Did the coroner's office also respond that night?

12 A. Yes, ma'am. I believe Investigator Gary Watts and --
13 you have to pardon me.

14 Q. Once you got to the scene that night, do you generally
15 do what's called a walk-through first to assess what may or
16 may not be important in your investigation?

17 A. Yes, ma'am, we walk through. We begin documentation,
18 photography, marking of evidence, things like that.

19 Q. And upon observing the area and the immediate area
20 around, did you immediately note that the deputies had
21 marked certain items that may be significant prior to you
22 getting there?

23 A. Yes, ma'am. Sometimes deputies will use styrofoam
24 cups, plastic cups. And in this case orange traffic cones
25 to mark certain items, particularly near the roadway so no

1 one will walk by, step on them, cars would drive by, things
2 like that.

3 Q. And once you got there, they had marked some shell
4 casings that were outside of this area?

5 A. Yes, ma'am, they used orange traffic cones, which I
6 later went by and used our little yellow tent markers that
7 had a scale and also a number on them.

8 Q. And what markers did you actually use that night to
9 mark those so that they could be photographed and
10 memorialized?

11 A. The ones with the cones I used markers AA and AB. And
12 then there was an fired cartridge casing separate from that
13 that I used marker AC.

14 Q. Is that the one near the fence?

15 A. Yes, ma'am.

16 Q. Did you make any observations about the casings, as far
17 as their appearance?

18 A. Yes, ma'am. Bullets are comprised of different things;
19 shell casings, primers, projectile containing gunpowder.
20 The firearm analyst will get into that.

21 Typically the flat end of the bullet will have some
22 sort of manufacturer's stamp, name, caliber, things like
23 that. In this instance they were marked GTL 45 ACP.

24 Q. 45?

25 A. 45 semiautomatic caliber.

1 Q. Did you make any observations as to the victims and how
2 they appeared to be?

3 A. Yes, ma'am, we -- we used basically listed them as
4 victim number one and victim number two.

5 Victim number one was Mr. Lopez. I observed him lying
6 face up with his eyes and mouth open. There were flies
7 around his mouth and face and what appeared to be blood
8 stains around his head area. I observed an injury to his
9 right cheek and his stomach, and he was clothed in blue
10 green underwear, blue jeans, brown belt, black socks and
11 gray shoes.

12 Q. Did you also observe the second victim, Mr. Gutierrez?

13 A. Yes, ma'am. Mr. Guzman-Gutierrez, victim number two,
14 was lying face down near the fence and a large tree. He was
15 clothed in a black and white shirt, brown belt and brown
16 boots. There was a hat near his head, beer cans. Those
17 things around him there appeared to be an impact point, the
18 beer can that was near him.

19 Q. Okay. You mentioned there was a beer can that was
20 located near him as he lay on the ground?

21 A. Yes, ma'am.

22 Q. And you say an impact point on that beer can. What
23 does that mean?

24 A. Impact point is -- it's some sort of defamation. It
25 could be from a gunshot. Until we go any further

1 investigation, we will either list them as damaged or an
2 impact point.

3 Q. But it's consistent with a gunshot?

4 A. Yes.

5 MS. PRINGLE: I would object to the leading, Your
6 Honor.

7 THE COURT: Don't lead the witness.

8 MS. CAMPBELL: Thank you, Your Honor.

9 BY MS. CAMPBELL:

10 Q. Did you also observe the back of his clothing,
11 specifically his shirt?

12 A. Yes, ma'am. His shirt had a hole in it in the right
13 shoulder area. That was observed from his position on the
14 ground. And then two holes in the back.

15 Q. Do you know as you did your walk-through any other
16 shell casings there at the scene?

17 A. Yes, ma'am, there were. I observed fired cartridge
18 casing, shell casing, with my marker AD.

19 There were two fired cartridge casings real close
20 together at marker AE.

21 Fired cartridge casing, my marker AF and AI on the
22 ground.

23 And then there was a projectile jacket at marker AH and
24 what we believed to be fragment that was recovered from
25 victim number two, Mr. Guzman-Gutierrez, right shoulder.

1 Q. Did you make contact with the coroner's office that day
2 about taking care of the bodies?

3 A. Yes, ma'am. Coroner Watts and assistant coroner Neeley
4 were there, and then two gentlemen from the body removal
5 service responded to take -- to transport the gentlemen to
6 the morgue.

7 Q. There also appeared to be an area near the shed where
8 there were a number of beer cans open?

9 A. Yes, ma'am, I observed a large number of beer cans.
10 Some appeared to be freshly opened, had liquid around the
11 mouth or the cap area. There were chairs near the shed.
12 There were several Budweiser cans that we listed with
13 markers. A cooler with an old beer bottle in it and a case
14 of Budweiser, all listed with markers.

15 Q. Were there any other types of beer cans there at the
16 scene?

17 A. Yes, ma'am, there was Budweiser 24 ounce cans, 12 ounce
18 cans, and also a Modelo brand.

19 Q. Modelo?

20 A. M-O-D-E-L-O.

21 Q. And you also mentioned there was a cooler?

22 A. Yes, ma'am.

23 Q. And were those all marked and ultimately photographed
24 by y'all that day?

25 A. Yes, ma'am, I placed markers, and Investigator Woods

1 did the majority of the crime scene photography.

2 Q. I'll go through some of the photographs that I believe
3 you took and requested and they were taken.

4 State's Exhibit 87 through 90. Do you recognize those?

5 A. Yes, ma'am, these are from a subsequent visit to the
6 crime scene.

7 Q. A subsequent visit?

8 A. Yes, ma'am.

9 Q. And I'll go back to those then.

10 That evening did you find any projectiles or --

11 MS. CAMPBELL: Court's indulgence.

12 (Off the record)

13 (Back on the record)

14 BY MS. CAMPBELL:

15 Q. Let me back up.

16 The items that were noted with the beer cans, were
17 those marked?

18 A. Yes, ma'am, they were.

19 Q. And were those later collected and processed?

20 A. Yes, ma'am.

21 Q. And how were those collected and processed?

22 A. That evening we marked the Budweiser beer cans, the 24
23 ounce beer cans, with markers AO, AS, AT, AU, AB.

24 The 12 ounce Budweiser cans, markers AO, AS, AU.

25 And the Modelo 12 ounce beer cans, markers, AM, AN, AT,

1 AR, AS, AU.

2 There was an unopened Modelo beer can and a green shirt
3 on top of the cooler, which was my marker AL. And the
4 cooler that contained the -- that's the cooler that
5 contained the old beer bottle.

6 And then there was a case of the 12 ounce Budweiser
7 cans at marker AQ.

8 Those were collected and processed at a later time.

9 Q. And why were those collected and then processed at a
10 later time?

11 A. It's better to process things under a controlled
12 environment; lots of light, not on the side of the road at
13 two o'clock in the morning, or midnight, such as this.

14 We take them back. We have other methods than we have
15 available on the scene to process. So it allows us to be
16 more thorough and you can see better inside.

17 Q. Okay. And that day when you collected those items,
18 were they all packaged separately?

19 A. Yes, ma'am.

20 Q. In order to preserve the integrity of any of the
21 evidence?

22 A. Yes, ma'am.

23 Q. And then they were ultimately all put inside I believe
24 this box here, State's Exhibit No. 140?

25 A. Yes, ma'am, they are all put in individual envelopes.

1 Even items that were typically collected close to each
2 other.

3 Q. And I show you what's been marked as State's Exhibit
4 No. 140. Are those the beer cans that you collected from
5 the crime scene that day?

6 A. Yes, ma'am, Budweiser and Modelo cans, of various
7 sizes.

8 Q. And those were ultimately collected after they were
9 photographed, is that correct?

10 A. Yes, ma'am.

11 MS. CAMPBELL: Your Honor, at this time I would
12 offer Exhibit 140 into evidence.

13 MS. PRINGLE: I just object at this time. The
14 chain of custody has not been established, Your Honor. It's
15 taken out, put into custody, taken back out and tested. I
16 object to the chain of custody.

17 THE COURT: They are admitted over objection.

18 MS. CAMPBELL: Thank you.

19 BY MS. CAMPBELL:

20 Q. Did you also collect some other items besides the beer
21 cans?

22 A. Yes, ma'am, I collected the fired cartridge casings
23 from markers AA through AF and also AI.

24 A Budweiser can with a hole in it, and the reddish
25 brown stains, projectile jacket, a blue hat with an eagle on

1 it.

2 My marker AJ, what was believed to be a fragment from
3 the victim number two, Mr. Guzman-Gutierrez, his right
4 shoulder.

5 A red hat that had Texas on it at marker AK.

6 A green shirt with marker AL.

7 And several other items -- several other beer cans that
8 we went over.

9 Q. Okay. I'm going to show you what's been marked as
10 State's Exhibit No. 129. Do you recognize that?

11 A. Yes, ma'am, the green shirt, my marker AL.

12 Red hat, State of Texas, my marker AK.

13 Blue hat with an eagle on it, my marker AJ.

14 Q. I'm going to show you what's been marked as State's
15 Exhibit No. 135. Are those also items collected that day or
16 at a later time?

17 A. Yes, ma'am, these were the fired cartridge casings from
18 markers AA, AB, AC, AD, two from marker AE, marker AF,
19 marker AI. Those were the fired cartridge casings.

20 The projectile jacket. Part of the projectile is
21 mentioned, my marker AH. And the fragment that was
22 recovered from victim number two's shoulder.

23 Q. And those were all items that you collected there at
24 the scene that day?

25 A. Yes, ma'am.

1 MS. CAMPBELL: Your Honor, at this time we offer
2 State's Exhibit 135 and State's Exhibit I believe 129 into
3 evidence.

4 THE COURT: What says the defense?

5 MS. PRINGLE: I object to 135 for incomplete chain
6 of custody.

7 I do not object to that, Your Honor.

8 COURT REPORTER: I'm sorry, the second --

9 MS. PRINGLE: To the hat, which is 129 I don't
10 object. I'm sorry, I do not object to 129, the hat. We do
11 object to 135, no chain.

12 THE COURT: What is 135?

13 MS. CAMPBELL: Your Honor, it's a series of fired
14 cartridge casings and projectiles collected from the scene,
15 if I can hand it up.

16 THE COURT: If you would inquire further regarding
17 the chain of custody of this witness.

18 BY MS. CAMPBELL:

19 Q. State's Exhibit No. 135 --

20 Is all the evidence that you collected in this case
21 from the time period in your custody and control, did you
22 alter or change it in any way?

23 A. No, ma'am.

24 Q. Was it submitted into evidence in the proper manner?

25 A. Yes, ma'am, submitted by me.

1 Q. By you?

2 A. Yes, ma'am.

3 Q. During the time period that you had that evidence, you
4 didn't alter it or change it in any way?

5 A. No, ma'am. The only -- the only thing that would have
6 been done to any of the evidence prior to me putting it in
7 evidence would be processing.

8 Q. Processing, which is --

9 A. Yes, ma'am.

10 Q. And as far as conducting any ballistics testing down
11 the road, that would have been separately?

12 A. No, ma'am.

13 MS. CAMPBELL: Your Honor, at this time we would
14 offer it into evidence.

15 THE COURT: What says defense?

16 MS. PRINGLE: I just maintain my objection, Your
17 Honor.

18 THE COURT: It would be admitted for
19 identification at this time.

20 MS. CAMPBELL: Thank you, Your Honor.

21 THE COURT: Identification only.

22 BY MS. CAMPBELL:

23 Q. I want to turn your attention to the next day. Are you
24 aware there was an autopsy performed in this case?

25 A. Yes, ma'am, I was notified of the autopsy before we

1 left the scene that was held by the deputies.

2 Q. And did you actually attend that autopsy?

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

4 Q. And who actually performed the autopsy that next
5 morning?

6 A. Dr. Nichols and his assistant, Mr. Devonish.

7 COURT REPORTER: Could you spell it, please?

8 A. D-E-V-O-N-I-S-H.

9 BY MS. CAMPBELL:

10 Q. When you attended the autopsy, tell this jury what your
11 role is, what you do.

12 A. My role, similar to a crime scene, is going to be
13 documentation, photography, collection of any evidence found
14 during the autopsy either inside the person being autopsied,
15 or typically collecting clothes, things like that.

16 Sometimes when the clothes are being recovered, things are
17 falling out, or something like that, so we have to document
18 and collect. We respond to the incident to collect these
19 items; maintain the chain of custody; process some, if
20 necessary; take them back.

21 Q. And that day do you also do some photographing of the
22 injuries themselves at the autopsy?

23 A. Yes, ma'am.

24 Q. And you did that in this case?

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

1 Q. And you also, I believe, collect fingerprints from the
2 victims for identification purposes?

3 A. Yes, ma'am.

4 Q. And that's standard in a homicide case?

5 A. Yes, ma'am. Nail scrapings. We call them postmortem
6 prints. We take the fingerprints, and then clothing and
7 anything else located.

8 Q. And the clothing I believe you also collected?

9 A. Yes, ma'am, as well as the projectile.

10 Q. I show you what's been marked as State's Exhibit No.
11 131. Is this the clothing from one of the victims from the
12 autopsy?

13 A. Yes, ma'am, this was -- Mr. Lopez was listed as victim
14 number one. His plaid green underwear, brown belt, black
15 socks, gray green shorts and blue jeans.

16 Q. And I'm going to show you what's been marked as State's
17 Exhibit No. 137. Is that also additional clothing that you
18 collected at the second autopsy done?

19 A. Yes, ma'am, this was from victim number two, Mr.
20 Guzman-Gutierrez. Blue and white striped shirt, brown -- a
21 pair of brown boots, blue underwear, black socks, gray jeans
22 and a brown belt.

23 Q. And once you collected these items, did you also take
24 those into custody and submit them for evidence at a later
25 date?

1 A. Yes, ma'am.

2 Q. And were they altered or changed, other than being I
3 believe photographed in any way?

4 A. I -- on some of the clothes I photographed them at a
5 later date after they were dried.

6 Q. We'll get to that.

7 MS. CAMPBELL: Your Honor, at this time I would
8 offer it into evidence.

9 THE COURT: What says the defense?

10 MS. PRINGLE: No objection.

11 THE COURT: Admitted without objection.

12 BY MS. CAMPBELL:

13 Q. While there at the morgue that day, too, did you also
14 collect what's been marked as State's Exhibit No. 133?

15 MS. CAMPBELL: Is that in evidence or is it for
16 ID? 133?

17 COURT REPORTER: It's not in.

18 BY MS. CAMPBELL:

19 Q. It's been marked for ID purposes. Did you also collect
20 that from the autopsy?

21 A. Yes, ma'am, I completed -- it was located by Dr.
22 Nichols, and I completed a chain of custody prior to placing
23 it into evidence. A projectile that was recovered from
24 victim number two, Guzman-Gutierrez' right shoulder.

25 Q. And while you were there that day -- or once you

1 collected that item and have it in your custody prior to
2 submitting it to evidence, was it changed or altered in any
3 way by you?

4 A. No, ma'am.

5 Q. And, again, that was put into the evidence room, it
6 would have been packaged properly and submitted properly?

7 A. Yes, ma'am.

8 Q. And the chain of evidence was not tampered with?

9 A. No, ma'am.

10 Q. After attending the autopsy that day, did you actually
11 return to the crime scene?

12 A. I believe I returned to the crime scene twice more.
13 This would have been -- it's the same day as the autopsy,
14 the day after, the 31st -- yes, ma'am, the 31st I responded
15 back to [REDACTED].

16 Q. Is that unusual in a crime scene, such as this, to
17 return to the crime scene at a later time in order to
18 collecting evidence?

19 A. No, ma'am, that's -- that's why we don't just grab the
20 victims and go. We -- in some cases we maintain the scene.
21 We leave deputies out there to secure the scene until we can
22 follow up, come back during the daylight, recheck an area.
23 The crime scene is not going anywhere. You know, just
24 because we do something the first time doesn't mean we are
25 not going to go back and recheck.

1 Q. And in this case when you went back the next day, what
2 specific evidence did you either collect and were observed
3 to collect?

4 A. I responded back to the scene with a metal detector to
5 try to locate any further shell casings or projectiles. I
6 did not locate any projectiles with the metal detector or
7 shell casings with the metal detector.

8 I did note some damage to a tree near where victim
9 number two was. I placed marker A and photographed. A took
10 a chisel and dug into the tree. I did not recover anything.
11 It was damage to a tree. I don't know if it was related to
12 a gunshot.

13 Also the little shed that was out there, a grayish
14 brown shed, I observed an impact point to the side of the
15 shed.

16 Q. And, again, when you say impact point, why is that
17 significant to you and why do you want to photograph it any
18 more, further inspect it?

19 A. To see if we can locate a projectile. If we find
20 something that looks like an impact point, we don't just
21 photograph it. It's -- I dug into a tree trying to locate
22 something.

23 And this, when I went inside the shed, I did not see a
24 hole on the inside of the shed, so I pried open the inside
25 of the shed and recovered a -- photographed and recovered a

1 projectile from between the walls of the shed.

2 Q. And, again, when we are talking about a projectile or a
3 projectile casing, is that part of the actual bullet that's
4 shot out of the end of the gun?

5 A. A projectile -- what would be referred to as a bullet,
6 and the firearms examiners can get into it further, there is
7 typically a shell casing, the primer cap or gunpowder. And
8 then what we refer to as the projectile is -- so the whole
9 thing can be call a bullet in plain terms.

10 The projectile is what comes out the end of the gun.
11 The shell casing would typically be left on the ground, and
12 then projectile can go a good distance. Sometimes it
13 fragments, falls apart, depending on the make of it.

14 A projectile jacket is typically -- bullets are
15 typically lead based. That's what is going to be the
16 projectile. There is in some cases metal, copper, something
17 on the outside, which can be referred to as projectile
18 jacket. It sheds sometimes as the bullet continues to go.

19 In this case I refer to it as a projectile was the -- I
20 believe just the lead that was inside. Again, the firearms
21 examiners will -- they get paid the big bucks to know all
22 about bullets and stuff like that, but I did locate a
23 projectile inside the walls.

24 Q. And did you actually photograph that and then collect
25 the projectile?

1 A. Yes, ma'am, along with the cartridges.

2 Q. I'm going to show you some photographs, State's
3 Exhibits No. 87, 88, 89 and 90. Do you recognize those?

4 A. Yes, ma'am.

5 Q. And what are those, sir?

6 A. These are pictures of the tree near the fence line on
7 the inside of the fence line with an impact point -- or with
8 damage that I placed my marker A upon.

9 Q. And I believe in one of those it actually shows the
10 damage to the tree and then in some of those it shows how
11 you tried to dig it out to find something?

12 A. Yes, ma'am.

13 Q. And that's shown in both of them?

14 A. Yes, ma'am.

15 Q. And --

16 A. Close-ups and distance.

17 Q. And, again, what were you trying to recover from the
18 tree as you were digging into it?

19 A. Any kind of projectile, or projectile jacket, or
20 anything like that.

21 Q. For the record, either -- in 87 it shows an impact
22 point, but you can't -- there was no projectile in the tree?

23 A. No, ma'am. I dug into the tree but could not locate
24 anything in the tree.

25 MS. CAMPBELL: Your Honor, at this time I offer 87

1 through 90.

2 MS. PRINGLE: Objection under 401, relevance.

3 THE COURT: What is the relevance of it?

4 MS. CAMPBELL: It shows the crime scene and the
5 possible impact point.

6 THE COURT: Anything further?

7 MS. PRINGLE: Just that the testimony said that
8 there was damage and no projectile recovered, so the damage
9 would be unrelated.

10 THE COURT: What does this show, officer?

11 THE WITNESS: I -- I -- it shows -- the only thing
12 that I can say is that it's damage. I did not find a
13 projectile in there, so I cannot say with a hundred percent
14 that it was a gunshot. There could have been ricochet, or
15 whatever, but I cannot say that that is from a gunshot. All
16 I can refer to that as damage that I photographed.

17 THE COURT: All right. Anything further?

18 MS. CAMPBELL: Could you just follow up with one
19 question then?

20 THE COURT: Yes.

21 BY MS. CAMPBELL:

22 Q. Where was the tree located in relation to where the
23 shooting occurred?

24 A. It was inside the fenced area. I would have to look
25 back at the photos to point out the tree, but it was near

1 where victim number two, Mr. Guzman-Gutierrez, was located.

2 THE COURT: Any further questions about it?

3 MS. PRINGLE: The same objection, Your Honor.

4 THE COURT: They are admitted over objection.

5 MS. CAMPBELL: Thank you, Your Honor.

6 Permission to publish?

7 THE COURT: You may.

8 BY MS. CAMPBELL:

9 Q. Just for the record, on State's Exhibit No. 89, was
10 that before or after you tried to dig it out?

11 A. That appears to be before, ma'am.

12 Q. And State's Exhibit 88?

13 A. That appears to be after I went prying to remove the
14 bark.

15 Q. While you were there that day I believe you mentioned
16 that you also investigated a shed area?

17 A. Yes, ma'am.

18 Q. I'm going to show you State's Exhibit No. 91 through
19 94. First of all, do you recognize those?

20 A. Yes, ma'am, this shows the side of the gray shed where
21 I started to pry, where I pulled back the side of the shed
22 to photograph the projectile inside the walls prior to
23 removing it. I tried to do as little damage as possible so
24 I didn't remove the entire side of the shed to show the
25 picture. I just pried it back.

1 Q. I'll show you State's Exhibit No. 106. Does that show
2 the relationship to the shed and the white house in the side
3 yard?

4 A. Yes, ma'am, the detached garage or living area that
5 appeared to be improved for living.

6 Q. And the shed is actually shown in 106? The close-up
7 photographs are in 91 through 93?

8 A. Yes, ma'am, in State's 106 it's listed as [REDACTED] L hash
9 mark B with an arrow near the chairs.

10 Q. And these are photographs taken that day when you went
11 back and collected --

12 A. Yes, ma'am, the following day.

13 MS. CAMPBELL: Your Honor, at this time I would
14 move into evidence.

15 MS. PRINGLE: No objection.

16 THE COURT: Admitted without objection.

17 MS. PRINGLE: I object to 106 as 403, cumulative.

18 THE COURT: Admitted over objection.

19 BY MS. CAMPBELL:

20 Q. I'm going to show on State's Exhibit No. 91, does that
21 show the actual projectile?

22 A. Yes, ma'am.

23 Q. And that was located in what part of the shed?

24 A. In between the exterior wall and interior wall. The
25 side of the wall that was facing the roadway.

1 Q. And it's in State's Exhibit 94?

2 A. Yes, ma'am.

3 MS. CAMPBELL: Permission to publish, Your Honor?

4 THE COURT: Yes.

5 A. That last one was actually to show prior to me damaging
6 the wall in case the wall fell down.

7 BY MS. CAMPBELL:

8 Q. Okay. The projectile that is shown in those you
9 actually collected that day?

10 A. Yes, ma'am. I also processed it on the scene by
11 swabbing it, collecting a DNA swab.

12 Q. Did you swab anything else at the scene when you went
13 back the next day?

14 A. Yes, ma'am, I swabbed the gate handle to the
15 walk-through gate near the tree and between the roadway and
16 the inside of the yard.

17 Q. Now we are getting ready to talk about processing
18 evidence. When you swab something, what evidence are you
19 looking for?

20 A. Typically DNA; blood, sweat, things like that.

21 Q. I'll show you what's been marked as State's Exhibits
22 No. 134 and 139. Is that the projectile, as well as the two
23 swabs, the one from the projectile and the one from --

24 MS. PRINGLE: Objection to the leading as to this
25 witness, judge.

1 THE COURT: Don't lead the witness.

2 BY MS. CAMPBELL:

3 Q. What are those?

4 A. State's Exhibit 134 is my envelope containing the swab
5 of the projectile that was located in the wall cavity of the
6 shed where I placed the marker B, and also the swab of the
7 walk-through -- the small walk-through gate between the
8 incident location and the roadway.

9 State's Exhibit 139 is my envelope containing the
10 projectile that was located in the shed wall shown in the
11 pictures where I pried open, my marker B.

12 Q. And these items, once they were collected by you that
13 day, State's Exhibit 139 and 134, during the time period
14 that you had them and prior to submitting them to -- or up
15 until when you submitted them to the evidence room, did you
16 alter them or change them in any way?

17 A. No, ma'am.

18 Q. I'm going to show you what's been marked as State's
19 Exhibit No. 110 through 115 and first ask if you recognize
20 those?

21 A. Yes, ma'am.

22 Q. And what do those depict, sir?

23 A. These are the side of the gray shed that we've been
24 talking about with the impact point on the side of the shed.
25 I placed my marker, sticky marker B, to indicate the

1 location of the impact point in the side of the shed. And
2 it's photographed with and without my marker, the sticky
3 tab.

4 Q. And is that the same shed where the projectile was
5 recovered?

6 A. Yes, ma'am, it's the outside.

7 MS. CAMPBELL: Your Honor, at this time I would
8 offer State's Exhibit 110 through 115.

9 MS. PRINGLE: No objection.

10 THE COURT: Admitted.

11 MS. CAMPBELL: Permission to publish, Your Honor?

12 THE COURT: You may.

13 BY MS. CAMPBELL:

14 Q. You mentioned --

15 Let me ask you this. Did you also take some swabs from
16 some chairs there at the scene?

17 A. That was another followup visit sometime later.

18 Q. Sometime later.

19 When exactly?

20 A. I went back out to the scene with Investigator Gwyn.

21 After the autopsy I went out at approximately 1:05 p.m..

22 Q. Uh-huh.

23 A. And I went back out to the scene at approximately 4:15
24 to meet with Investigator Gwyn to do another walk-through.

25 Q. And when you did the walk-through with Investigator

1 Gwyn later that afternoon on the 31st -- excuse me, this
2 would be the 31st?

3 A. Still the 31st, yes, ma'am.

4 Q. Okay.

5 A. The following day.

6 Q. What evidence did you observe and/or collect?

7 A. We completed a walk-through and I took a swab of the
8 chairs that were located near the shed, and also I collected
9 the Budweiser beer case that was on the ground that was not
10 collected the previous night.

11 Q. I'm going to show you State's Exhibit No. 132. Do you
12 recognize that?

13 A. Yes, ma'am, 132 is my envelope containing swabs of a
14 broken -- a chair with a broken seat, a chair on the
15 walkway, and also a metal folding chair that were all near
16 the shed.

17 Q. And there was a chair with a broken seat there that you
18 took a swab from?

19 A. Yes, ma'am.

20 Q. And you also mentioned that you collected a Budweiser
21 cardboard box?

22 A. Yes, ma'am.

23 Q. I show you State's Exhibit No. 128. Do you recognize
24 that?

25 A. Yes, ma'am, 128 is a package of the -- containing the

1 Budweiser cardboard box from marker AQ that was placed there
2 the previous night. The mark that was placed there the
3 previous night we collected the following day.

4 MS. CAMPBELL: Your Honor, at this time I would
5 offer State's Exhibit 128 and 132 for ID only. 128 into
6 evidence and 132 for ID only.

7 MS. PRINGLE: No objection.

8 COURT REPORTER: I'm sorry, 128 in and 132.

9 MS. CAMPBELL: ID.

10 THE COURT: Without objection.

11 BY MS. CAMPBELL:

12 Q. The item 132, the swabs that you got from the chairs --

13 A. Yes, ma'am.

14 Q. -- during the time period when you collected them, when
15 they were in your custody until they were submitted into
16 evidence, did you alter them or change them in any way?

17 A. No, ma'am.

18 Q. Finally, sir, did you do some processing of certain
19 items once you got back to the laboratory?

20 A. Yes, ma'am, this was on the 1st, the -- August the 1st?

21 Q. Uh-huh.

22 A. Yes, ma'am.

23 Q. And what kind of processing did you do at that point?

24 A. While at our headquarters in our lab I processed the
25 items from Woodfield Drive.

1 Q. And tell the jury what processing you did and what
2 order you did the processing.

3 A. Typically when we process something for fingerprints,
4 we use cyanoacrylate fuming chamber. Superglue is basically
5 what it is. The fumes will adhere to oils left by your
6 fingerprints on various items, typically. Then after that
7 we use some sort of -- usually use some sort of powder to
8 develop and make them visible for collection after that.

9 In this instance I used magnetic powder, which is black
10 fingerprint powder suspended in metal fragments. It looks
11 like a magnetic powder is the best way to describe it. And
12 a magnetic wand is used to pick up the powder and used to --
13 without actual or physical brush, it's used to process the
14 items. The powder will adhere to where the fingerprints
15 typically are.

16 Q. So this is kind of a two-step process, basically?

17 A. Yes, ma'am.

18 Q. And the first step is to do the superglue?

19 A. The superglue, yes, ma'am. The cyanoacrylate fumes
20 permanently affix to the -- to any fingerprints which
21 allow -- we can go back and process it more than once. It
22 keeps them from being disturbed.

23 Q. Disturbed?

24 A. Yes, ma'am.

25 Q. It doesn't alter or change anything to look like

1 anybody else? It just preserves them?

2 A. No, ma'am, it just adheres to what's there.

3 Q. And at that point then you attempted to process it
4 using a certain magnetic powder?

5 A. Yes, ma'am.

6 Q. And at that point were you able to collect any
7 fingerprints that could later be submitted to --

8 A. I collected four fingerprint cards and submitted them
9 to latent fingerprints. They will be testifying to whether
10 or not they found what they were.

11 Q. And when you say you collected them, describe to the
12 jury how you actually collect a fingerprint taken from a
13 crime scene or evidence from a crime scene, preserving it.

14 A. After the powder is used, we have to do some sort of
15 method typically to collect that fingerprint, and it helps
16 to put it on a flat surface. So we use -- it's not packing
17 tape, but it's similar. It's a wide tape. It's typically
18 thick that we placed over the item and peeled up and then a
19 white fancy expensive index card with a surface, they get to
20 charge more for that. The tape would be placed on that and
21 then it's labeled where it was located, which orientation on
22 the item, and that's -- that is then submitted to our latent
23 fingerprint examiners so they can try to compare it to other
24 fingerprints on file.

25 Q. Once a fingerprint from a crime scene or from evidence

1 from a crime scene is collected and then adhered to that
2 card, can you change it and make it look like anybody else,
3 or is it adhered and basically submitted that way?

4 A. It's submitted that way. It's -- there's no changing
5 involved.

6 Q. Once you collected the fingerprints you were able to
7 find from the beer cans, did you do any further processing
8 of the beer cans themselves?

9 A. Yes, ma'am. I took DNA swabs after I collected the
10 four print cards. The four print cards were recovered from
11 the side of the Budweiser 24 ounce can that was recovered
12 from marker AO; a print card from the side of the Budweiser
13 can, marker AS from the scene. It was a 24 ounce can. The
14 side of the -- a print card from the side of the Modelo can
15 at marker AN, the 12 ounce can; and the side of a Budweiser
16 can, marker AT, which is a 24 ounce.

17 After fingerprinting, then we do DNA swabs. And I
18 swabbed -- I count them, but I took swabs of the different
19 beer cans that were on the scene. I took swabs of the fired
20 cartridge casings. The cartridge casings that were
21 collected from the scene, markers AA through AF, and also
22 AI, were also processed in a similar manner with the
23 cyanoacrylate fuming chamber, the superglue, and also
24 magnetic powder, the same as the beer cans.

25 And then the beer cans, the projectile fragments, the

1 projectile jackets, the projectile recovered from the shed
2 we talked about earlier, all the fired cartridge casings
3 from the scene, the beer cans, all of that was swabbed,
4 packaged. And then the fingerprint cards were submitted to
5 evidence and sent to -- the fingerprint cards were forwarded
6 to our latent fingerprint examiners. They have a separate
7 lock box. The swabs from all the items at the scene, the
8 clothes, all that stuff was submitted to evidence.

9 Q. So the swabs were packaged individually?

10 A. Yes, ma'am, they were -- they were packaged based upon
11 the scene that they were taken out of. Package all the
12 swabs at once. If the -- the items from the cartridge
13 casings, those were packaged because they were collected
14 from the scene. They were packaged there. Everything was
15 packaged and submitted to evidence.

16 Q. I'm going to show you what's been marked as State's
17 Exhibit No. 138. Do you recognize this?

18 A. Yes, ma'am, that's a -- State's 138 is a box containing
19 swabs of the fired cartridge casings, the projectiles, the
20 fragments, more projectiles, swabs of projectiles from the
21 autopsy, swabs of all the beer cans. The swabs taken in
22 this case. I can go through all the markers, if necessary,
23 but those were all the swabs that were taken.

24 Q. And during the time period that these items were in
25 your possession, did anyone alter them or tamper with them

1 in any way?

2 A. No, ma'am.

3 Q. And did you actually submit those into evidence?

4 A. Yes, ma'am.

5 Q. And then they would have been forwarded to DNA?

6 A. Yes, ma'am, they would have been checked out from
7 evidence.

8 Q. And no one altered them or tampered with them and they
9 were all properly sealed and packaged?

10 A. Yes, ma'am.

11 And also while I was packaging the items, I observed
12 the victim number two's shirt that had some additional holes
13 and I photographed those.

14 Q. Okay. I'm going to show you what's been marked as
15 State's Exhibit No. 98 through 105. Is that to Mr. --

16 A. Guzman-Gutierrez?

17 Q. Yes.

18 A. Yes, ma'am.

19 Additional holes that were located.

20 We were on the scene. He was face down. We could see
21 the holes in the back of the shirt. This is basically the
22 front of the shirt. I laid it out, took photographs and
23 placed markers showing additional holes that we could not
24 see on the scene.

25 MS. CAMPBELL: Your Honor, at this time I would

1 offer State's Exhibits 98 through 105.

2 MS. PRINGLE: No objection.

3 THE COURT: They are admitted without objection.

4 MS. CAMPBELL: Your Honor, may we approach?

5 THE COURT: Yes.

6 (Whereupon, the lawyers approached the bench for
7 an off-the-record discussion)

8 THE COURT: Ladies and gentlemen, we are going to
9 break for lunch now for one hour. We will reconvene back at
10 1:45. 1:45.

11 Please go to the jury room. Please do not discuss
12 the case.

13 (The following takes place outside the presence of
14 the jury panel)

15 MS. CAMPBELL: Thank you, Your Honor.

16 THE COURT: All right, before we break I'm going
17 to address the issue of -- the issue involving contacting
18 the defense experts. That issue was addressed by the
19 Supreme Court in the case of State v. Thompson, where the
20 court is citing on the issue of attorney-client privilege,
21 also cited State v. Hitopoulus, H-I-T-O-P-O-U-L-U-S. And in
22 that case the court said that in criminal cases "many
23 occasions made by a defendant to an expert in order to equip
24 that expert with the necessary information to provide the
25 defendant's attorney with the tools to aid him in giving his

1 client proper legal advice are within the scope of the
2 attorney-client privilege." That case involved the State
3 calling a witness or otherwise communicated with a
4 psychiatrist, who the defense may have conferred with
5 regarding plea bargaining.

6 So I think that considering the problems that it
7 would pose in violating the attorney-client privilege as the
8 court it should not permit it. There are dangers involved
9 in potential to contact defense experts. There is no
10 prohibition against contacting an expert, but there is a
11 prohibition against seeking to solicit from the expert
12 anything covered by attorney-client privilege.

13 MS. CAMPBELL: Yes, sir.

14 For the record, Your Honor, we are not attempting
15 to violate any attorney-client privilege. We were merely
16 asking if they would talk to us. We weren't going to go any
17 further than that in -- I could have just said we don't even
18 go near that issue again, Your Honor. If we could just ask
19 the defense if they would ask their experts if they would
20 talk to us, if they would tell us. So that way we would
21 eliminate any possible violation of the attorney-client
22 privilege. That was not our intent, nor do we want to go
23 there.

24 THE COURT: All right. And the court prefer in
25 cases that the attorney-client privilege belongs solely to

1 the client and can only be waived by the client. A
2 defendant talking to a psychiatrist, and that's -- sort of
3 the doctor-patient relationship as well. But it goes beyond
4 what the lawyers can waive, because it's the privilege of
5 the client.

6 MS. CAMPBELL: Okay.

7 THE COURT: And the language of the case said that
8 communication made to an expert in order to equip that
9 expert's necessary information to provide the attorney with
10 the tools to aid them in their defense. And then given
11 properly advice or defendant's scope of attorney-client
12 privilege.

13 So I'm not sure what information that might exists
14 would not be included within the attorney-client privilege.
15 If it's not included, you can get it. If it is, you can't.

16 MS. CAMPBELL: Thank you, Your Honor.

17 THE COURT: All right.

18 MS. CAMPBELL: Your Honor, another matter we would
19 like to take up is we did receive some discovery from the
20 defense today, as far as I believe it's about 14 pages of
21 some photographs and other things. I didn't know at this
22 point if it would be okay for me to renew our reciprocal
23 motion again as far as anything that might be beyond that.

24 THE COURT: All right. Anything about that?

25 MS. PRINGLE: Not that I know of at this time.

1 Those are photographs of Todd. They are fairly intimate
2 photographs. The poems that he wrote to her, they were
3 intimate. Once we realized that this allegation was coming
4 in about homosexuality, we asked her to go and dig up all
5 this stuff and that was turned over.

6 THE COURT: All right. One hour.

7 (Whereupon, proceedings were recessed)

8 (Whereupon, proceedings were reconvened)

9 THE COURT: Are you ready for the jury?

10 MS. CAMPBELL: Yes, Your Honor.

11 They have had a chance to look over the two
12 remaining things I put in. I don't know if they have any
13 objections to them.

14 MS. PRINGLE: No objections.

15 THE COURT: These are which exhibits?

16 MS. CAMPBELL: Exhibits 164, 155, 144 and 136.

17 COURT REPORTER: 136?

18 MS. CAMPBELL: Yes, ma'am.

19 THE COURT: All right. They're in without
20 objection.

21 THE COURT: If you will bring the jury, please.

22 (The following takes place in the presence of the
23 jury panel)

24 THE BAILIFF: Your Honor, the jury is present.

25 THE COURT: All right, thank you.

1 Mr. Hutchinson, I'm going to appoint you to serve
2 as the foreperson of the jury. If you will come and take
3 the -- exchange seats with the gentleman here, the
4 foreperson's seat.

5 Now, as foreperson I would like you to -- it will
6 be your responsibility to serve as the spokesperson for the
7 jury, to let me know what the jurors might need or request,
8 or all communications with the court coming through the
9 foreperson. You are the spokesperson for the jury. It will
10 be your responsibility to preside over the jury
11 deliberations and to complete the verdict form representing
12 the unanimous verdict of the jury at the end of the case.

13 JURY FOREPERSON: Thank you, Your Honor.

14 THE COURT: All right. You may be seated.

15 MS. CAMPBELL: Thank you, Your Honor.

16 BY MS. CAMPBELL:

17 Q. For the record we were furnishing up. I wanted to show
18 you just some additional items of evidence.

19 You testified earlier that you actually were able to
20 get four latent print cards from the beer cans when you
21 processed them?

22 A. Yes, ma'am.

23 Q. I'm going to show you what's been marked State's
24 Exhibit No. 144. Do you recognize those?

5 A. Yes, ma'am.

1 MS. CAMPBELL: Your Honor, at this time State's
2 Exhibit 136, I believe without objection.

3 MS. PRINGLE: Correct.

4 THE COURT: Admitted without objection.

5 And 164.

6 MS. CAMPBELL: Your Honor, these have been taken
7 out of order.

8 BY MS. CAMPBELL:

9 Q. You helped put out all the markers that were present
10 when everything was photographed, is that correct?

11 A. Yes, ma'am. I took 35 millimeter photographs and
12 Investigator Woods took digital photographs. I placed
13 markers.

14 Q. I want to show you State's Exhibit No. 155 through 166.
15 Do you recognize those first?

16 A. Yes, ma'am, this is part of the scene after I put the
17 markers out.

18 Q. And do those fairly and accurately depict the scene as
19 it was that night, once y'all placed the markers into
20 places?

21 A. Yes, ma'am, after the victims were removed and the
22 markers were placed, yes, ma'am.

23 Q. Okay.

24 MS. CAMPBELL: Your Honor, I think these are
25 without objection.

1 MS. PRINGLE: Without objection.

2 MS. CAMPBELL: Permission to publish, Your Honor?

3 THE COURT: What are the numbers?

4 MS. CAMPBELL: 155 through 166. I'm sorry, they
5 are out of order. I misspoke earlier.

6 THE COURT: All right. In without objection.

7 BY MS. CAMPBELL:

8 Q. And Investigator Beeler, does that pretty much assess
9 your involvement in this case?

10 A. Yes, ma'am. For the most part, documentation,
11 photography and processing of the items collected at the
12 scene after the autopsy.

13 Q. Thank you.

14 A. Yes, ma'am.

15 MS. CAMPBELL: Thank you, Your Honor. I have no
16 further questions.

17 THE COURT: Cross-examination.

18 MS. PRINGLE: May it please the court.

19 CROSS EXAMINATION BY MS. PRINGLE:

20 Q. Good afternoon, Mr. Beeler.

21 A. Yes, ma'am.

22 Q. Just a couple of questions for you.

23 A. Yes, ma'am.

24 Q. You testified at great length about the crime scene
25 investigation that you performed on this day. And your

1 testimony of the entire area that you investigated where you
2 collected evidence and photographed is the area that you
3 have testified about to today, correct?

4 A. Yes, ma'am.

5 Q. And that would --

6 A. And the autopsy as well, yes, ma'am.

7 Q. I'm sorry. So both at the scene at [REDACTED] and
8 at the autopsy?

9 A. Yes, ma'am.

10 Q. All right. And at the scene at [REDACTED], the
11 jury has seen a bunch of photographs of the exterior outside
12 of the shed, outside the little white garage, inside the
13 fence and outside the fence. That's the area that you were
14 collecting evidence from and photographing, correct?

15 A. Yes, ma'am.

16 Q. Exclusively?

17 A. Yes, ma'am, as well as the items that I brought back to
18 our headquarters and processed at a later date, but yes,
19 ma'am.

20 Q. I understand. I'm really just talking about at [REDACTED]
21 [REDACTED].

22 A. Yes, ma'am.

23 Q. And what you are looking for is anything of potential
24 significance to you as a crime scene investigator?

25 A. Yes, ma'am.

1 Q. And that could be the absence of evidence or the
2 presence of evidence?

3 A. Correct.

4 Q. And anything that you see, you were going to photograph
5 it and memorialize it as you see it when you get there?

6 A. Yes, ma'am.

7 Q. You don't move it, relocate it, do anything to it until
8 you photograph it and take notes and write down where
9 everything is located?

10 A. Yes, ma'am, with the addition of adding markers, we
11 don't do anything to the scene.

12 Q. Right.

13 And when you put the markers in, you don't move
14 anything. The point of the marker is to show where it is
15 exactly, correct?

16 A. Yes, ma'am.

17 Q. And you draw diagrams and you take photographs of up
18 close and pull back so you can show everything in relation
19 to it to each other?

20 A. Yes, ma'am.

21 Q. In fact, you did that in this case, and this last
22 photograph that just went in show all of the -- many of the
23 markers in one photograph, correct?

24 A. Yes, ma'am.

25 Q. Of course, you are familiar with Investigator Woods

1 report and everything that she viewed and observed at the
2 scene, because you were there and saw the same thing?

3 A. Yes, ma'am.

4 Q. And so the distance from the edge of the tree, per her
5 report, is about 21 feet from AG to the white building.

6 Does that sound right to you?

7 A. I'm not sure, ma'am. I wasn't involved with the
8 measurements, but --

9 Q. Just guessing, would you say that that seemed close to
10 20 feet or 21 feet?

11 A. I'm -- I'm not able to guess, ma'am, without looking at
12 her report with her measurements.

13 Q. And you have reviewed her report?

14 A. I looked over it, ma'am, but that was her report.

15 (Photograph marked as Defendant's Exhibit No. 1
16 for identification)

17 (Photograph marked as Defendant's Exhibit No. 2
18 for identification)

19 BY MS. PRINGLE:

20 Q. Investigator Beeler, I'm going to show you what's been
21 marked as Defendant's Exhibits 1 and 2 and ask if you can
22 identify those two?

23 A. Yes, ma'am. I have to look back at my notes for the
24 marker on the cooler, but this is the red cooler. I believe
25 there was a T-shirt on it.

1 This is the -- Defense No. 1 is the cooler opened with
2 the beer bottle in it, and Defense 2 is the cardboard
3 suitcase of Budweiser beer.

4 Q. And --

5 A. Marker AQ on it.

6 Q. I apologize.

7 And you observed both of those items at the scene?

8 A. Yes, ma'am.

9 Q. And do those photographs fairly and accurately
10 represent those two items as you saw them at the scene?

11 A. Yes, ma'am.

12 MS. PRINGLE: I would offer our Defendant's 1 and
13 2 into evidence at this time.

14 MS. CAMPBELL: No objection.

15 THE COURT: Admitted without objection.

16 BY MS. PRINGLE:

17 Q. And that beer cooler, I believe that you -- I believe
18 that this is either in your report or you testified to it,
19 and I apologize, but that beer cooler was warm? There was
20 no ice in there or water in there when you got there?

21 A. I didn't -- there was no ice. There was no water. It
22 appeared old.

23 Q. And there was one beer in there that's unopened?

24 A. I believe that was an old beer bottle.

25 MS. PRINGLE: Permission to publish to the jury at

1 this time, Your Honor.

2 THE COURT: Okay.

3 BY MS. PRINGLE:

4 Q. And the Budweiser, the -- the cardboard box of
5 Budweiser in those photos is crushed or broken looking, is
6 that right?

7 A. Opened.

8 Q. You don't recall looking at it if it looked like it was
9 broken or had been torn apart at all?

10 A. I -- I don't know how they opened it, but to get in the
11 box they didn't neatly break the seals from the
12 manufacturer. It was -- the box was opened.

13 Q. Okay. You collected numerous beer cans and you have
14 testified about that in some detail. Those beer cans come
15 in.

16 A. Yes, ma'am.

17 Q. By my count there was 17, is that right?

18 A. I have to go back and count, but there were numerous,
19 ma'am.

20 Q. Well, tell me if this sounds correct. AL is Modelo; AM
21 is Modelo; AN is Modelo; AO is a Bud 24 by 12; AP Modelo; AR
22 Modelo; AT is a Bud 24; AB is a Bud 24; AG is a Bud 12; AS
23 is a Bud 12, 24; and Modelo; and you have an additional Bud
24 24, 12; and two Modelos?

25 A. Okay.

1 Q. 17, right?

2 And you took swabs from those beer cans, correct?

3 A. Yes, ma'am.

4 Q. And where do you -- where did you swab those?

5 A. Those would be swabbed not just around the mouth area,
6 but also on the sides where someone could have touched as
7 well.

8 Q. And is there anywhere in your notes, or -- your
9 handwritten notes, or anything in your report that indicates
10 where each swab was taken from or a diagram or a drawing of
11 where each swab was taken from on the beer, particular
12 can --

13 A. No.

14 Q. -- swab?

15 A. No, ma'am.

16 Q. So there is no record of -- so when you take a swab, is
17 it the same swab that you do all over the cab, or you do
18 from the mouth and then the sides separate swabs?

19 A. It would be the same swab of the beer can.

20 Q. So there is no way to say from the swab that you take
21 if it comes back to a particular person in a DNA analysis
22 where it came from on that can?

23 A. No, ma'am.

24 Q. Is that your practice always when you swab something
25 like that?

1 A. If there is a certain incident where we are processing
2 something and there is something of note on a certain part
3 of a surface, we would take an individual -- we would place
4 a marker and take an individual swab of something of note.
5 If it were to say a broken window in a burglary and then
6 there was a drop of what appeared to be blood, we would
7 swab --/you know, we may swab the door handle of that, of
8 that door, but if there is a drop of blood, we would swab
9 that separate.

10 Q. If you are swabbing a beer can, swabbing the mouth rim
11 versus swabbing the side would tell you different things
12 about who might have been holding the can, wouldn't it?

13 A. It would just tell us who is in possession of the
14 can -- or who had contact with the can, let me put it that
15 way.

16 Q. And whether or not, for example, it's more likely that
17 that can was going in their mouth or that they were just
18 holding it, depending on where the DNA is?

19 A. I wouldn't be able to tell that based off a swab.

20 Q. All right. And the chairs that are in the photographs,
21 those were not taken into evidence?

22 A. No, ma'am.

23 Q. There were also in your report footwear impressions
24 present at the scene?

25 A. Yes, ma'am.

1 Q. And there were photographs taken of those footwear
2 impressions?

3 A. Yes, ma'am.

4 Q. And there were no -- but there were no casts taken of
5 them?

6 A. I don't believe so. I was involved in the main
7 documentation and such as of the footwear impressions. I
8 believe that was Investigator Woods and Investigator
9 Bouknight.

10 Q. And you testified about a metal fragment and you
11 testified -- twice you said a metal fragment believed to be
12 from Mr. Gutierrez' right shoulder. Where did that fragment
13 come from?

14 A. The fragment of victim number 2's right shoulder, it
15 was on the skin near the wound, I believe.

16 Q. On the front or the back?

17 A. Let me see. I just have listed that it was recovered
18 from the right shoulder area.

19 Q. It was recovered by you?

20 A. Yes, ma'am.

21 Q. And you don't remember if you recovered it from his
22 shoulder or not?

23 A. I did not take photographs of -- Investigator Woods may
24 have taken photographs of it prior to it being moved, but,
25 no, ma'am, it was collected from the shoulder.

1 Q. You collected it from the shoulder?

2 A. Yes, ma'am.

3 Q. And from the front, or the back, or from where? Or if
4 you don't remember, that's fine.

5 A. Yes, ma'am. I -- I have it listed as being collected
6 from the shoulder area.

7 Q. All right. And you do not recall, or don't know, don't
8 have any record of whether it was front, back, or wherever?

9 A. No, ma'am, I do not.

10 Q. And there is no record of that anywhere in your notes?

11 A. No, ma'am.

12 Q. You also testified that you attended the autopsy and at
13 the autopsy nail scrapings were taken?

14 A. Yes, ma'am.

15 Q. Do you actually do that or does the pathologist do
16 that?

17 A. I do that, ma'am.

18 Q. And you actually take the hand and scrape under the
19 fingernails for tissue, correct?

20 A. For any kind of trace evidence debris, whatever, with a
21 little piece of wood.

22 Q. And one of the reasons that you might do that --
23 certainly many reasons, but one of the reasons you might do
24 that is you would want to test that to see if perhaps there
25 was evidence of a perpetrator or evidence of a struggle,

1 right?

2 A. We collect it as a manner of course. I don't know if
3 it was even tested or not.

4 Q. You don't know if it was even tested or not?

5 A. No, ma'am.

6 Q. But if there is a struggle and somebody scratches
7 another person, there is a possibility that you would have
8 trace evidence of the perpetrator under the fingernails,
9 right?

10 A. There is a possibility.

11 Q. And this impact point, just to be real clear, your
12 testimony is that impact point means some kind of damage?

13 A. Typically we will list an impact point if it's believed
14 to be from a projectile. Otherwise, we are going to list it
15 as damage, because it's unknown to what caused it.

16 Q. And this tree damage, the impact point to the tree,
17 there is what appears to be a hole in the tree, but there is
18 no exit. There is only a hole on one side of the tree,
19 right?

20 A. Correct, ma'am.

21 Q. So if a projectile wedged in there, it stayed in there?

22 A. I dug into the tree until there was no more hole.

23 Q. So there was no projectile in there?

24 A. No, ma'am. That's why I say it's damage.

25 Q. There is no place for the projectile might have come

1 out? I mean, if it was in there, you would have gotten it
2 out of there when you dug everything away and went in there?

3 A. I didn't go in very deep. It's very possible -- if we
4 are speculating that it could have ricocheted somewhere, but
5 I can't say that. All I can say is that it is damage and I
6 photographed it as such.

7 If it was a projectile impact point, it could have
8 ricocheted, gone anywhere, but I have to list that as
9 damage, because that's what I -- that's what I can come up
10 with. I dug into the tree.

11 Q. And to be shooting at that tree, the way that this
12 scene is laid out, the tree is here, you have got this
13 impact point up here, you would have to be somewhere over
14 here to the right side of the sidewalk, right?

15 A. Impact point -- projectile impact points are -- I mean,
16 there is a whole other science. It could be -- if it's on
17 the side of this tree, it could be anywhere on that side of
18 the tree.

19 Q. Right. Okay. That's fine.

20 Over on that side of the tree, there are -- you didn't
21 find any shell casings laying over there in that yard on
22 that side?

23 A. Yes, ma'am, we found several shell casings.

24 Q. To the far right side is what I'm talking about.

25 A. Hold on a minute. You have to excuse me. I have to

1 look back at notes and photographs of the tree.

2 On that side of the tree we found victim number two,
3 Guzman-Gutierrez, on that side. I cannot determine for --
4 not getting into trajectory analysis, because none was done
5 in this case. You would need two points to be able to stick
6 some sort of trajectory rod to give you some sort of
7 directionality. A single impact point with no depth, I
8 can't stick a rod in there and say okay, it came from the
9 left, it came from the right. A damage could come from
10 anywhere on that side of the tree. It didn't come from the
11 roadway. That damage was on the inside of the fenced area
12 somewhere where all this incident occurred.

13 Q. And all I'm asking you right now is were there shell
14 casings to the far right of the sidewalk as you come in?

15 A. You were asking about the impact point.

16 Q. Let's go through -- let me withdraw that.

17 A. Okay.

18 Q. I'll ask you about shell casings, okay?

19 A. Yes, ma'am.

20 Q. Shell casings are obviously something that can be --
21 when you come on the scene that are significant and
22 important, right?

23 A. Absolutely, ma'am.

24 Q. And they are items of evidence that you would want to
25 immediately protect the minute that you see it?

1 A. Yes, ma'am.

2 Q. And, in fact, in this case I believe that Deputy Smith
3 was the first to come upon and note these items and at some
4 point a cone was put over some of them to protect them,
5 right?

6 A. Yes, ma'am.

7 Q. And do you photograph them in place in order to
8 preserve location, right?

9 A. Yes, ma'am, and place markers.

10 Q. And there is forensic value to shell casings on a
11 number of basis. You can test them for prints, right?

12 A. Yes, ma'am.

13 Q. You can test them for DNA?

14 A. Yes, ma'am.

15 Q. You can test them for weapon type?

16 A. Yes, ma'am.

17 Q. Rifling characteristics to see if it came from the same
18 gun?

19 A. Striations, not rifling.

20 Q. Striations?

21 A. That's projectiles, yes, ma'am.

22 Q. And you can compare and submit them to the ballistics
23 people and they can compare them?

24 A. Yes, ma'am.

25 Q. It's also important to preserve the location?

1 A. Yes, ma'am.

2 Q. And we are talking about -- this area that we are
3 talking about that you performed your entire investigation,
4 you have an area inside the fence and an area outside the
5 fence, right?

6 A. Yes, ma'am.

7 Q. And you found five shell casings inside the fence and
8 two outside the fence and one right under the gate, correct?

9 A. Yes, ma'am.

10 Q. One of the shell casings that you found, I believe it's
11 AI, is actually all the way in next to the brown shed?

12 A. Yes, ma'am.

13 Q. All right. And you attended the police academy, didn't
14 you?

15 A. Yes, ma'am.

16 Q. All right. And do you actually carry a weapon?

17 A. I do, ma'am.

18 Q. Do you have a weapon on you today?

19 A. I do.

20 Q. And what do you carry?

21 A. I carry a Glock model 22, 40-caliber weapon.

22 Q. 40-caliber?

23 A. Yes, ma'am.

24 Q. Is that a semiautomatic?

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

1 Q. All right. All them things being equal, I'm not asking
2 you specific to this, but all of the things being equal, we
3 do know, don't we, that semiautomatic weapons may eject
4 shell casings do not eject them forward jumping over fences,
5 leaping three, four, five, ten feet?

6 A. Are you asking my opinion, ma'am?

7 Q. Yes.

8 A. Depending on the way that you hold the weapon. There
9 are certain weapons that eject primarily to the right.
10 There -- you would have to ask the ballistics expert. I
11 believe there is one that actually does eject to the left.

12 Every time that weapon is fired, if I hold it straight
13 up and down, which I did Monday on the firing range -- I
14 have carried this weapon for over eleven years now. If I
15 hold it straight up and down at a fixed target, at least on
16 my weapon, about every fourth round is going to come
17 straight up and hit me in the head. Primarily it shoots to
18 the right.

19 If I'm holding it -- I'm not pointing it at you, sir.
20 If I'm holding it straight, the majority is going to the
21 left. Occasionally they come back. They could hit me,
22 depending on the way I am. They could go to the right.
23 That's if it's held straight.

24 If I point the weapon down, there is a chance that
25 these shell casings are going to go forward.

1 Again, you would have to talk more to the firearms
2 expert, but in my experience shell casings go all over the
3 place.

4 Q. And in your experience how many times have you seen
5 them jump the fence five, ten feet --

6 A. I don't shoot near fences, ma'am.

7 Q. -- or farther?

8 A. I picked up shell casings Monday and they were -- they
9 were to the left, they were to the right, they were forward.

10 MS. PRINGLE: No further questions.

11 MS. CAMPBELL: Just a little bit, Your Honor.

12 REDIRECT EXAMINATION BY MS. CAMPBELL:

13 Q. For clarification, you talked about how you
14 photographed the approximate distance it is, but it's your
15 testimony was earlier you also photographed after the bodies
16 had been moved or removed?

17 A. Yes, ma'am, similar to the -- I photographed before I
18 ripped the side of the shed off afterwards -- after I --
19 after I dug into these people's tree.

20 Q. And she showed you State's Exhibit -- excuse me,
21 Defense Exhibits 1 and 2 in this case.

22 A. Yes, ma'am.

23 Q. And, in fact, Defense Exhibit 1, how it appeared when
24 you got to the scene is how it's shown in State's Exhibit
25 No. 167 and 168, is it not?

1 A. Yes, ma'am, I testified that it had a shirt. And, yes,
2 there was a beer can on it. And I believe I placed a marker
3 on it while we were there.

4 This is just part of the documentation. Before we open
5 doors and before we start digging into things, we are going
6 to photograph it before, we are going to collect the things
7 on it, open it up. There could have been a weapon in the
8 beer can -- in the beer can -- inside the cooler. So we
9 have to document it as we see it, and then open it and take
10 pictures of how the container is found.

11 Q. So Defense Exhibit No. 1 is how this appeared after you
12 had removed the items that were on top of the closed cooler
13 and after you opened it, is that correct?

14 A. Yes, ma'am. She didn't ask that. She just --

15 Q. And that's reflected here in State's Exhibits No. 168
16 and a closer-up of 167?

17 A. Yes, ma'am.

18 MS. CAMPBELL: Your Honor, at this time we would
19 offer these into evidence.

20 MS. PRINGLE: No objection.

21 THE COURT: Admitted without objection.

22 BY MS. CAMPBELL:

23 Q. So this is how this cooler actually appeared when you
24 got to the scene, is that correct?

25 A. Closed with a shirt and a beer can on it, ma'am.

1 Q. And then you opened it to photograph what was in it, in
2 case that might be significant?

3 A. Yes, ma'am. I would have to look back and see what
4 marker it was, but that's --

5 There was an unopened Modelo can and a green shirt on
6 top of a cooler, marker AL. The cooler contained an empty
7 beer bottle that appeared to be old.

8 Q. She also asked you about swabbing the beer cans for
9 DNA?

10 A. Yes, ma'am.

11 Q. In your experience is there a certain contact that's
12 made that can be significant, as far as leaving DNA behind?

13 MS. PRINGLE: Objection to the leading.

14 THE COURT: Objection is overruled.

15 MS. CAMPBELL: Thank you.

16 A. Processing a beer can -- or for processing anything,
17 the DNA analyst can get more involved.

18 BY MS. CAMPBELL:

19 Q. Yes.

20 A. We -- we will -- if you touch something smooth, there
21 is a chance not always that you will leave fingerprints,
22 that you will leave DNA. That's on the smooth surface.

23 If you scrape your -- if you scrape something, like the
24 side -- a sharp edge, glass, a saw, that is more likely to
25 scratch skin cells, which also typically can contain DNA.

1 The top of a beer can, if you have ever cut your finger
2 or your mouth -- not a beer can, a Coke can. Let's go with
3 Coke. Those edges are sharp. The old days where you had
4 the pull top and you tried to stick it in there, or
5 whatever, you cut your hands. Kids cut their hands on them
6 all the time.

7 Q. You are familiar with touch DNA and body fluids?

8 A. Yes, ma'am.

9 Q. And is saliva a body fluid?

10 A. Yes, ma'am.

11 Q. And is it more likely to get DNA from a body fluid?

12 A. Yes, ma'am, than touch DNA.

13 MS. CAMPBELL: Nothing further. Thank you.

14 THE COURT: Anything further?

15 MS. PRINGLE: No.

16 THE COURT: All right. Thank you, sir. You may
17 step down.

18 All right. Call your next witness.

19 MS. SIMPSON: The State calls Kristen Polis.

20 INVESTIGATOR KRISTEN POLIS, having been first duly
21 sworn, testified as follows:

22 THE CLERK: Have a seat on the witness box and
23 state your name for the record and spell your name, please.

24 THE WITNESS: My name is Kristen Polis.

25 K-R-I-S-T-E-N, P-O-L-I-S.

1 DIRECT EXAMINATION BY MS. SIMPSON:

2 Q. Investigator Polis, what do you do?

3 A. I'm a crime scene investigator for Richland County
4 sheriff's department.

5 Q. And how long have you been with the sheriff's
6 department?

7 A. I have been with the sheriff's department for nine
8 years, and I have been in crime scene for about five.

9 Q. And can you please tell the jury a little bit about
10 your educational background, as well as some of your
11 training and crime scene investigation?

12 A. Yes, ma'am.

13 I have a Bachelor's Degree in Criminal Justice, a
14 Bachelors in Psychology, and a Masters Degree in Social Work
15 from USC.

16 I joined the lab at Richland County sheriff's
17 department, the crime scene unit. And when you begin a
18 position as a crime scene investigator, there is an in-house
19 training program that we all complete. It's an in-depth
20 program that covers every area of processing that we are
21 responsible for performing, such as evidence preservation,
22 processing, collecting, DNA collection, trajectory analysis,
23 blood stain analysis, shoe impressions. Any area that we
24 are going to be responsible for covering, we read the
25 leading forensic literature in that area and we are also

1 tested, both written tests and in practical ways so that we
2 are able to perform in every area in a proficient manner
3 before we are able to work as a crime scene investigator.
4 And that entire program took me twenty months to complete.

5 In addition to that, I have done a number of other
6 training courses and conferences that are done -- you know,
7 performed outside of our department. These include basic
8 and advanced photography, basic and advanced fingerprinting,
9 fingerprint analysis, forensic anthropology courses, blood
10 stain pattern, advanced blood stain pattern; a number of
11 courses that we have been provided with in those different
12 areas.

13 I'm also certified through the International
14 Association For Identification as a crime scene
15 investigator.

16 Q. And is your lab actually certified as well?

17 A. It is.

18 Q. Can you tell us a little about about that process?

19 A. We have an ASCLD certification. And basically what
20 that means is we are regularly inspected by a group of
21 forensic professionals who come in. They look at our
22 protocols, our practices, our policies, and then make sure
23 that everything that we have in place in terms of how we do
24 our jobs is how it should be, that we are tested on a
25 regular basis to make sure we are maintaining our

1 proficiency. Not just that you go through a class once, but
2 every year we are re-certified or re-tested on blood stain
3 patterns and fingerprint analysis and all that different
4 areas that we do our work in. And all that is a part of the
5 accreditation that we have.

6 Q. And what exactly does crime scene investigation
7 involve? I know you have listed the subsections. Can you
8 give us a kind of a generalization about that?

9 A. My duties are much like everybody else that's testified
10 this morning. Our big responsibility is to go in and
11 document, the documentation of the scene as we find it when
12 we get there.

13 We also are responsible for preserving evidence. We
14 look for and try to find the things that are going to be
15 relevant through the investigation, and then we have to
16 preserve those and keep them in the condition that they are,
17 so that we can get back and process them and try to find the
18 DNA and the fingerprints and all the things that may be on
19 them. We attend autopsies. Obviously we testify. This is
20 a large part of our job. All those are included in our
21 duties.

22 Q. And I guess in the manner of testimony, have you been
23 qualified as an expert before?

24 A. I have.

25 MS. SIMPSON: Your Honor, at this time we would

1 offer Investigator Polis as an expert in crime scene
2 investigation.

3 THE COURT: What says the defense?

4 MR. SHEALEY: No objection, judge.

5 THE COURT: You are qualified.

6 BY MS. SIMPSON:

7 Q. In July of 2010, were you working in your present
8 capacity?

9 A. I was. At that time I was pregnant and I was working.
10 I could not go in the field, so all my work at that time for
11 the most part was in the office. I had restricted duties.

12 Q. And did you actually have occasion to become involved
13 in this case?

14 A. Yes.

15 Q. How did you become involved?

16 A. There was some evidence that was processed that my
17 lieutenant, Lieutenant Elsie, requested that I go in and --
18 a print had been developed, but was very faint, and she
19 requested that I go and try to make this print darker, to
20 work on processing again to see if we could get a better
21 result for analysis.

22 Q. And the initial process -- where does processing
23 usually take place?

24 A. We can do processing in the field, but we also -- when
25 it's practical we will bring things back, process them in

1 our lab. We have a little more control over the conditions
2 and a few more things available to us in our lab. And in
3 this case the processing was done in our lab.

4 Q. Can you tell us a little bit about what processing for
5 fingerprints generally entails?

6 A. It could involve a number of things. It depends on the
7 item that we are looking at, the surface. We have a number
8 of things.

9 One that you have already heard about is this superglue
10 fuming, cyanoacrylate fuming, which basically helps protect
11 an item. So that if, in fact, there is a fingerprint on it,
12 you have the superglue fumes that will go over that item and
13 it will harden and they will protect it, so then we can work
14 with it to try to get it lifted, get it off that item in a
15 form that we can use it for analysis.

16 There are a number of different powders that can be
17 used for this. It kind of depends on the item that we are
18 looking at.

19 There are chemical things that we can use. If we have
20 items that are porous, for example, paper or cardboard,
21 there is a different set of processing techniques that we
22 would use to try to get fingerprints off of that.

23 There are occasions when we are trying to look at
24 fingerprints that are in blood, so there is a number of
25 different techniques that we can use to try to get

1 fingerprints.

2 Q. And when we talk about fingerprints, are there
3 different categories? I know we have heard there is
4 postmortem. Can you explain that exactly what a latent
5 print is?

6 A. The word latent actually means invisible. So a latent
7 print is a print that you typically cannot see with your
8 naked eye. It has to be made visible in some way. And
9 that's what all the processes do.

10 With powders, usually those are going to go in and they
11 are going to adhere to what is left behind. When you touch
12 an object -- you know, your hands are always sweating and
13 there is different compounds that are being secreted from
14 your skin. When you touch an item, those things can be left
15 behind on that item. So the powders and different processes
16 that we use are formulated so that we can go in and take
17 what you cannot see and make them visible. So that is what
18 we are doing when we are doing processing for latent prints.
19 We are trying to visualize them.

20 Q. And does the surface of the item actually affect your
21 ability to process or lift a print?

22 A. It does. Generally, generally speaking the way I think
23 about it is the best surfaces for leaving behind a
24 fingerprint are going to be things like glass. They are
25 nice and smooth. Clean glass. You know, you have glass

1 that's dirty or covered in dust, the print is going to go
2 into that dust, but if you have a clean glass surface, there
3 is an excellent chance that you may leave a fingerprint
4 behind, if you have a certain number of things about
5 yourself; like good ridge detail. And there are some people
6 a lot of times related to their profession, people who work
7 with their hands a lot, do construction, a chef or a
8 dishwasher that handles hot dishes all the time, nurses who
9 wash their hands all time, and they actually damage the
10 skin, temporarily. It doesn't change the print that is
11 there, but it basically will just affect what you are going
12 to leave behind when you touch something.

13 The smoother the surface is the more likely you are
14 going to be to touch a surface. If there is anything that's
15 dirty on your finger, you may leave whatever is dirty
16 behind. Some people, their hands sweat a lot. Other
17 people, their hands don't sweat nearly as much. The more
18 you perspire, the more you are going to leave something
19 behind. Too much sweat is hard to work with. Too little
20 sweat is hard to work with. So it depends on the amount of
21 moisture that is there.

22 Each of us vary in the amount of moisture that we are
23 excreting at any time. If you think about that when you try
24 to turn the pages of a book and you suddenly can't turn them
25 any more, the first thing you do is you lick your fingertip

1 to get the pages turn. You don't have moisture on your
2 finger when you need to do that. So even a person who
3 sweats a lot may have a time when there is not a lot of
4 moisture on their fingers and that may not be left behind.

5 Now, what works to our advantage sometimes is when
6 people are engaged in a criminal act, they are nervous, they
7 are anxious, they are amped up, for lack of a better word,
8 and so all those body systems are flowing and they are going
9 to be sweating more. So a lot of times that will work to
10 our advantage, but there is actually something that is left
11 behind.

12 Q. And if the item itself say sweats or there is moisture,
13 can that affect it as well?

14 A. It can. If there is something with moisture on it,
15 what we would do is allow it to dry so that we are working
16 with a dry surface. We can't -- there are --

17 If we are trying to work on a wet surface, there are
18 special things that are formulated to process on a wet
19 surface. For example, you have a vehicle that's been broken
20 into and it's rained, there are some things that we can try
21 to use to get prints off of a wet car. But in many cases
22 what we are going to do is take that item and allow it to
23 dry and then work with it.

24 Q. Okay. And somebody, as far as like smudging or a lot
25 of movement on the item, is the value of that print

1 affected?

2 A. It can be, just like too much sweat, too little sweat.
3 Too much pressure is going to not leave behind as great of a
4 print. Too little pressure, you haven't touched it enough
5 to leave anything behind. There are a lot of different
6 factors that go into whether or not that fingerprint is even
7 going to be left behind before we then try to process and
8 lift it.

9 Q. And in this case I believe you said that you were
10 notified to do additional processing, and Investigator
11 Beeler actually did the initial processing in this case.
12 The superglue, that was done on all the items that you --

13 A. That I worked with, yes, ma'am.

14 Q. And that actually preserves the print?

15 A. What we have is a large chamber and it's sealed, so you
16 can place items into this chamber. It has a little warming
17 cup, similar to if you have a cup of coffee and you are
18 trying to keep it warm, you have to little warming plate,
19 that's basically what it is. You have a little cup that you
20 fill with superglue, cyanoacrylate.

21 Also in this chamber you have basically a humidifier.
22 So what you do is you seal that chamber and you raise the
23 humidity level to whatever you set it for. So we are going
24 to increase the humidity and then we are going to warm that
25 superglue, which is going to -- the combination of all those

1 things creates fumes that come off of the superglue. They
2 are going to fill up that chamber and they are going to
3 cover anything that's going to be in there. If it adheres
4 to anything that's on a print, as it dries, it's going to
5 harden and it's going to basically preserve what's there.

6 Q. And I believe he said that he used magnetic powder for
7 processing. What process did you use?

8 A. I used black powder.

9 Q. And what are some of the reasons you might have used
10 black powder in this case?

11 A. Based on the surface that we were looking at.
12 Typically my preference is black powder. You know, it's
13 kind of like any type of job. Some people prefer one thing
14 over another. My general preference in processing is black
15 powder, so that's usually what I go to first, and that's
16 what I went to in this case for that reason.

17 But, you know, with the surface that we were working
18 with, a smooth surface, black powder is very appropriate.

19 Q. And tell us about the initial items that you processed
20 when you were notified.

21 A. I retrieved a box and I removed the beer can that was
22 labeled AN and it was a Modelo beer can and processed this
23 and obtained two separate fingerprint cards.

24 Q. And I'll talk a little bit about the fingerprint cards.
25 So once you actually --

1 I guess first tell us how you lift a print from the
2 item.

3 A. When you have a print that you can see, we basically
4 have a tape that we use. It's a thick tape that's very
5 clear. It's something that you can take and you lay it over
6 that print and you use your hand and you rub and you get the
7 tape applied. And when you are rubbing, what you are doing
8 is you are warming the glue and you are helping to take that
9 print off the can, or in this case can, off the item and put
10 it onto that tape. Then once you pull that tape off, we
11 place it onto a card that's the size of an index card, but
12 it's a specially made paper that this tape can be applied
13 onto. So you have a white card and with black powder you
14 have black ridges that just came off of an item that you are
15 placing down on that card so that you can see it and use it.

16 Q. And what kind of information is contained on the print
17 card itself?

18 A. All the documentation for the case. The case number, I
19 believe the victim's name, the incident location. We record
20 the location where the print was lifted from. We do a
21 sketch, a rough sketch of the item, and we label how the
22 item was oriented, as well as exactly where on that item we
23 located the print.

24 Q. So all that is actually contained on the card?

25 A. Yes.

1 Q. Do you create cards all the time, or must your results
2 be positive, negative? Tell us about that. When do you
3 create a card?

4 A. If you have a -- as you pull the tape off, if there is
5 something there on that tape that looks like it can be used,
6 then you place it on a card and you evaluate it to see if
7 that's going to be sufficient to turn in for analysis.

8 Q. And did you feel that the print that you lifted on the
9 item marked AN, you said that you were able to develop a
10 sufficient print?

11 A. Yes.

12 Q. I'm showing you what has been marked as State's Exhibit
13 143. Do you recognize this?

14 A. Yeah, that's my packaging.

15 Q. Okay. And what is it?

16 A. Inside should contain the fingerprint card that I
17 lifted. This is just an evidence label identifying case
18 number, location, my name, the date and time that this was
19 submitted, and how it was submitted to latent print section.

20 MS. SIMPSON: Your Honor, at this time the State
21 would offer State's Exhibit 143 into evidence.

22 MR. SHEALEY: I would just object at this time. A
23 chain hasn't been established yet, because this was analyzed
24 and --

25 THE COURT: What says the State regarding the

1 chain of custody?

2 MS. SIMPSON: I'll offer it for identification,
3 State's Exhibit 143.

4 THE COURT: It's marked for identification only.
5 BY MS. SIMPSON:

6 Q. And once you obtained these prints, did you turn them
7 over directly to someone?

8 A. I did. I gave these to Investigator Odom.

9 Q. And what section -- or I guess where does Investigator
10 Odom work in, what department?

11 A. She's a latent print analyst.

12 Q. So you actually handed the print card directly to her,
13 right?

14 A. I handed this entire sealed package to her.

15 Q. Okay. And while it was in your custody it wasn't
16 altered or changed in any way?

17 A. No.

18 Q. And in addition to your additional processing of the
19 Modelo beer can, did you process any other items in this
20 case?

21 A. My lieutenant requested that I go ahead and process all
22 the beer cans that were contained in that package, so I
23 processed the remaining beer cans that had been collected.

24 Q. And can you just kind of go through those items for us?

25 A. Beer can -- Modelo beer can labeled AL.

1 Modelo beer can labeled AM.

2 A Budweiser 24 ounce beer can and a Budweiser 12 ounce

3 beer can labeled AO.

4 A Modelo beer can labeled AP.

5 Modelo beer can labeled AR.

6 A Budweiser 24 ounce can labeled AT.

7 A Budweiser 24 ounce can, a Budweiser 12 ounce can, two

8 Modelo beer cans, one crushed and uncrushed, those four all

9 labeled AU.

10 A 24 ounce Budweiser beer can, AV.

11 A Budweiser beer can that had what I described as a

12 hole in it labeled AG.

13 A 12 ounce and a 24 ounce Budweiser beer can labeled

14 AS.

15 And a Modelo beer can labeled AS.

16 Q. And did you use the black powder process as well on

17 these items?

18 A. Yes.

19 Q. And were you able to obtain anything of value or lift

20 any prints?

21 A. I did submit six additional fingerprint cards.

22 Q. And what items were those cards from?

23 A. The 24 ounce Budweiser can labeled AO.

24 The crushed Modelo beer can labeled AU.

25 Two print cards off the uncrushed Modelo beer can

1 labeled AU.

2 A print card off of the Budweiser 24 ounce can labeled
3 AS.

4 And a print card off of the Modelo beer can labeled AS.

5 Q. And these prints cards were prepared, as you did the
6 others?

7 A. Yes.

8 Q. As you typically always do?

9 A. Yes.

10 Q. And you are not actually responsible for the print
11 comparison, correct?

12 A. That's correct.

13 Q. Who is that, usually? Does it vary or are there
14 different people?

15 A. There are different people in our latent print section,
16 and I do have training in that area, but in this case I did
17 not do the comparison.

18 Q. I want to show you what's been marked as State's
19 Exhibit 142 for identification. Do you recognize that?

20 A. This is my packaging for the remainder of the cards.

21 Q. And when they were -- after you did them and sealed
22 them, were they altered or changed in any way while in your
23 custody?

24 A. No.

25 Q. And what did you do with them, once you completed them?

1 A. Those were submitted again in person, meaning a hand to
2 hand transfer. I handed those to latent print section.

3 Q. All right. And outside of processing these items, did
4 you have any other involvement in this case?

5 A. I did not.

6 Q. Thank you.

7 A. Uh-huh.

8 THE COURT: By the defense?

9 MR. SHEALEY: I don't have any questions, judge.

10 THE COURT: All right. Thank you. You may step
11 down.

12 Next witness.

13 MS. CAMPBELL: The State calls Investigator Trisha
14 Odom.

15 INVESTIGATOR TRISHA ODOM, having been first duly
16 sworn, testified as follows:

17 THE CLERK: Have a seat in the witness box and
18 state your name for the record and spell it, please.

19 THE WITNESS: Trisha Collins Odom, O-D-O-M.

20 COURT REPORTER: Spell your first name.

21 THE WITNESS: Trisha, T-R-I-S-H-A.

22 DIRECT EXAMINATION BY MS. CAMPBELL:

23 Q. Investigator Odom, where are you employed?

24 A. At the Richland County sheriff's department.

25 Q. And what do you do there, ma'am?

1 A. I am the senior latent prints analyst.

2 Q. And as the senior latent prints analyst, tell this jury
3 what your job is, please.

4 A. My primary job is to look at the latent print cards
5 that are turned in, not only by our crime scene
6 investigators, but also by any of the other deputies, and
7 see if I can determine who made those prints.

8 Q. And can you tell us a little bit about your training
9 and education?

10 A. I have a degree in criminal justice from the University
11 of South Carolina.

12 I'm also a certified law enforcement officer.

13 I went through the same -- not the same in-house
14 training that the other investigators did, but I went
15 through a training program. And part of that was teaching
16 me how to look at latent fingerprints.

17 I have also been to a number of classes. There is a
18 class called forensic ridgeology. That's a fairly in-depth
19 look at fingerprint analysis, basic fingerprint, advanced
20 palm prints comparison, and different classes to teach me
21 how to develop latent prints off of different surfaces.

22 Q. And have you testified before as an expert in latent
23 fingerprint comparison?

24 A. I have.

25 Q. Many times?

1 A. In excess of twenty.

2 MS. CAMPBELL: Your Honor, at this time we would
3 offer her as an expert in latent fingerprint comparison for
4 purposes of this trial.

5 MR. SHEALEY: No objection.

6 THE COURT: She's so admitted.

7 BY MS. CAMPBELL:

8 Q. I want to turn your attention in this case. Are there
9 certain people that work within your department, as well as
10 you, that do latent print comparisons?

11 A. Yes, ma'am.

12 Q. And is one of those persons a Mr. Darnell?

13 A. It was, yes.

14 Q. And he also I believe works under your supervision in
15 your department, is that correct?

16 A. He did, yes.

17 Q. As part of your protocol, because y'all are accredited,
18 is it normal for a person to initially make the comparison
19 to determine whether or not there are any matches in that to
20 be reviewed?

21 A. Yes, it's our policy that every comparison that we do
22 is reviewed by at least one other qualified examiner.

23 Q. And was that done in this case?

24 A. It was.

25 Q. And you actually were the reviewing analyst in this

1 case, is that correct?

2 A. That's right.

3 Q. Mr. Darnell I believe is in Afghanistan right now?

4 A. That's right.

5 Q. As your duties then you go back and look at each

6 individual comparison yourself and come to your infinite

7 conclusion, is that correct?

8 A. That's correct.

9 Q. And that was done in this case?

10 A. Yes.

11 Q. All the evidence that was submitted in this case for

12 your review, there were some known or rolled fingerprints,

13 as well as some latent fingerprint cards that were

14 submitted, is that correct?

15 A. That's correct.

16 Q. And I believe the latent fingerprint cards you got were

17 from victims in this case, as well as the defendant Leslie

18 Parvin?

19 A. I'm sorry, did you latent or --

20 Q. No, I said latent. That's wrong. Known, the rolled,

21 excuse me?

22 A. Yes, ma'am.

23 Q. Okay. And I'm going to show you what's been marked as

24 136. Those are the postmortem print cards?

25 A. Yes.

1 Q. And in addition, for ID purposes at this point, State's
2 Exhibit No. 169 were the known rolled prints from Leslie
3 Parvin?

4 A. That's correct.

5 Q. And tell this jury why it's necessary for you to have
6 rolled prints in order to do any comparison to make a
7 determination for identification?

8 A. We have to have something to compare it to. You have
9 your latent or unknown prints and you have to have
10 something, a standard to compare it to. If you don't have
11 anything to compare it to, you will never be able to say who
12 it belongs to.

13 Q. I'm going to show you what's already in evidence, which
14 is State's Exhibit No. 144, as far as the latent print
15 cards.

16 And just for the record, once a latent print is
17 collected, say from a piece of evidence or from a crime
18 scene, and transferred to a card, can anyone at that point
19 change it in any way or make it look like anyone else, or
20 just destroy it?

21 A. Not to my knowledge.

22 Q. Okay. And the cards that were submitted, all the ones
23 I'm getting ready to talk about in this case, were submitted
24 properly and packaged properly and collected properly, as
25 far as you were able to tell?

1 A. Yes.

2 Q. I show you State's Exhibit No. 144. Those were the
3 four print cards that were collected from items in evidence
4 by Investigator Beeler?

5 A. Yes.

6 Q. In addition to that, you also received, I believe,
7 items number 143 and 142 from Investigator Polis?

8 A. I actually didn't receive -- Mr. Darnell received this
9 package. I received these two.

10 Q. These two that aren't in evidence.

11 And those were given to your department in a
12 hand-to-hand transaction, is that correct?

13 A. Yes.

14 Q. And while these were in your possession and your
15 examination by your department, did anyone alter them or
16 tamper with them in any way?

17 A. No.

18 MS. CAMPBELL: Your Honor, at this time we offer
19 State's Exhibit No. 143 and 142 into evidence.

20 THE COURT: What says defense?

21 MR. SHEALEY: No objection.

22 THE COURT: Admitted without objection.

23 BY MS. CAMPBELL:

24 Q. Once you received the rolled prints in order to make a
25 comparison to print cards which are submitted, and in this

1 case, is it unusual for a print card even to have some ridge
2 detail, but just not to have enough to make a comparison?

3 A. No, it's not unusual.

4 Q. Explain to a jury about how a fingerprint is left and
5 some of the factors that may affect your ability to have
6 what's called an identifiable print.

7 A. You heard Investigator Polis talking about what it
8 takes to leave a print behind and sometimes you have too
9 much of a good thing, the oils and the sweats and stuff like
10 that.

11 If you look at your fingerprint -- if you look at your
12 finger and the palms of your hands, you will see that there
13 are probably these little tiny lines. We call these ridges.
14 And the ridges are similar to an ink stamp that you could
15 get from a craft store. When it's properly inked, it's
16 going to leave the same impression over and over and over
17 again. If you don't have enough ink, it's not going to
18 leave the entire stamp behind. Or if you have too much,
19 what's going to happen is that ink is going to get in
20 between the lines and it's going to distort what you have,
21 so you may not be able to see what that ink stamp is
22 supposed to be. That's the exact same way that your
23 fingerprint is. They are permanent, just like an ink stamp
24 is. Unless you do something to damage it, it's going to be
25 the same way until the end of the person's life.

1 If you touch something -- if you touch it like that,
2 you are more likely to leave an identifiable print behind.
3 But, of course, when you are touching something, you are
4 usually in motion. If you do that, a lot of times you are
5 going to take those oils or whatever might be behind and
6 it's going to be smeared, and those are times are not
7 identifiable.

8 Also if you have a rough surface, like the dashboard of
9 your car. There are made not to show fingerprints and
10 that's exactly what it does. It makes the -- the texture
11 makes it almost impossible. Not completely impossible, but
12 almost impossible to get any kind of identifiable ridge
13 detail. You end up picking up the pattern of the surface
14 rather than the fingerprint, which is what you need.

15 We are looking for those ridges, and the individual
16 details are on those ridges so that we can compare it to a
17 known print.

18 Q. And is it unusual say on a print card that is collected
19 for say a can or another piece of evidence to have more than
20 one possible print collected at one time?

21 A. No.

22 Q. And those would all be actually then put onto one of
23 the cards, is that correct?

24 A. It depends on the person who is processing it. They
25 may choose to try to lift up a certain section at a time, or

1 they may choose to try to do the entire can at a single
2 time. Neither way is wrong.

3 Q. Because the evidence is preserved on the card itself?

4 A. Right.

5 Q. And in this case there were a number of possible prints
6 that you looked at, and a number of those you characterized
7 as no value for comparison. What does that mean?

8 A. That means that it doesn't matter if I have the person
9 who left them behind, I do not have enough information to be
10 able to determine -- or I have no -- I don't have enough
11 information to be able to make a comparison. There is
12 nothing in there for me to look at.

13 Q. Is there any set number of points of comparison that
14 has to be there for you to make it, or is it basically a
15 skilled call on your case?

16 A. It's a personal -- it's personal training, skill and
17 experience level. I might be able to look at a fingerprint
18 and see a certain number of points of comparison or there is
19 certain ridge flow and be able to say that's it, whereas
20 another person might not be comfortable calling it, as we
21 say, with the same amount of information.

22 Q. But your laboratory, which is accredited, you have to
23 be confident before you will call it?

24 A. Yes.

25 Q. Is that a good way to put it?

1 A. Absolutely.

2 Q. And when you are talking about doing points of
3 comparison, what type of comparisons are you comparing?
4 What types of impressions are you comparing when you
5 looking, say, at a fingerprint;

6 A. Like the characteristics?

7 Q. Yes, ma'am, I couldn't think of the word, I'm sorry.

8 A. Generally speaking, on your ridges you have three basic
9 types of characteristics.

10 You have a characterstic called a bifurcation, which is
11 when a ridge is flowing and then it splits off, it forks off
12 into two different ridges. That's called a bifurcation. If
13 you have a ridge that's flowing and then it stops, we call
14 an ending ridge or a ridge ending. And then you have a very
15 small ridge that looks like a dot, and we call that a dot.
16 And those are the three general things we are looking for.

17 You can have them combined to make -- a bifurcation
18 meeting a bifurcation, and we call it an enclosure, but it's
19 still just two bifurcations. So that's basically what we
20 are looking for.

21 Q. And I believe you said this earlier, but each
22 individual's fingerprints are unique to that individual, is
23 that correct?

24 A. That's correct.

25 Q. As far as when a print, say it is usable or

1 identificable, enough points to use it that's left at a
2 crime scene, can you tell how long it's been there?

3 A. No.

4 Q. And why is that?

5 A. There is no -- there is no credible way to age a
6 fingerprint.

7 Q. But things such as weather and time and things like
8 that can affect your ability to get a useable print?

9 A. Right.

10 Q. And, again, you mentioned earlier about how an item is
11 touched, the term smudge has come up and all that. But even
12 if I go up and touch something in a perfect manner, is it
13 necessarily going to leave a print?

14 A. Not absolutely, no.

15 Q. And we have talked about the factors for that.

16 In this case you received a number of print cards,
17 latent print cards. I think it was approximately twelve in
18 total?

19 A. Twelve, that's right.

20 Q. And on those, in those individually they were multiple
21 prints?

22 A. There were 52 that we looked at.

23 Q. 52 prints that you looked at?

24 A. Yes, ma'am.

25 Q. And of the 52 that you looked at, were you able to

1 make -- find some that had enough value to be compared to
2 three people we are talking about, the two victims and the
3 defendant in this case?

4 A. Yes, we did. We had 15 to compare.

5 Q. And in doing that comparison, do you look at all ten of
6 the different fingerprint fingers on the rolled items, is
7 that correct?

8 A. If I found who it belonged to, I stop there. So I
9 didn't necessarily look at all ten. If it was non-ident, we
10 will do all ten.

11 Q. Okay. And in preparation for court was there a chart
12 prepared summarizing the prints that you were able to
13 identify to either Mr. Lopez, Mr. Gutierrez-Guzman, or
14 Leslie Parvin?

15 A. Yeah, there was a chart prepared.

16 Q. And have you had an opportunity to review this?

17 A. I have.

18 Q. And does it fairly and accurately represent your
19 findings as far as the matches in this case?

20 A. Yes.

21 MS. CAMPBELL: Your Honor, at this time we would
22 offer --

23 BY MS. CAMPBELL:

24 Q. Would this be helpful in explaining things to the jury?

25 A. Yes.

1 MS. CAMPBELL: 172 and 173.

2 MR. SHEALEY: Your Honor, we don't have it. We
3 prepared for this trial.

4 MS. CAMPBELL: You have got the report.

5 MR. SHEALEY: The report itself, but not this,
6 right?

7 (Off the record)

8 (Back on the record)

9 MR. SHEALEY: We would object to this. The
10 testimony is what's going into evidence, whether there is
11 fingerprints there or not, but this could be construed as
12 demonstrative and you can't enter a report from her in
13 evidence, so this would be entering basically her report
14 into evidence.

15 THE COURT: All right. Do you want to give a
16 speaking response to that speaking objection?

17 MS. CAMPBELL: Your Honor, it's a summary of her
18 findings. She said it would aid her in explaining her
19 findings to the jury. All the information has been turned
20 over to the defense and they have all the information.

21 THE COURT: All right, let's see it.

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: Let me hear the testimony and then
24 rule on the exhibit.

25 MS. CAMPBELL: Thank you, sir.

1 THE COURT: The exhibit can be used --

2 MS. CAMPBELL: Demonstratively.

3 THE COURT: -- demonstratively.

4 MS. CAMPBELL: Your Honor, the next thing, may the
5 witness step down?

6 THE COURT: Yes.

7 (Witness off the witness stand)

8 BY MS. CAMPBELL:

9 Q. I'm going to show you what's been marked as State's
10 Exhibit No. 172. And the item numbers to the left, what do
11 those signify?

12 A. When we received the latent fingerprint cards, each
13 individual card is given a number to denote how it's
14 different from any other within the report. And then each
15 fingerprint on that particular card is a sub-item. So, for
16 example, we have L, which stands for latent. L-1.1 is the
17 first sub-item from L-1, which is the latent fingerprint
18 card.

19 Q. Okay. So that would be a sub-item. When you say
20 sub-item, the .1 would be -- there may be multiple prints on
21 that card, and may only be one?

22 A. Right, the L-1 is actually the card itself. The
23 sub-item is actually the fingerprints that are on that card.

24 Q. Okay. So there may be multiple fingerprints, but you
25 delineate in what they were in order by 1, 2, 3, 4?

- 1 A. Right.
- 2 Q. Okay. And then the item number -- item classification
- 3 shows what it was, which was a latent print card, is that
- 4 correct?
- 5 A. That's right.
- 6 Q. And then the location from where it came?
- 7 A. That's right.
- 8 Q. And then the third column is the result?
- 9 A. That's right.
- 10 Q. Item L-1.1, which would have been a fingerprint that
- 11 you found on the 24 ounce beer can from marker AO, were you
- 12 able to match that to any of the three individuals we have
- 13 discussed?
- 14 A. Yes, ma'am. That's from Mr. Guzman and it's his right
- 15 index finger.
- 16 Q. His right index finger?
- 17 A. Yes, ma'am.
- 18 Q. And just for clarification, you have already said that
- 19 fingerprints are unique to that individual, and are they
- 20 different from each other as well?
- 21 A. Yes, ma'am.
- 22 Q. Okay. Item L-3.6 is the next item?
- 23 A. Yes, ma'am. It was from the Modelo can, marked AN, and
- 24 it is the right thumb of Mr. Guzman.
- 25 Q. And the markers we are referring to would be from the

1 crime scene?

2 A. Yes, ma'am.

3 Q. Thank you.

4 The next item?

5 A. L-5.1 is a latent fingerprint card from the Modelo can

6 also marked AN, and it matches the right thumb of Mr.

7 Guzman.

8 Q. And that's obviously from the same print card?

9 A. Yes, ma'am.

10 L-5.3, we excluded to all three of the folks that we

11 compared as being --

12 Q. And you don't know how long that was there?

13 A. No.

14 Q. And when it got there?

15 A. That's correct.

16 Q. Okay. The next item?

17 A. 6.1 is also from AN and it was the left middle finger,

18 which is the number eight finger of Mr. Guzman.

19 Q. And the next item?

20 A. 6.3 is the same card and it was from the right middle

21 finger of Mr. Guzman.

22 Q. And then 6.4?

23 A. 6.4, it was also from AN, and we were able to exclude

24 Mr. Lopez and Mr. Parvin. However, we were not able to

25 exclude Mr. Guzman.

1 Q. What does that mean, you weren't able to exclude Mr.
2 Guzman?

3 A. That means that I don't have enough information to say
4 that it wasn't him, but I don't have enough information to
5 say it was him.

6 Q. So the information there is consistent with him, but
7 you don't have enough to call it?

8 A. Right.

9 Q. And those all would have been from the same Modelo can
10 marked AN?

11 A. That's right.

12 Q. Moving onto item L.7.1?

13 A. It's from a Modelo can marked AU and it matches the
14 right middle finger of Mr. Guzman.

15 Q. And, again, on that same card?

16 A. 7.2? Yes, ma'am, and that was -- we excluded Mr. Lopez
17 and Mr. Parvin, and we were not able to make a conclusion
18 for Mr. Guzman.

19 Q. And the same numbers that you mentioned above?

20 A. That's correct.

21 Q. And moving on to the next card, marker -- Modelo can,
22 marker AU?

23 A. Yes, ma'am, it was made by the right thumb of Mr.
24 Parvin.

25 Q. And that would naturally have been matched to a single

1 person, and that would exclude the other two people that
2 we're talking about?
3 A. Yes, ma'am.
4 Q. The next item, which was from a Modelo can, AU?
5 A. Okay. It was matched to Mr. Guzman's left thumb.
6 Q. Then L-10.1, which would be a different Modelo can, at
7 marker AS?
8 A. Yes, ma'am. It was matched to or made by the same
9 person as the right index finger of Mr. Parvin.
10 Q. And then a different one, which would be 11.1?
11 A. Yes, ma'am, from the Budweiser can.
12 Q. Uh-huh.
13 A. And it was matched to the left middle finger of Mr.
14 Lopez.
15 Q. As was 11.2, which was from the same can?
16 A. That's right, but this was the left ring finger.
17 Q. That's the left ring finger?
18 A. Yes, ma'am.
19 Q. Which one is the ring finger?
20 A. The left ring finger is the number nine finger.
21 Q. Thank you.
22 And finally the last one is submitted 12.1?
23 A. It was right index finger of Mr. Guzman.
24 Q. And that summarizes your findings in this case?
25 A. Yes, ma'am.

1 Q. Thank you.

2 (Witness back on the witness stand)

3 BY MS. CAMPBELL:

4 Q. You mentioned there were 50, or so, prints totally
5 submitted?

6 A. 52.

7 Q. And the rest were -- they weren't just good enough for
8 you?

9 A. That's right.

10 Q. And that's the extent of your findings in this case?

11 A. Yes, ma'am.

12 Q. And you are actually coming in off maternity leave,
13 aren't you?

14 A. Yes.

15 Q. Thank you.

16 THE COURT: Anything further?

17 CROSS EXAMINATION BY MR. SHEALEY:

18 Q. Just going through your report here. Do you have a
19 copy of your report with you?

20 A. I do.

21 Q. I mean, everything that -- you are trying to document
22 everything as best you can to cover the latent prints,
23 right?

24 A. That's right.

25 Q. So your report basically is listing items that you

1 discussed with print cards that go with it and they are
2 assigned to some sort of cans?

3 A. Right.

4 I do want to point out, though, that although I was the
5 verifier on this, Mr. Darnell actually wrote this report.

6 Q. Okay. So you are his boss?

7 A. Well, I was a co-worker and --

8 Q. Co-worker?

9 A. Right.

10 Q. Okay. But you have read his right and you have it with
11 you today?

12 A. Right.

13 Q. So, for instance, L -- the top of your report, L-7 is
14 one latent print card bearing four parts of latent prints,
15 and they get numbers depending on the finger, right?

16 A. Right.

17 Q. L-7.1 and 7.2 and 7.3, 7.4, right? And so on and so
18 forth, L-8, L-9, L-10, right?

19 A. Right.

20 Q. You have a full report here listing all the things that
21 were submitted and then compared, correct?

22 A. Right.

23 Q. And one of the things that you told the solicitor was
24 that you have to have something to compare, so you had
25 basically postmortem prints rolled from the deceased,

1 correct?

2 A. I have known prints from both of the victims that
3 included postmortem prints, that's right.

4 Q. So the ones that they rolled, you also have the known
5 ones that are on file already at SLED?

6 A. I believe I had one set, yes.

7 Q. I'm going to refer you to K-1. That says that you
8 have --

9 MS. CAMPBELL: Objection, Your Honor. May we
10 approach?

11 THE COURT: I sustain the objection.

12 MS. CAMPBELL: Thank you.

13 THE COURT: You may proceed.

14 BY MR. SHEALEY:

15 Q. So you have K-1, correct, postmortem strips?

16 MS. CAMPBELL: Objection, Your Honor.

17 MR. SHEALEY: I don't know what she's objecting to
18 judge, but --

19 THE COURT: Ladies and gentlemen, I will have you
20 step out just for a moment to give them a chance to go over
21 some evidence. Don't discuss the case.

22 (The following takes place outside the presence of
23 the jury panel)

24 THE COURT: All right. The nature of the
25 objection?

1 MS. CAMPBELL: Your Honor, I think he's trying to
2 elicit information that there was a print card on file in
3 his name as if he had a record and we would object to that.

4 THE COURT: That's the basis for sustaining the
5 objection. What's the -- that was the basis for sustaining
6 the objection.

7 MR. SHEALEY: I was just going down her report
8 which law enforcement has produced. And as to that specific
9 aspect, I think that that goes to the integrity of this
10 entire investigation.

11 If you want to -- if you want to investigate a
12 case and decide whether it's self-defense or not, you look
13 at the credibility of everybody. If people have records --

14 THE COURT: You don't want to get the character of
15 the victim into evidence by asking a witness whether there
16 is a fingerprint card on file with the police.

17 MR. SHEALEY: It's just simply in her report.

18 THE COURT: I sustain the objection.

19 MR. SHEALEY: Okay, I'll move along.

20 THE COURT: You can bring the jury back.

21 MS. CAMPBELL: And, Your Honor, that would go for
22 the second person too.

23 THE COURT: That goes for whatever was suggested.

24 MS. CAMPBELL: Thank you.

25 THE COURT: Let's stand for a moment as they come

1 in.

2 Tell them they don't have to come right back. We
3 are going to take a couple of minutes. Let's see if they --
4 they might not be ready to come back.

5 (Off the record)

6 (Back on the record)

7 THE COURT: Let's be at ease for a few minutes,
8 please.

9 (Whereupon, proceedings were recessed)

10 (Whereupon, proceedings were reconvened)

11 THE COURT: Mr. Shealey, certainly you can
12 establish that they have something on file from which she --
13 or that they had something to compare it with, but the
14 standing objection relates to seeking to infer a criminal
15 history.

16 MR. SHEALEY: Yes, sir, Your Honor, and I was
17 just -- my basis was that -- my understanding is that
18 anything that an expert relied upon would be admissible, and
19 she relied upon not only two print cards, one from SLED and
20 one from the actual rolling at the postmortem, so I thought
21 it was fair game. And I think that's State v. Slocum, but I
22 won't touch it.

23 THE COURT: You can ask them whether victim A had
24 a print card at SLED.

25 MR. SHEALEY: Well, she wrote they had two sets of

1 the print cards for each alleged victim they compared to get
2 this. One of them was from SLED and one of them was from
3 when they were rolled and that was in their report.

4 THE COURT: Of course, I have one at SLED, too, I
5 guess always, but -- when you become lawyers.

6 MR. SHEALEY: Well, I wasn't aware that the victim
7 was a lawyer, but --

8 THE COURT: Are you aware of that now, or are you
9 just making --

10 MR. SHEALEY: No, sir, I'm just saying that this
11 is something that they relied upon and I haven't had
12 knowledge they had no reason to have their fingerprints at
13 SLED, other than the usual reason.

14 THE COURT: All right. Bring the jury.

15 MR. SHEALEY: I'll stay away from it.

16 (The following takes place in the presence of the
17 jury panel)

18 THE BAILIFF: Your Honor, the jury is present.

19 THE COURT: All right. Thank you.

20 The objection is sustained. You may proceed.

21 MR. SHEALEY: Thank you, Your Honor.

22 BY MR. SHEALEY:

23 Q. I'll walk through this as briefly as I can.

24 In terms of my understanding of the prints that matched
25 Pablo, they were on items marked AO, AN, and AU, is that

1 correct?

2 A. AO, AN, AU, that's right.

3 Q. Yes, ma'am.

4 And just for clarification and for the record and for
5 the jury, AO isn't just one thing. It's actually two cans,
6 correct?

7 A. I don't have any independent knowledge of that. All I
8 got was the fingerprint cards.

9 Q. Okay. So I guess the rest of that is with Ms. Polis?

10 A. Yes, sir.

11 Q. Okay. Would it surprise you -- is that something that
12 would be unusual to know that one marker could be a couple
13 of cans versus one item?

14 A. Because I don't know what they were -- where they were
15 or how they were in the relation to each other, I don't feel
16 like I can make a judgment call on that.

17 Q. Okay. Well, let's just talk about what you went
18 through with Ms. Campbell. I guess in terms of who had the
19 most hits, if you will, for fingerprints on beer cans, Mr.
20 Pablo would be the winner? He had the most hits?

21 A. Mr. Guzman, yes.

22 Q. Right.

23 He had five, six, seven, eight identifiable prints to
24 beer cans?

25 A. That's correct, we identified him eight times.

1 Q. Okay. And Edgar had -- was on one marker, which is
2 marker AS, correct?

3 A. That's correct.

4 Q. And you are not aware if that's actually three
5 Budweiser cans?

6 A. I have no knowledge of that.

7 Q. Okay. All right.

8 MR. SHEALEY: That's all I have.

9 THE COURT: Any redirect?

10 MS. CAMPBELL: No, sir.

11 THE COURT: Thank you. You may step down.

12 Next witness.

13 MS. WALKER: The State calls Bernadette Atencio.

14 OFFICER BERNADETTE ATENCIO, having been first duly
15 sworn, testified as follows:

16 THE CLERK: Have a seat in the witness box and
17 state your name for the record and spell your name, please.

18 THE WITNESS: My name is Bernadette Atencio.

19 That's B-E-R-N-A-D-E-T-T-E. Last name A-T-E-N-C-I-O.

20 DIRECT EXAMINATION BY MS. WALKER:

21 Q. Ma'am, where are you currently employed?

22 A. I am currently employed at the Richland County
23 sheriff's department.

24 Q. And how long have you been at the sheriff's department?

25 A. I have been with the department for five years now.

1 Q. And in what capacity are you employed by the sheriff's
2 department?

3 A. I am with the latent fingerprint section.

4 Q. And what exactly do you do? Could you explain that to
5 the jury?

6 A. What I do at the Richland County sheriff's department
7 is I mean an AFIS technician. What I do is I -- the
8 investigator that was up here talking about fingerprints,
9 she is the one that looks at the fingerprints, latent
10 fingerprints, gives them to me, and I have to determine --
11 make a determination whether they're fingerprints or whether
12 they're palms, and then I do -- and I submit them into a
13 database and hopefully get a reply back.

14 I also do a number of other duties within the
15 department. I upgrade also the live scan machine, which is
16 the fingerprinting process that we do electronically without
17 using ink. And I do a number of other duties there within
18 the department, but those are my two main functions.

19 Q. The electronic fingerprinting process, is that
20 something that's routinely done by the sheriff's department?

21 A. We are one of the agencies that has the capability to
22 use the machine.

23 Q. And can you explain to the jury exactly how that works?

24 A. The use of the live scan machine is very technical, but
25 yet very simple. It's a machine where we have to roll each

1 and every fingerprint on the machine. And like I said, it's
2 inkless, but you can see it appear on the screen. That way
3 we can see every detail of the fingerprints. So I initially
4 have to do the right hand and the left hand, and I also do
5 the palm prints as well.

6 Q. Let me show you what's been marked as State's Exhibit
7 169. Do you recognize this?

8 A. I do recognize the prints. I did roll those
9 fingerprints per the request of one of our investigators
10 with the department.

11 MS. WALKER: Your Honor, at this time the State
12 moves State Exhibit No. 169 into evidence.

13 MS. DAVIS: No objection, Your Honor.

14 THE COURT: They are admitted without objection.

15 COURT REPORTER: I'm sorry, what were the numbers?

16 MS. WALKER: 169.

17 COURT REPORTER: Three pages, 169.

18 MS. WALKER: Yes, ma'am, I'm sorry.

19 BY MS. WALKER:

20 Q. And was that the extent of your involvement with this
21 investigation?

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

23 Q. Okay. Thank you.

24 A. Thank you.

25 MS. WALKER: No further questions.

1 THE COURT: Cross-examination.

2 MS. DAVIS: No questions, Your Honor.

3 THE COURT: Thank you. You may step down.

4 THE WITNESS: Thank you.

5 THE COURT: State's next witness.

6 MS. WALKER: The State calls Jill Jarreau?

7 MS. CAMPBELL: Your Honor, may I approach?

8 THE COURT: Yes.

9 (Whereupon, the lawyers approached the bench for
10 an off-the-record discussion)

11 MS. SIMPSON: The State calls Patricia Weed.

12 OFFICER PATRICIA WEED, having been first duly
13 sworn, testified as follows:

14 THE CLERK: Have a seat in the witness box and
15 state your name and spell your name, please.

16 THE WITNESS: Senior deputy Patricia Weed.

17 P-A-T-R-I-C-I-A, W-E-E-D.

18 DIRECT EXAMINATION BY MS. SIMPSON:

19 Q. Where do you work?

20 A. Evidence and property room at the Richland County
21 sheriff's department.

22 Q. And what do you do there?

23 A. I receive evidence and property from officers on the
24 street and we log them into the evidence room.

25 Q. How long have you been with Richland County?

1 A. 14 years.

2 Q. And in your capacity are you an evidence technician,
3 essentially?

4 A. Yes.

5 Q. Are there procedures or policies in place that you have
6 within your department for maintaining the integrity of
7 evidence that comes to you?

8 A. Yes, ma'am.

9 Q. Can you tell the jury a little bit about those?

10 A. Well, we take evidence from officers on the street.
11 It's always sealed.

12 We also have a drop box the officers put things in when
13 someone is not there after hours.

14 If there is something wrong with it, it goes back out.
15 The officer is called. We do not bring it into the evidence
16 room unless it is properly sealed, signed, and dated by the
17 officer that dropped it off.

18 Q. And with respect to this case did you take certain
19 items in as custody?

20 A. Yes, ma'am.

21 Q. And is that information documented in some way?

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

23 Q. In what way is it documented?

24 A. Everything that's brought into the evidence and
25 property room is logged into a computer. Everything has an

1 item number and a place in the evidence room where it's
2 logged into. All that is on the computer, so when someone
3 comes in with a case number, all the information comes up as
4 to who the officer is, what date it was logged in, what time
5 it was logged in and who brought it in.

6 Q. And while items are in your custody, are they subject
7 to being altered or changed in any way?

8 A. No, ma'am.

9 Q. And you have protections in place to ensure that?

10 A. Yes, we do.

11 Q. Did you take I believe property items 1 through 12 -- I
12 apologize.

13 Did you -- items 1 through 12, did you check those out
14 to Terri Gleason on August 2nd of 2010?

15 A. Let me find my notes.

16 Yes, ma'am.

17 Q. And items 13 and 14, were those checked out on August
18 2nd, 2010 as well to the latent print section?

19 A. Yes.

20 Q. Items 17, 18, and 19, were those checked out on August
21 10th of 2010 to Christine Barrickman?

22 A. Yes.

23 Q. And items 62 through 72, were those checked out on
24 August 5th of 2010 to Kristen Polis?

25 A. Yes, ma'am.

1 Q. And items 81 and 82, were those checked out to
2 Christine Barrickman I believe on August 10th?

3 A. Yes, ma'am.

4 Q. And items 79 and 80, were those forwarded to SLED on
5 August 4th of 2010?

6 A. Yes, ma'am.

7 Q. And item 95, which I believe is the defendant's buccal
8 swab, was that -- did you take custody of that item on
9 August 20th of 2010?

10 A. Yes, ma'am.

11 Q. And would that be the extent of the items which you
12 handled in this case?

13 A. Yes, ma'am.

14 Q. All right. And while they were in your custody, they
15 were not altered or changed in any way?

16 A. No, ma'am. The bags are sealed.

17 Q. Okay.

18 MS. SIMPSON: Thank you.

19 MS. PRINGLE: No questions.

20 THE COURT: Thank you. You may step down.

21 Next witness.

22 MS. WALKER: Beg the court's indulgence.

23 (Off the record)

24 (Back on the record)

25 MS. WALKER: The State calls Jill Jarreau.

1 JILL JARREAU, having been first duly sworn,
2 testified as follows:

3 THE CLERK: Have a seat in the witness box and
4 state your name for the record and spell it, please.

5 THE WITNESS: It's Jill H. Jarreau. J-I-L-L,
6 middle initial H. Last name Jarreau, J-A-R-R-E-A-U.

7 DIRECT EXAMINATION BY MS. WALKER:

8 Q. Ms. Jarreau, where are you from?

9 A. I'm from Louisiana.

10 Q. And are you employed down in Louisiana?

11 A. I am.

12 Q. Where do you work?

13 A. For the Louisiana Department of Public Safety Office of
14 Motor Vehicles.

15 Q. And what do you do for the Office of Motor Vehicles?

16 A. I am over the vehicle registration program for the
17 State and I'm a custodian of records.

18 Q. I would like to show you two sets of documents, ma'am.
19 First State's Exhibit 170, do you recognize these?

20 A. I do.

21 Q. And are these kept in the ordinary course of business
22 down in Louisiana?

23 A. They are.

24 Q. Could you explain the hold program down in Louisiana?

25 A. I can. Louisiana allows for the sale of scrap metal to

1 scrap metal processors, vehicles being included in that.
2 The Louisiana statute requires that electronic submission is
3 made for those vehicles within 72 hours of the auto hold
4 being purchased from the individual.

5 The Louisiana statute also states that in order for a
6 vehicle to be taken in by a recycler they have to have
7 either a title, an affidavit saying that whomever is
8 bringing it in, if it's the owner or has the expressed
9 permission of the owner and a copy of the driver's license.

10 Q. And do they keep those records?

11 A. The actual crushing facility is required to keep them
12 and submit electronically and make those records available
13 to a department employee for a period of two years.

14 Q. Okay. I'm going to give these back to you, ma'am.

15 Is there a salvage yard information in those?

16 A. Yes, ma'am, there is.

17 Q. And does it say that a vehicle was given to a salvage
18 yard?

19 A. Yes, ma'am, it does.

20 Q. And on what date was that?

21 A. The weigh ticket for the item that was brought in was
22 dated 8-5-2010.

23 Q. And you said it's 72 hours they have in order to put
24 that information to --

25 A. To actually record it into the electronic database, but

1 this is the weigh ticket from the time that the vehicle was
2 brought in. They are actually weighed and paid for scrap
3 per pound.

4 Q. And what kind of vehicle was that?

5 A. A 2002 green Kia.

6 Q. And does it say who took that vehicle to get it
7 scrapped?

8 A. There is a copy of the driver's license in the file
9 with the name of Leslie Parvin, and there is a copy of the
10 title indicating him as the owner in that file as well.

11 Q. Thank you, ma'am.

12 A. You are welcome.

13 Q. Now, let me show you 171. Do you recognize those?

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

15 Q. And are those also kept in the ordinary course of
16 business in Louisiana?

17 A. Yes, ma'am, they are.

18 MS. WALKER: Your Honor, at this time the State
19 introduces State's Exhibit 171 into evidence.

20 THE COURT: It was offered in evidence as State's
21 Exhibit what?

22 MS. WALKER: 171.

23 THE COURT: 171. What says defense?

24 MS. PRINGLE: No objection.

25 THE COURT: It's admitted without objection.

1 BY MS. WALKER:
2 Q. Does this also provide vehicle information?
3 A. Yes, ma'am, it does.
4 Q. And for what vehicle?
5 A. For the 2002 Kia, green vehicle.
6 Q. And to whom does that vehicle belong?
7 A. The registration is for Leslie Parvin and Shanna
8 Parvin.
9 Q. Does it give a license plate number?
10 A. It does.
11 Q. And what was that?
12 A. It was registered in the State with plate MBG 869.
13 Q. Thank you, ma'am.
14 A. You are welcome.
15 MS. WALKER: No further questions.
16 THE COURT: Cross-examination.
17 CROSS EXAMINATION BY MS. PRINGLE:
18 Q. Good afternoon.
19 A. Hi.
20 Q. Just one question, really.
21 A. Certainly.
22 Q. You indicated that in order to submit the vehicle for
23 salvage, the individual who is offering the vehicle has to
24 actually supply identifying information in the form of a
25 driver's license?

1 A. Correct.

2 Q. And that's one of the documents that is included in
3 these two exhibits?

4 A. Yes, ma'am.

5 Q. And that would have been provided actually by the
6 individual, by Todd Parvin?

7 A. It would have been provided by the individual that
8 brought the vehicle in, yes.

9 Q. All right. Thank you.

10 MS. PRINGLE: No further questions.

11 THE COURT: Anything further?

12 MS. WALKER: No, Your Honor.

13 THE COURT: Thank you. You may step down.

14 Next witness.

15 MS. CAMPBELL: If it please the court, the State
16 calls John Roberts.

17 THE COURT: John Roberts.

18 SLED AGENT JOHN ROBERTS, having been first duly
19 sworn, testified as follows:

20 THE CLERK: Have a seat in the witness box and
21 state your name for the record and spell it, please.

22 THE WITNESS: John Roberts, R-O-B-E-R-T-S.

23 DIRECT EXAMINATION BY MS. CAMPBELL:

24 Q. Agent Roberts, where are you employed?

25 A. The South Carolina Law Enforcement Division. Most of

1 the time we call it SLED, in the forensic services unit.

2 Q. In the forensic services unit?

3 A. Yes, ma'am.

4 Q. And what do you do in the forensic services unit?

5 A. I do trace evidence in the forensic services.

6 Q. As part of trace evidence, do you analyze what's known
7 as a gunshot residue kit?

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

9 Q. And can you tell the jury a little bit about your
10 education, your training in the field of trace evidence?

11 A. Sure. I have got a Bachelors Degree, a Bachelors of
12 Science Degree in Chemistry from Texas A&M, Corpus Christi.

13 Then I came to work at SLED about seven years ago. I
14 started training in, first of all, gunshot residue, since
15 it's what we get the most of. I follow my lieutenant
16 around, actually working his cases with him. After about
17 two weeks he decided I was good enough that I could work his
18 cases without him, so I worked his cases. I handed off the
19 data to him. He signed it. We went through drawing
20 conclusions from that data. After that I went through
21 various other training in the various things that we do in
22 trace evidence. I have been doing gunshot residue since
23 late 2005.

24 Q. When you have testified before as an expert, it was
25 specifically as to gunshot residue testing?

1 A. Yes, ma'am.

2 MS. CAMPBELL: Your Honor, at this time I would
3 offer him as an expert in trace evidence, specifically
4 gunshot residue testing.

5 MR. SHEALEY: No objection.

6 THE COURT: He is admitted as an expert.

7 BY MS. CAMPBELL:

8 Q. And can you explain to this jury why crime scene
9 investigators collect gunshot residue kits and how and why?

10 A. Gunshot residue kits are collected basically to see if
11 anyone has been near a gun when it's gone off.

12 There are in general three ways that you get gunshot
13 residue on your hands. You either shoot a gun, or you are
14 around it when it goes off, or you pick up a gun that's been
15 recently fired.

16 What crime scene people are looking for is to identify
17 anybody that's maybe held a gun.

18 The way that gunshot residue is collected is that we
19 issue out kits to all the different agencies in the State of
20 South Carolina, and the different kits -- or the kits have
21 two different types of sampling in them. There are particle
22 lifts, which are sticky tabs. They look like little
23 miniature bingo dappers, and that's exactly how they are
24 used when they are tested on the hands. You dab them like
25 you would a bingo card.

1 And there are swabs, and there are different swabs.
2 The swabs correspond with the same areas as the particle
3 lifts correspond to, and we take samples from the right palm
4 of the hand, the right back of the hand, the left palm of
5 the hand, and the left back of the hand, generally because
6 people shoot guns with their hands. That's where the best
7 information comes off of. We run the swabs. Based on that
8 information we may or may not run the particle lifts.

9 What we are looking for, and especially on the swabs,
10 is metals that we find consistent with gun primer. Now,
11 primer is little silver centered disks on the back of a
12 cartridge. It's what makes the bullet go off. It's what
13 makes the powder light up and it makes the bullet go down
14 the barrel of the gun. That primer has chemicals in it,
15 metals, that we look for on an instrument. And those metals
16 that we find are consistent in gun primers.

17 Q. You mentioned that there are three things that the
18 presence of gunshot residue can indicate to you, and that's
19 whether a person has been around a gun when it's fired?

20 A. Yes, ma'am, that's been around a gun, shot a gun, or
21 picked one up that's been fired recently.

22 Q. And specifically as in this case, and every case, you
23 take different lifts from different parts of the hand, and
24 that could be significant in your analysis, is that true?

25 A. Yes, ma'am.

1 Q. And specifically the four areas -- a total of four
2 areas from two hands, is that correct?

3 A. Yes, ma'am.

4 Q. The palm, the back --

5 A. Yes, ma'am.

6 Q. -- of the left hand?

7 MR. SHEALEY: Your Honor, I'm going to have to
8 object to the continuing leading.

9 THE COURT: Don't lead the witness.

10 MS. CAMPBELL: Yes, sir.

11 BY MS. CAMPBELL:

12 Q. What areas do you take it from?

13 A. The right palm and the right back of the hand and the
14 left palm and the left back of the hand.

15 Q. And those tests, are they run together or are they run
16 separately?

17 A. They are separate samples, so they are run as separate
18 samples. They may all be run on one continuous manner, but
19 they are run separately.

20 Q. And in this case you received the items, the gunshot
21 residue kits which were from Edgar Lopez and Pablo
22 Gutierrez, were they packaged properly and submitted
23 properly to SLED?

24 A. Yes, ma'am.

25 Q. And to your department?

1 A. Yes, ma'am.

2 Q. Is there a certain time period in which a gunshot
3 residue kit needs to be collected for it to have any value
4 at all?

5 A. Yes, ma'am.

6 Q. And explain that to the jury.

7 A. What we found is that on a living person, just by
8 sitting around, breathing, not doing basically anything,
9 this material, if it's deposited on your hands, will
10 disappear in about six hours. So our protocol at SLED says
11 that if you have a live suspect and you don't catch him
12 until 12 hours after you think he's done the shooting, we
13 are not even going to test the kit, because there is no
14 telling if there was anything on it. We couldn't trace it
15 back to your eight hour ago shooting. So after six hours we
16 don't even test kits on a live person.

17 Now, on a deceased person they are not breathing any
18 more, so the material stays on their hands until it's
19 removed physically, either by cleaning, or by applying a GSR
20 kit, or by something like that.

21 Q. And in this case the testimony has been that the
22 gunshot residue kits were collected from these victims at
23 the scene within hours of their death. Even there had been
24 an autopsy the next day, it could still be viable?

25 MR. SHEALEY: Objection to leading.

1 THE COURT: Objection sustained.

2 BY MS. CAMPBELL:

3 Q. What does it show, even if it was at autopsy?

4 A. Even if it was at autopsy, as long as the hands were
5 not cleaned prior to the autopsy, the material could still
6 be there.

7 Q. But if -- taking, for example, if it was collected at
8 the scene, that would also be viable?

9 A. Yes, ma'am.

10 Q. You mentioned earlier that on a live person I believe
11 you testified that after six hours there is no point in
12 doing a gunshot residue test?

13 A. No, ma'am.

14 Q. So if a person is not apprehended for two and three
15 weeks, would there be any reason for the police to do a
16 gunshot residue kit?

17 A. As it pertains to a specific incident, no.

18 Q. And, in fact, would you even test it if it had been
19 that long?

20 A. If they were looking for it for this particular
21 incident, no, I would not have tested it.

22 Q. When you ran the gunshot residue kit from Edgar Lopez,
23 as far as the front and right palm and the back of the right
24 hand, what were your results?

25 A. Our results -- there are basically two or three

1 different kinds of results. And for the swabs, which were
2 run in this case, there is a negative and two types of
3 positives.

4 In the case of Edgar Lopez right palm and right back,
5 the quantities of metals found did not indicate the presence
6 of gunshot residue.

7 Q. Did not indicate?

8 A. Did not indicate, so a negative.

9 Q. That would have been a negative on his right hand?

10 A. Yes, ma'am.

11 Q. And as far as his left hand, the two separate areas
12 that were tested there, the palm and the back?

13 A. On the left palm, the same as the right palm and the
14 right back, the quantities of metals found did not indicate
15 the presence of gunshot residue.

16 On the right -- or excuse me, the left back, the
17 quantities of metals found are consistent with gunshot
18 residue. What that means is that I found the three elements
19 that I look for that are present in gun primer in quantities
20 that I find consistent with being from gun primer.

21 Q. And you mentioned earlier that it could indicate one of
22 three things; whether a person handled the gun, whether they
23 have been around a gun when it was shot, or whether they
24 actually fired a gun, is that correct?

25 A. Yes, ma'am.

1 Q. The findings in this case with the gunshot residue only
2 on the back of the left hand, what is that consistent with?

3 A. It's most consistent, most probable that they are just
4 around the gun when it goes off.

5 When I go out and I shoot, and I shoot a lot, if I take
6 a GSR kit off my hand, my right hand, because I'm
7 right-handed, I am going to find gunshot residue not only on
8 the back of my hand, because that's exposed to the area
9 where the gunshot residue comes out of the gun, but I'll
10 find it on the palm of my hand because I have been shooting
11 a gun and my gun has got gunshot residue on it.

12 So when someone shoots a gun, we expect to find GSR,
13 gunshot residue, on both areas. And if you shoot like me
14 and you shoot two handed because you got little hands and
15 you can't hold onto a big gun really good, you get it on the
16 palms and backs of both hands.

17 Q. Okay. And in this case with it being on the back of
18 his left hand, what would that be most consistent with as
19 far as --

20 MR. SHEALEY: Objection.

21 BY MS. CAMPBELL:

22 Q. -- proximity to the gun when it was fired?

23 MR. SHEALEY: Asked and answered, Your Honor.

24 THE COURT: The objection is overruled.

25 MS. CAMPBELL: Thank you, sir.

1 BY MS. CAMPBELL:

2 Q. You can answer.

3 A. Most probable of being around a gun when it goes off.

4 Q. All right. So say if someone has their hand out when
5 the gun was --

6 MR. SHEALEY: Objection, Your Honor. This is
7 beyond the scope of his expertise. This goes to crime scene
8 analysis.

9 THE COURT: Well, I have to hear the question.

10 MS. CAMPBELL: Thank you, Your Honor.

11 BY MS. CAMPBELL:

12 Q. In this -- with these findings and everything and say
13 if a person has their hand outstretched or near the end of
14 the barrel of the gun when it's fired, would that be
15 consistent with what you found?

16 A. It could be, yes, ma'am.

17 Q. But there was nothing on his palm, either hand?

18 A. No, ma'am.

19 Q. You also analyzed the gunshot residue kit which was
20 collected from Mr. Gutierrez-Guzman?

21 A. Yes, ma'am.

22 Q. And as far as the findings on his hands, what did you
23 find on the right and left?

24 A. On the right palm I found it was negative. The
25 quantities of metals found did not indicate the presence of

1 gunshot residue.

2 On the right back it was positive. Again, the
3 quantities of metals that I found were consistent with
4 gunshot residue.

5 On the left palm and the left back both, they were both
6 negative. So I didn't find metals consistent with gunshot
7 residue, or in quantities I find consistent with gunshot
8 residue.

9 Q. And, again, as you testified earlier, what that would
10 be consistent with in this case on neither victim was there
11 any gunshot residue on the palms of their hands?

12 A. No, ma'am.

13 Q. And that would be consistent with?

14 A. Usually being around a gun when it goes off.

15 Q. And if he had shot a gun, you would expect to find it
16 on the --

17 A. I would expect it on the palms, yes, ma'am.

18 MR. SHEALEY: Objection, leading.

19 MS. CAMPBELL: Nothing further.

20 MR. SHEALEY: If it please the court?

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION BY MR. SHEALEY:

23 Q. Good afternoon.

24 A. Howdy.

25 Q. All right. I think you said that typically you want to

1 collect the GSR within six hours, or so, because it
2 dissipates or comes off your hands, right?

3 A. On a living person, yes.

4 Q. Right.

5 So if you find a suspect a week or two weeks later and
6 you think he shot a gun two weeks ago, it's just pointless,
7 right?

8 A. It's pointless.

9 Q. And this particular test was submitted to you from
10 someone at the actual scene that did the testing, correct?

11 A. I guess.

12 Q. You didn't go to the scene, did you?

13 A. No, sir, I did not.

14 Q. This was submitted to you from Investigator Beeler.
15 Are you aware of that?

16 A. No.

17 Q. Okay. It doesn't matter, but --

18 And what you told the solicitor was that typically when
19 you get this residue on your hands from shooting a gun,
20 being around a shooting, or holding a gun after it's been
21 fired, right?

22 A. Yes, sir.

23 Q. And a lot of times you look -- and you probably do the
24 majority of testing regarding people that were shooting
25 guns, right?

1 A. If you want to include suicides, then yes.

2 Q. Or shooting at people, whatever it may be?

3 A. It could be -- we get a lot of it, and we get victims,
4 we get suspects, we get everything.

5 Q. Right. And those are your three main ways.

6 And here we have, like the solicitor elicited, on Mr.
7 Edgar Lopez you have gunshot residue on the back of his
8 left, correct?

9 A. Just a second here.

10 Yes.

11 Q. And for the other alleged victim, gunshot residue on
12 the back of the right?

13 A. Back of the right hand, yes, sir.

14 Q. Okay. And nothing on the front?

15 A. No, sir.

16 Q. And you agree that it's -- and you have probably seen
17 this before, that you can wash your hands or wipe your
18 hands, particularly on the front, and you might not -- you
19 might still have residue on the back, but just not on the
20 front? You have seen that before?

21 A. That's correct, it could happen.

22 Q. Okay. And based on you not being at the scene and not
23 knowing anything about this case, other than what you have
24 analyzed, you can't say conclusively how this gunshot
25 residue got on his hands?

1 A. I can give you probables and not probables.

2 Q. Right.

3 And just being -- just using your common sense, as I'm
4 trying to do here, if you stick your hand up towards a gun,
5 you are probably going to get injury to your hand and be
6 shot?

7 A. You could.

8 Q. All right.

9 MR. SHEALEY: Nothing further.

10 THE COURT: Redirect?

11 MS. CAMPBELL: Thank you.

12 REDIRECT EXAMINATION BY MS. CAMPBELL:

13 Q. It is not at all unusual for a victim to get gunshot
14 residue on part of his one hand when they have been shot by
15 someone?

16 A. No, ma'am.

17 Q. And he asked you about how you -- both palms on both
18 persons were negative?

19 A. That's correct.

20 MR. SHEALEY: Objection, leading.

21 THE COURT: Objection is overruled.

22 MS. CAMPBELL: Thank you.

23 BY MS. CAMPBELL:

24 Q. Both negative?

25 A. That's correct.

1 Q. And you can get gunshot residue on your hand just from
2 handling a gun?

3 MR. SHEALEY: Objection, leading.

4 MS. CAMPBELL: I'll rephrase.

5 BY MS. CAMPBELL:

6 Q. How else can you get gunshot residue on the palm of
7 your hand?

8 A. By handling the firearm, or by being near it when it
9 goes off.

10 Q. Thank you.

11 MS. CAMPBELL: Thank you.

12 MR. SHEALEY: Briefly, recross?

13 THE COURT: Yes, sir.

14 RECROSS EXAMINATION BY MR. SHEALEY:

15 Q. As you told the solicitor, so you can get it by
16 handling a firearm as well?

17 A. Yes, sir.

18 Q. So you can't say that either of these gentlemen didn't
19 within six hours of death handle a firearm they had fired,
20 can you?

21 A. I can tell you that they didn't have any metals that I
22 find consistent with gunshot residue on the palms of their
23 hands.

24 Q. Right.

25 But we discussed how sometimes you can have it on the

1 back and --

2 A. And that's -- in the situation where they wiped it off,
3 yes, I could not tell whether they had handled a firearm.

4 MS. DAVIS: Thank you.

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

6 Next witness.

7 MS. WALKER: The State calls Cheryl Taylor.

8 CHERYL TAYLOR, having been first duly sworn,
9 testified as follows:

10 THE CLERK: Have a seat in the witness box and
11 state your name for the record and spell it, please.

12 THE WITNESS: Cheryl Taylor. C-H-E-R-Y-L.
13 T-A-Y-L-O-R.

14 DIRECT EXAMINATION BY MS. WALKER:

15 Q. Good afternoon, Ms. Taylor.

16 A. Hi.

17 Q. Where do you live?

18 A. In Columbia.

19 Q. And do you work?

20 A. Yes.

21 Q. Where do you work?

22 A. Jameson Suites.

23 Q. And how long have you worked at Jamieson Suites?

24 A. Almost two years.

25 Q. What are your duties there?

1 When were you employed, I'm sorry?

2 A. Front desk agent.

3 Q. And you would have been there back in July of 2010?

4 A. Yes, I just -- I started then.

5 Q. I want to show you two items and see if you recognize
6 these.

7 A. Yes, this is the sign-in sheet when we check a guest
8 in. And then the other is the receipt that the guest would
9 get when they check out.

10 Q. And do you guys at Jameson Inn keep those records
11 ordinarily when people check in and out?

12 A. Yes.

13 MS. WALKER: Your Honor, I want to mark these as
14 State's Exhibits 174 and 175.

15 I offer these into evidence.

16 THE COURT: Any objection?

17 MS. DAVIS: No objection.

18 THE COURT: They are admitted without objection.

19 BY MS. WALKER:

20 Q. And can you tell me the date when this was signed in?

21 A. The guest checked in on July the 30th, 2010, and
22 checked out on Saturday, the 31st of July.

23 Q. And what was the guest's name?

24 A. Joshua Parvin.

25 Q. Okay. Thank you, ma'am.

1 A. Uh-huh.

2 MS. WALKER: No further questions, Your Honor.

3 THE COURT: All right. Cross-examination.

4 MS. DAVIS: Thank you, Your Honor.

5 CROSS EXAMINATION BY MS. DAVIS:

6 Q. Just briefly.

7 The exhibit that they just showed you, State's 174,
8 that's the receipt that they would have gotten when they
9 checked in?

10 A. That's actually the sign-in sheet right there.

11 Q. I'm sorry, that's the sign-in sheet that y'all would
12 have?

13 A. Yes.

14 Q. Correct.

15 And is this actually the same thing, except there is
16 actually a signature on that page?

17 A. That's correct.

18 Q. And the signature at the bottom is Josh Parvin?

19 A. That's what it looks like, Joshua Parvin.

20 Q. Yes, ma'am.

21 And that's actually the name that's on the top of the
22 receipt that the State admitted?

23 A. Yes.

24 MS. DAVIS: Let's mark this.

25 (Documentation from Jameson Suites marked as

1 Defense Exhibit No. 3 for identification)

2 MS. CAMPBELL: Your Honor, we have never seen
3 this. Could we just have a couple minutes to look at it?

4 (Off the record)

5 (Back on the record)

6 MS. DAVIS: Your Honor, we would just offer
7 Defense Exhibit No. 3 into evidence.

8 THE COURT: What says the State?

9 MS. WALKER: No objection, Your Honor.

10 THE COURT: It's admitted without objection.

11 MS. DAVIS: No further questions.

12 THE COURT: Any redirect?

13 MS. WALKER: No, Your Honor.

14 THE COURT: All right. Thank you. You may step
15 down.

16 Your next witness.

17 MS. SIMPSON: The State calls Tena Goff.

18 OFFICER TENA GOFF, having been first duly sworn,
19 testified as follows:

20 THE CLERK: Have a seat in the witness box and
21 state your name for the record and spell it, please.

22 THE WITNESS: Tena, T-E-N-A, Goff, G-O-F-F.

23 DIRECT EXAMINATION BY MS. SIMPSON:

24 Q. Good afternoon.

25 Where do you work?

- 1 A. The Richland County sheriff's department.
- 2 Q. And what do you do there?
- 3 A. I am one of the evidence technicians.
- 4 Q. And are you in a supervisory role?
- 5 A. I am not.
- 6 Q. Okay. And are there procedures and policies in place
- 7 with respect to handling evidence --
- 8 A. Yes.
- 9 Q. -- that you receive?
- 10 A. Yes, ma'am.
- 11 Q. Can you tell us about those?
- 12 A. There is two different ways that you can submit
- 13 evidence. It's handing in, which is person to person. You
- 14 actually hand me a piece of evidence, or you can put it in a
- 15 temporary storage locker or drop box that we have outside in
- 16 a log-in area.
- 17 Q. And do y'all take in all evidence as it comes to you,
- 18 or must it come to you in a certain fashion?
- 19 A. We take in evidence all the time in every fashion.
- 20 Q. And do you have certain procedures that it must be
- 21 sealed or it must be maintained when it comes to you?
- 22 A. Yes, the evidence must -- you have either evidence
- 23 submitted in evidence bags, which is a plastic bag. You
- 24 fill out the label with all the necessary information on the
- 25 bag; or you can fill out a label and box up your evidence.

1 Either way, everything must have a label, be listed, and the
2 package must be sealed properly with your initials and date
3 on them before we will take it.

4 Q. And once the evidence is in your custody, is it secure?

5 A. Yes, ma'am.

6 Q. Can it be altered or changed in any way?

7 A. No, ma'am.

8 Q. And are there procedures basically checking in
9 evidence, as well as checking out?

10 A. Yes.

11 Q. And all that information is maintained?

12 A. Yes, ma'am.

13 Q. How is it maintained?

14 A. We have a computer database, that's called ACISS. It's
15 an electronic database. Everyone that uses ACISS is a user
16 and also has a unique password that they have to have in
17 order to operate that database. When you come in to sign
18 evidence out, you must have your password, because it takes
19 two people with passwords to sign evidence out and to sign
20 it back in.

21 Q. Okay. And I believe you said you work in the property
22 room. Are there other technicians as well?

23 A. Yes, ma'am.

24 Q. And with respect to this case, did any evidence come
25 into the property or custody of the Richland County evidence

1 room?

2 A. Yes, ma'am.

3 Q. And did you all take items 1 through 14 into your
4 custody on August 2nd of 2010?

5 A. Yes, ma'am.

6 Q. And items 17 through 46, did you also take those into
7 custody on August 2nd of 2010?

8 A. Yes, ma'am.

9 Q. And within those, items 20 through 46, were those then
10 transmitted or turned over to Christine Barrickman on August
11 2nd, that same day? I'm sorry, that's items 20 through 46.

12 A. I believe they were.

13 Q. And with respect to items 62 to 73, were those
14 submitted to the evidence room on August 4th of 2010?

15 A. Yes, ma'am.

16 Q. All right. And with respect to those items, as I said,
17 once they were in custody of the property room, were they
18 altered or changed in any way or tampered with?

19 A. No, ma'am.

20 Q. And on July 31st, of 2010, did you receive items 73
21 through 80 into evidence?

22 A. I did.

23 Q. All right. And would that be --

24 MS. SIMPSON: I believe that's all the questions
25 that I have for you. Thank you.

1 THE COURT: By the defense?

2 MS. PRINGLE: No questions.

3 THE COURT: No questions. You may step down.
4 Your next witness.

5 Let's stand a little bit while we wait for the
6 next person.

7 MS. CAMPBELL: Your Honor, this next witness does
8 involve the actual arrest and --

9 THE COURT: All right. We will take a break.
10 Y'all take a break, that is. Please do not discuss the
11 case.

12 (The following takes place outside the presence of
13 the jury panel)

14 (Whereupon, proceedings were recessed)

15 (Whereupon, proceedings were reconvened)

16 THE COURT: All right. Yes, ma'am.

17 MS. CAMPBELL: May it please the court, Your
18 Honor, the next witness we are going to do, and I don't
19 necessarily think it will come up with this witness, but I
20 wanted to go ahead and take it up. There is the issue of
21 when the police apprehended the defendant that he had guns
22 spread out throughout the house and this was observed by
23 arresting officers when he was taken into custody.

24 In his opening statement Mr. Shealey referred to
25 the fact that the defendant was taken into custody without

1 incident. There was no actual altercation involved. It was
2 an alarming situation for the police and they would consider
3 it to be with incident, so I feel at least -- we weren't
4 leaning towards to evidence -- go into it as evidence of
5 guilt, that he was at least opening the door to that when he
6 made that comment in opening argument, and I have had the
7 court reporter play it back for me.

8 THE COURT: All right.

9 MS. CAMPBELL: The case I'd be relying on is State
10 v. Dunlap.

11 THE COURT: State v. Dunlap. Something about
12 statements by the lawyer?

13 MS. CAMPBELL: Yes, sir. I can hand it up if you
14 you would like to see it.

15 THE COURT: All right. Who wants to respond?

16 MS. DAVIS: Your Honor, first of all, in terms of
17 the weapons themselves, our objection to those is one under
18 401, the relevance.

19 What they did is they found guns throughout the
20 house in terms of all of the bedrooms, multiple weapons.
21 I'm not sure what that would be relevant of in this
22 particular case. Owning weapons certainly doesn't make it
23 more or less probable about proving malice or any of the
24 elements of murder in this particular case.

25 Your Honor, further I would find it -- I would

1 object under Rule 403 that it's unduly prejudicial. Again,
2 that they are basically trying to get in bad character or
3 saying that because he owned a lot of weapons, that that
4 could inflame the jury. It would be amiss to the jury to
5 think that because you are to own your own weapons, that
6 somehow that makes you more likely to do something bad. I
7 just don't see the probative value of this at all. I find
8 that -- I do think it's prejudicial and I think it's not
9 relevant to anything to their burden to prove murder or to
10 show malice.

11 THE COURT: All right. What says the State?

12 MS. CAMPBELL: Your Honor, we are not trying to
13 just prove whether -- apparently it is character evidence.
14 We aren't trying to say that owning a bunch of guns is bad
15 character. What we are saying is the way that the guns were
16 laid out in the house showed evidence of guilt, that he was
17 aware that the police or someone may come looking for him,
18 and he was set up in order to basically defend himself and
19 his house. Most of all, these guns weren't all found in the
20 safe in the back closet. They were strategically put out
21 throughout the house, which the officers would be able to
22 testify to.

23 As far as the 403 argument, Your Honor, we feel
24 like that it is relevant and that the probative value would
25 outweigh the prejudicial effect.

1 In addition to that, as Mr. Shealey stated in his
2 opening argument, the defendant was taken without incident,
3 basically going to their whole defense of he's a great guy,
4 he would never do this. We would -- at that point he then
5 opened the door for us being able to get into the he's not
6 always such a great guy in the manner in which he laid out
7 the weapons and was prepared to possibly -- well, he was
8 barricaded in his house with weapons in different rooms.

9 THE COURT: Ms. Davis?

10 MS. DAVIS: Thank you, Your Honor.

11 That's a mischaracterization of the evidence. The
12 weapons that were found -- I can go through and list to the
13 search warrant of what was found. There is no evidence to
14 support that they were barricaded. There is no evidence to
15 support that they was a standoff. You know, I know that
16 Your Honor --

17 THE COURT: There is no evidence on anything yet.
18 It's just me listening to you all.

19 MS. DAVIS: I agree, Your Honor and -- I mean, my
20 initial objection still stands. It's not relevant and it
21 should be kept out also under 403.

22 The way -- I don't know how to respond to her
23 referring to as character evidence, because it's just not
24 what's in evidence.

25 THE COURT: Well, let's hear the evidence and then

1 we will rule.

2 MS. CAMPBELL: And we may not even get into it
3 with this next witness, but the arrest is coming in and I do
4 know that -- I just wanted the court to be prepared that it
5 could come out. We are planing on introducing more evidence
6 of lay witnesses, but this next witness did actually make
7 the arrest.

8 THE COURT: All right.

9 MS. CAMPBELL: Okay. Thank you, Your Honor.

10 THE COURT: Bring in the jury.

11 MS. CAMPBELL: Your Honor, as far as scheduling,
12 we have got four or five more for today, or however long you
13 want to go today. We can finish our case tomorrow.

14 THE COURT: All right.

15 The defense would be ready to go tomorrow?

16 MS. CAMPBELL: It would be at least tomorrow
17 afternoon.

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

19 THE COURT: All right.

20 (The following takes place in the presence of the
21 jury panel)

22 THE BAILIFF: Your Honor, the jury is present.

23 THE COURT: All right, Mr. Foreman, how is your
24 jury doing?

25 JURY FOREMAN: I think everybody is doing all

1 right, Your Honor.

2 THE COURT: You are doing all right?

3 JURY FOREMAN: Yes.

4 THE COURT: Good.

5 Next witness.

6 MS. CAMPBELL: Thank you, Your Honor.

7 The State calls Willie Gonzalez.

8 INVESTIGATOR WILLIAM GONZALEZ, having been first
9 duly sworn, testified as follows:

10 THE CLERK: Have a seat in the witness box and
11 state your name for the record and spell it, please.

12 THE WITNESS: William Gonzalez. W-I-L-L-I-A-M,
13 G-O-N-Z-A-L-E-Z.

14 DIRECT EXAMINATION BY MS. CAMPBELL:

15 Q. Investigator, where are you employed?

16 A. Richland County sheriff's department.

17 Q. What do you do there, sir?

18 A. Currently an investigator.

19 Q. And as an investigator what do your duties include?

20 A. My duties include to -- when I'm assigned cases, to
21 investigate, gather evidence, and see that any probable
22 cause is present to follow up with a warrant.

23 Q. Are you bilingual?

24 A. Yes, ma'am.

25 Q. And what languages do you speak?

1 A. Spanish.

2 Q. And on August the 12th, 2010, were you asked to assist

3 in the investigation of the at that point unsolved double

4 homicide at Woodfield?

5 A. That's correct.

6 Q. And specifically did Captain Smith ask you to interview

7 some witnesses in the case?

8 A. That's correct.

9 Q. To see if you could get any further information?

10 A. Yes, ma'am.

11 Q. Is it unusual for y'all to go back and interview

12 witnesses, potential eyewitnesses, a second time to try to

13 get further information?

14 A. Not at all.

15 Q. On August the 12th did you actually interview an

16 Alfredo Zuniya in this case?

17 A. That's correct.

18 Q. And you can't say what he said to you, but was he able

19 to give you information about what he knew and saw about

20 this case?

21 A. Correct.

22 Q. And then later did you also interview a Roberto

23 Gonzales?

24 A. Yes, ma'am.

25 Q. A Dimas Fernandez?

1 A. That's correct.

2 Q. Jose Monroy?

3 A. That's correct.

4 Q. Esau Hernandez?

5 A. That's correct.

6 Q. And then finally Aracely Avila, the female witness from
7 the gas station?

8 A. Yes, ma'am.

9 Q. And did you actually act as an interviewer and talk to
10 these people in Spanish, if necessary?

11 A. That's correct. I spoke to them in person face to face
12 and in Spanish.

13 Q. I want to turn your attention to August the 19th of
14 2010. Did certain information come to light that day that
15 shed light on who the actual murder suspect was in this
16 case?

17 A. Yes, ma'am.

18 Q. And specifically did the information revolve around a
19 green Kia van, information that was gathered by your
20 department?

21 A. Yes.

22 Q. At that point were y'all able to identify the defendant
23 in this case?

24 A. Yes, ma'am.

25 Q. Once he was identified, were you able to -- were you

1 provided -- you didn't actually make it, but were you
2 provided with a photographic lineup to show certain
3 witnesses?

4 A. Yes, I was provided with a photo array.

5 Q. And that would have been on the 19th of --

6 A. Of August.

7 Q. Okay. What's the purpose in getting a lineup and
8 showing it to witnesses? Can you just explain that to the
9 jury?

10 A. Well, the purpose of showing a lineup is that when we
11 show the lineup to the victim, we want them to be advised of
12 everything. We want them to look at the person of similar
13 characteristics and see if he's able, based on those
14 characteristics, identify the individual that he saw that
15 committed the crime.

16 Q. On that day did you make contact again with Alfredo
17 Zunija?

18 A. Zunija.

19 Q. Zunija?

20 A. Yes, ma'am. I called him on the phone and I asked him
21 where he was at.

22 Q. Uh-huh.

23 A. And he told me that he was at a restaurant eating
24 lunch. I asked him if we could meet him at the restaurant
25 because I wanted to show him a photo array and he said sure,

1 so myself and several investigators went to the restaurant
2 and spoke to him.

3 Q. And in speaking to him at the restaurant, did you take
4 with you what's already in evidence as State's Exhibit No.
5 1?

6 A. Yes, ma'am.

7 Q. And the purpose of meeting him that day was, in fact,
8 to show him that lineup?

9 A. That's correct.

10 Q. And when you showed him the lineup of the front page of
11 State's Exhibit No. 1, did it have any handwriting on it of
12 any kind, or was it presented just with the pictures of the
13 lineup?

14 A. It was just presented with the pictures in the lineup.
15 No writing or no markings.

16 Q. And when you presented this lineup, explain to the jury
17 how you presented it and what his reaction was.

18 A. I usually have some procedure that I do -- kind of do
19 SOP on it, standard operation procedure. So usually when I
20 show a photo lineup, I usually tell the victim that I have a
21 photo lineup, several photographs I wanted him to look at,
22 that the individual that committed the crime might or might
23 not be on the photo lineup. But if you recognize anybody
24 from that photo lineup to please point him out, and I
25 explained that to him in Spanish.

1 I give him the photo lineup and he laid it down on the
2 table. He looked at it and then he looked at me and asked
3 me "are there any other photos --

4 MS. DAVIS: Your Honor, hearsay.

5 MS. CAMPBELL: I'll be glad --

6 THE COURT: Overruled.

7 BY MS. CAMPBELL:

8 Q. You can go ahead.

9 A. He looked at me and then he asked me, "are there any
10 other photographs," and I said "no, that's it." He looked
11 back at me and he said -- he pointed out to the individual and
12 he said, "this is the guy."

13 Q. And when he was referring to "this is the guy," who was
14 he referring to?

15 A. Leslie Parvin.

16 Q. And I show you State's Exhibit No. 1. Is that the
17 third one over on the top row?

18 A. That's correct, number three, subject number three.

19 Q. And once he indicated to you that he recognized the
20 photograph on the top row, did you have him memorialize it
21 on this piece of paper in any way?

22 A. That's correct.

23 Q. And are these actually his initials?

24 A. That's correct. Those are his initials and he circled
25 it.

1 Q. And I believe there are, in addition to some initials,
2 some words over here and some numbers. Who actually wrote
3 those on that lineup?

4 A. He did.

5 Q. And what do those words say in English? They're in
6 Spanish.

7 A. He says "I'm a 100 percent sure that this is the
8 person."

9 Q. And that's what he wrote on there that day, is that
10 correct?

11 A. That's correct.

12 Q. And at this point this is the first time that you have
13 had the shooter in this case identified?

14 A. That's correct.

15 Q. That's -- the date that's indicated on here, too,
16 though, is August the 15th. Is that just a typographical
17 error?

18 A. That was an error. It was actually the 19th.

19 Q. It was actually shown on the 19th.

20 All right. That same day, once you had him identify --
21 Oh, by the way, at any point did you tell him who to
22 pick?

23 A. No, ma'am.

24 Q. At any point did you indicate to him that he had to
25 pick anybody or anything of that nature?

1 A. Absolutely not.

2 Q. That same day did you also make contact with another
3 eyewitness in the case?

4 A. Yes, ma'am.

5 Q. And who was that?

6 A. I believe that was Jose.

7 Q. I show you State's Exhibit No. 2, which actually has
8 the right date on it, August the 19th. Did you also make
9 contact with Jose Monroy that day in order to show him a
10 lineup?

11 A. That's correct.

12 Q. And is this the lineup that you actually showed him?

13 A. Yes, ma'am.

14 Q. And, again, when you showed it to him, was there any
15 handwriting on it in any way?

16 A. No, ma'am.

17 Q. And where did you make contact with Jose Monroy that
18 day?

19 A. It was at the -- I called him up to see if he could
20 meet us at headquarters on Two Notch.

21 Q. And did he, in fact, do that?

22 A. Yes, ma'am.

23 Q. And when you met with him, explain to the jury how you
24 presented this lineup and what his reaction was.

25 A. When I met with him, I explained to him the same

1 situation, the same SOP that I have. I explained to him the
2 same thing I explained to Alfredo, and I showed him the
3 photo lineup. He looked at it for a little bit and then he
4 pointed at number three. I said "where do you know him
5 from?" And he stated that "this is the guy that I saw at
6 the house."

7 Q. And did you tell him who to pick?

8 A. No, ma'am.

9 Q. Did you tell him he had to pick anyone in this lineup?

10 A. Absolutely not.

11 Q. And, in fact, did he recognize this person on his own
12 independently?

13 A. That's correct.

14 Q. And at that point, once he recognized that person, did
15 you have him memorialize it on this piece of paper in any
16 way?

17 A. That's correct.

18 Q. And are these his initials at the top?

19 A. Those are his initials and he circled the picture.

20 Q. And did he indicate that he recognized that guy that
21 was shooting that day?

22 A. That's correct.

23 Q. Or what he saw at the shooting?

24 A. He said "that's the American guy that was there."

25 Q. Okay. Once you had that information -- and you

1 referred to SOP. Is that --

2 A. Standard operation procedure.

3 Q. Is that a military term?

4 A. Yes, ma'am.

5 Q. Do you have a military background?

6 A. Yes, ma'am.

7 Q. Does it mean standard operating procedure?

8 A. Yes, ma'am.

9 Q. Once two different people independently of each other

10 had identified the defendant in this case, had surveillance

11 been set up at the Parvin residence?

12 A. That's correct.

13 Q. And what was that address, do you remember?

14 A. I don't remember the numeric, but I know the house was

15 in a corner facing the lake.

16 Q. And that was in northeast Columbia?

17 A. Northeast Columbia, that's correct.

18 Q. And once he had been identified by two people, were

19 arrangements made to arrest the defendant?

20 A. That's correct. A warrant was obtained, and a search

21 warrant also I believe was obtained.

22 Q. An arrest warrant was obtained from a magistrate?

23 A. That's correct.

24 Q. As well as a search warrant?

25 A. That's correct.

1 Q. And at that point did you participate in efforts to
2 execute that warrant for his arrest?

3 A. Yes, ma'am, I was part of the surveillance team that
4 was setting up surveillance at the house.

5 Q. You didn't personally -- arrangements had been made
6 about his children and his wife to try and ensure their
7 safety?

8 A. No, ma'am, there was other investigators that were
9 involved with that.

10 Q. That did that part?

11 A. That's correct.

12 Q. You did not.

13 Did you actually go to the house on Bay Springs Road
14 that day?

15 A. Yes, ma'am.

16 Q. And tell the jury what you observed or what information
17 you had and why y'all were attempting entry into the house
18 with the lawful search warrant?

19 A. Well, at that point we had a search warrant for the
20 house. We had the house surrounded. There were -- there
21 were communication efforts being made with the -- with the
22 suspect wife in reference to where the kids were and all
23 that. And according to the family there were nobody else in
24 the house.

25 Myself and Investigator Jordan are standing in the

1 corner of the garage. The garage door, it has -- it has
2 windows on the garage door.

3 It was brought to my attention by Investigator Jordan
4 that he saw a shadow in the house. I looked through the
5 window and within seconds I was able to see a shadow in the
6 house, so we informed our superiors that at that moment that
7 there was somebody else in the house.

8 There were -- conversations were being made with the
9 defendant's wife and the defendant's father that were on the
10 scene. And eventually they stated that it's possibly the
11 oldest son that might be in the house. So efforts were made
12 to call the house and make communication with the person
13 inside and the oldest son was able to come out of the house.

14 The garage door was then opened, and I believe that was
15 done by the defendant's father through the garage opener
16 from the car. They were asked again if there were anybody
17 else in the house and they stated no, there was nobody else
18 in the house.

19 I proceeded to walk into the garage. You could access
20 the house through a little stair that I believe is --
21 there's a door there that I believe comes out to the
22 kitchen. I walked up the stairs, opened the door. And when
23 I opened the door, I immediately saw two -- I immediately
24 saw a canine. If I'm not mistaken, it's a German shepherd
25 that was standing right there next to the pool table looking

1 at me. At that moment I decided and I said to myself I
2 don't want to get bit, so I reached over to close the door
3 and out of the glance of my right eye I was able to see a
4 shadow that just came out of the hallway. When I looked
5 towards my right I could see a white male that was standing
6 by the corner of the hallway next to the pool table. I
7 immediately recognized him that it was the defendant, Leslie
8 Parvin, based on the information that we had earlier that
9 day in the photo lineups that I showed the victims that day.

10 Q. So you had seen photographs of him in addition to these
11 that day?

12 A. Yes, ma'am.

13 Q. And when you looked over, you said you saw a shadow and
14 then recognized it to be the defendant in the case?

15 A. That's correct.

16 Q. And your information upon making entry was that no one
17 was in the house?

18 A. I'm sorry, ma'am?

19 Q. Your information upon making entry was that no one was
20 in the house?

21 A. That's correct. That was the last word that we
22 obtained.

23 Q. In fact, you were going to leave and shut the door when
24 you saw him?

25 A. That's correct.

1 Q. Once you recognized him to be the defendant in this
2 case, what did you do?

3 A. I drew my firearm and I ordered him to let me see his
4 hands. He -- he hesitated in raising his right hand, but
5 then he raised his right hand. I told him to let me see his
6 other hand and he hesitated for a few seconds on his left
7 hand and then finally he put his left hand up. I ordered
8 him to the ground.

9 Before I ordered him to the ground, once he -- once I
10 saw that he had both hands up, his words was something to
11 the effect that "what's going on?" I ordered him to the
12 ground. He obeyed my command. I approached him.
13 Investigator Gwyn come from behind me and we both put our
14 hands on him and put him in custody.

15 Q. Now, let me stop right now.

16 So then he was taken into custody?

17 A. Yes, ma'am.

18 Q. And we don't want to go any further with that.

19 Was he then transported to headquarters?

20 A. He was transported to headquarters.

21 Q. And did you actually transport the suspect's father?

22 A. That's correct.

23 Q. And did you ever take a statement from him, or was a
24 statement taken from him that day?

25 A. That's correct.

1 Q. And that would be Mr. Parvin's father?

2 A. That's correct.

3 Q. The next day, on the 20th, were there more witnesses
4 that y'all wanted to show lineups to?

5 A. That's correct, ma'am.

6 Q. Specifically that next day did you also make contact
7 with at least two additional witnesses about photo lineups?

8 A. Yes, ma'am.

9 Q. I'll show you what's been marked as State's Exhibit No.
10 3. Did you show a lineup to a Dimas Fernandez on the 20th?

11 A. That's correct, ma'am.

12 Q. And do you recall where you made contact with him?

13 A. Yes, we went -- myself and Investigator Gwyn went to
14 his job, which was at Shop Road.

15 Q. Okay. And, again, how did you present the lineup to
16 Mr. Fernandez?

17 A. I explained to him the same SOP that I explained to the
18 others and I showed him the photo lineup. He looked at it.
19 And as soon as I gave him the photo lineup and he looked at
20 it, he pointed out to the defendant, which was the top
21 right-hand corner.

22 Q. And, again, did you tell him to pick or indicate in any
23 way that he had to pick anyone or anything of that nature?

24 A. Absolutely not.

25 Q. And, again, he made an independent pick of the

1 defendant?

2 A. That's correct.

3 Q. Finally, I want to show you what's been marked as
4 State's Exhibit No. 5. Did you also make contact with the
5 neighbor across the street, the actual eyewitness, Mr.
6 Gonzales?

7 A. Roberto Gonzales, yes, ma'am.

8 Q. And where did you make contact with him on the 20th?

9 A. I made contact with him at his residence.

10 Q. And the purpose was to show him the photo lineup?

11 A. That's correct.

12 Q. And, once again, tell the jury how you presented it and
13 what his reaction was.

14 A. We were sitting in the living room and I explained to
15 him the same SOP I explained to the others. And I laid the
16 photo lineup on the kitchen table. He picked it up and
17 looked at it and he put it down and he pointed "this is the
18 one," and he identified the third top row to the right.

19 Q. And did you have him memorialize that on this piece of
20 paper as well?

21 A. That's correct, ma'am.

22 Q. And it's a separate lineup for each one of those,
23 right?

24 A. Ma'am?

25 Q. A separate copy of the lineup for each one of these

1 witnesses?

2 A. Absolutely.

3 Q. And next to where he initialed it and circled the
4 person he recognized, did he write some numbers?

5 A. He wrote that.

6 Q. And what does it say?

7 A. It says "100 percent."

8 Q. That's who he recognized as being the shooter that day?

9 A. Yes, because I asked him how sure is he that this is
10 the individual that he saw shooting that day and he wrote
11 down there "100 percent."

12 Q. So each of the four people you showed some photo
13 lineups to were sure of their pick?

14 A. That's correct.

15 MS. CAMPBELL: Beg the court's indulgence.

16 (Off the record)

17 (Back on the record)

18 BY MS. CAMPBELL:

19 Q. How long have you been in law enforcement, sir?

20 A. About 12 years, ma'am.

21 Q. And prior to that what did you do?

22 A. I was in the military.

23 Q. And how long were you in the military?

24 A. I served 23 years in the United States Army.

25 MS. DAVIS: Objection, Your Honor.

1 MS. CAMPBELL: Thank you.

2 THE COURT: The objection is overruled.

3 MS. CAMPBELL: Your Honor, we don't have anything
4 further of this witness.

5 THE COURT: By the defense?

6 MS. DAVIS: Thank you, Your Honor.

7 May it please the court.

8 CROSS EXAMINATION BY MS. CAMPBELL:

9 Q. Investigator Gonzalez, you wrote a report about your
10 involvement in this case, right?

11 A. Yes, ma'am, followup.

12 Q. I think it was about six and a half pages?

13 A. I haven't counted them, but if you say so, yes, ma'am.

14 Q. And you single space?

15 A. Yes, ma'am.

16 Q. And you take reports in all the cases that you are
17 involved in, right?

18 A. Yes, ma'am.

19 Q. And that's so that you can remember what happened on
20 those days?

21 A. Pretty much.

22 Q. And that's what helps you remember what you did in a
23 case?

24 A. That's correct.

25 Q. It helps you remember what witnesses might have told

- 1 you on that day?
- 2 A. That's correct.
- 3 Q. So you try to include everything on a report?
- 4 A. As much as we can, yes.
- 5 Q. The important details, of course?
- 6 A. Yes, ma'am.
- 7 Q. And so you memorialize those whenever you are involved
- 8 in a case?
- 9 A. That's correct.
- 10 Q. And you did that in this case?
- 11 A. That's correct.
- 12 Q. And that's because this happened a year and a half ago?
- 13 A. Yes, ma'am.
- 14 Q. That you were involved in.
- 15 I can imagine multiple investigations throughout the
- 16 year?
- 17 A. Yes, ma'am.
- 18 Q. So this is something that you would keep to help you
- 19 remember what exactly happened?
- 20 A. That's correct.
- 21 Q. And memorialize what people told you when you were
- 22 talking with them?
- 23 A. As much as we can, yes.
- 24 Q. And in your case, you actually also -- well, sometimes
- 25 translate, if a witness needs that?

1 A. That's correct.

2 Q. Because you are able to speak Spanish as well?

3 A. That's correct.

4 Q. And so in this particular case you were used as an
5 investigator, but also helping translate?

6 A. That's correct.

7 Q. All right. And that's because there is an obvious
8 language barrier with this case?

9 A. Yes, ma'am.

10 Q. Most of the witnesses spoke Spanish?

11 A. Yes.

12 Q. And in doing that, one of those -- you interviewed
13 multiple witnesses, but you interviewed Marlin Avila on
14 August 17th, right?

15 A. Yes, ma'am.

16 Q. And, again, you were talking to her in Spanish?

17 A. That's correct.

18 Q. Translating a statement -- I guess in this situation
19 you translated what she told you?

20 A. Yes, ma'am.

21 Q. You kept a report on what she told you?

22 A. Yeah, I do scratch notes and quick notes as we are
23 having a conversation, yes, ma'am.

24 Q. And then you typed up the report?

25 A. That's correct.

1 Q. And that's the report we just went over?

2 A. Yes, ma'am.

3 Q. And when you talked to her on the 17th, it would have
4 been about what she remembered about this incident?

5 A. That's correct.

6 Q. About her conversation?

7 A. That's correct.

8 Q. And information that was relevant to this case?

9 A. That's correct.

10 Q. And you put that in your report?

11 A. That's correct.

12 Q. And in your report you noted that she told you that it
13 was -- that Edgar referred to the American as "the fucking
14 American", and you put that in your report?

15 A. That's correct.

16 Q. And that's because that's what she told you?

17 A. That's what she said.

18 Q. So that is why you wrote that in your report?

19 A. Yes, ma'am.

20 Q. And the next -- I'm sorry.

21 You were also involved in, as the solicitor stated, the
22 arrest of --

23 A. Well, it -- can I clarify one thing? It wasn't just
24 "the fucking American." It was "the fucking American gave
25 me \$200 to have sex with him."

- 1 Q. Yes, sir.
- 2 A. Okay.
- 3 Q. I understand.
- 4 And you were also involved in, as you went through with
- 5 the solicitor, the arrest of Todd Parvin?
- 6 A. Yes, ma'am.
- 7 Q. And that was on August 19th?
- 8 A. That's correct.
- 9 Q. And you went to his home?
- 10 A. Yes, ma'am.
- 11 Q. And, again, you noted -- you made a report that day.
- 12 You made a report telling what happened that day?
- 13 A. Yes, ma'am.
- 14 Q. And you were actually the first person inside the home
- 15 that day?
- 16 A. That's correct.
- 17 Q. And that's because you said you saw a shadow, right?
- 18 A. That's correct.
- 19 Q. So you went in the door? You entered the house?
- 20 A. That's correct. We executed the search warrant
- 21 supposing nobody was in the house.
- 22 Q. Yes, sir, I understand, but you are the first one that
- 23 went in the house?
- 24 A. That's correct.
- 25 Q. And that's because you saw someone?

- 1 A. That's correct.
- 2 Q. Okay. And --
- 3 A. Well, at that moment I didn't see nobody.
- 4 Q. Okay. The house that you entered was [REDACTED] [REDACTED] [REDACTED]
- 5 [REDACTED], right?
- 6 A. I don't recall the numerical, but if you say so, yes.
- 7 Q. And you went in through a garage?
- 8 A. That's correct.
- 9 Q. Someone opened the garage door?
- 10 A. That's correct.
- 11 Q. You went inside. You actually had to walk up six or
- 12 seven steps?
- 13 A. I thought it was more like four or five, maybe, but you
- 14 could be right.
- 15 Q. Four or five steps.
- 16 And when you opened the door you're in the kitchen?
- 17 A. Yes.
- 18 Q. Right?
- 19 A. It's more like a -- I think it was more like a foyer
- 20 type thing, laundry type stuff in the bag, but yes.
- 21 Q. A couple steps and then is kitchen?
- 22 Right through the kitchen is the next room, right?
- 23 A. Uh-huh.
- 24 Q. And that's where the pool table is at?
- 25 A. That's correct.

- 1 Q. Okay. When you entered that room, that's where you saw
2 Todd Parvin?
- 3 A. That's correct.
- 4 Q. Standing next to a pool table?
- 5 A. That's correct. He brought my attention when I saw the
6 shadow.
- 7 Q. Right. And he was standing in that room?
- 8 A. That's correct.
- 9 Q. And so that means you entered in through the kitchen?
- 10 A. Well, actually all I did was take one step in --
- 11 Q. Okay.
- 12 A. -- to close the door.
- 13 Q. But when you proceeded to Mr. Parvin, correct?
- 14 A. Yes, ma'am.
- 15 Q. You went through the kitchen door, or is this an
16 opening? There is no door?
- 17 A. Yes, ma'am.
- 18 Q. Right?
- 19 A. Yes, ma'am.
- 20 Q. You see him by the pool table?
- 21 A. That's correct.
- 22 Q. And then on the other side of that room there is a
23 doorway?
- 24 A. It's like a hallway.
- 25 Q. Right, but there is a -- there is an exit, correct,

1 that goes into another room?

2 A. I really didn't see -- I didn't focus on all that. I
3 focused on him.

4 Q. Okay. After his arrest did you go throughout the
5 house?

6 A. No, ma'am.

7 Q. Okay. So that's where you stopped?

8 A. That's where I stopped at, that's correct.

9 Q. So when you go in there is a pool table?

10 A. That's correct.

11 Q. Okay. There is also a sliding glass door right there,
12 right?

13 A. I think I did see that.

14 Q. Okay. So there is a doorway there, sliding glass?

15 A. Uh-huh.

16 Q. Right?

17 A. Yes, ma'am.

18 Q. That's the room where Todd Parvin was standing in?

19 A. Like I said, I don't know. When I -- when I went to
20 close the door I saw a shadow.

21 Q. Uh-huh.

22 A. And when I saw a shadow and I looked, he was already
23 standing catty-corner through the hallway corner --

24 Q. Uh-huh.

25 A. -- which there is a pool table --

1 Q. Right.

2 A. -- that was between him and I.

3 Q. Right.

4 A. So I don't know if he came out of that room or one of
5 the bedrooms.

6 Q. Right. I understand you don't know because you didn't
7 see him.

8 A. Okay.

9 Q. But when you saw him, he was in that room by the pool
10 table?

11 A. That's correct.

12 Q. Okay. And you wrote a report noting that, correct?

13 A. That's correct.

14 Q. And you said the suspect was standing in the corner
15 next to the pool table?

16 A. That's correct.

17 Q. Okay. And then after that, of course, you told -- you
18 start giving some commands?

19 A. That's correct.

20 Q. Tell him to show his hands?

21 A. That's correct.

22 Q. And I understand what you said. You said it a couple
23 of times, right?

24 A. Yes, ma'am.

25 Q. And then he showed his hands?

1 A. Yes, ma'am.

2 Q. He's moving really slow?

3 A. Yes, ma'am.

4 Q. Right, very slow?

5 A. Yes, ma'am.

6 Q. Okay. And he does that, correct?

7 A. Yes, ma'am.

8 Q. No weapons in his hand?

9 A. No, ma'am.

10 Q. And at that point that's when you tell him to get on

11 the ground?

12 A. That's correct.

13 Q. Y'all arrest him?

14 A. That's correct.

15 MS. DAVIS: Beg the court's indulgence.

16 (Off the record)

17 (Back on the record)

18 BY MS. DAVIS:

19 Q. When you entered that room, there is that sliding glass

20 door?

21 A. Yes, ma'am.

22 Q. It eventually goes outside, correct?

23 A. I really don't know.

24 Q. It's a glass door, right?

25 A. The door that I went in through?

1 Q. No, sir. The sliding glass door --

2 A. This sliding glass door --

3 Q. The sliding glass door is right there?

4 A. I really don't know, ma'am, because once I focus on him
5 and we had him in handcuffs, I walked out of there.

6 Q. So your testimony is that you don't know where the
7 sliding glass door went?

8 A. Right, that's correct.

9 MS. DAVIS: Nothing further, Your Honor.

10 THE COURT: Redirect?

11 MS. CAMPBELL: No, sir.

12 THE COURT: You can step down.

13 Next witness.

14 MS. CAMPBELL: Thank you. The State would call
15 Stan Richards.

16 INVESTIGATOR STAN RICHARDS, having been first duly
17 sworn, testified as follows:

18 THE CLERK: Have a seat in the witness box and
19 state your name for the record and spell your name, please.

20 THE WITNESS: Stan Richards. S-T-A-N,
21 R-I-C-H-A-R-D-S.

22 DIRECT EXAMINATION BY MS. CAMPBELL:

23 Q. Sir, where are you employed?

24 A. Richland County sheriff's department, forensics
25 division, crime scene unit.

1 Q. And what do you do in the crime scene unit?

2 A. I supervise the eleven personnel, three of which are
3 latent print analysts. The remaining are crime scene.

4 Q. And some of those people who testified here earlier
5 today?

6 A. They are.

7 Q. So you are the sergeant over that unit?

8 A. I am.

9 Q. I want to turn your attention back to August the 19th
10 of 2010. Were you requested to collect certain evidence
11 from the defendant who had been apprehended that day in this
12 case?

13 A. I was.

14 Q. And what kind of evidence were you requested to obtain?

15 A. I executed a search warrant for the collection of DNA
16 from a Mr. Leslie Todd Parvin.

17 Q. Leslie Todd Parvin?

18 A. Yes.

19 Q. Do you see him here in the courtroom?

20 A. Yes.

21 Q. Can you identify him for the jury?

22 A. The defendant sitting at the table there.

23 MS. CAMPBELL: Your Honor, may the record reflect
24 that he's identified the defendant?

25 THE COURT: It does.

1 BY MS. CAMPBELL:

2 Q. And you had a lawful search warrant in order to obtain
3 this evidence?

4 A. I did.

5 Q. And when you obtain DNA evidence or a known standard of
6 DNA, how is that done?

7 A. It's very simple. We take two cotton swabs. They are
8 given to the person that is being requested to provide the
9 DNA standard. They take those swabs, put it in their mouth,
10 swish it around between their cheek and gum. Then they are
11 placed back into a cardboard box, which I have, and it's
12 closed up at that time.

13 On the cardboard box I place my name as the collecting
14 investigator, date and time, and that it is what we call a
15 buccal swab and the name of the person that it came from.

16 Q. And that's used later for a comparison in DNA testing?

17 A. That's correct.

18 Q. Now, I want to show you what's been marked as State's
19 Exhibits No. 141. Do you have recognize that?

20 A. I do. This is the package and evidence label that I
21 filled out for the buccal swab at that time.

22 Q. And did you actually make contact with Leslie Todd
23 Parvin on that date, on the 19th?

24 A. I did.

25 Q. And where did you -- where was he when you collected

1 this evidence?

2 A. I did that at 5623 Two Notch Road, in my lab.

3 Q. In your lab?

4 A. In my lab area.

5 Q. That's at headquarters?

6 A. At headquarters, yes, ma'am.

7 Q. For the sheriff's department?

8 A. Yes, ma'am.

9 MS. CAMPBELL: Your Honor, at this time I would
10 offer State's Exhibit No. 141.

11 Let me back up.

12 BY MS. CAMPBELL:

13 Q. Did you then submit this into the evidence room?

14 A. I did. It was later packaged and sealed. My initials
15 and date was placed on the seal and it was submitted to
16 evidence.

17 Q. During the time period when it was in your custody, did
18 anyone alter or tamper with it in any way?

19 A. No.

20 MS. CAMPBELL: Your Honor, at this time I would
21 offer it into evidence.

22 THE COURT: What says the defense?

23 MR. SHEALEY: No objection.

24 THE COURT: Admitted without objection.

25 BY MS. CAMPBELL:

1 Q. Once you had collected and properly packaged and
2 submitted the evidence, as far as what you did at
3 headquarters that day, that's all you did, the paperwork was
4 that day?

5 A. Yes, ma'am.

6 Q. And submitted it into evidence?

7 A. Yes, ma'am.

8 Q. And as far as your background, sir, you have been in
9 law enforcement how long?

10 A. About 17 years now all toll.

11 Q. And prior to that what did you do?

12 MR. SHEALEY: Objection to relevance.

13 THE COURT: Objection is overruled.

14 BY MS. CAMPBELL:

15 Q. You may answer.

16 A. I spent 20 plus years in the United States Army.

17 COURT REPORTER: I missed, how many years?

18 THE WITNESS: 20 plus.

19 MS. CAMPBELL: Thank you, sir.

20 THE COURT: Cross-examination.

21 MR. SHEALEY: No cross, Your Honor.

22 THE COURT: Thank you, sir. You may step down.

23 Next witness.

24 MS. CAMPBELL: The State would call Matt Ellis.

25 SERGEANT MATTHEW ELLIS, having been first duly

1 sworn, testified as follows:

2 THE CLERK: Have a seat in the witness box and
3 state your name for the record and spell it, please.

4 THE WITNESS: Matthew Ellis, E-L-L-I-S.

5 DIRECT EXAMINATION BY MS. CAMPBELL:

6 Q. Investigator Ellis, where are you employed?

7 A. Richland County sheriff's department.

8 Q. Or it's sergeant, I'm sorry.

9 A. Yes, ma'am.

10 Q. Okay. And what do you do at the Richland County
11 sheriff's department?

12 A. I'm a supervisor in the major crime unit of the
13 criminal investigative division.

14 Q. I want to turn your attention back to July and August
15 of 2010. Did you have a very limited role in the
16 investigation in this case?

17 A. I did.

18 Q. On August the 19th did certain information come to your
19 department that you then tried to get some information on an
20 address on Bay Springs Road?

21 A. Correct.

22 Q. And specifically what did you do in trying to insert
23 information from Bay Springs Road?

24 A. I was provided an address of [REDACTED], and
25 using our Internet service I Googled the address on Google

1 Maps.

2 Q. And prior to Googling that address on Google Maps did
3 you have certain information about a vehicle that had been
4 involved in this murder?

5 A. I had heard that there was a van involved in the
6 murder, just from conversations overheard during the
7 investigation.

8 Q. And were they getting ready to execute the arrest
9 warrant, as well as a search warrant in this case?

10 A. Correct.

11 Q. And based on that you tried to get visual information
12 about the area, especially when someone may be armed and
13 dangerous?

14 MS. PRINGLE: Objection, leading.

15 THE COURT: Ask the question again.

16 BY MS. CAMPBELL:

17 Q. What information were you trying to get and the reason
18 for it?

19 A. We would like to see where the house is located. You
20 know, if it's some corner, if it's in the middle, for stuff
21 close by. A lot of times you can see if there is fences
22 around the residence or not. Even though it might not be
23 quite up-to-date, it gives us an idea in preparation for
24 executing search warrants.

25 Q. And is that particularly significant if someone is

1 armed and dangerous?

2 MS. PRINGLE: Objection. It's leading.

3 THE COURT: Don't lead the witness.

4 BY MS. CAMPBELL:

5 Q. Was that significant in this case?

6 A. Yes.

7 Q. And when you drew up the Mapquest or the map -- Google
8 Map, I'm sorry, is this a blowup of the photograph that
9 actually came up?

10 A. Yes, it is.

11 MS. CAMPBELL: Your Honor, at this time I would
12 offer State's Exhibit No. 194 into evidence.

13 THE COURT: What says defense?

14 MS. PRINGLE: Objection to -- under -- on
15 location, hearsay, and Rule Five. We have never seen that
16 before.

17 THE COURT: It's admitted over objection.

18 MS. CAMPBELL: Thank you, Your Honor.

19 BY MS. CAMPBELL:

20 Q. When you drew up the Google Mapquest that's shown in
21 State's Exhibit No. 194, what first caught your attention
22 that is significant in this investigation?

23 A. The van parked in the driveway.

24 Q. And why was that significant to you?

25 A. Because I had received information through the homicide

1 investigation that they had information that the suspect was
2 involved -- or in a van.

3 Q. That matched this description?

4 A. Correct.

5 Q. And once you had pulled this map up, did you then
6 convey this information to other members of the
7 investigative team, including Investigator Gwyn, as well as
8 Captain Smith?

9 A. I did. I passed it onto the case officers.

10 COURT REPORTER: I'm sorry, major who?

11 MS. CAMPBELL: Major Smith. Sorry.

12 BY MS. CAMPBELL:

13 Q. And, to your knowledge, was that van ever recovered?

14 A. No, ma'am.

15 Q. Thank you, sir.

16 MS. CAMPBELL: I don't have anything further.

17 THE COURT: Cross-examination?

18 MS. PRINGLE: No questions.

19 THE COURT: Thank you, sir. You may step down.

20 Next witness.

21 MS. SIMPSON: The State calls Kevin Isenhoward.

22 SERGEANT KEVIN ISENHOWARD, having been first duly
23 sworn, testified as follows:

24 THE CLERK: Have a seat in the witness box and
25 state your name for the record and spell it, please.

1 THE WITNESS: My name is Kevin, K-E-V-I-N,
2 Isenhoward, I-S-E-N-H-O-W-A-R-D.
3 DIRECT EXAMINATION BY MS. SIMPSON:
4 Q. Sergeant Isenhoward, where do you work?
5 A. I work for the Richland County sheriff's department.
6 Q. And how long have you been with Richland County?
7 A. Almost 14 years, January.
8 Q. And what do you do there?
9 A. I'm a sergeant in the criminal investigative division.
10 I supervise investigators.
11 Q. And investigators in all capacities, or --
12 A. I currently am assigned to the burglary unit. At
13 various times I have been assigned to other units within
14 CID. At this point in time -- when this investigation went
15 on I was assigned to the major crimes unit.
16 Q. Okay. Major crimes includes homicides, things of that
17 nature?
18 A. Yes.
19 Q. And did you have occasion to become involved in this
20 case?
21 A. Yes, I did.
22 Q. And were you present, I guess, in a supervisory
23 capacity, or assisting, or were you one of the primaries?
24 A. In this particular case I was assisting more so than
25 anything else, helping follow up some leads and, you know,

1 trying to do what I could to help out.

2 Q. And when did you actually first become involved?

3 A. July the 31st.

4 Q. Can you -- I'll stop you there.

5 You were involved from that day? That's what, a day
6 after the incident?

7 A. Yes.

8 Q. And you all followed up several leads, numerous leads,
9 different potential tips or suspects --

10 A. Right.

11 Q. -- correct?

12 A. The majority of those we eliminated.

13 Q. And you were able to eliminate all of those?

14 A. Yes.

15 Q. I want to turn your attention to August 19th of 2010.
16 What did you do on that day?

17 A. On the 19th I received information from the case
18 investigators they had identified a suspect, Mr. Parvin,
19 that they had done so through I believe a partial tag search
20 from the State of Louisiana and had received a photographic
21 lineup identification. So, in effect, they had probable
22 cause at this point in time to make an arrest on an
23 individual for the crime.

24 I was instructed to locate his wife, which we had
25 determined was an employee at Windsor Lake Elementary

1 School.

2 Q. And what's her name?

3 A. Her name is -- I believe it's Shanna Parvin. So myself
4 and Lieutenant Scott McDonald with the sheriff's department,
5 we went to the Windsor Lake Elementary School and located
6 her and spoke with her.

7 And obviously our -- what we were trying to do was gain
8 information on a location for Mr. Parvin. At this juncture
9 it's important that we were trying to get the person in
10 custody as safely as possible without getting anyone hurt.
11 And also in an attempt to further the investigation, see if
12 she had any information about what the defendant has been
13 accused of at that point in time, what he may have done,
14 where he may have -- you know, if he had disposed of any
15 items, any weapons in the crime. So basically interviewing
16 his wife.

17 Q. And with respect -- did she, in fact, give you some
18 information?

19 A. She did.

20 Q. And this was after you notified her of why y'all were
21 there?

22 A. Yes, we told her.

23 Q. And based on her information what did she tell you?

24 A. The initial information we received was that the
25 vehicle had been sold.

1 MS. DAVIS: Objection, Your Honor. It's eliciting
2 hearsay.

3 BY MS. SIMPSON:

4 Q. And I'll direct your attention back to when you
5 actually spoke with her at the school --

6 A. Yes.

7 Q. -- what you learned.

8 This was prior to the execution of the search warrant
9 and the arrest warrant?

10 A. Yes. We obviously were trying to locate Mr. Parvin. I
11 had a candid conversation and explained why we were there,
12 how important it was for us to keep our officers safe and
13 her family safe. And through that conversation we were led
14 to believe that no one was at home, that he was not at home.

15 I conveyed that to the officers who were executing the
16 search and the attempt to arrest at the home. They were
17 basically waiting for me to tell them if it was safe or not.
18 I conveyed that information and they went in with that
19 information, provided with that information.

20 Q. That no one was in the house?

21 A. Right.

22 Q. And that information was provided to you by Shanna?

23 A. Correct.

24 Q. And did she explain where her husband may be?

25 A. Just bear with me one second.

1 We -- that's correct. She told me he was -- or learned
2 that he was in Augusta.

3 Q. Did Shanna follow you back to the house?

4 A. We -- if I recall correctly, we took her back to the
5 house.

6 Q. Okay. And what was the purpose of that? I know that
7 you were executing the search warrant.

8 A. Well, we were trying to be respectful as we can at this
9 point in time. I believe that she's cooperating initially.
10 That we have to get into a home, we don't want to tear
11 someone's home apart, regardless of the situation, and she
12 has keys to it. We would like to go back with keys and
13 enter the home safely and have her available for any
14 questions or concerns we might have as it relates to the
15 search in the home and obviously any arrests that we might
16 would make there.

17 Q. And did you learn about other possible family members
18 who may have been there?

19 A. We did. Some -- I believe some children and a
20 father-in-law, or father-in-law at the home.

21 Q. But they weren't at the home when y'all were prepared
22 to execute the search warrant, according to her?

23 A. That's what -- yes, according to her, but when we
24 arrived, we found differently.

25 Q. And, according to her, you also believed that the

1 defendant wasn't inside?

2 A. That's correct.

3 Q. But you believed at that time she was being
4 cooperative?

5 A. Yes.

6 Q. And did you have information that he may be armed at
7 the time as well, based on the investigation and this being
8 a homicide?

9 A. Obviously -- we had received information I believe that
10 he owned firearms. Obviously there was a firearm used in
11 the crime.

12 MS. DAVIS: Objection, Your Honor.

13 THE COURT: What's the basis of the objection?

14 MS. DAVIS: Your Honor, may we approach?

15 THE COURT: Approach.

16 (Whereupon, the lawyers approached the bench for
17 an off-the-record discussion)

18 BY MS. SIMPSON:

19 Q. When you arrived, what did you observe or what was
20 going on?

21 A. When we arrived at the home, at that point I believe
22 they had already entered and made the arrest and they were
23 beginning the search.

24 Q. Okay. And I'll stop you right there.

25 They made the arrest, so the defendant was, in fact, in

1 the home?

2 A. Yes.

3 Q. And what else did you do in this case?

4 A. Following going to the home and I guess checking on the
5 progress of the investigation there, we returned to the
6 sheriff's office with her and I continued the interview and
7 took a statement from her regarding the events surrounding
8 this incident.

9 Q. Okay. And was that the extent of your involvement
10 after getting the statement?

11 A. Yes.

12 MS. SIMPSON: Thank you.

13 THE COURT: By the defense.

14 MS. DAVIS: May it please the court?

15 THE COURT: Yes.

16 CROSS EXAMINATION BY MS. DAVIS:

17 Q. So you are -- most of your involvement surrounded
18 Shanna Parvin?

19 A. Obviously, like I said, I ran down some other leads
20 early on in the investigation just to help them. It was a
21 lot going on. And then as it relates to this, yes, most of
22 my involvement was with her.

23 Q. Okay. And Shanna Parvin is Todd Parvin's wife?

24 A. Yes.

25 Q. And can you point her out here in the courtroom?

1 A. Yes, she's in the first row, a female, pink shirt, next
2 to a male with a pink top.

3 MS. DAVIS: Nothing further, Your Honor.

4 THE COURT: Anything further from the State of
5 this witness?

6 MS. SIMPSON: No, Your Honor.

7 THE COURT: All right. Thank you, sir. You may
8 step down.

9 Next witness.

10 MS. WALKER: The State calls Audra Linfert.

11 OFFICER AUDRA LINFERT, having been first duly
12 sworn, testified as follows:

13 THE CLERK: Have a seat in the witness box and
14 state your name for the record and spell it, please.

15 THE WITNESS: Audra Linfert. A-U-D-R-A,
16 L-I-N-F-E-R-T.

17 DIRECT EXAMINATION BY MS. WALKER:

18 Q. Where are you currently employed?

19 A. Richland County sheriff's department.

20 Q. And how long have you worked there?

21 A. Almost three years.

22 Q. And in what capacity are you employed by the sheriff's
23 department?

24 A. I'm a crime analyst.

25 Q. Did you become involved in the investigation involving

1 this defendant Leslie Todd Parvin?

2 A. Yes.

3 Q. And during the investigation was there a certain
4 vehicle that became important?

5 A. Yes. We were told that we were looking for a green
6 mini van.

7 Q. And did you know the make and model of that car?

8 A. Yes, I was told that it was a green Kia mini van that
9 was two toned.

10 Q. And what did you do with that information?

11 A. I did some research, even calling the Kia dealership to
12 see what years that model was -- that style was made and was
13 told that the emerald green Kia Sedona was only made --

14 MS. PRINGLE: Objection to anything that she was
15 told as hearsay.

16 THE COURT: I overrule the objection.

17 A. I learned by talking to Kia that the green -- the
18 emerald green two tone mini van was the Kia Sedona EX and it
19 was only made in those colors between 2002 and 2005.

20 BY MS. WALKER:

21 Q. So were you then able to narrow down the amount of Kias
22 that you were searching for?

23 A. Yes.

24 Q. And during the course of the same investigation was
25 there a certain license plate that became important?

1 A. Yes.

2 Q. And what license plate was that?

3 A. MGN, and there was a missing character in there, but it
4 was ending in 69.

5 Q. Did you know which state that tag belonged to?

6 A. It was a Louisiana tag.

7 Q. And what did you do with that information then?

8 A. Major Smith gave me the information that he obtained
9 from the Louisiana Department of Motor Vehicles.

10 We had two different excel spread sheets. I opened up
11 the first one, which had 765 vehicles in it. I sorted the
12 excel spread sheet by tag. I scrolled down looking for any
13 tag that ended in 69.

14 Q. Yes, ma'am.

15 A. And the first one I came to was MBG 869, and that tag
16 was registered to -- the correct registration says Leslie
17 Parvin and.

18 Q. And when you compiled that information, what did you do
19 with it?

20 A. I provided that to Investigate Gwyn and Major Smith.

21 Q. Thank you.

22 MS. WALKER: No further questions.

23 THE COURT: By the defense?

24 MS. PRINGLE: May it please the court.

25

1 CROSS EXAMINATION BY MS. PRINGLE:

2 Q. Good afternoon.

3 I want to ask you a couple of questions about other
4 activities that you performed in this case.

5 You became involved at the request of Investigator
6 Gwyn, correct?

7 A. Possibly. I believe probably it was Major Smith.

8 Q. At the request of one of the investigating officers on
9 the case?

10 A. Correct.

11 Q. And you were told by them at some point that there was
12 a homosexual component to the allegations?

13 A. Correct.

14 Q. Correct?

15 A. Yes.

16 Q. And essentially what you were told was that perhaps the
17 allegations that there had been money offered for sex of
18 some sexual nature?

19 A. Yes.

20 Q. Correct?

21 A. Correct.

22 Q. So the first thing that you did actually was you -- you
23 actually went and reviewed the sex offenders list?

24 A. Correct.

25 Q. And sex offenders list for -- you looked at the sex

1 offenders list for Louisiana?

2 A. I did not look at the Louisiana list. Watch Systems is
3 based in Louisiana and we have a contact there. And since
4 we are able to search by tattoos and I was told about the
5 distinct tattoos, we searched Watch Systems for all the
6 tattoos that may be similar.

7 Q. For tattoos and sex offenders in Louisiana, or just
8 tattoos?

9 A. It's their sex offender database.

10 Q. Okay. So tattoos and sex offenders in Louisiana.

11 You also searched the sex offender registry in South
12 Carolina?

13 A. Correct.

14 Q. And the sex offender registry, so the jury understands,
15 is a registry whereby the government, at least in South
16 Carolina, keeps records of people who have been convicted of
17 sexual assaults, correct?

18 A. Any sex crime.

19 Q. Any sex crimes?

20 A. That the judge deems they must register for.

21 Q. They have been qualified, such as rape? Rape would be
22 a sex crime, right?

23 A. I'm not an expert on that, but I assume so.

24 Q. And sexual assaults on a child would be a sexual
25 assault?

1 MS. WALKER: Objection, Your Honor.

2 A. I'm not a police officer.

3 THE COURT: What's the question again?

4 MS. PRINGLE: Would an individual convicted of sex
5 assaults be a sex offender registration. She indicated that
6 she was searching sex offender registry.

7 THE COURT: I heard her testimony. I just wanted
8 to hear the question.

9 What's the objection?

10 MS. WALKER: Your Honor, it's irrelevant. It's
11 also offered to make her testify that it was a sex crime
12 with somebody on the sex registry.

13 THE COURT: Response?

14 MS. PRINGLE: It's the database that she's
15 researching, and she doesn't know what is in the database
16 that she's researching, and I would elicit from her whether
17 or not she knows. I don't know the answer to that. I would
18 assume that she knew that on that.

19 A. I don't look at the individual crimes.

20 THE COURT: She's answered the question. I
21 overrule the objection.

22 BY MS. PRINGLE:

23 Q. In any event, is there a sex offender registry for
24 being gay in South Carolina?

25 A. Not that I know of.

1 Q. You weren't researching any sex offender registries for
2 gay people?

3 A. No. I did look to see if there were any sex offense --
4 you know, offenses against anyone.

5 Q. And there is no allegation in this case of rape or a
6 sex assault --

7 A. No.

8 Q. -- that you were made aware of?

9 A. Because of the -- if I may add, because we can easily
10 search the tattoos, that was my first place to look.

11 MS. PRINGLE: I beg the court's indulgence.

12 (Off the record)

13 (Back on the record)

14 BY MS. PRINGLE:

15 Q. You continued to be involved to a limited extent per
16 your report and doing some research about the family after
17 Mr. Parvin at the time was identified? You did a little bit
18 of research about his family, right?

19 A. Yes.

20 Q. You did remain involved in the investigation?

21 A. Yes.

22 Q. And did you ever interview anyone besides family, or
23 his wife, or identify anyone, his family, or his wife, his
24 peers, that indicated that he's homosexual?

25 A. No, I had no contact with anyone else outside of our

1 office.

2 Q. So you had absolutely no information from anyone that
3 there is anyone out there that says he's homosexual, other
4 than Edgar Lopez?

5 A. I have no idea.

6 MS. PRINGLE: Thank you.

7 THE COURT: Redirect?

8 REDIRECT EXAMINATION BY MS. WALKER:

9 Q. So did you interview any witnesses in this case?

10 A. No.

11 MS. WALKER: No further questions, Your Honor.

12 THE COURT: You may step down.

13 Next witness.

14 MS. CAMPBELL: The State would call Investigator
15 Oates.

16 INVESTIGATOR ROBERT OATES, having been first duly
17 sworn, testified as follows:

18 THE CLERK: Have a seat in the witness box and
19 state your name for the record and spell it, please.

20 THE WITNESS: Robert Oates. R-O-B-E-R-T, Oates,
21 O-A-T-E-S.

22 DIRECT EXAMINATION BY MS. CAMPBELL:

23 Q. Investigator Oates, where are you employed?

24 A. Richland County sheriff's department.

25 Q. What do you do there, sir?

1 A. I'm a senior investigator within the crime scene
2 division.

3 Q. So you have the same duties we have heard about pretty
4 much all day today?

5 A. Yes.

6 Q. As part of your duties can you also be called in to
7 assist investigators and either photograph or collecting
8 evidence?

9 A. Yes.

10 Q. I want to turn your attention to August the 19th of
11 2010. Were you notified by Investigator Gwyn, who is the
12 lead investigator in this case?

13 A. Yes, I was.

14 Q. And what was the purpose of you have being notified
15 that day?

16 A. Taking photographs. The general photographs of the
17 suspect or defendant's tattoos.

18 Q. And those tattoos were important in this case?

19 A. Yes.

20 Q. Did you also photograph basically his entire body to
21 note any kind of injury or anything of that nature?

22 A. Yes.

23 Q. I'm going to show you what's been marked as State's
24 Exhibits No. 176 through 193. Do you recognize those
25 photographs?

1 A. Yes.

2 Q. And are those the photographs that you took on August
3 19th of the defendant?

4 A. Yes, they are.

5 Q. And where did you actually take those photographs?

6 A. The second floor of the Richland County sheriff's
7 department.

8 Q. So he was already in custody?

9 A. Yes.

10 MS. CAMPBELL: Your Honor, at this time I would
11 offer these into evidence.

12 MR. SHEALEY: No objection, Your Honor.

13 THE COURT: Admitted without objection.

14 MS. CAMPBELL: Your Honor, may the witness step
15 down to describe to the jury?

16 THE COURT: Yes.

17 (Witness off the witness stand)

18 THE COURT: Let's all stand for a moment to make
19 this final push for the day.

20 (Off the record)

21 (Back on the record)

22 THE COURT: All right.

23 BY MS. CAMPBELL:

24 Q. The photographs that you took of the defendant that
25 day, I'll show you what's been marked as State's Exhibit No.

1 176, what area of the body does this show on Leslie Todd
2 Parvin?

3 A. The back.

4 Q. And what is depicted on his back in this photograph?

5 A. A female with flowing hair.

6 Also appeared to be a fox at the lower part of his back
7 and some other design.

8 Q. I'm going to show you what's been marked as State's
9 Exhibit No. 177 and 178. Do those show close-ups of just
10 separate parts of the back so you can see those?

11 A. Yes, close-ups, coverage photographs.

12 Q. And the top part of the back is covered with what?

13 A. Covered with the color of the female with the flowing
14 hair.

15 Q. And that's how it appeared that day on August the 19th,
16 is that correct?

17 A. Yes.

18 Q. And, again, 179 is a little further away?

19 A. Yes, more mid-range type of photograph.

20 COURT REPORTER: I'm sorry?

21 THE WITNESS: Mid-range.

22 COURT REPORTER: The last thing you said?

23 THE WITNESS: Photograph. Mid-range photograph.

24 BY MS. CAMPBELL:

25 Q. I'll show you what's been marked as State's Exhibits

1 No. 180 and 181. Does that show which side of his body?

2 A. It would be the right upper arm.

3 Q. And, again, the item that you were trying to
4 memorialize in these photographs is what?

5 A. Is the actual design on the arms.

6 Q. And that would be the tattoos?

7 A. Yes, the tattoos.

8 Q. You have also taken this photograph of the same type
9 body showing his full upper body in State's Exhibit No. 182?

10 A. Yes.

11 Q. Did you notice any type of abrasions, scratches, or any
12 other type of injuries when you took this photograph?

13 A. No, I did not.

14 Q. Moving onto the other arm, State's Exhibits 183 and
15 184, is this how it appeared on August the 19th, in those
16 photos?

17 A. Yes.

18 Q. And what appears to be depicted here?

19 A. It appears to be a dark colored lizard type of an
20 animal.

21 Q. Did you also take a photograph of his -- that side of
22 his upper body memorializing its abrasions or injuries?

23 A. Yes.

24 Q. And does it appear that he has ~~any abrasions or~~
25 injuries to his upper body on that side?

- 1 A. I did not observe any.
- 2 Q. Specifically were you asked to take close-up
- 3 photographs of his earlobes?
- 4 A. Yes.
- 5 Q. I'm going to show you what's been marked as State's
- 6 Exhibits No. 186 and 187. Do those represent the ears as
- 7 they appeared on August the 19th?
- 8 A. Yes.
- 9 Q. And specifically on the earlobe, what were you trying
- 10 to memorialize?
- 11 A. The hole, the bottom part of the earlobe where an
- 12 earring would go.
- 13 Q. And at the time that you made contact with him, at that
- 14 point he didn't have any earrings in his ears, did he?
- 15 A. He did not.
- 16 Q. I'll show you two, 188 and 189. Is that -- are those
- 17 photographs of his face area?
- 18 A. Yes.
- 19 Q. And, again, did you notice any kind of injuries,
- 20 scratches, or any or abrasions to his face area?
- 21 A. I did not.
- 22 Q. Were you also asked to photograph his hands, front
- 23 and back, as memorialized in State's Exhibit No. 190 and
- 24 191?
- 25 A. Yes.

1 Q. And did you note any kind of injuries to those areas?

2 A. I did not.

3 Q. And then, finally, State's Exhibit No. 192 and 193, is
4 that how he appeared when you first made contact with him?

5 A. Yes.

6 Q. And is this his upper body from the front?

7 A. Yes.

8 Q. And are there any injuries that you noticed there?

9 A. I did not observe any.

10 Q. Thank you.

11 MS. CAMPBELL: Your Honor, permission to publish?

12 THE COURT: You may.

13 MS. CAMPBELL: Thank you.

14 BY MS. CAMPBELL:

15 Q. Other than taking photographs at the request of the
16 investigator, did you have any further involvement in this
17 case?

18 A. I did not.

19 Q. Thank you, sir.

20 MR. SHEALEY: If it please the court?

21 THE COURT: Yes, sir.

22 CROSS EXAMINATION BY MR. SHEALEY:

23 Q. You were taking these photos about three weeks after
24 they were --

25 A. My report says on the 19th.

1 Q. Right.

2 And your understanding was that the shooting occurred
3 July 30th?

4 A. It's the case, yes, and the date, yes.

5 Q. And the photographs that she just showed you that the
6 jury now has, one would be a full covered photo on his back
7 of a nude woman with a fox underneath, correct?

8 A. Yes.

9 Q. Okay. And the woman has hair flowing down covering her
10 exposed breasts, right? Is that what you remember taking?

11 A. I remember a woman with full flowing hair. And if you
12 want to get descriptive, I can look at the picture again.

13 MR. SHEALEY: May I? I want the members to all
14 see these, but can I just grab the pictures real quick to
15 show the officer?

16 THE COURT: Sure.

17 MR. SHEALEY: I'll give them back.

18 BY MR. SHEALEY:

19 Q. This is what I'm talking about, flowing hair over
20 exposed breasts?

21 A. Those breasts do not appear exposed to me, but if you
22 say they are.

23 Q. Okay. This kind of looks like the woman on the front
24 row, doesn't it?

25 A. Not to me.

- 1 Q. Todd's wife?
- 2 A. Not to me.
- 3 Q. Maybe a few years back?
- 4 A. I take pictures, sir.
- 5 Q. Now, you also took this picture that you just talked to
- 6 Ms. Campbell about, correct?
- 7 A. Yes, I did.
- 8 Q. And that would be a centaur holding a blazing sword
- 9 with a shield, correct?
- 10 A. If you term it that way, yes, sir.
- 11 Q. And there is Latin writing on the shield?
- 12 A. If you say so, yes.
- 13 Q. It's not in English and you can't make it out, right?
- 14 A. Yes.
- 15 Q. You don't speak Latin, do you?
- 16 A. I do not.
- 17 Q. Okay.
- 18 A. I didn't pay attention to it.
- 19 Q. And then finally you took this one as well?
- 20 A. Yes.
- 21 Q. That gecko or lizard, as you said?
- 22 A. Lizard animal, yes, it appears.
- 23 Q. And it says "don't tread" on it, right?
- 24 A. Yes.
- 25 Q. Okay.

1 MR. SHEALEY: Nothing further.

2 THE COURT: Any redirect?

3 MS. CAMPBELL: No, Your Honor.

4 THE COURT: All right. You may step down, sir.

5 Now, ladies and gentlemen, with regard to all
6 exhibits, they will be in the jury room with you when you
7 deliberate. You will have an opportunity to view all
8 exhibits in this case.

9 We are going to quit for the day. Thank you very
10 much for your patience and hard work. We will start back at
11 9:30 tomorrow morning. Please leave all the exhibits in the
12 courtroom.

13 Please remember you are not to discuss the case
14 with anyone or read any news accounts, and we will see you
15 tomorrow. 9:30.

16 (The following takes place outside the presence of
17 the jury panel)

18 THE COURT: Is there anything else before we break
19 camp for the day?

20 MS. CAMPBELL: No, Your Honor.

21 The only thing I would ask permission is in the
22 morning, so that I won't be quite as discombobulated as
23 today, if I could just pull the swabs that the ballistics
24 that I'm going to use in the morning so that -- just to set
25 them up here, so it would be organized, so that I won't be

1 thumbing through all the evidence?

2 THE COURT: Any objection to that?

3 MS. DAVIS: No, sir.

4 THE COURT: No objection.

5 All right. We'll see y'all in the morning.

6 MS. SIMPSON: Thank you, Your Honor.

7 MS. PRINGLE: Thank you, Your Honor.

8 (Whereupon, proceedings were adjourned to December
9 15, 2011)

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF RICHLAND) IN THE COURT OF GENERAL SESSIONS

3
4 THE STATE)
5 -vs-) TRANSCRIPT OF RECORD
6) 2011-GS-40-0897
7) 2011-GS-40-0898
8) DECEMBER 15, 2011
9) COLUMBIA, SOUTH CAROLINA

10 (VOLUME IV)

11 B E F O R E:

12 THE HONORABLE CLIFTON NEWMAN, JUDGE. ; And a Jury.

13
14
15 A P P E A R A N C E S:

16 KATHRYN LUCK CAMPBELL, ASSISTANT SOLICITOR
17 NICOLE M. SIMPSON, ASSISTANT SOLICITOR
18 MEGHAN WALKER, ASSISTANT SOLICITOR
19 ATTORNEYS FOR THE STATE

20 FIELDING PRINGLE, ASSISTANT PUBLIC DEFENDER
21 LUKE SHEALEY, ASSISTANT PUBLIC DEFENDER
22 JENNIFER DAVIS, ASSISTANT PUBLIC DEFENDER
23 ATTORNEYS FOR THE DEFENDANT

24 MICHAEL R. WATTS
25 CIRCUIT COURT REPORTER

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1 (PROCEEDINGS, DECEMBER 15, 2011)

2 THE COURT: Any matters before the jury comes in?

3 MS. CAMPBELL: Nothing, Your Honor.

4 MS. DAVIS: No, sir.

5 THE COURT: Who is the first State's witness?

6 MS. WALKER: Lieutenant Ben Moore.

7 THE COURT: All right. Well, we are ready for the
8 jury when they are ready.

9 (The following takes place in the presence of the
10 jury panel)

11 THE BAILIFF: Your Honor, the jury is present.

12 THE COURT: All right. Good morning.

13 JURY PANEL: Good morning.

14 THE COURT: Welcome to day number four.

15 The State's case. Next witness, please.

16 MS. WALKER: The State calls Lieutenant Ben Moore.

17 LIEUTENANT BEN MOORE, having been first duly
18 sworn, testified as follows:

19 THE CLERK: Have a seat in the witness box and
20 state your name for the record and spell it, please.

21 THE WITNESS: Ben Moore, B-E-N, M-O-O-R-E.

22 DIRECT EXAMINATION BY MS. WALKER:

23 Q. Sir, where do you live?

24 A. In Columbia, South Carolina.

25 Q. And are you currently employed?

1 A. Yes, ma'am.

2 Q. Where do you work?

3 A. At the South Carolina Law Enforcement Division, SLED.

4 Q. And how long have you worked there?

5 A. 23 and a half years.

6 Q. What do you do over at SLED?

7 A. I am the lieutenant in charge of the regulatory unit.

8 COURT REPORTER: I'm sorry, in charge of the what?

9 THE WITNESS: Regulatory unit.

10 BY MS. WALKER:

11 Q. And what does the regulatory unit do?

12 A. We issue concealed weapons permits, security guard
13 registrations, private detective licenses, and retail pistol
14 data licenses.

15 Q. And does Leslie Todd Parvin have a concealed weapons
16 permit in South Carolina?

17 A. He does not.

18 Q. What about a -- is he registered security guard?

19 A. No, he is not.

20 Q. What about a private investigator?

21 A. No, ma'am, he is not.

22 Q. Thank you, sir.

23 (Off the record)

24 (Back on the record)

25 BY MS. WALKER:

1 Q. Has he ever had any of those?

2 A. No, he has never had one.

3 MS. WALKER: The State has no further questions.

4 THE COURT: Any by the defense?

5 MS. DAVIS: No questions, Your Honor.

6 THE COURT: Thank you, sir.

7 MS. WALKER: The State calls Christine Barrickman.

8 OFFICER CHRISTINE BARRICKMAN, having been first
9 duly sworn, testified as follows:

10 THE CLERK: Have a seat in the witness box and
11 state your name for the record, please, and spell your last
12 name.

13 COURT REPORTER: Your first name too.

14 THE WITNESS: Christine Barrickman,
15 C-H-R-I-S-T-I-N-E, B-A-R-R-I-C-K-M-A-N.

16 DIRECT EXAMINATION BY MS. WALKER:

17 Q. Good morning.

18 A. Good morning.

19 Q. Where do you work?

20 A. Richland County sheriff's department.

21 Q. And what do you do over at the sheriff's department?

22 A. I work in the DNA laboratory.

23 Q. What is your role in the DNA lab?

24 A. To assist the analyst with case work.

25 Q. And how do you do that?

1 A. I would pick up evidence from the evidence room, bring
2 it upstairs, inventory it, do the paperwork and prep it and
3 turn it over to the analyst.

4 Q. I want to show you a series of items that have been
5 marked.

6 This is State's Exhibit 201. Do you recognize that?

7 A. Yes, I do.

8 Q. And did you receive this from the evidence?

9 A. I did.

10 Q. And what did you do with it?

11 A. I opened it, inventoried it, and prepped it, which
12 means I take the swab out, cut a piece of it off and put it
13 in a tube.

14 Q. It was properly sealed and packaged when you got it?

15 A. Yes.

16 Q. What about State's No. 202, do you recognize that?

17 A. Yes, I do.

18 Q. And you received this from the evidence department as
19 well?

20 A. I did.

21 Q. And you followed the same process in terms of prepping
22 it?

23 A. Yes.

24 Q. And it was properly sealed and packaged when you
25 received it?

- 1 A. Yes, it was.
- 2 Q. State's 203?
- 3 A. Yes.
- 4 Q. And did you receive this from the evidence department?
- 5 A. I did.
- 6 Q. And was it properly sealed and packaged?
- 7 A. It was.
- 8 Q. I show you State's 204.
- 9 A. Yes.
- 10 Q. Did you receive that from the evidence department?
- 11 A. I did.
- 12 Q. Was it properly sealed and packaged?
- 13 A. Yes, it was.
- 14 Q. And did you follow the same procedure in terms of
- 15 prepping this?
- 16 A. I did.
- 17 Q. State's 197, did you receive that from the evidence
- 18 department?
- 19 A. Yes, I did.
- 20 Q. And was it properly sealed and packaged when you
- 21 received it?
- 22 A. Yes, it was.
- 23 Q. And you prepped this as well?
- 24 A. Yes.
- 25 Q. State's 138, a series of swabs. Did you receive these

- 1 from the evidence department?
- 2 A. Yes, I did.
- 3 Q. And were they properly sealed and packaged when you
- 4 received them?
- 5 A. Yes, they were.
- 6 Q. And did you prep these as well?
- 7 A. Yes, I did.
- 8 Q. State's 141, buccal swab from Leslie Parvin, did you
- 9 receive that from the evidence department?
- 10 A. Yes, I did.
- 11 Q. Was it properly sealed and packaged?
- 12 A. Yes, it was.
- 13 Q. And you prepped this as well?
- 14 A. Yes.
- 15 Q. State's 132, a series of swabs?
- 16 A. Yes.
- 17 Q. And you received these from the evidence department?
- 18 A. I did.
- 19 Q. Properly sealed and packaged?
- 20 A. Yes.
- 21 Q. And prepped by you?
- 22 A. Yes.
- 23 Q. And State's 134, you received those from evidence
- 24 department?
- 25 A. I did.

1 Q. Properly sealed and packaged?

2 A. Yes.

3 Q. Prepped by you?

4 A. Yes.

5 Q. State's 126, which are buccal swabs from the victims in
6 this case, Edgar Lopez and Pablo Guzman-Gutierrez. Did you
7 receive those from the evidence department?

8 A. Yes, I did.

9 Q. Were they properly sealed and packaged?

10 A. Yes, they were.

11 Q. And did you prep those as well?

12 A. I did.

13 MS. WALKER: Your Honor, at this time the State
14 would introduce State's 126, 134, 132, 141, 138, as well as
15 197, 204, 203, 202, and 201 into evidence.

16 COURT REPORTER: 141 is already in evidence.

17 MS. WALKER: Okay. Thank you.

18 MS. PRINGLE: No objection.

19 THE COURT: They are admitted without objection.

20 BY MS. WALKER:

21 Q. Once you get these and prep them for the analyst, is
22 there anything else that you do with these items?

23 A. No, I cut them, inventory them and do the paperwork and
24 then I turn the evidence over to the analyst.

25 Q. Thank you.

1 MS. WALKER: I have nothing further.

2 THE COURT: By the defense?

3 MS. WALKER: No questions.

4 THE COURT: All right. Thank you, ma'am. You may
5 step down.

6 MS. CAMPBELL: The State calls John Barron.

7 OFFICER JOHN BARRON, having been first duly sworn,
8 testified as follows:

9 THE CLERK: Have a seat in the witness box and
10 state your name for the record and spell your name, please.

11 THE WITNESS: My name is John Barron, B-A-R-R-O-N.

12 DIRECT EXAMINATION BY MS. CAMPBELL:

13 Q. Sir, where are you employed?

14 A. Richland County sheriff's department.

15 Q. And what do you do there?

16 A. I'm a DNA analyst.

17 Q. As a DNA analyst, what do your duties include?

18 A. The main duty is to analyze evidence that is brought in
19 by our investigators, our crime scene people, to determine
20 if DNA is present and to develop a DNA profile, if possible,
21 and to compare it to known samples that are submitted.

22 Q. And typically in getting known samples from
23 individuals, is that collected in what's called a buccal
24 swab?

25 A. Yes, a buccal swab is a swab from inside your mouth.

1 The cells, the cheek cells, are called in the scientific
2 term buccal, so that's why it's called a buccal swab.

3 Q. And in doing your analysis, basically you will take a
4 known sample from someone, much the same way as a
5 fingerprint, and then compare it to unknown samples say from
6 a crime scene or from evidence from a crime scene?

7 A. That's correct.

8 Q. Can you tell this jury a little bit about your
9 education and your training in the field of DNA?

10 A. Yes. I have a Bachelor of Science Degree in
11 Microbiology from Clemson University.

12 I have been employed with forensics sciences as a
13 forensic scientist at SLED for a number of years.

14 In 1999, I transferred to the DNA laboratory. From
15 there I was in training for a year under the supervision of
16 qualified DNA analysts, and obtained a full competency as a
17 DNA analyst by taking competency examination.

18 For the next five years, or four or five years, I
19 performed DNA analysis at SLED for the State of South
20 Carolina.

21 In 2004, myself and another analyst from SLED
22 transferred or came to Richland County sheriff's department
23 and set up their DNA laboratory. From there until the
24 present time I have been doing DNA analysis and testifying
25 in courts as to the results.

1 Q. So it's you and at least -- I believe there is two or
2 three other DNA analysts now in Richland County?

3 A. Yes. At the present time there are three analysts and
4 two technicians.

5 Q. And Ms. Barrickman, who just testified, she's one of
6 the technicians that aid you in your analysis?

7 A. That's correct.

8 Q. Is your laboratory or the entire forensic laboratory at
9 Richland County accredited by anyone?

10 A. Yes, it is. We are a fully accredited laboratory by
11 the American Society of Crime Laboratory Directors. We are
12 audited once a year to make sure we are in complete
13 compliance with all the DNA laboratory regulations that are
14 upheld by all qualified DNA laboratories in the United
15 States.

16 Q. And is your work reviewed by other DNA analysts before
17 you submit a report?

18 A. Yes, part of our quality control is that no report is
19 released without the review of another qualified DNA analyst
20 to see if the results are agreed upon. If there is a
21 discrepancy, which is rare, then we bring in the full
22 personnel and discuss it and make sure that we are totally
23 in agreement to the results.

24 Q. And is there actual testing that you have to undergo on
25 a regular basis in order to ensure the quality of your work?

1 A. Yes, as part of the quality control measures of our
2 laboratory is proficiency testing, which is twice a year.
3 You must complete the proficiency test successfully. And in
4 doing so ever since I have taken the proficiency test I have
5 always completed it successfully.

6 Q. And in addition to that, are there certain protocols in
7 order to be accredited that you must follow to ensure the
8 integrity and the quality of your results?

9 A. Yes, there are. As I mentioned, the American Society
10 of Crime Laboratory Directors and the DNA -- all DNA
11 laboratories are also overseen by the FBI, that have minimum
12 standards that have to be met. The American Society of
13 Crime Laboratory Directors has even beyond that quality
14 controls measures that we meet. And, like I say, we are
15 audited at least one a year, and we comply with all the
16 regulations and the quality control procedures that are
17 established.

18 Q. Have you testified before as an expert in DNA analysis?

19 A. Yes, I have.

20 Q. Approximately how many times have you been qualified as
21 an expert in court?

22 A. Over forty times now.

23 MS. CAMPBELL: Your Honor, at this time I would
24 offer him as an expert in DNA analysis.

25 MS. PRINGLE: No objection.

1 THE COURT: He's so qualified.

2 BY MS. CAMPBELL:

3 Q. In this case over a period of time did you receive a
4 number of samples to be tested?

5 A. Yes.

6 Q. And did you receive multiple what's called buccal swabs
7 or known standards from various people against whom you were
8 to compare the evidence from the crime scene or from the
9 evidence from the crime scene?

10 A. Yes, I was.

11 Q. And in this case we have just gone through it, but
12 basically the evidence you received was prepared by Ms.
13 Barrickman and then you actually did the testing?

14 A. Correct.

15 Q. Did you prepare a report about the results of your
16 testing in this case?

17 A. Yes, I did.

18 Q. I want to show you what's been marked as State's
19 Exhibits 205, 206 and 207. Is this the summary of your
20 findings in this case?

21 A. Yes, that is a summary that was prepared in working
22 with the solicitor's office that summarizes the results in
23 this case.

24 Q. And this accurately reflects your findings in this
25 case?

1 A. Yes. I have reviewed that prior to court and deemed it
2 to be accurate, yes.

3 MS. CAMPBELL: Your Honor, at this time I would
4 offer 205, 206 and 207 into evidence.

5 THE COURT: What says the defense?

6 MS. PRINGLE: We haven't seen it, but I would
7 object to anything that is offered in any other fashion
8 other than --

9 COURT REPORTER: Ma'am, what? I'm sorry?

10 MS. PRINGLE: For ID only.

11 MS. CAMPBELL: They have been provided this, Your
12 Honor.

13 MS. PRINGLE: Objection to that being in evidence,
14 Your Honor. This simply is a report and would be hearsay.

15 MS. CAMPBELL: May I follow up with one more
16 question?

17 THE COURT: Yes.

18 MS. CAMPBELL: Thank you, sir.

19 BY MS. CAMPBELL:

20 Q. Would that aid your explanation of your findings in
21 explaining it to the jury?

22 A. I think it would, because of the number of items
23 involved.

24 THE COURT: It's admitted at this time for
25 identification purposes and can be used for demonstrative

1 purposes.

2 MS. CAMPBELL: Thank you, Your Honor.

3 BY MS. CAMPBELL:

4 Q. Let me ask you this, sir. How is -- a DNA analysis,
5 how do you all conduct the test and do the comparison?

6 Could you please explain that to the jury?

7 A. Yes, it's a fairly routine laboratory procedure. After
8 our technician cuts the sample out and puts it into a tube,
9 we apply the proper reagents to extract the DNA from the
10 sample. Once that is done, the DNA is purified through a
11 robotic procedure. Then the amount of DNA is determined.
12 And if there is no DNA, then we stop our work at that point.
13 If there is sufficient DNA, then we proceed to copy certain
14 portions of the DNA molecule. These portions, being the
15 molecule, are for identification purposes only. They have
16 no other function other than that. They were discovered as
17 sciences unraveled the DNA code, if you will, of the DNA
18 molecule.

19 These markers, if you will, DNA markers, are copied to
20 the point where we can identify them. We have an instrument
21 that separates the different fragments that are copied, and
22 then a software program basically maps out a profile of the
23 person. And this profile would be unique to an individual,
24 if it is a complete profile.

25 Q. And in analyzing or processing crime scenes and

1 evidence from crime scenes, typically how is DNA left say at
2 a crime scene; body fluids versus touch DNA and that kind of
3 thing?

4 A. Yes, any body fluids, such as blood, saliva, semen in
5 the case of sexual assault cases, contain loads of DNA.

6 DNA is found in all nucleated cells in the body. So
7 there are plenty of white blood cells that have DNA in your
8 blood, so it takes a very, very, very small amount of blood
9 to have enough DNA to identify, as well as saliva.

10 So any -- there is lots of cells from the inside of
11 your mouth. Obviously the buccal swab comes from your
12 mouth. So there is so many cells in there that generally
13 speaking we get a DNA profile on something that you would
14 put your mouth on. So like a drinking can, or a bottle, or
15 a piece of food that you would eat. We found DNA on
16 partially eaten pizzas and things like that. Or a
17 cigarette. You smoke a cigarette, you put your mouth on the
18 cigarette. So anything that you put your mouth on generally
19 speaking will leave enough DNA to identify, but not always.
20 Anything that's left out in the elements can have
21 detrimental effect to it.

22 Now, touch DNA is commonly referred to as skin cell
23 DNA. So things that you touch, there may be enough skin
24 cells that are left behind. Typically skin cells are left,
25 like the shirts or blouses that you folks are wearing. If

1 you were to remove that and to scrape it down and swab it
2 for DNA, there would be enough cells there to identify that
3 that was the shirt or blouse that you were wearing, or say a
4 hat that you wore.

5 The testing is becoming more and more sensitive now, so
6 actually the items that you touch and handle may even leave
7 enough skin cells for a possible positive DNA
8 identification. But that skin cell DNA is something that is
9 more of a hit and miss, because we can't see the skin cells.
10 We don't have a procedure for actually counting the skin
11 cells, or anything like that, so basically items like that
12 are swabbed or collected, in the case of a hat or shirt, and
13 processed to see whether or not there is DNA present. If
14 there is enough skin cells, we get a profile. If there is
15 not, it just comes back negative.

16 Q. Traditionally the best way to get a DNA result is from
17 body fluids, but now the test is more sensitive and can
18 sometimes pick up the skin cells? Is that what you are
19 saying?

20 A. Exactly. Body fluid stains. Like a blood stain. I
21 mean, the size of the point of a pin is sufficient, so you
22 can see it doesn't take a whole lot.

23 Skin cells, it just takes a few cells, but we don't
24 know until we actually test it whether or not there is
25 anything there or not.

1 Q. And you also mentioned that the way you actually get
2 your known standard is from saliva?

3 A. Right, the swab is taken from the inside of your mouth,
4 like I said. Generally speaking we only touch just a very,
5 very minute piece of that swab and there is sufficient DNA.

6 Q. And when testing DNA, as far as the time period of how
7 long it's been there, can you tell from your testing how
8 long DNA may or may not have been there?

9 A. DNA is a very stable molecule. It will stay for a
10 long, long time. You perhaps have heard news stories about
11 finding DNA from, you know, Egyptian mummies and things like
12 that, so it's very stable. However, that doesn't mean that
13 it cannot be destroyed. Under certain conditions, heat and
14 moisture and bacteria in action can consume any biological
15 material, including DNA. But generally speaking it is
16 pretty stable.

17 Q. So in this case you were submitted different items at
18 different times in the amount that you after this crime was
19 committed. And as long as it was stored properly, it
20 wouldn't affect your results in any way?

21 A. That's correct.

22 Q. And it couldn't even if it were --

23 MS. PRINGLE: Objection, leading.

24 THE COURT: Don't lead the witness.

25 BY MS. CAMPBELL:

1 Q. Would any -- even exposed to weather, could that change
2 it to make it look like anyone else?

3 A. No, that's the one thing that we need to make clear is
4 that even though DNA can degrade, it won't mutate into
5 somebody else's DNA. It would just simply degrade your DNA
6 to where it's not identifiable.

7 Q. In this case you received multiple swabs from people
8 that were either involved in the case or possible suspects
9 at one point?

10 A. That's correct, I received several buccal swabs from
11 individuals that could have some associated with this case
12 and, therefore, that is typically what investigators do is
13 we collect samples from anybody that could be involved.

14 Q. And, again, prior to doing your testing, and in this
15 case specifically, was everything properly submitted and
16 properly packaged before you did your testing?

17 A. Yes, our evidence technicians, such as Christine
18 Barrickman, are trained to recognize any packaging that's
19 improper, and, therefore, we would not analyze that sample.

20 Q. And in this case you also, I believe, received a buccal
21 swab from the victims in the case?

22 A. Correct.

23 Q. They were collected at autopsy?

24 A. Correct.

25 Q. And is that a proper way to collect main samples from

1 the victim at autopsy?

2 A. Yes, it is.

3 Q. As well as the defendant in this case, Leslie Parvin?

4 A. Yes, I received a buccal swab from Mr. Parvin as well.

5 MS. CAMPBELL: Your Honor, may the witness step
6 down?

7 THE COURT: Yes.

8 COURT REPORTER: Please keep your voice up. Thank
9 you.

10 (Witness off the witness stand)

11 BY MS. CAMPBELL:

12 Q. I show you what's been marked as State's Exhibit No.
13 205.

14 And if you will come on this side so the court reporter
15 can hear you and I'll get out of the way.

16 Basically in doing your testing --

17 Let me back up for a second.

18 Here on the last page, from 84 through 95, does that
19 list a number of known samples or buccal swabs that were
20 submitted to you?

21 A. Yes, it does, and it has the name of each person that I
22 tested.

23 Q. And here in the three columns we have here, the first
24 column is what?

25 A. Item submitted.

- 1 Q. And then second column indicates?
- 2 A. It indicates whether DNA was extracted or whether --
- 3 Q. And then the result?
- 4 A. And the result would be out here.
- 5 Q. And as far as the results on the buccal swabs
- 6 themselves, those were at least compared to the actual
- 7 donors?
- 8 A. Right.
- 9 Q. Okay. Taking the samples that were submitted to you,
- 10 first was item number, I believe, 17, is that correct?
- 11 A. Yes.
- 12 Q. And what was that item that was submitted, the swab,
- 13 where did it come from?
- 14 A. The swab from a projectile from the wall cavity in the
- 15 shed.
- 16 Q. And in this case we will refer to a number of swabs
- 17 that were collected from the evidence or at the scene. Is
- 18 that a proper way to collect DNA evidence?
- 19 A. Swab it?
- 20 Q. Yes.
- 21 A. Yes, it is.
- 22 Q. In the same way that you swab the inside to get the
- 23 known standard?
- 24 A. Correct.
- 25 Q. Okay. Let's move on.

1 As far as the swab from the projectile from the wall of
2 the shed, did you do any analysis on that item?

3 A. I did not.

4 Q. And do you confer with the investigators in a case in
5 determining what should be tested?

6 A. I do.

7 Q. And that was done in this case?

8 A. That was.

9 Q. Item number 18, the swab from the gate, were you able
10 to extract DNA from that swab from the gate?

11 A. I was.

12 Q. And what was the result when you extracted DNA?

13 A. First of all, let me explain that when we collect --
14 when DNA is collected from items that are touched, like
15 swabbing a gate, there is no blood or anything on the gate,
16 we swab for touch DNA to see who possibly could have put
17 their hands on that gate, it is not uncommon to get a
18 mixture, and mixture meaning multiple sources for DNA. So
19 in this case I did get a mixture of DNA, and I determined
20 that Leslie Parvin would be included in that mixture.

21 And in determining -- in the analysis of this mixture
22 and in the part of our work as being an analyst, you develop
23 statistics that adds weight to the result. So the more
24 rarer the DNA profile, the stronger the case, and we apply
25 statistical value to that. So you will hear me testify to a

1 number of varied statistical values.

2 One way to apply a statistical value to a mixture is to
3 determine how much of the population would be excluded from
4 that mixture, thereby giving some inference to the fact that
5 by being included, that would add weight to the results of
6 that test.

7 All right. So in this case Leslie Parvin would be
8 included in this mixture. And I would exclude, since he is
9 a Caucasian individual, I used Caucasian statistics, 99.9
10 percent of the Caucasian population. So if we were to take
11 randomly samples from Caucasian individuals, I would exclude
12 statistically speaking 99.8 percent of them. In this case
13 Mr. Parvin could not be excluded, because he is not part of
14 the 99.8 percent. - He is part of the .2 percent of the
15 population that would be included.

16 Q. And in doing your DNA analysis, do you -- just analyze
17 the evidence itself, it can be exculpatory or inculpatory?

18 A. Correct.

19 Q. Because you don't really participate in that analysis?
20 You just test the actual evidence?

21 A. I test the evidence to determine the presence of DNA
22 and determine if a profile is present and I apply a
23 statistical value to that and apply it to that.

24 Q. And in this case the mixture on at least part of it
25 matched Leslie Parvin and you can exclude 99.8 percent of

1 the population?

2 A. Correct.

3 Q. The Caucasian population?

4 A. The DNA that was developed from known sample from
5 Leslie Parvin was included in that mixture. In other words,
6 I could say that, yes, he is part of that mixture to this
7 degree of certainty.

8 Q. Okay. And the next item is item number 19 is a swab of
9 a broken chair?

10 A. Correct.

11 Q. And did you also -- and in each of these cases the
12 buccal swabs that we referred to that were listed on the
13 last page, did you compare it to all of those, as far as
14 including or excluding?

15 A. Yes.

16 Q. And that's going to be a running theme through each of
17 these?

18 A. That's true. So if they are not mentioned, that means
19 that they were not part of that DNA that was identified.

20 Q. Okay. And what was the result when you did the swab
21 from the broken chair?

22 A. The broken chair also contained a mixture that would
23 include Guzman-Gutierrez. Did I pronounce that correctly?

24 Q. Okay. And it included him?

25 A. It did, and it would have excluded everyone else.

1 Q. So he would have -- his DNA was there?

2 A. Correct.

3 Q. And some of these have statistics, we just put them in
4 randomly, and some of them doesn't, the matches or match
5 every time, statistically?

6 A. Correct. I mean, I could give you statistical values
7 to that. We didn't include it in the chart.

8 Q. What's his statistical value?

9 A. The value of this statistical result is -- this is item
10 19?

11 Q. Yes, sir.

12 A. Again, based on the databases that we -- the test that
13 we use, we use Caucasian, we use African American, we use a
14 Hispanic database.

15 Another way of expressing a mixture statistic is what
16 we call a likelihood ratio. In other words, we take the
17 possible scenarios and say which one is more likely. And in
18 this case I thought it best to use a likelihood ratio, and
19 I -- the results are that it's 30,000 times more likely that
20 this is a mixture of Guzman-Gutierrez and another unknown
21 unrelated individual, as opposed to the scenario that it's a
22 mixture of two unknown individuals.

23 So taking the likelihood that it's him and an unknown
24 person, because he's the victim of those two people, versus
25 two unknown people, so it's 30,000 times more likely to be

1 that scenario than two unknown people.

2 Q. And in this case in the mixture was DNA that matched
3 Guzman-Gutierrez?

4 A. Correct.

5 Q. Thank you.

6 Item number 27, which is -- actually 27 through 30,
7 which is the projectile and cartridge casings?

8 A. 20 through 26. They were fired cartridge casings
9 present that contained a mixture of DNA. Sometimes mixtures
10 are so complex, so much -- so many people involved that it
11 would be not scientifically accurate to try to insert a
12 ratio.

13 COURT REPORTER: I'm sorry, to try to what?

14 THE WITNESS: To try to insert a ratio.

15 BY MS. CAMPBELL:

16 Q. So it's simply too -- how would you explain that?

17 A. We make a statement it's too complex to reliably infer;
18 in other words, there is multiple sources of DNA present.
19 No telling where they came from. It's just a little DNA
20 fragment from all kind of sources and we can't interpret.

21 One way that you will hear or see or be in a report is
22 that the mixture is too complex. Other times it's too weak
23 to be reliable. So we know it's a mixture. Sometimes it's
24 too complex and sometimes it's too weak. But whenever we
25 can, we use the mixture that can be interpreted, we would

1 apply a statistical value to either group. The probability
2 of exclusion, which I did there, or the likelihood ratio,
3 which I testified on item 19.

4 Q. And that was actually a swab that was taken from all
5 those items grouped together, is that correct?

6 A. Correct.

7 Q. Item number 27 through 30 were swabs from the
8 projectiles and those were not tested in this case?

9 A. They were not tested, no.

10 Q. And typically those are not tested?

11 MS. PRINGLE: Object to the leading of the
12 question.

13 A. They were -- they were swabbed by the crime scene
14 folks, but typically a projectile that goes through a victim
15 is going to have the victim's DNA on it. So it's more
16 appropriate then to focus our investigation, our DNA
17 investigation, on those items that would be more appropriate
18 for us to relate to the crime scene as to who was there, who
19 wasn't there, that type of thing.

20 Q. Because it's not as key as the victims, right?

21 MS. PRINGLE: Object to the leading.

22 THE COURT: Don't lead the witness.

23 MS. CAMPBELL: Thank you, Your Honor.

24 BY MS. CAMPBELL:

25 Q. Moving down to item number 32, the swab from the Modelo

1 can, marker AM, did you do an analysis on that?

2 A. Yes, there were a number of beer cans present, Modelo
3 beer cans and Budweiser beer cans.

4 This item number 32 was a swab from one of the Modelo
5 beer cans and the marker AM is the marker that the crime
6 scene folks marked the location of the beer can to reflect.

7 In this case the DNA was what we call a single-source
8 DNA. In other words, there is only one person's DNA
9 present, and that DNA matched Guzman-Gutierrez. And the
10 statistical value of that is 1 in 4.9 quadrillion. In other
11 words, that's how rare that DNA profile is. You would not
12 expect to see it, but by taking one person out of 4.9
13 quadrillion people, you would come up with that DNA. That
14 is so extremely rare that statistically speaking with
15 scientific certainty we can say that DNA belongs to Mr.
16 Guzman-Gutierrez.

17 Q. And that, again, was a swab from a Modelo can, right?

18 A. Correct.

19 Q. And you are familiar with the term full profile or
20 partial profile?

21 A. Yes, I am.

22 Q. And in this case is that a full profile?

23 A. That is a full profile, yes.

24 Full profile means that every single marker that we
25 tried to copy was identifiable.

1 Q. And typically where cans or drinks where saliva is
2 involved, it may be a partial, but in this case it was a
3 full?

4 A. Correct.

5 Q. I want to move on to the next item, which is item
6 number 33, a swab from a Modelo can, marker AN. Again, who
7 does that match?

8 A. It matched Guzman-Gutierrez and it would have the same
9 statistical value.

10 Q. And moving on to the next swab from the Budweiser can,
11 at marker AO?

12 A. Yes. Again the DNA matched Guzman-Gutierrez, a full
13 profile, same statistical values.

14 Q. 35?

15 A. 35 is a swab from the Budweiser 12 ounce can.

16 Q. And that was also at marker AO?

17 A. Marker AO.

18 Q. Uh-huh.

19 A. All right. Here we have a mixture where the major
20 contributor matches Guzman-Gutierrez, and there is someone
21 else there, but it's so weak that I cannot make a
22 determination as to who it could be associated with, but I
23 know there's something else there. But the major
24 contributor is Guzman-Gutierrez again.

25 Q. Okay. And in these cases we have talked about touch

1 DNA versus body fluid leaving DNA at the scene. Can you
2 sometimes get a mixture of different types of cells or does
3 that affect your results, they can mix together?

4 A. Oh, yes, obviously. You can have someone touching the
5 can and also putting their mouth on it and you get DNA from
6 the person putting their mouth on it, as well as the person
7 holding the can, which may or may not be -- it's surely be
8 the same person at one point in time, but someone else could
9 have handled the can as well.

10 Q. And this item I believe you said the major contributor
11 was whom?

12 A. Guzman-Gutierrez again.

13 Q. So his DNA was present?

14 A. Correct.

15 Q. Moving on to item number 36, which was a swab from
16 another Modelo can, marker AE.

17 A. Yes, this Modelo beer can has a full profile of DNA on
18 it that matched Mr. Lopez.

19 Q. And, again, that was a known standard that was
20 submitted to you?

21 A. It was.

22 Q. And were you able to do any statistical analysis as to
23 whether or not this is a rare match?

24 A. Right. That DNA profile, the frequency of it showing
25 up in the Hispanic population would be 1 in 500 trillion.

1 Again, that is so rare that it can be attributable to a
2 single person.

3 Q. And that would be Mr. Lopez's DNA --

4 A. That's correct.

5 Q. -- standard.

6 And you mentioned quadrillion and then there is 500
7 trillion. Is quadrillion a rarer number than a trillion?

8 A. It is.

9 Q. Moving on to item number 37, which is listed as State's
10 Exhibit 206. Is that another swab from one of the beer
11 cans?

12 A. Yes, it's a swab from the Modelo beer can, marker AR.

13 Q. And were you able to extract DNA from that?

14 A. I was, and this DNA was a single source DNA profile
15 that matched Mr. Parvin.

16 Q. And, again, was that a full profile or a partial
17 profile?

18 A. Again we have a full profile. The statistical value,
19 the rarity, the frequency of this DNA profile was 1 in 40.5
20 quadrillion. Again, extremely rare. Therefore, scientific
21 certainty says that it is indeed Mr. Parvin's DNA on that
22 beer can.

23 Q. And you said 40.5?

24 A. Correct.

25 Q. And how many zeros would that be?

1 A. That would be another two zeros -- let's see. It would
2 be 40 and then 500 -- 40 times 500, comma, and then one,
3 two, three -- four more sets of three zeros.

4 That is the written out form of the number 40.5
5 quadrillion.

6 Q. And approximately how many people are on the entire
7 earth?

8 A. Their recent statistics say there's seven billion
9 people on the earth, approximately.

10 Q. And this seven billion is a much smaller number than
11 this?

12 A. Yes.

13 Q. The next item, item number 38, were you able to get a
14 DNA profile from that, marker A0?

15 A. Yes, that is a Budweiser 24 ounce can at marker A0.
16 That DNA matched Guzman-Gutierrez again.

17 Q. Item number 39 --

18 And item number 37 was at what marker?

19 A. 37, marker AR.

20 Q. And item number 39 is at what marker?

21 A. Item number 39 is a Budweiser 24 ounce can, marker A0.

22 Q. And what was the results there?

23 A. Again we have DNA matching Mr. Parvin.

24 Q. And is that a full profile?

25 A. Yes.

1 Q. And statistically, would the statistics be the same as
2 what you found in item 37?

3 A. Correct.

4 Q. And that was a single profile I believe you said?

5 A. Yes, that's a single profile from the Budweiser.

6 Q. Item number 40, which was a swab from the Modelo can at
7 marker AU, what were your results there?

8 A. All right. This one had a mixture of three people --
9 at least three people. The major contributors
10 Guzman-Gutierrez and Parvin. And the statistical analysis
11 on the mixture, again using likelihood ratio, in other
12 words, how likely is it to be Guzman-Gutierrez and Parvin
13 versus Guzman-Gutierrez and another unknown person. We know
14 Mr. Gutierrez was at the crime scene, because his body was
15 there, but the question is, is the defendant's DNA present.
16 So the defense argument would be that it -- maybe that it's
17 Guzman and another unknown person. Of course, the
18 prosecution argument would be that it's Guzman and Parvin.
19 So my statistical analysis shows that it's 19 billion times
20 more likely to be Guzman and Parvin versus Guzman and
21 another unknown person.

22 So it is much more likely, 19 billion times more
23 likely, statistically speaking, that that is indeed the DNA
24 of Guzman and Parvin versus Guzman and someone else.

25 Q. And in this case you said that you got a mixture of at

1 least three people present, right?

2 A. Correct. There is a minor contributor that cannot make

3 any determination.

4 Q. Okay. But Guzman-Gutierrez' DNA is there?

5 A. Right, they are the major contributors to this three

6 person mixture.

7 Q. And Parvin?

8 A. So it's Guzman-Gutierrez and Parvin.

9 Q. Moving onto item number 41, which is a swab from the

10 Budweiser can, marker AV --

11 COURT REPORTER: AD?

12 THE WITNESS: AV.

13 MS. CAMPBELL: AV, I'm sorry.

14 THE WITNESS: Victor.

15 A. That DNA matched Edgar Lopez. A single source profile

16 matched Lopez.

17 BY MS. CAMPBELL:

18 Q. Item number 42 was the Budweiser can with the hole in

19 it?

20 A. Yes.

21 Q. And did you do any analysis on that?

22 A. No.

23 Q. And, again, you consulted with investigators to

24 determine what to do the analysis on?

25 A. Correct.

1 Q. Item number 43?

2 A. 43 is a Budweiser 12 ounce can, marker AU.

3 Q. And who does that match?

4 A. That matched Edgar Lopez.

5 Q. Item number 44?

6 A. 44 is a Budweiser 12 ounce can, marker AS, matching
7 Lopez again.

8 Q. And item number 45?

9 A. 45 is a Budweiser 24 ounce can, marker AS, and that
10 matched Lopez also.

11 Q. Item number 46 is a swab from the Modelo can, marker
12 AS?

13 A. Correct. And here is a situation where there was no
14 DNA extracted. In other words, for whatever reason there is
15 no DNA on that can.

16 Q. Item number 73 and 74 are actual buccal swabs?

17 A. These are buccal swabs from the two victims, Edgar
18 Lopez and Guzman-Gutierrez.

19 Q. So those were used to compare, as of all the other
20 profiles?

21 A. These are the known profiles that we used to compare to
22 the unknowns.

23 Q. And finally item number 81?

24 A. This is a chair from the walkway. A mixture of three
25 people, at least three people, the major contributor being

1 Guzman-Gutierrez and Lopez. A third person being unknown
2 individual. That's basically it.

3 Q. It matched Lopez and Guzman-Gutierrez?

4 A. Right.

5 Q. And then finally item number 82 is shown as State's
6 Exhibit No. 207?

7 A. A swab from the metal folding chair and this has a
8 single source DNA profile matching Lopez.

9 Q. And then the rest that are listed here are the buccal
10 swabs?

11 A. Other buccal swabs from other potential individuals
12 that at one point in time were potentials involved in the
13 case.

14 Q. Thank you, sir. You can take your seat.

15 (Witness back on the witness stand)

16 BY MS. CAMPBELL:

17 Q. In this case, and using all the known standards that
18 were submitted to you, the only people that you were able to
19 match their at the scene, evidence from the scene to their
20 DNA were what three people?

21 A. Mr. Lopez, Mr. Guzman-Gutierrez, and Mr. Parvin.

22 Q. Once you were able to test all these items, were your
23 results reviewed by other qualified analysts?

24 A. Yes, they were.

25 Q. And he concurred in your opinion?

1 MS. PRINGLE: Objection, leading.

2 BY MS. CAMPBELL:

3 Q. Did he concur with your opinion?

4 MS. PRINGLE: Objection, hearsay.

5 THE COURT: Did who concur?

6 MS. CAMPBELL: Another qualified analyst.

7 THE COURT: The objection is overruled.

8 BY MS. CAMPBELL:

9 Q. You can answer.

10 A. Yes, I testified the procedure was to have another
11 qualified analyst to review all my results, and they were
12 reviewed and agreed upon.

13 Q. And then you did write a report in this case?

14 A. Correct.

15 Q. Which the results were on those three boards we just
16 went over?

17 A. A summary of the results are on those three boards,
18 yes.

19 MS. CAMPBELL: That's all I have, Your Honor.

20 MS. PRINGLE: If it please the court?

21 THE COURT: Cross-examination, yes, ma'am.

22 CROSS EXAMINATION BY MS. PRINGLE:

23 Q. Good morning, Mr. Barron.

24 A. Good morning.

25 Q. Mr. Barron, you testified about what I would categorize

1 as two different categories of results. And in your report
2 as well you have occasions where you say an individual,
3 whether it be Todd Parvin, or Mr. Gutierrez, or Mr. Lopez,
4 but in your report and your testimony you say on some
5 occasions that those individuals he is the source, right?

6 A. Correct, especially the single source individuals where
7 the statistical value is strong enough to be reasonably
8 scientifically certain that it is that person.

9 Q. So where the science -- where the scientific data is
10 reasonably certain you can say is the source, right?

11 A. That's correct.

12 Q. So you have divided your results into occasions where
13 you say that individual is the source, because the data is
14 reliable enough to call it and say that they are the source,
15 right?

16 A. The statistical value is strong enough to say they are,
17 yes.

18 Q. On some of them.

19 And on the others you can only say these numbers, 19
20 billion times more likely, on those occasions you are not
21 saying that person is the source?

22 A. I'm giving you a statistical value as to the strength
23 of the mixture as to whether or not this person is in that
24 mixture.

25 Q. I just want to ask you about the ones with statistical

1 values are certain enough that you can say it's the source,
2 okay?

3 A. Yes. Those would be typically single source DNA
4 profiles or major contributors to mixture that are so strong
5 that they can be attributed to a single source person.

6 Q. So the bottom line here is you were able to determine
7 in your analysis, in your report, that Todd Parvin is the
8 source on two of these items -- of two of the beer cans;
9 item number 37, which is a Modelo, marker AR?

10 A. That's correct.

11 Q. And item number 39, which is a Budweiser 24, marker AU?

12 A. That's correct.

13 Q. So you have got two in which you can say Todd Parvin is
14 the source, right?

15 A. Yes, single source DNA found on those items, no
16 mixture, and the DNA matches Mr. Parvin.

17 Q. Okay. And with Mr. Gutierrez, she was asking you about
18 beer cans where you say is the source, you have two Modelos,
19 marker AM and AN; one Budweiser 12, marker AO; one Budweiser
20 24, marker AO; one Budweiser AT, marker AT. Does that sound
21 right?

22 A. That sounds right.

23 Q. Okay. And I come up with five total, one of which is a
24 24 ounce can, correct?

25 A. Correct.

1 Q. So five total that you can say Mr. Guzman is the
2 source, one of which is 24 ounces, right?

3 A. Well, I have number 34 is a 24 ounce Budweiser where
4 Guzman is the source; and I have number 38, which is a 24
5 ounce Budweiser can, which Guzman was the source. So that's
6 two that he's the single source identified on the beer can.

7 Q. Right. Okay.

8 And I'm going to ask you about Edgar Lopez. You have
9 indication that you have that he's a contributor to item
10 number marker AB, which is a Budweiser 24?

11 A. Right.

12 Q. Marker AP, which is a Modelo; marker AU, which is a
13 Budweiser 12; and then markers AS, Budweiser 12; and a
14 marker AS, Budweiser 24?

15 A. That's correct.

16 Q. So that's a total of five, right?

17 A. That's right.

18 Q. Two of which were 24 ounce cans?

19 A. (No response).

20 Q. And there is one item, which is number --

21 Let me ask you this. I counted 31 or 32 swabs were
22 submitted to you total for testing. Does that sound right?

23 A. I would have to count them.

24 Q. Could you look for me, please, sir?

25 A. All right. Are you talking about swabs from beer cans

1 or swabs total?

2 Q. Swabs total that you were asked to analyze.

3 A. The cartridge casing swabs were considered to be one
4 unit, so it would not have been separate.

5 Q. So our numbers might be a little bit different, but
6 excluding the buccal swabs -- I mean, I suppose if you
7 subtracted for the casings as being one --

8 A. One.

9 Q. -- by your -- it's somewhere in the twenties, right?

10 A. 20.

11 Q. Okay. And even though the casings were submitted as
12 one unit, were there only one swab in there, or were there
13 individual swabs for each casing?

14 A. They were individual for each casing.

15 Q. Okay. So you actually -- while it's listed as one,
16 there were a number of those submitted greater than one that
17 you had to look at?

18 A. Correct.

19 What is done with cartridge casings is if they are
20 considered by the crime scene folks to probably be from one
21 gun, they are considered together as a unit.

22 Q. Okay. And then of these swabs, the things that were
23 submitted to you, a large number of swabs in evidence,
24 you -- swabs from projectiles, swabs from casings, swabs
25 from chairs, and swabs from a gate, correct?

1 A. I had a swab from the gate. I had a swab from chairs,
2 yes.

3 Q. Casings, projectiles. And I counted 16 beer cans swabs
4 were submitted to you?

5 A. Yeah, 16.

6 Q. All right. And of those 16, only two were not
7 analyzed?

8 A. Two were not analyzed, correct.

9 Q. The unopened Modelo, which is item number 31?

10 A. Right.

11 Q. And item -- marker AG, which is item number 42?

12 A. 42 is a Budweiser can with the hole in it.

13 Q. Right. And Ms. Campbell indicated that you were
14 instructed not to analyze that?

15 A. I was instructed which ones to analyze and that was not
16 included.

17 Q. And did you have any discussion about item 42 with law
18 enforcement?

19 A. I don't recall any particular discussion about talking
20 about a can with a hole in it, no.

21 Q. Do you recall having a conversation about not analyzing
22 any of the evidence?

23 A. The investigators submit a request form listing the
24 items which they want to analyze.

25 Q. And did you have any other conversations or

1 communication with them, other than that submitted written
2 request?

3 A. Probably, but I just don't recall it.

4 Q. Did you keep any kind of note of that?

5 A. No.

6 Q. Do you have any handwritten notes?

7 A. No.

8 Q. And of all the things that were submitted to you, of
9 those 16 beer cans, there were only two that weren't
10 analyzed, which you weren't asked to analyze?

11 A. That's correct.

12 MS. PRINGLE: I have no further questions. Thank
13 you, Mr. Barron.

14 THE COURT: Any redirect?

15 MS. CAMPBELL: Yes, sir.

16 REDIRECT EXAMINATION BY MS. CAMPBELL:

17 Q. She talked about where you found Guzman-Gutierrez' DNA
18 and Mr. Lopez' on the beer cans.

19 Did you also find Leslie Parvin's DNA at three
20 different beer can swabs?

21 A. I found him uniquely in two cans and part of a mixture
22 on another one.

23 Q. And in addition to that did you also find he, along
24 with a mixture, at another site there from the scene?

25 A. From the swab from the gate.

1 Q. And that was his DNA swab?

2 A. That he was included in the mixture in 99.9 percent of
3 Caucasians would be excluded.

4 Q. Thank you, sir.

5 THE COURT: Anything further?

6 RECROSS EXAMINATION BY MS. PRINGLE:

7 Q. Just one question.

8 The mixture of DNA, or any DNA that would have been on
9 the gate, would be from anyone touching the gate? Anyone
10 who might have touched coming or going could have left their
11 DNA, correct?

12 A. That is the assumption. There is no biological fluid
13 stains present on the gate.

14 MS. PRINGLE: Nothing further.

15 THE COURT: Thank you, sir. You may step down.
16 Next witness.

17 MS. SIMPSON: The State calls Chief Roland Hill.
18 He's sequestered, Your Honor.

19 CHIEF ROLAND HILL, having been first duly sworn,
20 testified as follows:

21 THE CLERK: Have a seat.

22 COURT REPORTER: Spell your name for me. State
23 and spell your name, please.

24 THE WITNESS: R-O-L-A-N-D. Last name Hill,
25 H-I-L-L.

1 DIRECT EXAMINATION BY MS. SIMPSON:

2 Q. Chief Hill, where do you live?

3 A. I live at 19 Weldon Place, Elgin, South Carolina.

4 Q. And where do you work?

5 A. I work at Fort Jackson South Carolina with the
6 Directorate of Emergency Services.

7 Q. And can you tell the jury a little bit about your
8 career background?

9 A. Yes, ma'am. I have approximately 21 years of law
10 enforcement experience as an active duty service member with
11 the military. And my last 13 years before retiring was as a
12 special agent with the Army criminal investigation division.
13 And since retirement, the past eight years I have worked as
14 a criminal investigator for the Directorate of Emergency
15 Services over at Fort Jackson. And the past five years I
16 have been the chief of the investigations branch out there.

17 Q. And in your present capacity at Fort Jackson, what do
18 you do? What do your duties include?

19 A. I supervise approximately ten investigators conducting
20 misdemeanor and felony type crimes out at Fort Jackson,
21 within the jurisdiction of Fort Jackson, and any crimes
22 involved in active duty service members within the State of
23 South Carolina.

24 Q. And are you familiar with the investigatory and
25 military databases?

1 A. Yes, ma'am, I am.

2 Q. And can you tell the jury a little bit about the
3 database regarding gun registration?

4 A. Yes, ma'am. There is a system that's called the
5 centralized operations police suite. The military has a lot
6 of acronyms, so basically the acronym for it is COPS. It's
7 a database used by all military police within the United
8 States Army. So no matter where you are in the Army, all
9 military reports use the same data system.

10 Q. Okay. So this is a worldwide, not just nationwide --

11 A. That's correct.

12 Q. -- database?

13 A. That's correct.

14 Q. And what is a person required to register?

15 A. A person is required to register whenever they bring or
16 enter a weapon onto Fort Jackson. I'm sorry, on any
17 military installation, whether they reside there or not. If
18 they are going to introduce the weapon onto a military
19 installation, they have to register it.

20 Q. And were you requested I believe on August 19th to do
21 some research regarding Leslie Todd Parvin?

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

23 Q. What were you requested to do?

24 A. Yes, ma'am, Investigator Gonzalez from the Richland
25 County sheriff's department contacted me and asked me to

1 obtain some -- if possible, obtain some biographical
2 information on Mr. Parvin; obtain a photograph, if possible;
3 and being able to determine if he had any type of weapons
4 registered with the military.

5 Q. And were you able to determine that he did have a
6 weapon?

7 A. Yes, ma'am.

8 Q. What type of weapon was registered to him?

9 A. It was a Norinco 1911, 45-caliber pistol.

10 Q. And do you recall when that gun was registered on base?

11 A. Yes, ma'am. It was registered 11 June 2003, at --
12 actually it was Fort Polk, Louisiana, is where it was
13 registered at.

14 Q. Okay. And once you gathered the requested information,
15 was that the extent of your involvement in this case?

16 A. Yes, ma'am.

17 Q. And just for clarification, too, is a Norinco --

18 A. 1911, 45-caliber.

19 Q. Thank you.

20 A. Yes, ma'am.

21 MS. PRINGLE: Just a couple of questions.

22 CROSS EXAMINATION BY MS. PRINGLE:

23 Q. Good morning, sir.

24 A. Good morning, ma'am.

25 Q. In order to -- I think you said -- I just want to

1 clarify. In order to bring a weapon onto a base, a soldier
2 has to register that weapon with you guys, right?

3 A. Correct.

4 Q. And that would be an action that the soldier himself
5 takes affirmatively with, I guess, whatever base it is and
6 so that it gets to you?

7 A. Right --

8 COURT REPORTER: Repeat that. Someone coughed.
9 Your last question.

10 BY MS. PRINGLE:

11 Q. That the soldier registering -- and this is a personal
12 weapon that we are talking about?

13 A. That's correct.

14 Q. And so in order for a soldier to bring a personal
15 weapon on base, they would -- that individual would register
16 it himself with the military?

17 A. Either he or a family member can register it.

18 Q. And the reason to do that is so that that individual
19 can -- the soldier can bring a weapon on base if they live
20 there?

21 A. That's correct.

22 Q. And, of course, many military personnel actually live
23 on base?

24 A. That's correct.

25 Q. So a person who had been in the Army career -- a

1 military person had been in the Army for 20 years would
2 likely have lived on base at some point?

3 A. More than likely at some point, correct.

4 Q. And so in order to have that weapon in their
5 possession, they may need it to live on base, and they may
6 need it to bring on base for shooting range or for whatever
7 reason, but it would have to be registered with you?

8 A. That's correct.

9 Q. I believe you said that it's been registered
10 consistently since 2003?

11 A. No, ma'am, it was input into the database in 2003.
12 That's when it was input into the database.

13 Q. So it's that long ago?

14 A. That's correct.

15 Q. 2003.

16 MS. PRINGLE: Nothing further. Thank you, sir.

17 MS. SIMPSON: Brief redirect, Your Honor.

18 REDIRECT EXAMINATION BY MS. SIMPSON:

19 Q. Chief Hill, I believe she asked you whether it was
20 consistently registered since 2003. It was not ever
21 registered on Fort-Jackson, was it?

22 A. That is correct. It was imputed in the database one
23 time.

24 Q. Okay.

25 MS. SIMPSON: Thank you.

1 THE COURT: Anything further?

2 RECROSS EXAMINATION BY MS. PRINGLE:

3 Q. If you don't live on that base, you don't have to
4 register it to come on that base?

5 A. Excuse me, ma'am?

6 Q. If you don't live on the base, would it be bringing the
7 weapon on the base necessarily?

8 A. If you don't come on -- if you don't introduce the
9 weapon onto an installation, you don't have to register it.

10 MS. PRINGLE: Thank you.

11 THE COURT: Thank you, sir.

12 Next witness.

13 MS. CAMPBELL: The State would call Terri Gleason.

14 OFFICER TERRI GLEASON, having been first duly
15 sworn, testified as follows:

16 THE CLERK: Have a seat in the witness box and
17 state your name for the record and spell it, please.

18 THE WITNESS: Terri Gleason, G-L-E-A-S-O-N.

19 COURT REPORTER: And your first name?

20 THE WITNESS: Terri, T-E-R-R-I.

21 MS. CAMPBELL: Your Honor, may we approach?

22 (Whereupon, the lawyers approached the bench for
23 an off-the-record discussion).

24 THE COURT: Ladies and gentlemen, I will have you
25 go to the jury room. Please do not discuss the case.

1 (The following takes place outside the presence of
2 the jury panel)

3 THE COURT: Yes, ma'am.

4 MS. CAMPBELL: Your Honor, I apologize. I should
5 have brought this to the court's attention before I called
6 her to the stand.

7 There were two guns that were found at the
8 defendant's house that were submitted for comparison to the
9 ammunition, the shell casings that were found at the scene.
10 Those were eliminated in this case. I don't want to violate
11 any order of the court or go into anything that I shouldn't,
12 but I have instructed this witness not to -- it's my fault.
13 I have instructed her not to go into those, and I just
14 wanted to make sure we didn't run afoul of any ruling as far
15 as any other weapons.

16 THE COURT: I haven't made any rulings concerning
17 weapons.

18 MS. CAMPBELL: I know, and I just wanted to make
19 sure that -- out of an abundance of caution.

20 THE COURT: I understand.

21 Yes, sir, Mr. Shealey.

22 MR. SHEALEY: It is the defense's continued
23 position that any of these guns that have been found in the
24 house are not relevant. They are prejudicial, not
25 probative.

1 These particular guns are 357 handgun, a Rossi,
2 45-caliber Taurus, which had been test fired and had been
3 ruled out as having any connection to this case whatsoever.
4 So I think to go into those gets right into what we were
5 concerned about in terms of the prejudicial effect of Mr.
6 Parvin having lots of guns, therefore, he's a bad guy who
7 would commit murder.

8 THE COURT: Would two guns constitute lots of
9 guns?

10 MS. DAVIS: No, sir, but two guns is more than one
11 gun. It's a slippery slope.

12 THE COURT: Now, the evidence in the case is that
13 the victims were shot with a 45-caliber?

14 MS. CAMPBELL: All the ammunition is 45.

15 THE COURT: And his house was searched and the gun
16 is missing?

17 MS. CAMPBELL: The gun is missing, gone. The 45
18 was. Our position is that.

19 THE COURT: All right.

20 MS. CAMPBELL: And then the testimony just has
21 been that he registered a 45 Norinco that was never found at
22 the house.

23 THE COURT: The inference being he destroyed the
24 gun?

25 MS. CAMPBELL: Yes, sir.

1 THE COURT: That's why you want the testimony?

2 MS. CAMPBELL: Yes, sir.

3 THE COURT: And the defense's position is what?

4 MS. DAVIS: Well, the guns they tested they were
5 ruling out. They tested a 45, a different 45 that was
6 found. And so, simply that, you know, they are going to know
7 that he owned two additional guns. The other two guns that
8 they are alluding to is destroyed and it's just the
9 cumulative effect of knowing all these guns are in his home.

10 THE COURT: You said he's the chaplain's --

11 MS. CAMPBELL: Bodyguard.

12 THE COURT: Bodyguard, many wars, military hero.
13 I mean, what's the big deal? He owned a lot of guns.
14 What's so prejudicial about that?

15 MR. SHEALEY: It's just in the mind of the jurors.
16 When we are talking about a man who they are going to say
17 has committed murder, I think it just puts that effect in
18 someone's mind that he's going to be more likely to be
19 trigger happy, gun happy, taking lives is what he dwells
20 upon if he had multiple weapons. That's the inference that
21 we are concerned about and it's because it's clearly not
22 relevant. Ms. Campbell says these guns have nothing to do
23 with this case. Ms. Gleason will say that. They are not
24 involved in this crime scene. Why should they be discussed?

25 THE COURT: I think it's relevant that they want

1 to introduce that they looked for the gun and couldn't find
2 it and they found those.

3 MS. CAMPBELL: Thank you, Your Honor.

4 THE COURT: That's what you all are asking to do.

5 MS. CAMPBELL: Yes, sir, and that's different from
6 the other issue where the longer guns were on the bed. That
7 was different.

8 THE COURT: All right. We will take about two or
9 three minutes.

10 MS. CAMPBELL: Thank you, sir.

11 (Whereupon, proceedings were recessed)

12 (Whereupon, proceedings were reconvened)

13 THE COURT: Bring the jury back.

14 (The following takes place in the presence of the
15 jury panel)

16 THE BAILIFF: Your Honor, the jury is present.

17 THE COURT: All right. You may proceed.

18 MS. CAMPBELL: Thank you, Your Honor.

19 DIRECT EXAMINATION BY MS. CAMPBELL:

20 Q. Ma'am, where are you employed?

21 A. I work with the Richland County sheriff's department
22 forensic sciences unit.

23 Q. And what do you do there?

24 A. I'm a firearms and tool mark examiner.

25 Q. And as a firearms and tool mark examiner, what do your

1 duties include?

2 A. I look at firearms and ammunition components, as well
3 as other tools and their markings for forensic evidence and
4 I report my findings to the court.

5 Q. And if you can get a little bit closer. Thank you.

6 Can you tell this jury a little bit about your
7 education and training in that field?

8 A. I have a Bachelor of Arts in both Criminal Justice and
9 Psychology from the University of Georgia, and a Master of
10 Science in Forensic Science from the University of New
11 Haven.

12 In July of 1999, I began work with the Georgia Bureau
13 of Investigation state crime lab in Atlanta, Georgia. At
14 that time I underwent an extensive two year training program
15 that dealt specifically with firearms and tool mark
16 examinations.

17 During that time, in addition to receiving
18 certification from the State as an examiner, I also received
19 certification from the Federal Bureau of Investigation in
20 muzzle to target distance determinations and from the Bureau
21 of Alcohol, Tobacco & firearms in serial number restoration.

22 To date I have logged over 3,000 hours on a comparison
23 microscope, completed over 2,500 weapon examinations, and
24 approximately 800 actual firearm and tool mark cases.

25 I'm also a member of our professional organization,

-1 which is the Association of Firearm and Tool Mark Examiners.

2 Q. Have you been qualified before in different states as
3 an expert in firearm and tool mark?

4 A. Yes, I have.

5 Q. And approximately how many times have you been
6 qualified as an expert?

7 A. Approximately 40.

8 MS. CAMPBELL: Your Honor, at this time I offer
9 her as an expert in firearms.

10 THE COURT: By the defense?

11 MS. DAVIS: No objection.

12 THE COURT: So admitted.

13 BY MS. CAMPBELL:

14 Q. Ma'am, did you actually receive various pieces of
15 evidence involving this case with the defendant Leslie
16 Parvin?

17 A. Yes, I did.

18 Q. And I'm going to show you what's been marked as State's
19 Exhibit No. 139. Do you recognize that?

20 A. Do you want me to open this now?

21 Q. Yes, that would be good.

22 A. Yes, I recognize it and identify as State's Exhibit 139
23 as a lead core that I received on August 2nd of 2010.

24 Q. When that item was submitted for your examination, was
25 it packaged properly and submitted properly?

1 A. Yes, it was.

2 MS. CAMPBELL: Your Honor, at this time I would
3 offer State's Exhibit No. 139 into evidence.

4 MS. DAVIS: No objection.

5 THE COURT: Admitted.

6 BY MS. CAMPBELL:

7 Q. I want to show you State's Exhibit No. 133.

8 A. I recognize and identify State's Exhibit 133 as a fired
9 metal jacketed bullet that I also received on August 2nd of
10 2010.

11 Q. And was that properly submitted for your examination?

12 A. Yes, it was.

13 MS. CAMPBELL: Your Honor, at this time I would
14 offer 133 into evidence.

15 MS. DAVIS: No objection.

16 THE COURT: It's admitted.

17 BY MS. CAMPBELL:

18 Q. And then I show you what's been marked as State's
19 Exhibit No. 135, which is number of cartridge casings.

20 A. Right. I recognize and identify State's Exhibit 135 as
21 seven 45 auto caliber cartridge cases that I received on the
22 2nd of August of 2010; one metal jacket from a fired bullet;
23 and an additional metal fragment; all received on the same
24 date.

25 Q. And were those properly packaged and submitted to your

1 division for your examination?

2 A. Yes, they were.

3 MS. CAMPBELL: Your Honor, at this time we would
4 offer that into evidence, 139 I believe.

5 COURT REPORTER: 135.

6 MS. CAMPBELL: Sorry.

7 MR. SHEALEY: Without objection.

8 THE COURT: Admitted without objection.

9 BY MS. CAMPBELL:

10 Q. In addition to that, at a later date were you also
11 submitted what's been marked as State's Exhibits 208?

12 A. I recognize and identify State's Exhibit 208 as a
13 Rossi, Model M-712, 357 magnum revolver, serial number
14 F068132 that I received on August 31st, 2010.

15 MS. CAMPBELL: Your Honor, at this time I would
16 offer it into evidence.

17 MR. SHEALEY: Your Honor, may we approach?

18 THE COURT: Yes, sir.

19 (Whereupon, the lawyers approached the bench for
20 an off-the-record discussion)

21 THE COURT: The exhibit is offered for
22 identification purposes only.

23 MS. CAMPBELL: Thank you, Your Honor.

24 BY MS. CAMPBELL:

25 Q. And that was actually I believe you referred to it as a

1 revolver?

2 A. Yes, ma'am.

3 Q. And then item number State's Exhibit 209, which has
4 been marked for ID at this point?

5 A. I recognize and identify State's Exhibit 209 as a
6 Taurus, Model The Judge, 45 long Colt 410-caliber revolver,
7 serial number BS627707, received on September 1st of 2010.

8 Q. And, finally, State's Exhibit No. 210. Did you also
9 receive this item? It's heavy.

10 A. I recognize and identify State's Exhibit 210 as a box
11 of miscellaneous ammunition of various calibers that I
12 received also on September 1st of 2010.

13 MS. CAMPBELL: Your Honor, at this time I would
14 offer State's Exhibit No. 210 into evidence.

15 MR. SHEALEY: I would object. I have no problem
16 for ID purposes.

17 THE COURT: It's admitted for identification only
18 at this time.

19 MS. CAMPBELL: Yes, sir.

20 BY MS. CAMPBELL:

21 Q. Was that the sum total of the items that were submitted
22 for your review in this case?

23 A. We actually are missing one cartridge case that is
24 currently at SLED to be put into the NIBIN system.

25 Q. And is that typically what you do, unless you -- after

1 examination, and we'll get back to that in a moment.

2 A. Yes.

3 Q. And that would be at SLED?

4 A. Yes.

5 Q. Once you received -- or once you received the evidence
6 in this case -- let me back up for a second.

7 Did you ever receive a Norinco 45 semiautomatic
8 handgun?

9 A. No, I did not.

10 Q. And that was never submitted to you in this case?

11 A. No, it wasn't.

12 Q. Once you get all the evidence that is submitted to you,
13 then you then do an examination yourself?

14 A. That's correct.

15 Q. And tell this jury what kind of examination you're able
16 to do and how you went about it in this case.

17 A. Okay. With this case I received evidence on several
18 different dates.

19 To begin with, all I had were the cartridge cases and
20 the fired bullets. With those I will look at them to one
21 another. So I'll look at the two bullets to one another, as
22 well as the fragment that was submitted with it, and
23 determine if it was fired from the same firearm, which in
24 this case both of the -- the fired bullet and the fired
25 jacket were fired by the same firearm.

1 And then I also look at all the cartridge cases that
2 were submitted to see if they were fired by one firearm,
3 which in this case they were also fired by one firearm.

4 Q. Okay. So the evidence that initially was submitted to
5 you in this case, the determination that you have to make is
6 whether or not it's fired by the same firearm?

7 A. That's correct.

8 And then beyond that, because we did not at the time
9 have a firearm, we will look at telling of the type of
10 firearms that they may have been looking for, so which
11 firearm people it could have been fired from.

12 Q. I want to back up a little bit. The cartridge cases
13 that were recovered at the scene that were initially
14 submitted to you, as well as the bullet and lead core,
15 typically -- can you explain to the jury how, in this case,
16 a handgun is fired, the whole mechanics of how the bullet
17 leaves and the shell casing is ejected and things of that
18 nature? Thank you.

19 A. Basic function for a firearm -- in this case we are
20 dealing with a semiautomatic, which there is two main types
21 of firearms, that being a revolver and a semiautomatic
22 pistol, the difference being that with a revolver you have
23 multiple chambers that fit in a revolving cylinder towards
24 the rear of the firearm.

25 For a revolver, which is unique about them it seems is

1 that because the chamber is part of the gun and it's -- the
2 cartridge cases do not get ejected at the scene. So they
3 stay in that revolving cylinder, unless they are manually
4 extracted.

5 With a semiautomatic pistol there is only one chamber
6 that's actually an integral part of the barrel, but the
7 cartridges are in a magazine that fits in the grip.

8 As part of the cycling of that firearm, when the weapon
9 is fired, the slide is pulled to the rear by the forces of
10 the gasses and the fired cartridge case is ejected. So it's
11 more likely to find a cartridge case at a scene when a
12 semiautomatic is used, and that's what we have in this case.

13 With a firearm, when it is manufactured, it's designed
14 to have a set number of grooves that are either cut or
15 formed into the barrel. Those grooves will have either a
16 right or a left-hand twist, and the grooves, along with the
17 resulting raised areas that we call lands, they are known as
18 rifling. Rifling is used on a firearm to, in part, spin,
19 just like with a walk around football, they have better
20 accuracy and stability in flight. The same purpose with a
21 rifled firearm, except it spins the bullet so it travels
22 stably towards its target.

23 During the manufacturing processes, including the
24 rifling, microscopic imperfections in the form of nicks,
25 burrs and cuts are left behind on the surfaces in the

1 firearm. So during the firing process those imperfections
2 are left behind on the cartridge case and the bullet and
3 left in a unique pattern. And it's that pattern of
4 imperfections that we are looking for to be able to say
5 whether a cartridge case came from a particular firearm or
6 if it came from the same firearm.

7 Q. And so typically the firearm shell casings at a scene,
8 either someone has had a revolver and emptied it there at
9 the scene or typically they would be expelled from a
10 semiautomatic?

11 A. That's correct.

12 Q. In your examination of the evidence that was initially
13 submitted to you, which would be the items, everything
14 except the guns and the additional ammunition, what were you
15 able to determine, as far as what type of handgun could be
16 possible and how you go about that test for me?

17 A. With the cartridge cases I was only able to determine
18 that they were all fired by one firearm. However, the
19 characteristics that were left behind on the cartridge cases
20 were very common characteristics, so I would not be able to
21 provide a specific list of possible firearms.

22 With the two bullets in the bullet -- well, the one
23 fired bullet and the bullet jacket and fragment that were
24 submitted, they were also all fired by one firearm.

25 And then based on those rifling characteristics, so --

1 in this case there were six grooves, they had a left-hand
2 twist, and each of those grooves actually has a certain
3 dimension as well, a certain width. And I put all that
4 information into a database and it gives me a list of
5 possible firearms that could have fired those bullets.
6 Would you like me to read the whole list?

7 Q. Uh-huh.

8 A. Okay. Possible firearm manufacturers include Arcadia
9 Machine & Tool, F.N. Browning, Colt, Detonic, Fox Carbine
10 Company, Gabriano, Israeli Military Industry, Kimber,
11 Norinco, Para-Ordnance, Remington Arms, SIG Arms,
12 Springfield, and U.S. Military.

13 Q. Okay. So basing your initial analysis of the evidence
14 that was submitted to you, specifically the jacket fragment,
15 as well as the other jacket, you were able to determine that
16 those were the types of weapons that could have fired that
17 gun?

18 A. That's correct.

19 Q. And those would be semiautomatics?

20 A. Yes, they are.

21 Q. And were you able to determine anything about the
22 caliber involved in this case?

23 A. They are all consistent with being fired from a 45 auto
24 caliber.

25 Q. And you listed a number of different name brands. Was

1 one of those Norinco?

2 A. Yes.

3 Q. The shell casings that were taken that were left at the
4 scene that were expelled when the gun fires, those were what
5 caliber as well?

6 A. They are also 45 auto caliber.

7 Q. And would those be consistent with having come from the
8 same gun?

9 A. They are consistent. Again, their classic
10 characteristics are much more common, so the list would have
11 been much longer for that.

12 Q. Would Norinco 45 be included?

13 A. Yes, it would not have been excluded.

14 Q. And they were all consistent with having been fired by
15 the same gun as well?

16 A. Yes.

17 Q. Of the initial ammunition or shell casing jacket
18 bullets, the lead core, the fragment that were submitted to
19 you, were they all consistent with a 45 and each other?

20 A. Yes.

21 Q. Let me ask you this. On a Norinco 45, typically how
22 does the shell casing get ejected? And can you say exactly
23 how far it would go and things of that nature? Explain that
24 to the jury for me.

25 A. Your ejection patterns.

1 The majority of the guns -- this gun, this case are
2 either the Colt 1911, very popular because it was used by
3 our U.S. military for the majority of the 1900's.

4 The majority of the guns on that list are either the
5 1911 or copies of the 1911's. General speaking, the 1911
6 will eject to the rear and right of the shooter. However,
7 with ejection patterns they are very dependent on how the
8 gun is held; what orientation, if it's held upward in a
9 normal shooting position; if they have it in the, you know,
10 gangster style you see in the movies where it's sideways.
11 Also the strength of which you are holding it. And then
12 where they fall beyond that is going to be dependent on a
13 surface that it hits. So if it hits a tall grassy area,
14 it's probably going to stay in one place. If they hits a
15 cement area, it could bounce around. And then, of course,
16 you also have to take into consideration if people are
17 walking around on the scene, it could get picked up in a
18 shoe, it can get kicked.

19 So for us in a controlled environment, if we have a gun
20 and the correct ammunition, we can do a controlled test.
21 And in that test we might find a three diameter -- a three
22 foot diameter pattern that they will fall within. At a
23 crime scene, much more variable. And, again, it's going to
24 depend on specifically having the gun in question.

25 Q. And you mentioned as to how you hold a gun that can

1 affect that as well?

2 A. Yes.

3 Q. So if a person is pointing in one direction first, it
4 would go perhaps in another direction?

5 A. And can obviously around --

6 Q. It can also affect where it may hit?

7 A. Absolutely. So if you are in -- like if you're at a
8 shooting range and you have your side walls, it could hit
9 the wall and bounce back at you; or some guns are notorious
10 for having ejection issues, where you can shoot them a
11 couple of times and then, you know, they might go down your
12 partner's shirt next door to you the next time, or hit you
13 in the head, so there is a lot of variability in ejection.

14 Q. And with the Norinco 45, you were just getting ready to
15 go there anyway, there are some ejection issues that can
16 be --

17 A. Yes.

18 MR. SHEALEY: Your Honor, objection. I'm going to
19 have to object to the leading.

20 THE COURT: Don't lead the witness.

21 MS. CAMPBELL: Yes, sir.

22 BY MS. CAMPBELL:

23 Q. Go ahead.

24 A. Norinco is one type of firearm that is notorious for
25 having ejection issues. I only know this because my

1 technical leader has one and he has one that frequently will
2 hit him in the head when he's out shooting it. So
3 frequently if people are going to use it for consistent
4 target practice, they might go and have work done to the
5 ejector and have more consistent ejection patterns.

6 Q. And in -- you said in a perfect environment if the gun
7 goes straight, you can tell more than say at a crime scene?

8 A. Correct, in a controlled environment where I'm
9 controlling all the variables.

10 Q. And you also mentioned that there are other variables,
11 such as foot traffic in the area. Can that affect it as
12 well?

13 A. Sure.

14 Q. And how does that work?

15 A. We have had scenes where an EMT will come in to assist
16 the victim and it gets caught in their deep tread of their
17 shoes.

18 Also drive-by shootings, a lot of times the cartridge
19 cases are getting kicked by the movement of vehicles. They
20 are actually getting run over. So there are any number of
21 variables where a cartridge case can be moved from its
22 pattern.

23 Q. And in the Norinco 45, can you tell this jury exactly
24 how far or how -- what direction back the shell casing would
25 actually be ejected?

1 A. I cannot. Again, that's going to vary depending on the
2 specific gun and the ammunition used.

3 Q. And before you said something that it could be in a
4 several foot area, but it could be more or less, depending
5 on the variables?

6 A. Generally when I have done my own ejection pattern
7 testing, and, again, not specifically with a Norinco, but
8 even with all the controlled variables, there is generally
9 at least a three foot diameter area that those ejected cases
10 are falling into, but that's a minimum. Sometimes they can
11 be within a 10 foot area.

12 Q. And being that's in a 10 foot area, that's a controlled
13 environment?

14 A. Absolutely.

15 Q. But generally if you have multiple shell casings in one
16 area, it may be indicative of a general area where the
17 person was?

18 A. That's correct.

19 Q. Once you have done your initial examination when the
20 items were first submitted to you, having been collected at
21 the crime scene, at a later date you also received -- I
22 believe later in August or the first of September, you
23 received the two handguns?

24 A. Correct.

25 Q. And were you asked to do any kind of comparison to the

1 other ammunition that had already been submitted to you?

2 MR. SHEALEY: Objection, Your Honor.

3 A. I was asked to look at both of these firearms.

4 MR. SHEALEY: At this time I would renew my prior
5 objection to this evidence.

6 THE COURT: Objection is overruled.

7 MS. CAMPBELL: Thank you.

8 A. I was asked to look at both these firearms as they
9 relate to the submitted evidence. In this case both
10 firearms could be excluded, because, again, of these rifling
11 characteristics. Both of these guns actually have six
12 grooves, however they have a right-hand twist. So we were
13 looking for a left-hand twist. So without even firing them
14 I was able to eliminate both of these.

15 So all that was done with the Rossi was to test fire it
16 and submit it to SLED to the National Integrated Ballistics
17 Information Network. That's where we put cartridge cases so
18 that they can be imaged and compared to other crime scenes,
19 so possibly cases can be related.

20 And then with the other revolver, it did not meet the
21 caliber specifications for SLED, so we did not even test
22 fire for those purposes.

23 Q. Okay. And both of these are actual revolvers?

24 A. Yes, ma'am.

25 Q. Which would be different from the semiautomatic we have

1 been talking about?

2 A. Yes.

3 Q. So that would also eliminate them?

4 A. Yes.

5 Q. There was also item number 210 that was submitted for
6 you to review, a box of various ammunition?

7 A. Yes.

8 Q. And were you asked to make any specific findings about
9 this ammunition?

10 A. I don't think I was actually asked to specifically do
11 anything with the ammunition. All I did was inventory it,
12 and none of it was in agreement with the type of ammunition
13 that I found from the scene or that was submitted from the
14 scene, so all I did was document what was in there.

15 Q. Okay. But none of it matched, per say, the type of
16 ammunition found at the scene?

17 A. Correct.

18 Q. And that would the shell casings, as well as the jacket
19 fragments and those things?

20 A. Yes.

21 Q. As far as all the initial evidence that was submitted
22 from the crime scene, is it all consistent with having been
23 fired by that one weapon?

24 A. Well, again, the cartridge cases were all consistent
25 with being fired by one firearm, and the bullets were

1 consistent with being fired by one firearm. There is no
2 connection between the bullet and the cartridge cases that
3 we perform.

4 There was an additional piece of evidence, that was a
5 metal fragment, that was not consistent with an ammunition
6 component at all.

7 Q. And as far as your findings in this case, all the fired
8 cartridge cases from the scene matched each other?

9 A. Yes, they did.

10 Q. And they were the same type of ammunition?

11 A. Yes.

12 Q. And the same caliber?

13 A. Correct.

14 Q. And all of the items from the scene that were submitted
15 to you could have been fired by a Norinco 45?

16 A. That's correct.

17 Q. Thank you.

18 THE COURT: Mr. Shealey?

19 MR. SHEALEY: If it please the court.

20 CROSS EXAMINATION BY MR. SHEALEY:

21 Q. Good morning.

22 A. Good morning.

23 Q. Ms. Gleason, do you have your report with you?

24 A. Yes, I do.

25 Q. Okay. I just want to talk about that a little bit.

1 A. Okay.

2 Q. Everything that you have numbered is an item, item one,
3 two, three, so forth, right?

4 A. That's correct.

5 Q. Just to help me go through this a little bit, item one
6 was one fired metal jacket, jacketed bullet, right?

7 A. That's correct.

8 Q. And item two was one lead core, right?

9 A. Yes.

10 Q. Items three through ten would be shell casings found at
11 the scene, right?

12 A. Yes.

13 Q. And that would be eight of those, right?

14 A. Yes.

15 Q. Item 11 would be a fired metal bullet jacket and a
16 fragment and some debris collected?

17 A. That's correct.

18 Q. And 12 is a metal fragment, right?

19 A. Yes.

20 Q. Okay. And I think you said of your analysis that you
21 concluded that the core, which would be item two, and the
22 bullet jacket, which would be item one, were fired from the
23 same gun, right?

24 A. No, the jackets themselves were fired. The number two,
25 the core --

1 Q. Okay.

2 A. -- is most consistent with being from the inside of a
3 metal jacketed bullet, so it does not in and of itself have
4 any individual marks to be related to anything. It was the
5 jacket that would have been outside that was submitted as
6 item 12.

7 Q. Okay. And the casings and the jackets are all fired
8 from the same caliber weapon, right?

9 A. That's correct.

10 Q. And it would have linked them to be fired from the
11 actual same gun, too, right?

12 A. I'm sorry, can you repeat that?

13 Q. The casings and the jacket all came from the same gun?

14 A. Yes, the cartridge cases came from one gun and the
15 bullet jackets came from one gun.

16 Q. All right. And there were eight of those, and they all
17 came from the crime scene, right, as far as you know?

18 A. I did not collect them.

19 Q. You were not at the crime scene?

20 A. No.

21 Q. All right. And just -- item 12, which is a metal
22 fragment ended up not being related to any type of
23 ammunition, right?

24 A. Correct.

25 Q. It was some kind of white metal, correct?

- 1 A. It had white to pink-like material on one side.
- 2 Q. Right.
- 3 A. I couldn't tell you what it was.
- 4 Q. Okay. You have in your notes it might be associated
- 5 with beer cans on the scene?
- 6 A. Could be.
- 7 Q. And this came from the right shoulder of Mr. Gutierrez,
- 8 I believe?
- 9 A. Yes, that's what is reported.
- 10 Q. Okay. All right.
- 11 And I just want to talk to you a little bit about --
- 12 you talked to Ms. Campbell about a big list of weapons that
- 13 possibility could have fired this, right?
- 14 A. Correct.
- 15 Q. About ten, or so, and you talked --
- 16 A. I have more than that, yes.
- 17 Q. More than that.
- 18 And one of them was the Norinco 45-caliber, correct?
- 19 A. Yes.
- 20 Q. We talked a little bit about ejection patterns, having
- 21 to do with them, right?
- 22 A. Correct.
- 23 Q. And you are an expert in this area?
- 24 A. Well, yes, that's part of firearms and tool mark
- 25 examination is to be able to perform ejection pattern

1 analysis.

2 Q. Correct. And your expertise in this area is that the
3 weapons is going to go back and to the right --

4 A. No.

5 Q. -- when it's ejected?

6 A. The general pattern for the majority of firearms that
7 we test it's the right and rearward. We would not report
8 any type of specific ejection pattern without the gun,
9 again, because of the ejection issues in different types.
10 And then, again, different firearms will actually shoot
11 straight up, some will shoot to the left. The majority of
12 1911 copies shoot to the right and rearward.

13 Q. Right. Generally right and to the rearward?

14 A. Correct.

15 Q. You can't say for sure about this particular weapon,
16 but generally what you are going to see is right and to the
17 rearward?

18 A. Yes, sir.

19 Q. Like this, right?

20 A. Sure.

21 Q. Excuse my litter.

22 And it's definitely not going to be going forward and
23 potentially 22 feet?

24 A. It should not, unless there is something drastically
25 wrong with the firearm in question.

1 Q. You are not going to see it jumping fences and going
2 over 20 feet? That's not what you want --

3 A. Not generally speaking.

4 Q. A semiautomatic ejection, right?

5 A. No.

6 Q. And you work at Richland County, right?

7 A. Yes, I do.

8 Q. And you are very familiar with the officers there,
9 correct?

10 A. I actually work at the laboratory, so honestly, no, I
11 don't know a lot of the officers there.

12 Q. But you get stuff coming from crime scenes, correct?

13 A. Yes, I do.

14 Q. And you know these officers are trained not to disturb
15 a crime scene?

16 A. I am not familiar with their training on crime scene
17 analysis and their treatment of crime scenes.

18 Q. It's not going to help you out if they go disturbing
19 crime scenes, right?

20 A. That would not be my preference to have them disturb a
21 crime scene, but, again, I'm dealing with the evidence
22 that's brought from the crime scene, not the crime scene
23 itself.

24 Q. Okay. And have you ever brought -- had a shell
25 casing -- three or four shell casings in a shoe that got

1 trampled 20 feet up the crime scene? Have you ever had that
2 experience?

3 A. I have not had that experience.

4 MR. SHEALEY: Beg the court's indulgence.

5 (Off the record)

6 (Back on the record)

7 MR. SHEALEY: Nothing further, judge.

8 MS. CAMPBELL: Just briefly.

9 REDIRECT EXAMINATION BY MS. CAMPBELL:

10 Q. You mentioned about the core, that there were no
11 markings on there. Generally with any core, you are able to
12 make any kind of determination just because of the lack of
13 markings on a core?

14 A. That's correct.

15 MR. SHEALEY: Objection to the leading.

16 THE COURT: Don't lead the witness.

17 MS. CAMPBELL: Yes, sir.

18 BY MS. CAMPBELL:

19 Q. He asked you about the ejection pattern analysis. You
20 do have the capability of doing that?

21 A. Yes, I do.

22 Q. Before you could do any ejection pattern analysis
23 before coming in before these people and testifying as to
24 how this gun ejected these shell casings, you have to have
25 the gun itself?

1 A. That's correct.

2 Q. And also you have to have the right kind of ammunition?

3 A. Preferably we would have the same ammunition. We could
4 perform a test with our own lab ammunition. However, we
5 would have to express in our report that we used ammunition
6 from our lab versus the exact ammunition used at the scene.

7 Q. And before you testify before this jury about how this
8 gun actually ejected it, you have to have the gun itself?

9 A. That's correct.

10 Q. And why is that?

11 A. Again, because each gun has -- somehow even within the
12 same manufacturer or model, if there is an issue with the
13 ejector, it's going to change the direction on which it
14 ejects its cartridge cases. So we would want the gun to be
15 able to give you a definite answer on where it was going to
16 eject its cartridge cases.

17 Q. And in this case, again, did you ever get a Norinco 45
18 submitted for your analysis?

19 A. No, I did not.

20 Q. Is that unusual?

21 A. No, it's not.

22 MS. CAMPBELL: Thank you.

23 MR. SHEALEY: Brief recross.

24 RECROSS EXAMINATION BY MR. SHEALEY:

25 Q. In -- no one with -- Mr. Smith or Ms. Campbell, no one

1 ever actually gave you a Norinco 45 to test fire in this
2 case at all, did they?

3 A. No, they did not.

4 MR. SHEALEY: Thank you.

5 THE COURT: You may step down, ma'am.

6 Next witness.

7 MS. CAMPBELL: Call Kerry Johnson.

8 INVESTIGATOR KERRY JOHNSON, having been first duly
9 sworn, testified as follows:

10 THE CLERK: Have a seat in the witness box and
11 state your name for the record and spell it, please.

12 COURT REPORTER: First name, too, please.

13 THE WITNESS: First name is Kerry, K-E-R-R-Y.

14 Last name is Johnson.

15 COURT REPORTER: Spell that, please.

16 THE WITNESS: J-O-H-N-S-O-N.

17 DIRECT EXAMINATION BY MS. CAMPBELL:

18 Q. Sir, where are you employed?

19 A. I'm employed with the Richland County sheriff's
20 department.

21 Q. What do you do there, sir?

22 A. I'm an investigator.

23 Q. And as part of your duties as an investigator, do you
24 assist on search warrants on occasion?

25 A. That's correct.

1 Q. I want to turn your attention to this case. Did you
2 just take a search warrant that was executed at the
3 defendant's home back in August of 2010?

4 A. That's correct.

5 Q. And what was your role in executing that search
6 warrant, that lawful search warrant, that day?

7 A. I was -- my role was the scribe or the record keeper of
8 what was taken from the house.

9 Q. And were certain items -- as a scribe what do you do?

10 A. I stay in a stationary place in the area that's to be
11 searched. And the officers, as they are searching and they
12 get items that are to be seized, they come to me. They tell
13 me what the item is, present the item to me and where it was
14 located in the residence.

15 Q. I'm going to show you what's been marked as State's
16 Exhibit No. 210, this box of ammunition. Was this one of
17 the items that was recovered that day?

18 A. It is.

19 Q. And, in fact, I believe this is your signature down
20 here?

21 A. That's correct.

22 Q. And that was actually found during the search of the
23 house?

24 A. That's correct.

25 Q. Item number 209, this actual revolver?

1 A. It was also located in the house and submitted as
2 evidence by myself.

3 Q. And that's the Taurus Judge revolver, 45-caliber?

4 A. That's correct.

5 Q. And the item number 208, which is a different gun, the
6 Rossi?

7 A. That is correct. That was also taken by me and
8 submitted as evidence.

9 Q. In addition to that, in the course of the search, was
10 there certain paperwork that was belonging to a Kia van that
11 was collected?

12 A. Yes, on a copy of my return that I wrote, located in
13 the den by one of the investigators was a folder that
14 contained automobile paperwork for a Kia Sedona, that
15 paperwork there.

16 Q. This paperwork here? State's Exhibit No. 211?

17 A. Correct.

18 MS. CAMPBELL: Your Honor, at this time we would
19 offer 211 into evidence.

20 MR. SHEALEY: May we look at this, Your Honor,
21 briefly?

22 (Off the record)

23 (Back on the record)

24 MR. SHEALEY: No objection.

25 THE COURT: It's admitted without objection.

1 MS. CAMPBELL: Your Honor, before we I go any
2 further, I think there is a matter of law.

3 THE COURT: Ladies and gentlemen, I'll have you go
4 to the jury room. Please do not discuss the case.

5 (The following takes place outside the presence of
6 the jury panel)

7 THE COURT: Yes, ma'am.

8 MS. CAMPBELL: May it please the court, Your
9 Honor, just -- this is during the search warrant is when
10 they actually collected the guns that were out on the beds
11 in the house.

12 THE COURT: Mr. Shealey.

13 MR. SHEALEY: We just continue to object to these
14 guns as being irrelevant and prejudicial. They are going to
15 continue to elude to this being a barricade-type situation.
16 There is speculation upon our reports that --

17 THE COURT: You said continue to elude, what do
18 you mean?

19 MR. SHEALEY: Well, I'm just reading the report.
20 That's what they are going to state in their report, in
21 having establishing the long guns I think is how they want
22 to do it.

23 We have heard from the arresting officer,
24 Investigator Gonzalez, that Mr. Parvin walked slowly, was by
25 the pool table, had no weapons about his person. It was an

1 arrest that happened very peacefully. I think to say that
2 he was going to have some kind of standoff to barricade
3 himself, it seems like he had guns throughout the house,
4 that his three sons had guns in all these rooms, I think
5 it's just a speculation that amounts to a prejudicial effect
6 to these jurors.

7 THE COURT: That his son had guns?

8 MR. SHEALEY: Well, you are going to have -- the
9 evidence is the guns were found throughout the rooms, and
10 they are going to explain on beds, either in his son's room.
11 And, you know, down the line these are the owners of the
12 those weapons. 22-caliber Cricket, a child's gun. A single
13 shot shotgun. There was only one shotgun in the whole house
14 that could hold more than one bullet or one shell at one
15 time.

16 THE COURT: That sounds like cross-examination.

17 MS. DAVIS: It does, but if we get down that road,
18 the jury is going to hear about the barricade from a man
19 that was arrested without incident. He could have put up a
20 fight if he was going to. It just didn't happen, but they
21 are going to say that he was prepared to do that, and that
22 creates an extremely prejudicial effect in their mind. He
23 came peaceably with his hands up, was moving slowly. The
24 officer told him to get down and he did. He had no weapons
25 on his person. He didn't have any guns. He wasn't near

1 these guns, these long guns that were out. It just didn't
2 happen that way and it's going to create just an irrelevant
3 and prejudicial effect to this jury.

4 THE COURT: All right. What says the State?

5 MS. CAMPBELL: Your Honor, the guns were laid out
6 in the various bedrooms. And when they went in to make the
7 arrest, they did surprise the defendant and he did not
8 resist at that point. We put that evidence in. However, we
9 think it is relevant to show that was evidence of flight,
10 that he was acting in the words barricaded himself and was
11 set to elude being captured.

12 THE COURT: Anything else?

13 MR. SHEALEY: None of these guns have anything to
14 do with the crime scene, the actions on Woodfield. Notice
15 of flight is that he went to Texas. What this evidence is
16 that he's home and embraces his right to bear arms, and that
17 he and his family do, so it's not an evidence of flight.
18 It's pure speculation to create a prejudicial effect in the
19 minds of these jurors. It's not relevant, judge.

20 THE COURT: Anything else?

21 MS. CAMPBELL: No.

22 THE COURT: So you want to, what, show this
23 witness all the guns that you got out of the house?

24 MS. CAMPBELL: That would be the extent, yes, sir,
25 but then I'll only have two more witnesses that will talk

1 about where they were.

2 MR. SHEALEY: Just something you might not have
3 heard, Your Honor, it's 14 guns. So that amount of weapons
4 does create the prejudicial effect that I'm talking about.

5 THE COURT: All right. Let's take a couple of
6 minutes and I'll think about it.

7 MS. CAMPBELL: Thank you, sir.

8 (Whereupon, proceedings were recessed)

9 (Whereupon, proceedings were reconvened)

10 THE COURT: I think to allow the jury to receive
11 all these weapons that are unrelated to the crime does not
12 pass the 403 test. It's not probative of anything, as far
13 as the commission of the crime itself, and I believe that
14 the danger of unfair prejudice, as well as wasting time on
15 an irrelevant issue, exceeds any beneficial effect that's
16 presented.

17 MS. CAMPBELL: Thank you, Your Honor.

18 We just may want to revisit this on reply, based
19 on --

20 THE COURT: Absolutely. And certainly the State
21 can --

22 MS. CAMPBELL: Thank you.

23 THE COURT: -- elicit from the witness that in
24 addition to the weapons that's shown, there are numerous
25 other weapons, none of which was the one they were looking

1 for, or whatever maze of guns, but not to just bring in all
2 these guns.

3 MS. CAMPBELL: I'll just limit it to the fact that
4 there were -- may I just ask him to count how many there
5 were?

6 THE COURT: I take anything to say other than
7 numerous would be --

8 MS. CAMPBELL: That's fine, Your Honor.

9 MR. SHEALEY: We'll still object to that as the
10 same objection to --

11 THE COURT: It's noted.

12 MS. CAMPBELL: Judge, do you want me to
13 characterize it as shotguns and rifles, or what does the
14 defense want me to do on that? Just guns?

15 THE COURT: I think that -- I take it there
16 shouldn't be any specificity.

17 MS. CAMPBELL: Just guns, okay.

18 MR. SHEALEY: I would just put on the record that
19 going into saying there were numerous guns is counteractive
20 to your initial ruling of saying why it's prejudicial. I
21 think it's still the same effect of letting them know they
22 are there, whether they actually bring them all in the
23 courtroom I think is still the same effect.

24 THE COURT: Well, the same effect, we will just
25 let it all in.

1 MS. DAVIS: It's still the same prejudicial
2 effect.

3 THE COURT: All right, bring the jury.
4 Limit it to other weapons.

5 (The following takes place in the presence of the
6 jury panel) !

7 THE BAILIFF: Your Honor, the jury is present.

8 THE COURT: All right. You may proceed.

9 MS. CAMPBELL: Thank you, Your Honor.

10 BY MS. CAMPBELL:

11 Q. Just one or two more questions, sir.

12 I want to be specific about this. During the course of
13 the search were there also numerous other weapons found?

14 A. Yes, there were.

15 MS. CAMPBELL: I don't have anything further of
16 this witness, Your Honor.

17 THE COURT: Cross-examination.

18 MR. SHEALEY: Just briefly.

19 CROSS EXAMINATION BY MR. SHEALEY:

20 Q. Anything wrong with having guns in your home in the
21 State of South Carolina?

22 A. If you are a convicted felon, you are not allowed to
23 have guns. That would be wrong. If you are convicted of a
24 crime of criminal domestic violence, you are not supposed to
25 have guns. Otherwise, you have the right to have a gun.

1 Q. Right.

2 Do you have guns in your house?

3 A. I do.

4 Q. Thank you, sir.

5 THE COURT: Step down, please.

6 MS. CAMPBELL: Thank you, Your Honor.

7 THE COURT: Next witness.

8 MS. CAMPBELL: May it please the court, the State
9 would call Brien Gwyn.

10 INVESTIGATOR BRIEN GWYN, having been first duly
11 sworn, testified as follows:

12 THE CLERK: Have a seat in the witness box and
13 state your name for the record and spell your name, please.

14 THE WITNESS: My name is Brien Gwyn, B-R-I-E-N,
15 G-W-Y-N.

16 DIRECT EXAMINATION BY MS. CAMPBELL:

17 Q. Investigator Gwyn, where are you employed?

18 A. The Richland County sheriff's department.

19 Q. What do you do there, sir?

20 A. I'm currently a narcotics agent.

21 Q. And how long have you been in law enforcement?

22 A. Approximately 15 years.

23 Q. And prior to becoming a law enforcement officer what
24 did you do?

25 A. I was in the United States Marine Corps.

1 Q. Back in August, July, August of 2010, what unit of the
2 sheriff's department were you assigned to?

3 A. I was assigned to the burglary unit, as well as a
4 primary homicide investigator.

5 Q. And as a primary homicide investigator, what are your
6 duties? What did your duties include?

7 A. At that time we were on an eight week rotation and
8 assigned to be on call every eight weeks. That also
9 consisted us of taking primary homicide call investigation,
10 which if there was a homicide in Richland County, we
11 investigated that crime.

12 Q. I want to turn your attention to July the 30th of 2010.
13 Were you on call that evening?

14 A. I was.

15 Q. And did you get a word as to a homicide that had
16 occurred in Richland County?

17 A. I did, at [REDACTED].

18 Q. And what did you do once you got that information?

19 A. I was actually assisting on an unrelated homicide on a
20 search warrant on the opposite side of town. I responded to
21 [REDACTED].

22 Q. And when you got there, tell this jury what you
23 observed.

24 A. When I arrived there were numerous deputies already on
25 the scene, as well as witnesses. I did a -- I met up with

1 my secondary investigator, which would have been
2 Investigator Jordan at the time, and kind of gave me an idea
3 of what he was told just prior to getting there.

4 We did a quick view of the crime scene. There were two
5 individuals, two Hispanic males, laying inside the fence
6 line on the far side of the lot at [REDACTED] [REDACTED] [REDACTED].

7 Q. Describe the lot at [REDACTED] [REDACTED] [REDACTED] and the
8 buildings that are located there.

9 A. [REDACTED] [REDACTED] [REDACTED] is a fairly large lot. There is a
10 house that is set -- if you are looking at the lot from the
11 roadway, there is a house set to the right side. It's an
12 average sized house and then there is the front yard. And
13 to the left there is going to be a separate building that
14 was obviously conditioned for living in.

15 Q. And that would be the white house in the photographs?

16 A. That is correct.

17 Q. While you were there at the scene were you able to make
18 any determinations as far as the manner or the cause -- the
19 manner of death in this case, as far as whether it was a
20 shooting, a stabbing, or anything of that nature?

21 A. It was -- it was obvious that there had been a
22 shooting. It was obvious that both victims had been shot
23 multiple times, due to the nature of the wound on each
24 individual that was -- you could easily observe, as well as
25 shell casings in the area.

1 Q. As far as the shell casings in the area, were you able
2 to make any determination as to the type or caliber of gun
3 that was used that day?

4 A. I learned upon my arrival in talking with individuals
5 on the scene that it was a 45-caliber pistol.

6 Q. Did you make contact or did members of your department
7 make contact with some witnesses there at the scene that
8 day?

9 A. Yes, ma'am, we learned there were several witnesses
10 that stayed on the scene. Some were there at the time of
11 the shooting. Some were there just prior to the shooting.

12 Q. And as a result of speaking briefly with those
13 witnesses -- was there a language barrier that was some
14 problematic in this case?

15 A. There was. Myself nor Investigator Jordan spoke
16 Spanish, or do speak Spanish. We elicited the help of
17 Sergeant Rafael Gonzales and Deputy Ortiz.

18 Q. And did they come out and help you there at the scene?

19 A. They did.

20 Q. Based on conversations with the witnesses at the scene,
21 were you able to get a description of the person that had
22 committed the murder?

23 A. We had. We were told --

24 Q. What was the description?

25 A. We were told it's going to be a white male, possibly in

1 his thirties, white colored wavy type hair, wearing small
2 frame wire rim type glasses. He was noted to have several
3 distinctive tattoos. He was also described as having
4 earrings in his ears, in both ears. They were not described
5 as your typical earrings, but they were described as gauge
6 type earrings that start to stretch your earlobe.

7 Q. Gauge type earrings?

8 A. Yes, ma'am.

9 Q. What's a gauge type earring?

10 A. It's basically a solid disc that starts out very small
11 and then eventually you can get them, as your earlobe
12 stretches, to a very large size. They basically just deform
13 your earlobe.

14 Q. And that was one of the distinctive things, as well as
15 the glasses?

16 A. Yes, ma'am, and tattoos as well.

17 Q. I was getting ready to get to the tattoos.

18 And were they specific about tattoos that would prove
19 significant in the investigation of this case?

20 A. Yes, ma'am. The one tattoo that they were very
21 distinctive about or sure about was the large tattoo around
22 his back. It was told to cover his entire back, as well as
23 being a naked lady with -- mostly at that point it was just
24 a naked lady with some type of animal at the bottom of the
25 back.

1 Q. And more than one witness actually described that
2 tattoo?

3 A. Yes, ma'am.

4 Q. And in addition to the tattoos, as well as the gauges
5 on the ears, did you also have any information about a
6 possible vehicle being involved?

7 A. We were told that the suspect had arrived in a two tone
8 green style van with Louisiana tags.

9 Q. That day did you make contact or was contact made for
10 you, through other vest investigator with Mr. Gonzales,
11 Roberto Gonzales?

12 A. That particular day?

13 Q. Yes?

14 A. Yes, ma'am, I believe myself, Investigator Jordan, and
15 Sergeant Gonzalez spoke with Mr. Gonzales at that point.

16 Q. And Mr. Gonzales, where did he live in relation to this
17 crime scene?

18 A. He lived directly across the street. His address is
19 [REDACTED] [REDACTED] [REDACTED]. [REDACTED] was the incident location, so
20 it's -- they are directly across the street from one
21 another.

22 Q. And did you also make contact with other witnesses who
23 have testified here in court?

24 A. Yes, ma'am.

25 Q. And they were able to give you information so you could

1 develop a suspect?

2 A. That's correct.

3 Q. Were you able to get any identifying information
4 specific to a suspect, such as a name or anything of that
5 nature?

6 A. At that point, no, ma'am, we had not.

7 Q. There at the scene, other than the shell casings and
8 the projectiles that were later recovered, were there any
9 other weapons recovered there at the scene?

10 A. No, ma'am.

11 Q. The area that we are talking about is located in what
12 neighborhood?

13 A. It's in the Woodfield Park community of Richland
14 County.

15 Q. And that's located here in northeast --

16 A. Yes, ma'am.

17 Q. -- Columbia.

18 I want to show you what's been marked as State's
19 Exhibits 199 and 200. Are these two aerial maps of that
20 area?

21 A. Yes, ma'am, they are.

22 Q. And do they fairly and accurately depict the general
23 area we are talking about?

24 A. They do.

25 MS. CAMPBELL: Your Honor, at this time I would

1 offer them into evidence.

2 THE COURT: What says defense?

3 MS. DAVIS: Could we look at them just briefly,
4 Your Honor?

5 (Off the record)

6 (Back on the record)

7 MS. DAVIS: Your Honor, I would object to them
8 being entered into evidence, but no problem for
9 identification.

10 THE COURT: They are admitted over objection.

11 MS. CAMPBELL: Thank you.

12 Your Honor, may the witness step down for a
13 second?

14 THE COURT: Yes.

15 MS. CAMPBELL: Thank you.

16 (Witness off the witness stand)

17 BY MS. CAMPBELL:

18 Q. State's Exhibit -- if you will come over to this side
19 for me.

20 State's Exhibit No. 199, does that show the general
21 area we are talking about?

22 A. --It does.

23 Q. And there have been references to the [REDACTED] house and
24 then the adjoining houses on that lot. Are those shown on
25 there?

1 A. Yes, they are.

2 Q. And can you show the jury where they are?

3 A. This is the actual residence, the house at [REDACTED]
4 [REDACTED] [REDACTED]. This is the shed or the addition that we
5 are referring to where this incident actually took place.

6 Q. And I notice there in front of the addition or the
7 separate house there are some trees, is that correct?

8 A. That is correct.

9 Q. And Mr. Gonzales' house, the eyewitness to the actual
10 murder, is it there on that map?

11 A. It is here, and that is actually the color of his front
12 porch is in bright red, very distinctive.

13 Q. And did you actually go to that porch that day and
14 observe the scene from there?

15 A. I went there several times, yes, ma'am.

16 Q. And are you able to see from the area where he was that
17 day and to where the crime occurred?

18 A. Yes, ma'am, it's a clear shot.

19 Q. And I show you State's Exhibit No. 200. Is that a
20 closer-up?

21 A. It is.

22 Q. And, again, where did this crime actually occur?

23 A. It occurred right in this area here. I believe there
24 is a fence that runs the entire perimeter of the house and
25 there is a gate, a walk-through gate, here at the tree. It

1 occurred right here.

2 Q. And even though this tree is here, you were able to see
3 across the road?

4 A. Yes, ma'am.

5 Q. Without any obstruction?

6 A. None at all.

7 (Witness back on the witness stand)

8 BY MS. CAMPBELL:

9 Q. Prior to police getting there, through the course of
10 your investigation did you become aware certain people tried
11 to go to the aid of these victims in this case?

12 A. We had learned that several witnesses attempted to
13 assist the victims, one being Roberto Gonzales, as well as I
14 believe Dimas and Esau Hernandez. I think Esau went to
15 check to make sure that one of the victims was not his
16 brother, as he had previously thought.

17 Q. And is that unusual when two people are murdered for
18 people to try to give help?

19 A. No, not at all. I mean, it's very common. You have
20 any type of violent scene where there are witnesses, they
21 will try to assist and aid the victims, especially if they
22 are neighbors or family members.

23 Q. At that point y'all interviewed multiple people there
24 at the scene. Did you also make contact with Alfredo Vidal
25 and Jose Hernandez Monroy?

1 MS. DAVIS: Objection to the leading, Your Honor.

2 THE COURT: Objection is overruled.

3 MS. CAMPBELL: Thank you.

4 A. We did. We were doing the interviews on the scene and
5 we learned that both Alfredo and Jose had been at the scene
6 earlier. We found where they lived and we went and picked
7 them up.

8 BY MS. CAMPBELL:

9 Q. Based off your interviews there at the scene and later
10 that day, did a certain convenience store become a part of
11 your focus?

12 A. We had learned through the investigation that one of
13 the victims and the suspect had went to the Shell gas
14 station at East Boundary and Percival Road to purchase more
15 beer.

16 Q. And is that close near, just within walking area?

17 A. Within a just a very few minutes.

18 Q. And did you actually make any attempts to retrieve
19 certain items from the Shell gas station?

20 A. Due to the fact -- most of your convenience stores have
21 surveillance video. With them going there it was our hopes
22 to find the victim, as well as the suspect described on
23 video at that gas station.

24 Q. And did you make any attempts to retrieve the video?

25 A. We did. And I think at the time that we tried to

1 obtain the video, we were told that the manager was the only
2 one that could pull it up and play the video or to make a
3 copy for us.

4 Q. And through the course of your investigation over the
5 next day or so were you able to retrieve the video?

6 A. We did.

7 Q. And have you had an opportunity to review the video?

8 A. Yes, ma'am.

9 Q. And did that become significant in your investigation,
10 as far as putting together a time line leading up to the
11 events?

12 A. It did.

13 MS. CAMPBELL: Your Honor, at this time permission
14 to publish the video? It's already in evidence.

15 THE COURT: You may publish it.

16 (Whereupon, the store videotape was shown to the
17 jury panel)

18 BY MS. CAMPBELL:

19 Q. In the video there are actually four different -- how
20 many camera angles are there?

21 A. I believe four.

22 Q. And did you collect the video from the store around the
23 time where he's alleged to be there?

24 A. We did.

25 Q. And in the video what does it actually show on the

1 interior of the store?

2 A. On the interior of the store it shows -- you can
3 actually see the victim, Edgar Lopez, the victim that went
4 to the Shell gas station with the suspect described at the
5 time. It shows him actually walking -- if you are looking
6 out of the store out of the front door, it shows him walking
7 from the left-hand side of the store from the parking lot
8 crosses the doorway and appears to go to another portion of
9 the parking lot. I'm not quite sure what he does until
10 later on in the investigation. We then see him come into
11 the store, make contact with a small child, stand there and
12 talk to the child for what appears to be several minutes,
13 and then a female who appears to be the mother of the child
14 comes and talks to the victim.

15 Q. The videos in this case show the entry of the store?

16 A. Yes, ma'am.

17 Q. That's what's on the tape?

18 A. Yes, ma'am.

19 Q. What area of the store does this show?

20 A. This shows the front entrance into the parking way of
21 the store.

22 The victim there obviously exits or comes from the
23 right-hand side of the screen to the left.

24 The child in the left-hand corner of the frame is the
25 child I'm talking about in question that Mr. Lopez actually

1 comes in and speaks with.

2 This is going to be Mr. Edgar Lopez that's entering the
3 store now with the red hat backwards.

4 Now, one of the --

5 MS. DAVIS: Your Honor, I would object to the
6 narration of the video.

7 THE COURT: Objection overruled.

8 A. This is going to be one of the witnesses that had
9 testified earlier. I believe her name was Marlin. That's
10 going to be the mother of the child who he's talking to, as
11 well the wife of Adan Soto.

12 BY MS. CAMPBELL:

13 Q. And who is that?

14 A. That is going to be Marlin leaving the store.

15 That's going to be Edgar exiting the store.

16 Q. Again, who is that?

17 A. That's going to be Edgar Lopez as well.

18 Q. And that's him again?

19 A. Yes, ma'am.

20 Q. Is that Mr. Lopez?

21 A. It is.

22 Q. And can you tell me what he just put down on the
23 ground?

24 A. It's a -- what they call a suitcase of Budweiser. It's
25 a case of Budweiser beer.

1 Q. And what's that?

2 A. That is Edgar exiting with a case of beer.

3 Q. Can we go to camera four now?

4 What area of the store does this show?

5 A. This is from the counter out into the store itself.

6 This is going to be the same time frame.

7 You can see in the top right corner of the screen the

8 back side of Edgar Lopez where it appears he's made contact

9 with the child or the mother of the child at that point.

10 This would be Marlin coming up to the counter.

11 Q. During this time period he's in the store, he came out

12 of the --

13 A. That is correct.

14 Q. Or in and out actually?

15 A. He went towards the back -- you can actually see some

16 of him in the left-hand side of the screen.

17 Q. Uh-huh.

18 A. You can see Mr. Edgar waiting in line now in the middle

19 of the screen.

20 Q. Is that when he was still in line?

21 A. Yes, ma'am, he was the next one in line.

22 We noticed that due to his size, at some point it was

23 hard to see him due to his physical height and weight. He

24 just wasn't a very large individual.

25 Q. That's him at the counter?

1 A. Yes, ma'am.

2 Q. At that point he goes off the screen?

3 A. Yes, ma'am.

4 Q. He then exits out of the door?

5 A. That's correct.

6 (Whereupon, the videotape was stopped

7 BY MS. CAMPBELL:

8 Q. Sir, that day did you have an interview with Alfredo
9 Vidal?

10 A. We did.

11 Q. And on the way of taking him home, does he ever give
12 you information to prove pertinent in this case?

13 A. He did. After his interview, his initial interview, he
14 obtained -- he gave us a partial tag for the Louisiana tag
15 that was on the green van.

16 Q. And what was he able to remember what he thought the
17 tag number was?

18 A. In my notes we had --

19 MS. DAVIS: Objection, Your Honor. It's hearsay.

20 THE COURT: All right, the conversation between?

21 MS. CAMPBELL: Alfredo Vidal, who has already
22 testified, Your Honor.

23 MS. DAVIS: Not to this information, Your Honor.

24 THE COURT: Overrule the objection.

25 A. He gave us a tag -- two different scenarios of tags

1 that would have been MGN 869 or MGN 769. He was -- he was
2 very sure about the majority of the tag, except for the very
3 first number in the two scenarios that he gave.

4 BY MS. CAMPBELL:

5 Q. And at that point had you also already received a
6 description of the vehicle involved?

7 A. We did. We received a two tone Kia van.

8 Q. That next day did y'all continue with your
9 investigation?

10 A. Yes, ma'am.

11 Q. And at this point you got a description of the person
12 you were looking for and a description of the car?

13 A. Yes, ma'am.

14 Q. And what all did you do to follow up on these leads?

15 A. We received numerous tips, some from law enforcement,
16 some from individuals in the community. We just received
17 several names of individuals that could possibly fit that
18 description. We went out -- myself and several other
19 investigators went out to make contact with these people and
20 were able to rule them out.

21 I believe at one point we went to numerous convenience
22 stores surrounding this community to check that surveillance
23 as well to see if there was an individual that fit the
24 description of the suspect that was given buying a Modelo
25 type beer. At one point we obtained video of a green van

1 that was in that community around that time. We obtained
2 some still photographs from a surveillance video to show to
3 some of the witnesses and they ruled that vehicle out as
4 being the potential vehicle seen.

5 Q. Okay. And as you made contact with various people that
6 you thought could be suspects in the case and you ruled them
7 out, did you also collect what's known as the buccal swab or
8 the known standard from them?

9 A. We did with just I believe every individual we made
10 contact with.

11 Q. And why is that, sir?

12 A. To eliminate them from the DNA that we had on the scene
13 of the unknown individual.

14 Q. And those were submitted for testing?

15 A. That is correct.

16 Q. After you viewed the actual video in this case, did you
17 then make contact with Mr. Soto and his wife?

18 A. We did.

19 Q. And were they able to give you information?

20 A. Yes, they did. They both gave statements.

21 Q. And that was proved pertinent in this investigation?

22 A. It did. Both in their statement advised us that
23 according to Edgar's conversation with them in the store or
24 at the store, he was solicited for sex by the individual he
25 was at the store with.

1 Q. On the 2nd did y'all have another meeting to discuss
2 what needed to be followed up on that day? At this point do
3 you have any idea of the identity of the person --

4 A. None at all.

5 Q. -- that committed this crime?

6 A. None at all.

7 Q. And did y'all have a meeting as to what needed to be
8 done on the 2nd, I believe, of August?

9 A. We did.

10 Q. And what types of evidence regarding your possession
11 did y'all want to follow up on to try to --

12 A. At that point we had a physical description and we
13 obtained some information on individuals that could be
14 suspects. We went out and interviewed those, as I said, and
15 ruled those out.

16 Q. Did you also request that DNA testing to be done?

17 A. We did. There was additional DNA tested.

18 Generally we will have a meeting with people from the
19 DNA lab to go over items of evidence that were collected at
20 the scene to have them tested. It was discussed that we
21 should have all the beer cans at that scene tested, as well
22 as during our initial interview with Roberto Gonzales, the
23 neighbor, he stated that the white male, the suspect, had
24 entered and exited through a walk gate where the shooting
25 had occurred, and at one point he actually shut the gate

1 behind him, which would lead us to believe there would be
2 potential DNA on the handle of that gate.

3 Q. Did you request forensic to go back and actually get a
4 swab from that gate?

5 A. We did.

6 Q. In addition to that, did you also put out any
7 information as far as a press release about who you were
8 looking for?

9 A. We had obtained a sketch, a composite sketch from
10 Alfredo, via SLED, and put that out as a potential suspect
11 in the shooting.

12 Q. Later on the 3rd or the 4th did you make contact with
13 the Louisiana Fusion Center?

14 A. We did. I believe Major Smith did the majority of the
15 communication between the Louisiana Fusion Center and
16 ourselves.

17 Q. What type of information were you trying to get from
18 the Louisiana Fusion Center?

19 A. Vehicle information. We had narrowed down the scope of
20 the search to the van, based on the pattern of the van to be
21 a certain year, or between a certain few years. Actually I
22 think it was 2002 to 2005. And they were able to narrow
23 that down for us and we requested that we receive all tags
24 for those vehicles registered within that time frame in
25 Louisiana.

1 Q. Okay. And that was done primarily by Major Smith?

2 A. Yes, ma'am.

3 Q. During that day also did y'all try to go back and
4 canvass different neighborhoods?

5 A. Yes, ma'am. This is a lengthy investigation. It went
6 over a several week period, and we tracked down several
7 leads, a lot of which we just came to a dead end on.

8 We set up checkpoints to pass out the fliers in the
9 surrounding communities to see if it would help just kind of
10 jog anybody's memory to see if they saw anybody, that van,
11 or that anybody that fit that description in the area.

12 We had also discussed doing just a basic foot canvass
13 of those neighborhoods and go door to door.

14 Q. When you talk about foot canvass or canvass the
15 neighborhood, what are you talking about doing?

16 A. Basically you just go back to the old style police
17 work. You go knocking on doors and talking to witnesses.

18 Q. And what specific communities were y'all focused on at
19 that point, basing the information given to you by the
20 eyewitness?

21 A. Based on the information from Alfredo, he had spoken
22 with the suspect at the home, at [REDACTED] [REDACTED] [REDACTED]. When
23 he was asked -- he was asked where he lives and he told
24 him -- he told the suspect Regency Trailer Park. At that
25 point the suspect became interested in what Alfredo was

1 saying and he had told him that he lived in the Windsor
2 Lake -- I believe it was in the Windsor Lake area on a curve
3 basically right at Windsor Lake, which would prove important
4 later on in our investigation.

5 Q. And did you go canvass the Windsor Lake neighborhood?

6 A. We did.

7 Q. Just for the record, too, Woodfield Park and Windsor
8 Lake, are those two separate neighborhoods?

9 A. Completely separate, yes, ma'am.

10 Q. During the course of your investigation, I believe you
11 were already mentioned this, on the 5th did you actually get
12 a video from another gas station?

13 A. Yes, ma'am.

14 Q. And you were trying to get videos from the area, as far
15 as matching the van description?

16 A. Yes, ma'am.

17 Q. And would that prove to lead anywhere?

18 A. It led us nowhere. As I said, we obtained still photos
19 of a partial green van and showed it to both Alfredo and
20 Jose and they immediately said that was not the van that was
21 at the scene.

22 Q. As far as the tattoos, over the course of that next
23 week did you do anything to follow up, as far as trying to
24 identify the tattoos and where they may come from?

25 A. Again, Major Smith did a lot of the legwork on this one

1 from the office. He contacted I believe the Louisiana
2 Department of Corrections and I think there was some contact
3 made with the Department of Corrections here in South
4 Carolina checking to see if there was any type of database
5 that was held for specific tattoos, gang members, or just
6 individuals in particular with certain types of crimes.

7 I think we had also checked the sex offender registry.
8 Our purpose for checking the sex offender registry was for
9 physical descriptions, as well as to see if there was any
10 type of crimes that had been committed, same sex crimes
11 committed on victims.

12 Q. And during the course of the investigation as it
13 progressed into the second week, did you become aware that
14 there was potentially DNA out there that could be matched to
15 someone, should you get a suspect?

16 A. We did. We received known DNA from both the victims at
17 the scene, as well as an unidentified individual.

18 Q. Moving into August 10th, 11th, and the 12th, in that
19 time frame, did you make a request of Investigator Gonzalez
20 to go back and talk to witnesses again?

21 A. I did.

22 Q. Why was that, sir?

23 A. Again because there was a language barrier. I have
24 worked with Investigator Gonzalez for several years now and
25 he is very connected to the Hispanic community in Richland

1 County, so I had asked him to go back out and re-interview
2 the witnesses.

3 Q. Did you continue to canvass the different
4 neighborhoods, as you described before?

5 A. We did.

6 Q. And was anyone or did anyone come forward with any
7 information that proved to be pertinent to this case, other
8 than the witnesses that you already interviewed?

9 A. I'm sorry, I'm drawing a blank at this point in time.

10 Q. Okay. I'm sorry.

11 You didn't develop any suspects in the days -- on the
12 17th, you still didn't know who did this crime?

13 A. That's correct.

14 MS. DAVIS: Objection, leading.

15 BY MS. CAMPBELL:

16 Q. On the 17th did y'all set up a meeting between you and
17 some of the investigators as far as coming up with new ways
18 that you could investigate this case, on August the 17th?

19 A. We did. I believe that's when we contacted Louisiana
20 and requested the list of vehicles from Louisiana that fit
21 the description of the year and make and model that were
22 registered in Louisiana.

23 Q. And are you familiar with the term reverse 9-1-1?

24 A. Yes, ma'am.

25 Q. And did you also request that that be done?

1 A. Yes, ma'am. That was actually, as I mentioned before,
2 we were going to do the foot canvass. That was done in lieu
3 of the foot canvass. That's where a phone call was placed
4 to the communities in that area and there is either somebody
5 will answer the phone or they will leave a message giving a
6 physical description of what we got as a suspect and any
7 information, they were asked to call Crime Stoppers.

8 Q. Following up on key information, did you request the
9 assistance of Audra Linfert?

10 A. We did.

11 Q. As far as crimes analysis?

12 A. Yes, ma'am.

13 Q. And basically what information did you ask her to
14 follow up on?

15 A. Based on the number of vehicles that we got from
16 Louisiana, we asked her to see if she could not locate a tag
17 that was similar to what was given by Alfredo.

18 Q. And did she follow up on that information with
19 Louisiana?

20 A. She did. She actually found a tag that matched. It
21 was MBG 869.

22 I'm sorry.

23 Yes, she obtained a tag of MBG 869, which is very close
24 to the tag that was given by Alfredo.

25 Q. And that was on what date that she actually was able to

1 get that information?

2 A. That was on August the 19th.

3 Q. And that was based on her investigation into
4 possible -- the van?

5 A. That's correct.

6 Q. Once you got that information, what did y'all do?

7 A. At that point we began -- we checked to see who the
8 vehicle was registered to. It was registered to a Leslie
9 Parvin actually in Fort Polk, Louisiana.

10 Q. Fort Polk, Louisiana?

11 A. Fort Polk, Louisiana.

12 Q. And specifically what was the address at Fort Polk
13 Louisiana that it was registered to?

14 A. It was registered to [REDACTED], I believe it's Guinea
15 Street.

16 At that point Major Smith began checking databases for
17 his name and characteristics, at which point we found that
18 there was a Leslie Todd Parvin, a date of birth of
19 1-26-1971, that lived at [REDACTED] [REDACTED] [REDACTED], which is in
20 the Windsor Lakes community.

21 Q. And was that significant to you at that point in this
22 investigation?

23 A. That was very significant.

24 Q. Did you also conduct a record search to see whether or
25 not the Leslie Todd Parvin that y'all identified in the

1 Windsor Lake community had ever been in Louisiana?

2 A. Yes, we did. We -- it showed that he was actually
3 stationed -- I believe Major Smith again, or Investigator
4 Gonzalez, had contacted Fort Jackson and found out that he
5 had lived on Fort Polk, as well as he was stationed at Fort
6 Jackson.

7 Q. Did you make -- or did you have someone make contact
8 with Chief Hill at Fort Jackson, who testified earlier
9 today?

10 A. Investigator Gonzalez did. I believe he's familiar
11 with Chief Hill and he made contact with him and found
12 that -- he attempted to obtain any type of information on
13 Leslie Parvin that would be beneficial to us, and that's
14 when he found that he had had a weapon, a Norinco
15 45-caliber, registered to him on Fort Jackson, or at the
16 time as to what we thought was registered to him on Fort
17 Jackson.

18 Q. And why is the fact it that he had a Norinco 45
19 significant in this investigation?

20 A. Early in the investigation we received from ballistics
21 a list of possible weapons that could be used with this 45,
22 in this murder, that was a 45-caliber, and Norinco was
23 actually on the list of possibilities.

24 Q. That day did Sergeant Matt Ellis also assist you in
25 trying to get information?

1 A. Yes, he actually did a Google search -- when we -- what
2 we like to do is we like to know where we are going and what
3 we are possibly looking at, as far as a house or anybody
4 that might be registered to that house or was living at that
5 residence. He did a Google Map search of the home.

6 Q. I'll show you what's been marked as State's Exhibit No.
7 194. This is a blowup of what actually come up on his
8 computer?

9 A. Yes, ma'am.

10 Q. And was this also significant in your investigation of
11 the case?

12 A. It was, because it showed a green van, a two tone green
13 van parked in the driveway.

14 Q. And that was in the driveway of whose home when you
15 come pull it up on Google search?

16 A. That would have been the driveway of [REDACTED]
17 [REDACTED], which is the home of Leslie Parvin.

18 Q. Did you also have anyone do any research as far as
19 getting a possible photo of the defendant?

20 A. Again, Sergeant Ellis had conducted a driver's license
21 check of Mr. Parvin and found that he had a Texas driver's
22 license, not a South Carolina driver's license, which it's
23 not uncommon for military to have an out of state driver's
24 license.

25 Q. And at that point did y'all request a photograph?

1 A. We did. Sergeant Ellis requested a photographic lineup
2 from the Texas Department of Public Safety.

3 Q. And did y'all receive that?

4 A. We did.

5 Q. That same day?

6 A. Yes, ma'am.

7 Q. And after getting the photo lineup, what, if anything,
8 did you do?

9 A. We took that photo lineup to Alfredo.

10 Q. To Alfredo?

11 A. Yes, ma'am.

12 Q. And where was he at the time that you took the lineup
13 over to see him?

14 A. We actually made contact, our Investigator Gonzalez
15 did, and he was actually eating lunch at Casa Linda's on
16 Garners Ferry Road.

17 MS. DAVIS: Your Honor, I would object as
18 cumulative.

19 THE COURT: Objection is overruled.

20 MS. CAMPBELL: Thank you, Your Honor.

21 BY MS. CAMPBELL:

22 Q. And once you went to -- did you actually talk to him at
23 Casa Linda, or did --

24 A. I didn't. I accompanied him.

25 Q. And when you were there, what, if anything, was done?

1 A. . Again I don't speak Spanish, so I let Investigator
2 Gonzalez do the talking with Alfredo. .

3 He showed him the lineup. And when he placed the photo
4 lineup in front of him, he did look at it and he looked --
5 he looked in the sheet to look under it just to make sure
6 there was no other photographs out of an abundance of
7 caution. He said something to Investigator Gonzalez. And
8 as he responded, immediately Alfredo immediately pointed to
9 picture number three and identified photo three as the
10 individual he saw at [REDACTED] [REDACTED] [REDACTED].

11 Q. Based on that information, along with the other
12 corroborating information, you actually have an
13 identification now, did you seek to obtain warrants?

14 A. We did. I obtained the arrest warrants while Major
15 Smith typed up the search warrant for [REDACTED] [REDACTED] [REDACTED].

16 Q. Later that day was another witness, I believe Mr.
17 Monroy shown --

18 A. It was. Jose Monroy.

19 Q. -- the photographs as well?

20 A. Yes, ma'am.

21 Q. And who actually showed him that lineup?

22 A. Again it would have been Investigator Gonzalez.

23 Q. And during the course of your investigation did you
24 become aware of whether or not he was able to identify
25 anyone?

1 A. He did. He identified photo number three.

2 Q. Were you actually there for that identification?

3 A. I believe so. I'm not a hundred percent, though.

4 Q. In the meantime while all this is developing, you are
5 getting the identifications, you are requesting the arrest
6 warrant, were there any other warrants that you requested in
7 addition?

8 A. We obtained the two arrest warrants for murder for
9 Edgar Lopez and Pablo Gutierrez and we obtained a search
10 warrant for [REDACTED] [REDACTED] [REDACTED].

11 Q. And that was the residence of the defendant?

12 A. Yes, ma'am.

13 Q. Did you also have certain officers conduct surveillance
14 on the Bay Springs address?

15 A. Yes, ma'am. We elicited numerous investigators to set
16 up surveillance on that residence while we obtained those
17 warrants.

18 Q. And why did you set up surveillance on the house at
19 that point?

20 A. Due to the nature of the crime, we wanted to make sure
21 who may be coming or going from the residence, and we were
22 not sure if Mr. Parvin was living or still there at that
23 residence, or even in South Carolina at the time.

24 Q. Did the officers actually go up to see if there was
25 already evidence in the van?

1 A. They did and it was noted that the van was not there.

2 Q. That day were you also able to do some research and
3 find out some information about the defendant's wife?

4 A. We did. We actually did the research on his whole
5 family and found that his wife worked at Windsor Lake
6 Elementary and that he had children that attended Richland
7 Northeast.

8 Q. That day did y'all send out I believe Sergeant
9 Isenhoward to make contact with the defendant's wife?

10 A. We sent Sergeant Isenhoward and Lieutenant McDonald to
11 interview Ms. Parvin.

12 Q. What kind of information were you trying to get from
13 Ms. Parvin?

14 A. Anything that would assist you in the investigation.
15 Mainly to find out if he was still here in the state. His
16 tattoos, get identifiers on him to make sure that we could
17 confirm what we already knew and who we had as a suspect.

18 Q. That day were you also aware that there was other
19 people at the house --

20 A. We did.

21 Q. -- prior to meeting there?

22 A. We did. We -- we knew that he had a father that
23 potentially lived with him at [REDACTED], as well
24 as his wife and his children.

25 Q. Is his father here in the courtroom today?

1 A. He is.

2 Q. And where is he seated?

3 A. He is in the front row, the third from the left.

4 Q. And what's he wearing?

5 A. He's wearing which appears to be a blue jean type vest.

6 He's kind of balding on top.

7 Q. And were there any efforts made to follow up on his
8 father?

9 A. We did. We found that -- obviously knowing that his
10 children are at the Richland Northeast High School and it
11 being a time frame that we were at the house, which is three
12 o'clock, we knew they would be getting out soon, so we set
13 up surveillance and found where he actually left the
14 residence in I believe a white pickup truck.

15 Q. And at that point did anyone follow him?

16 A. Yes, I believe Investigator Godfrey followed him.

17 Q. And by this time did you obtain the warrants in this
18 case?

19 A. Yes, ma'am.

20 Q. Did y'all receive information that day after contact
21 had been made with Shanna Parvin?

22 A. When we interviewed Ms. Parvin to find out the
23 whereabouts her husband, she initially told us that he was
24 not here in the state. I believe he was in Texas at that
25 time. We also asked her about --

1 MS. DAVIS: Objection, Your Honor, hearsay.

2 THE COURT: To which question?

3 MS. DAVIS: Her asking him what Ms. Parvin said to
4 him.

5 THE COURT: What says the State?

6 MS. CAMPBELL: It's not offered for the truth of
7 the matter asserted. It's just to show the direction in
8 which they -- and the steps they had take based on the
9 information that was given to them, as far as officers
10 safety, as well as the safety of the children.

11 THE COURT: Anything further?

12 MS. DAVIS: No, sir.

13 THE COURT: Objection overruled.

14 MS. CAMPBELL: Thank you.

15 BY MS. CAMPBELL:

16 Q. Go ahead.

17 A. Again, to make sure that we had the right individual,
18 we asked about his identifiers as well, and at that point
19 again she told us he was not here in the state. And that
20 when we asked about the tattoos, she mentioned that he had a
21 fox tattoo on his lower back and that was all that we had
22 gotten from her.

23 Q. Were there any efforts made to bring her to the house?

24 A. We did. As previously stated, if we could obtain a key
25 to get into the residence without doing damage, we would do

1 that. And based on the fact that she had advised us that he
2 was not there, we brought her back to the house to make
3 entry in that manner.

4 Q. Did you elicit the aid of any other officers to ensure
5 the safety of everyone there?

6 A. Yes, ma'am, it was numerous investigators on the scene.

7 I believe at that point surveillance was being
8 conducted on Leslie Parvin's father, Parvin senior. He was
9 actually stopped as he arrived at the residence. He was
10 asked if anybody was in the residence, mainly Leslie Parvin,
11 his son, and he stated no, he was in Texas as well.

12 Q. At that point -- were you at the house at this point?

13 A. Yes, ma'am.

14 Q. And did you observe anyone else exit the house prior to
15 y'all entering?

16 A. Other investigators observed movement inside the home.
17 Obviously due to the nature of the crime they let everybody
18 else know it and kind of took cover. We weren't sure what
19 to expect. Then it was found that there was a son. I'm not
20 sure which one. It may have been the older son that was
21 still in the residence at the time and he was actually
22 called and asked to come outside.

23 Q. And did he exit the house at that point?

24 A. He did. He was also asked if anybody, specifically his
25 father, was inside and he said no, he was not, he was in

1 Texas.

2 Q. At some point -- or how did y'all actually make entry
3 through the garage?

4 A. At that point, once Parvin senior arrived home, he
5 opened the garage for us. I believe at the same time, or
6 roughly the same time, Investigator Isenhoward and
7 Lieutenant McDonald were arriving with Ms. Parvin.

8 We made entry in through the garage. We were trying to
9 wait for several individuals or several investigators to
10 make entry, just based on the fact that we were looking for
11 an individual that was accused of murder.

12 Investigator Gonzalez made entry through the kitchen
13 door and at that point is when we heard him yelling "let me
14 see your hands. Show me your hands." And we realized at
15 that point that Mr. Parvin was inside.

16 Q. And what did you do?

17 A. I assisted Investigator Gonzalez. We entered the home,
18 made contact with Mr. Parvin, at which time we had to
19 physically place him on the ground.

20 Q. And he was actually arrested at that point?

21 A. He was.

22 Q. And there at the scene did you observe his back area?

23 A. That is correct. Once he was detained, taken into
24 custody, we lifted up his shirt and found the distinctive
25 tattoo that was mentioned by the witnesses.

1 Q. And was that significant in your investigation?

2 A. Very significant. I mean, it fit the description that
3 was given of a full back tattoo with a woman, a nude -- a
4 partially nude woman with an animal, specifically a fox
5 located at the bottom portion of the back.

6 Q. Was Mr. Parvin then transported to headquarters?

7 A. He was.

8 Q. And once he was at headquarters did you take steps to
9 photograph the tattoos?

10 A. We did. We noticed that his physical appearance had
11 been changed. His hair had been shaved. The gauge earrings
12 that were mentioned by the witnesses had been removed. But
13 fortunately for us the gauge earrings, again, they stretch
14 your earlobe, so the earlobes were still stretched, which
15 fit what was given by the witnesses.

16 Q. And I believe Investigator Oates actually photographed
17 that?

18 A. He did. He photographed his ears and tattoos and full
19 body photographs.

20 Q. Were you present at this time?

21 A. I was.

22 Q. Did you observe any injuries to the defendant at that
23 point?

24 A. I did not.

25 Q. Did you also that day get a search warrant to obtain a

1 buccal swab from the defendant?

2 A. Yes, ma'am, we had elicited the help of Chief Wilson,
3 as well as Investigator Henson, who obtained the warrant for
4 a buccal swab for DNA evidence from Leslie Parvin. We also
5 obtained major case prints from Mr. Parvin as well.

6 Q. And that would be fingerprints?

7 A. Yes, ma'am.

8 Q. That day was the search warrant also executed at the
9 residence?

10 A. It was.

11 Q. Were you present for at least part of that?

12 A. No, ma'am, I was not. I was at headquarters.

13 Q. Okay. So Major Smith was actually I believe a part of
14 that search warrant?

15 A. I believe so, yes, ma'am.

16 Q. That day did you also have any further contact with
17 Shanna Parvin?

18 A. We did. We obtained a statement from her as well..

19 Q. Obtained a statement from her?

20 A. Yes, ma'am.

21 Q. And where was that statement taken?

22 A. It was taken at Richland County sheriff's department
23 headquarters in Lieutenant McDonald's office.

24 Q. And did you also make contact with the defendant's
25 father, Mr. Parvin senior?-

1 A. We did. They both voluntarily came back to
2 headquarters with investigators. He also had given a
3 statement to Investigator Gonzalez.

4 Q. Based on the information that you were able to -- you
5 can't say what it was, but based on the information they
6 were able to give you, did you follow up at a Jamestown
7 Suites or Inn?

8 A. A Jameson Inn on Two Notch Road, yes, ma'am.

9 Q. And what information were you attempting to get from
10 that?

11 A. We were corroborating what was -- what we had learned
12 in the investigation, that Ms. Parvin and her son had stayed
13 at that motel the night of the 30th into the morning of the
14 31st.

15 Q. And were you able to get a copy from that, as far as
16 the paperwork?

17 A. Yes, ma'am. I believe it was Josh Parvin who had
18 checked into the motel that night.

19 Q. That day and into the next day were they able to also
20 look at the fingerprints from the crime scene?

21 A. Yes, ma'am, and there was a match, an initial match to
22 one of the beer cans to Leslie Todd Parvin.

23 Q. In addition to the initial witness -- two witnesses
24 that were shown the lineups, did you then follow up with two
25 other witnesses, as far as showing them photo lineups who

1 have testified here?

2 A. Yes, ma'am.

3 Q. And were those shown separately?

4 A. They were shown separately. I believe maybe even on
5 separate days, and both were able to positively identify
6 Leslie Todd Parvin as being at the scene at the time.

7 Q. And were those lineups shown prior to any news releases
8 in this case --

9 A. Yes, ma'am.

10 Q. -- as far as Mr. Parvin's identity?

11 A. That's one of the things, due to the nature of the
12 crime and the extensive investigation, we believed -- we had
13 put it out for the media. We wanted to make sure that they
14 were shown those lineups prior to him being shown in the
15 news.

16 Q. After the arrest, on August the 22nd did you contact
17 Shreveport, Louisiana and Abilene, Texas?

18 A. I did. I actually contacted a couple of different law
19 enforcement agencies in Louisiana and Texas where we learned
20 during the investigation that Mr. Leslie Todd Parvin had
21 gone after the shooting. We asked them to basically just
22 what we call BOLO, be on the lookout, for the green mini
23 van, the Kia van with the Louisiana tag given.

24 Q. And at this point it was August 22nd, did y'all have
25 any idea at this point where the van was?

1 A. No, we had no clue.

2 Q. Was the van located at the home when y'all went in and
3 did the search warrant on the 19th?

4 A. No, ma'am.

5 Q. And at this point you were still looking for it?

6 A. Yes, ma'am.

7 Q. At a later date did you find out what happened to the
8 van?

9 A. We learned that it had been crushed in Louisiana.

10 Q. Did you also make contact with Shanna Parvin's mother
11 in Abilene, Texas?

12 A. I did. I contacted her father and mother via phone in
13 Abilene, Texas, basically, again, just to follow up on
14 information that we had learned during the investigation.
15 And I learned that Leslie Todd Parvin and his father arrived
16 at their home in Abilene on the 9th, or the 10th, possibly,
17 and left the early morning hours of the 13th of August.

18 Q. The Norinco 45, were you able to or have you ever been
19 able to find it?

20 A. We have never recovered that type of weapon, no, ma'am.

21 Q. Is that unusual in a homicide investigation?

22 A. No, it's not.

23 Q. Why not?

24 A. Generally an individual who would commit a crime with a
25 weapon, whether it be murder, or robbery, or whatnot, they

1 will dispose of that weapon any way possible so we won't
2 find it.

3 Q. Did you ever just go out and purchase another Norinco
4 45 and have it tested?

5 A. No, ma'am, that's -- that's not how we do it, because
6 every weapon fired is obviously going to leave some type of
7 different pattern. It's not all the same.

8 Q. And as far as trying to get a trajectory estimates, you
9 have to have the actual weapon?

10 A. Yeah. I'm not a firearms expert, but based on what I
11 have been told, yes, ma'am.

12 Q. The van that was crushed in Louisiana on August the
13 5th, what was the function of this van?

14 A. That was -- that was their main family van or family
15 vehicle. Based on the records that we saw, they kept
16 maintenance up on that vehicle regularly, which is not
17 uncommon for somebody who's in the military, pretty much
18 structured, they keep their vehicles in tip top shape.

19 Q. The reverse 9-1-1 call that you referred to earlier
20 went out I believe on the 18th, the day before y'all
21 actually arrested Leslie Parvin, what neighborhoods was it
22 sent out to?

23 A. The Windsor Lake community areas. During that time
24 frame, during the search warrant, I believe one of the
25 investigators actually looked at the phone at [REDACTED] [REDACTED]

1 ██████ and saw where that communication had came through on
2 that phone.

3 Q. And when you are doing a reverse 9-1-1, what
4 information is put out on there?

5 A. Again, it's basically the same BOLO. 'It would be on
6 the lookout for physical description of the suspect we had
7 at the time, as well as the vehicle description.

8 Q. And that actually went to the Parvin household?

9 A. That's correct.

10 Q. At any point from July the 30th, when this occurred,
11 until August the 19th, did you ever have any contact from
12 Leslie Parvin?

13 A. No, ma'am, not from Leslie Parvin, nor his family, no,
14 ma'am.

15 MS. CAMPBELL: Beg the court's indulgence.

16 (Off the record)

17 (Back on the record)

18 BY MS. CAMPBELL:

19 Q. The person that you arrested and was identified for
20 this crime, do you see him in the courtroom?

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

22 Q. Can you just identify him for record?

23 A. He's sitting at the defendant's table, in the center,
24 military style haircut with glasses in a dark suit and
25 multi-colored tie.

1 MS. CAMPBELL: Your Honor, may the record reflect
2 that he's identified the defendant?

3 THE COURT: Yes.

4 MS. CAMPBELL: Thank you, sir.

5 THE COURT: All right. Ladies and gentlemen, I
6 think we have come up to lunch hour and we will break for
7 one hour for lunch. Please do not discuss the case.

8 It's not my intent to try to keep y'all in the
9 jury room for an hour. The point is I want you to have
10 lunch and then get you back. That will give you a good
11 time. I'm sure it's important with everyone, for every
12 juror to come and go at the same time. You can come back at
13 different times.

14 All right. Thank you.

15 (The following takes place outside the presence of
16 the jury panel)

17 THE COURT: All right. We will break for lunch as
18 it relates to this case.

19 And, officer, step down, sir. Do not discuss your
20 testimony during lunch.

21 THE WITNESS: Yes, sir.

22 THE COURT: All right.

23 MS. CAMPBELL: Thank you, Your Honor.

24 THE COURT: You are welcome.

25 (Whereupon, proceedings were recessed)

1 (Whereupon, proceedings were reconvened)

2 THE COURT: Bring jury the jury in.

3 THE CLERK: Your Honor, the jury is present.

4 THE COURT: All right. Welcome back.

5 Cross-examination, Ms. Davis.

6 MS. DAVIS: Thank you, Your Honor.

7 May it please the court.

8 THE COURT: Yes, ma'am.

9 CROSS EXAMINATION BY MS. DAVIS:

10 Q. Prior to our break you were talking with Ms. Campbell
11 about seeing the incident location.

12 A. That's correct.

13 Q. And you describe it as being a large lot?

14 A. Yes.

15 Q. And you talk about that there is a house up on the
16 left?

17 A. That's correct.

18 Q. And --

19 A. The one up on the left or the right?

20 Q. I'm sorry, to the right.

21 A. To the right.

22 Q. And the incident where that actually happened is to the
23 left of the house?

24 A. That's correct.

25 Q. Right? There is a shed or a garage?

1 A. Yes.

2 Q. That's where Edgar Lopez lived?

3 A. Yes.

4 Q. And then right in front of that was a little brown
5 shed?

6 A. I believe so, yes.

7 Q. Okay. And that incident location is shown here in
8 State's Exhibit No. 80, right?

9 A. Yes, that's correct.

10 Q. And here in number 79?

11 A. Yes.

12 Q. And what this shows is actually there is a chain linked
13 fence, right?

14 A. That's correct.

15 Q. And when you walk in, you actually -- with this fence
16 there is a tree right here?

17 A. When you say right here, what do you mean?

18 Q. Right at the bottom of the fence there is a tree right
19 here?

20 A. If you are walking in through the gate, the gate
21 portion in front of where Edgar lives, the tree would be to
22 your right.

23 Q. Correct.

24 A. Yes.

25 Q. So right in line with the fence?

1 A. Yes.

2 Q. And then right in front of that little brown shed is a
3 couple of feet -- three, four, five feet?

4 A. When you say there is a couple, three, four, five feet
5 of what? I'm not sure what you are saying.

6 Q. Between the tree, the chain linked fence that's with
7 the tree?

8 A. Are you saying the distance between the tree to the
9 little brown shed --

10 Q. Yes.

11 A. -- or the house.

12 Q. Yes.

13 A. I believe it's more than a couple of feet.

14 Q. All right.

15 A. I'm not sure.

16 Q. And this is the brown shed we are talking about right
17 here, right?

18 A. Yes, but I think the tree is set off in a diagonal
19 manner from the shed.

20 Q. Right.

21 Right behind it is the shed or the garage?

22 A. Right.

23 Q. Okay.

24 MS. DAVIS: Your Honor, could I publish these two
25 photos to the jury?

1 THE COURT: If they are in evidence, yes.

2 MS. DAVIS: Yes, sir

3 BY MS. DAVIS:

4 Q. And so that area, that confined space, that's what we
5 are talking about in terms of the incident location?

6 A. Yes.

7 Q. That's what you described as -- I mean what you
8 referred to as the crime scene?

9 A. I believe so, yes. I'm not sure I referred to it as
10 the crime scene. I think I said it would be the area where
11 the incident occurred.

12 Q. Right.

13 And there -- let's see, we also talked about the video?

14 A. Yes.

15 Q. And y'all played that at different angles from that
16 video?

17 A. Two angles, yes, ma'am.

18 Q. And is there an exterior video?

19 A. No, ma'am.

20 Q. Was that just not available or they don't have a
21 camera?

22 A. I don't believe they have exterior video at that gas
23 station.

24 Q. Okay. But you asked for it and they --

25 A. There is no video. There is no cameras or can't obtain

1 video.

2 Q. I'm sorry, that's what I was asking. Did you ask them
3 if there was video taken outside?

4 A. They have no cameras outside.

5 Q. And the video that we saw showed a lot of traffic
6 coming and going?

7 A. Yes.

8 Q. It's a busy place?

9 A. Yes.

10 Q. And there is a line almost, you know, past the door?

11 A. It's steady, yes, ma'am.

12 Q. And then in the video that's where we see Marlin Avila,
13 right?

14 A. Yes.

15 Q. And at one point she actually comes and takes her son
16 with her away from Edgar Lopez?

17 A. I -- the way I recall the video, I saw the child kind
18 of running free in the store. At one point he was at the
19 door waving for what we believe to be Edgar to come inside.

20 Q. Okay. But in the video there is a spot where Edgar is
21 talking to the child? Yes?

22 A. Oh, of course, yes.

23 Q. And his mother comes over and they walk away?

24 A. I believe so. I know he left with his mother.

25 Q. And in that video it's played from I think it's like

- 1 18:40, military time?
- 2 A. Which would be 6:40, that's correct.
- 3 Q. 6:40. And that went until 18:52. So 6:52?
- 4 A. Yeah, I believe so. I didn't watch the time, but I
- 5 believe so.
- 6 Q. So it was about 12 minutes?
- 7 A. Roughly.
- 8 Q. And in that 12 minutes that's when Edgar was in that
- 9 store to buy a case of beer?
- 10 A. Yes.
- 11 Q. Okay. It took him 12 minutes?
- 12 A. Well, you have got to figure in -- you said there was
- 13 steady traffic, so you have a lot of customers, his
- 14 conversation with the child, Marlin, and then Adan.
- 15 Q. He actually leaves the store a couple of times and
- 16 walks outside? You saw him do that?
- 17 A. Yes.
- 18 Q. And then he walks to the right? You saw him do that?
- 19 A. He goes to the right and then comes back to the left, I
- 20 believe, yes.
- 21 Q. And then goes back in the store?
- 22 A. I believe so, yes.
- 23 Q. He's kind of just meandering around before he even goes
- 24 to get the beer, right?
- 25 A. Define meander.

1 Q. He's walking around?

2 A. It seemed to me like he's having conversations with the
3 child, Marlin, and then with whomever was outside.

4 Q. Right. But we see him leave the store in one
5 direction?

6 A. From the way I interpreted the video, when he went to
7 the right, when he went outside, that he appeared to have a
8 conversation with somebody.

9 Q. Yes. But prior to going to the right he went out the
10 store and went left?

11 A. I can't honestly answer that. I saw him go to the
12 right and I think he came back to go to the left.

13 Q. Okay. In any event, he was in the store, at this
14 store, for 12 minutes, roughly?

15 A. I would say, yes, ma'am, roughly.

16 Q. And you agree there is a lot of people standing in
17 line?

18 A. It came and went, yes, ma'am.

19 Q. At one point there is a long line?

20 A. Yes.

21 Q. Okay. And that's the place where Edgar is having this
22 conversation with Marlin?

23 A. That's correct.

24 Q. Right?

25 A. Yes.

1 Q. This is the place where he's telling her about this sex
2 for money, right?

3 A. That would be correct.

4 Q. Okay. So he's in the middle of the gas station, right?

5 A. Yes.

6 Q. Talking to Marlin?

7 A. That's correct.

8 Q. With people coming and going?

9 A. Yes, ma'am.

10 Q. Right.

11 People coming into the store and leaving?

12 A. That's correct.

13 Q. Right. And that's where he's telling her about this
14 conversation, right?

15 A. Yes.

16 Q. And her child was in the store?

17 A. Yes, ma'am.

18 Q. Okay. And is there -- on the angle -- the first
19 show -- the first video we saw I think they call it angle
20 four?

21 A. Yes, ma'am.

22 Q. Some -- disc four. Is there audio to that video?

23 A. I don't believe so. There is no audio on that video,
24 so I don't believe there is any audio.

25 Q. No audio.

1 MS. DAVIS: One second.

2 (Off the record)

3 (Back on the record)

4 BY MS. DAVIS:

5 Q. So your understanding is there is no audio to that
6 video?

7 A. To which video?

8 Q. The video that we just watched.

9 A. But you are talking about different angles. Are you
10 talking about angle four or the other one we watched?

11 Q. Yes.

12 A. I did not hear any audio, no, ma'am.

13 Q. Angle four.

14 So in your investigation when you watched them view
15 that video, there was no audio to angle four?

16 A. Not to my knowledge, no, ma'am.

17 Q. Okay. And -- let's see, you have been here all week?

18 A. Yes, ma'am.

19 Q. And you have listened to all the testimony?

20 A. Yes, ma'am.

21 Q. Listened to all the witnesses from right there?

22 A. That's correct.

23 Q. And you were the lead investigator on this case?

24 A. Yes.

25 Q. You signed the warrants?

- 1 A. Yes, ma'am.
- 2 Q. And so as part of your job as lead investigator you
- 3 know what's going on in the investigation?
- 4 A. The majority of it, yes, ma'am.
- 5 Q. Well --
- 6 A. I mean --
- 7 Q. You did some of the interviews yourself with witnesses,
- 8 along with Sergeant Gonzales?
- 9 A. I was with -- I assisted in. There was no way I could
- 10 actually quote a conversation, but I was there, yes, ma'am.
- 11 Q. I understand. You were present during a lot of the
- 12 interviews?
- 13 A. That's correct.
- 14 Q. Right?
- 15 A. Yes, ma'am.
- 16 Q. And, of course, you had the assistance of I think
- 17 Sergeant Gonzales at some points?
- 18 A. In the initial portion of the investigation, yes.
- 19 Q. And Deputy Ortiz?
- 20 A. That's correct.
- 21 Q. All right. And I think Investigator Gonzalez at some
- 22 point was helpful?
- 23 A. Yes, ma'am.
- 24 Q. But you were aware of the interviews taking place?
- 25 A. Yes.

1 Q. Certainly you were made aware of what witnesses were
2 telling officers and law enforcement about the incident and
3 what they saw?

4 A. Yes, ma'am.

5 Q. And you reviewed reports that officers had written?

6 A. Are you talking about the followups and so forth?

7 Q. Right, summaries of what they did in their
8 investigation.

9 A. Yes, ma'am. I don't believe I read them verbatim, but
10 I looked them over, yes, ma'am.

11 Q. Okay. I mean, it would be important for the lead
12 investigator to know what had been done in the
13 investigation?

14 A. Yes, ma'am.

15 Q. It would be important for you to know what witnesses
16 had told either you or other investigators?

17 A. Correct.

18 Q. Okay. So, of course, you would be looking at that
19 information when you are trying to conduct an investigation
20 into what you say is two murder charges?

21 A. That's correct.

22 Q. And you testified -- and we know this. There is a
23 language barrier?

24 A. Uh-huh.

25 Q. Which is why we just went through that you needed the

- 1 assistance of some translators?
- 2 A. Correct.
- 3 Q. And your report -- or, I'm sorry, you wrote a report?
- 4 A. A followup, yes, ma'am.
- 5 Q. A followup. I mean, that's a report, right?
- 6 A. Yes, ma'am.
- 7 Q. I think it was 17 pages, from what I recall?
- 8 A. I believe so, roughly.
- 9 Q. Pretty lengthy?
- 10 A. Yes, ma'am.
- 11 Q. Single spaced?
- 12 A. Yes, ma'am.
- 13 Q. Detailed?
- 14 A. I believe so.
- 15 Q. You tried to include all the important facts?
- 16 A. Yes, ma'am.
- 17 Q. Any important information that you either gathered
- 18 yourself?
- 19 A. Correct.
- 20 Q. Or information that one of the investigators on the
- 21 case told you about?
- 22 A. Correct.
- 23 Q. Summaries of what they learned?
- 24 A. Yes, ma'am.
- 25 Q. And what you learned throughout this investigation,

1 one, is that Todd Parvin showed all these people his
2 tattoos?
3 A. Correct?
4 Q. Right?
5 A. The majority of them I believe, yes.
6 Q. I mean, certainly all the people we talked with or we
7 heard from this week?
8 A. Correct.
9 Q. And the tattoos y'all took pictures of?
10 A. Yes.
11 Q. And those are exhibits -- let's see, State's Exhibit
12 184, 181, 179, 177. Those are the pictures -- a few of the
13 pictures that y'all took of his tattoos?
14 A. Correct.
15 Q. And you spoke with Alfredo Vidal in this case?
16 A. Yes.
17 Q. And he actually described it as he probably displayed
18 his tattoos?
19 A. I believe so, yes.
20 Q. That's in your report?
21 A. I believe so, yes.
22 Q. And I believe you talked with, or learned from Shanna,
23 Shanna Parvin, that that image on his back was a fantasy
24 thing between her and her husband?
25 A. Correct.

1 Q. That's in your report?

2 A. Yes, because I believe when he showed certain
3 witnesses, he referred to it as possibly his wife or his
4 girlfriend.

5 Q. Right. And they told you that?

6 A. Right.

7 Q. And from all the interviews talking with witnesses you
8 learned that Todd parked his green van in front of that
9 location --

10 A. Correct.

11 Q. -- that we just looked at? I think the jury has it.
12 Right out front there?

13 A. That's correct.

14 Q. Right.

15 And you also learned that Todd told all these gentlemen
16 where he lived?

17 A. He didn't give an address. He gave -- I believe he
18 told Alfredo, described where he lived. He didn't tell him
19 exactly where he lived.

20 Q. Right. Didn't give an address?

21 A. Right.

22 Q. But he said "I live at the curve on Windsor Lake
23 Boulevard," or around Windsor Lake, I'm sorry?

24 A. Right?

25 Q. Right?

1 A. Correct.

2 Q. And that location is about a mile from where this
3 happened?

4 A. I couldn't give you an exact distance.

5 Q. Do you remember testifying at a prior hearing involving
6 this case?

7 A. I believe I have a couple, yes, ma'am.

8 Q. Right. And do you recall saying it was about a mile or
9 so away from the incident location?

10 A. Roughly, probably. I couldn't give you an exact
11 distance, but yes.

12 Q. We agree it's about a mile, don't we?

13 A. Right.

14 Q. And I think Alfredo is the one who you noted it from,
15 but it was said to everyone at the scene?

16 A. What was said to everyone at the scene?

17 Q. Where Todd lived.

18 A. I believe the conversation was between him and Alfredo.
19 I don't know that --

20 Q. Just the two of them?

21 A. I believe so. I think that was the comment, the
22 conversation where he told Alfredo he liked his footwear,
23 his shoes.

24 Q. Right, yes. Alfredo said that he said "I like your
25 boots"?

1 A. So the conversation between Alfredo and Leslie Parvin,
2 yes.

3 Q. Right. Well, there has been no testimony that they
4 were ever alone somewhere, right?

5 A. No, no, not at all.

6 Q. The testimony kind of sounded like they were all
7 standing around talking?

8 A. Right.

9 Q. Or some of them talking?

10 A. Correct.

11 Q. And Todd telling them where he lived, I know not an
12 address, but Windsor Lake Boulevard on a curve, right?

13 A. Okay.

14 Q. That's accurate?

15 A. Yes, ma'am.

16 Q. That's where y'all arrested him?

17 A. That's correct.

18 Q. You made a note of it in your report actually saying
19 this is important because it's actually true?

20 A. Right.

21 Q. And interviewing, you know, all the witnesses again,
22 people that you talked to, and all the summaries that you
23 have reviewed from all the investigators and all the
24 investigation conducted in general in this whole case, the
25 only evidence that you have that there is a sex for money is

1 the words of a man who is .379 alcohol, right?

2 A. From two separate witnesses, yes.

3 Q. Coming from the one person?

4 A. Correct.

5 Q. Right, from Edgar?

6 A. There was two different conversations, yes.

7 Q. I understand that.

8 I'm saying one person said that; Edgar?

9 A. Right?

10 Q. Right. Okay.

11 His blood alcohol level was .379?

12 A. Are you asking me or are you --

13 Q. Yes.

14 A. Yes.

15 Q. It is?

16 A. Right.

17 Q. Okay. And that's -- the legal driving limit is .08,

18 right?

19 A. Correct.

20 Q. So that's over four times that limit?

21 A. Yes.

22 Q. Almost five, right?

23 A. Yes, ma'am.

24 Q. That could be lethal to some people?

25 A. It depends on how much alcohol you consume, I suppose.

1 Q. And -- let's see. Edgar was the person at the scene
2 who could speak English the best?

3 A. Correct.

4 Q. Pablo did not speak English?

5 A. Not to our knowledge, no, ma'am.

6 Q. Correct.

7 And I think we heard from, you know, most of the other
8 witnesses that they either spoke no English or very little?

9 A. Correct.

10 Q. And so Edgar would have been the one that would be able
11 to converse or communicate with Todd?

12 A. Correct.

13 Q. The argument, that took place, we heard about that,
14 right?

15 A. Yes, ma'am.

16 Q. And we heard that -- I guess what you would say is that
17 the argument ultimately led to the shooting?

18 A. That would be what we would think, yes, ma'am.

19 Q. Right. That whatever the words exchanged at that time
20 led to the firing of shots?

21 A. Yes, ma'am.

22 Q. And we don't know what those words were, though, right?

23 A. We don't, no, ma'am.

24 Q. Right.

25 And that's because the only person that you were able

1 to talk to, the neighbor, didn't speak English, right?

2 A. Correct.

3 Q. So he couldn't understand what was being said?

4 A. Right.

5 Q. And he couldn't hear also because of the distance?

6 A. I believe he -- I believe he heard but could not
7 understand. He saw actions.

8 Q. Right.

9 A. Right.

10 Q. So we don't know what was being said, in the course of
11 your investigation?

12 A. Correct.

13 Q. And the argument was between both Victor (sic) and
14 Pablo and Todd, the two victims?

15 A. Who? I'm sorry, Victor?

16 Q. Edgar Lopez?

17 A. Oh, okay.

18 Q. And Pablo. The argument was between the two of them
19 and Todd?

20 A. I think the argument was more between Edgar and Todd.

21 Q. Okay. And, again, do you remember testifying at prior
22 hearings about this case?

23 A. I mean, I remember testifying, yes, ma'am.

24 Q. Okay. Do you remember saying that the argument
25 happened between two victims and Mr. Parvin?

1 A. I know Pablo was present, but I believe during the
2 investigation it was more between Edgar. I believe Pablo
3 has said to have given the defendant money, or what appeared
4 to be have given him money.

5 Q. And what I'm asking is do you remember on a prior
6 hearing about this case saying that there was an argument
7 between the two victims and a white male in a green van?

8 A. That's possible, yes, ma'am. If Pablo was present,
9 then I would consider him being part of it as being there.

10 Q. Okay. And what you said was the argument between two
11 victims and the white male?

12 A. Yes, ma'am.

13 Q. With Todd?

14 A. Okay.

15 Q. And in the course of your investigation you also had --
16 the person who lives at [REDACTED], the main house, was Esau
17 Hernandez, Saul?

18 A. He lives there, yes.

19 Q. Right. And at some point you approached him and asked
20 for consent to search the property?

21 A. I believe so, yes.

22 Q. And that was I think that night, July the 30th?

23 A. Correct.

24 Q. And is that form or sheet that he would have signed?

25 A. Yes.

1 Q. And that is giving y'all permission to search, you
2 know, the entire location for evidence?

3 A. Correct.

4 Q. Right.

5 (One Page Document marked as Defendant's Exhibit
6 No. 4 for identification)

7 BY MS. DAVIS:

8 Q. And that was that night at [REDACTED], at 20:45,
9 military time?

10 A. 8:45, yes, ma'am.

11 Q. Okay.

12 MS. DAVIS: Your Honor, I would move Defendant's
13 Exhibit 4 into evidence. I believe it's without objection.

14 MS. CAMPBELL: No objection, Your Honor.

15 THE COURT: Admitted without objection.

16 MS. DAVIS: Thank you.

17 BY MS. DAVIS:

18 Q. You were also involved in the arrest of Todd?

19 A. That's correct.

20 Q. And before you went to the home you guys did some
21 surveillance?

22 A. Yes, ma'am.

23 Q. So police officers were I guess all around the house,
24 or in front of the house?

25 A. They were set up in areas around the house, yes, ma'am.

1 Q. Okay. And you were out there?

2 A. No, ma'am, I was in the process of getting the search
3 warrants and arrest warrants signed.

4 Q. Okay. So were you there at all before?

5 A. Yes, I arrived I believe before Parvin senior and Ms.
6 Parvin arrived.

7 Q. So you were there prior to the arrest?

8 A. Correct.

9 Q. You were actually involved in the arrest?

10 A. Yes, ma'am.

11 Q. And so when you were outside where were you? Were you
12 by the garage, or where were you?

13 A. At which point? Initially I was --

14 Q. Tell me where you had been.

15 A. Initially I was out by a tree in front of the home.
16 And I believe once we received word that he was not there,
17 that he was in Texas, by multiple family members, the garage
18 door was opened, once Parvin senior arrived home, and that's
19 when we went in through the garage.

20 Q. Okay. State's Exhibit No. 194, and this is an older
21 picture, but it's how the house looks. Basically the garage
22 is right here?

23 A. Correct.

24 Q. So, again, while you were out there doing surveillance
25 or watching the house, where were you? Were you in the

1 front of it?

2 A. Yes, ma'am, somewhere towards the front yard.

3 Q. Okay. So you know there is a front door over there?

4 A. Correct.

5 Q. And so at some point were you over here as well?

6 A. I mean, eventually I came over there and I went in
7 through the garage.

8 Q. Okay. Were you over on this side of the house?

9 A. No, ma'am.

10 Q. Okay. And so this is the garage door that you guys
11 eventually went inside?

12 A. Yes, ma'am.

13 Q. And when you -- let's see, it doesn't show very well,
14 but when you walk into the house, the first room through the
15 garage is -- there is a hallway and then a kitchen?

16 A. I can't honestly answer that, because when I made entry
17 into the home, it was done in such a quick fashion, my focus
18 was on the defendant --

19 Q. Okay.

20 A. -- taking him into custody, and then we left with him,
21 once he -- once he was taken in custody.

22 Q. So did you notice the sliding glass door in that same
23 room where he was arrested?

24 A. Again, no, ma'am. I didn't do any searching. My focus
25 was mainly on him.

1 Q. Okay. But we know there is a front door to the house,
2 of course?

3 A. Obviously, yes, ma'am.

4 Q. The garage was an entry point?

5 A. Right.

6 Q. And you didn't see the sliding glass door, though?

7 A. Again, no, ma'am, I was focused on him.

8 Q. Okay. We know that Todd never called 911?

9 A. Correct.

10 Q. Never called the Richland County sheriff's department?

11 A. That's correct.

12 Q. If he had called you that night, would you have
13 arrested him?

14 A. You are asking for an answer I just cannot give you. I
15 mean, more than likely that's a good possibility, but I
16 guess it would just depend on the investigation.

17 Q. All right. Fair enough. That's true.

18 Let's see. The arrest when that happened, you actually
19 came in right in behind Investigator Gonzalez?

20 A. Yes, ma'am.

21 Q. That's when the arrest was made.

22 And then y'all took him down to headquarters?

23 A. That is correct.

24 Q. Did you drive him down there or how did he get down
25 there?

1 A. Yes, I did.

2 Q. You drove him.

3 And after he talked with people, at some point he and
4 Shanna hugged?

5 A. That is correct.

6 Q. Let's go back a second.

7 You talked with Adan Soto also in this case, right?

8 A. Yes, ma'am.

9 Q. And the first time that you talked to him was actually
10 the next day, July 31st?

11 A. I believe so.

12 Q. And he initially told you that he talked to Edgar
13 inside the gas station?

14 A. That is correct.

15 Q. You later learned from him he was actually outside the
16 gas station?

17 A. That's correct.

18 Q. And so when you talked to him the next time, I think it
19 was not too long after that, actually, maybe the 1st, the
20 next day?

21 A. I think it was a day or so later, yes, ma'am.

22 Q. And you noted that when you asked him why he told you
23 that he was inside initially, you confronted him with that?

24 A. Yes.

25 Q. And you noted in your report that he didn't want to

1 tell us at first probably because he was protecting his
2 wife.

3 A. I believe so, yes, ma'am. I think I said he wanted --
4 he wanted to keep her out of the investigation.

5 Q. Right.

6 And prior to that you said he was protecting his wife?

7 A. Correct.

8 Q. And in the course of this entire investigation, and you
9 described it, I guess, as being what you call a lengthy one,
10 right?

11 A. Yes, ma'am.

12 Q. And did you canvass the neighborhood at all?

13 A. Which neighborhood?

14 Q. Windsor Lake.

15 A. Yes, ma'am, several neighborhoods within that
16 community, yes.

17 Q. How many neighbors that you talked to told you that
18 Todd was gay?

19 A. We didn't talk to anybody that knew him.

20 Q. Okay. How many military people that you talked to said
21 he's gay?

22 A. We didn't talk to anybody that knew him.

23 Q. Okay. How many items in the house that y'all searched
24 did you find saying this guy is leading a double life?

25 A. Well, what would we find that would say that? I mean,

1 what are you asking for?

2 Q. You didn't find anything during the search of his
3 entire house saying this guy is leading a double life?

4 MS. CAMPBELL: Objection, Your Honor. We have a
5 matter of law.

6 THE COURT: All right.

7 Ladies and gentlemen, I will have you step to the
8 jury room for a moment.

9 (The following takes place outside the presence of
10 the jury panel)

11 THE COURT: Yes, ma'am.

12 MS. CAMPBELL: If it please the court, Your Honor,
13 at this point we think she's opened the door. We have
14 instructed this witness not to get into any of the guns
15 involved in this case, any of the drugs involved in this
16 case, anything that was found in the house, specifically in
17 his bedroom.

18 As far as his referencing a double life, he's been
19 instructed not to answer that. So it's hard for him to be
20 to be able to answer this question what evidence does he
21 have that he leads a double life, when she just opened the
22 door for it, when we have instructed him he can't go into
23 that because it would be too prejudicial to the defendant.
24 All those matters and more would go into this defendant's
25 double life. We let it go the first time, but then she went

1 back to it.

2 MS. DAVIS: Your Honor, I can certainly rephrase
3 the question. I was asking this witness specifically about
4 being gay is what my initial question was.

5 In opening they said he was leading a double life
6 and that he was gay. That's what I was asking this
7 investigator about.

8 MS. CAMPBELL: She may sort of retract at this
9 point, but at this point it's out there. It's in front of
10 the jury. "What evidence do you have that he led a double
11 life? A double life?" She asked it twice. I was going to
12 let it go the first time.

13 We think we have the right now to go into the fact
14 that this man did lead a double life. He had drugs in his
15 home. He participated in it. He had guns all over his
16 home. He barricaded himself against the police. All these
17 things indicated someone that did not lead a lovely life,
18 like she just portrayed to the jury, and it's just -- it's
19 frustrating, excuse me, Your Honor, that we have gone out of
20 our way to try to make sure we don't do anything to unduly
21 prejudice this defendant, and then they want to take
22 advantage of it by implying to this jury that this man just
23 led a lovely life. There were many indicators in his home
24 of what kind of life he led.

25 MS. DAVIS: And, Your Honor, just to respond, in

1 opening statement Ms. Simpson stood up and said he was
2 living a double life. That's what I'm referring to in terms
3 of Investigator Gwyn, specifically in terms of that he was
4 gay. I don't see any way how I opened the door to guns, or
5 marijuana, or any of that other stuff. That's something
6 that was said in opening statement by the State that it's a
7 double life. I'm cross-examining him.

8 Specifically my question right before was about
9 being gay, and that's what my remaining questions were about
10 is being gay, and that's their entire theory of the
11 prosecution. I don't believe any door was opened.

12 THE COURT: All right.

13 MS. CAMPBELL: We didn't limit our opening
14 statement to double life that he was gay. We don't even
15 care if he was gay. The allegation is rather that that may
16 be what infuriated him or references to that, but he was
17 also out there, Your Honor, he was buying marijuana. We
18 kept that out to make sure we didn't influence them. She
19 then wants to talk about how he doesn't lead a double life.
20 She questions him in front of this jury over and over like
21 he's some saint, when we kept out all the stuff that doesn't
22 make him a saint, to make sure that it's not, and then she
23 implies that in front of the jury. We just want the
24 opportunity to cure that in front of jury ourselves, because
25 she's opened the door to it and she didn't limit it.

1 THE COURT: All right. Are you asking what he
2 found when he looked in the house?

3 MS. DAVIS: What I asked was what -- I said in the
4 house -- let's see.

5 THE COURT: What you want to --

6 MS. DAVIS: I specifically questioned him about
7 being homosexual. That's the only thing I asked him about.

8 THE COURT: You asked an open question and get a
9 controlled answer.

10 MS. DAVIS: The first question I asked was about
11 the neighbors canvassing, anyone that told him gay;
12 military, anyone that told him gay; house, what they found
13 being gay. That was my whole questioning. That's what my
14 followup questions would have been or would be is
15 specifically homosexuality.

16 The double life wording or phrase came at the
17 opening of the State's case. So I don't --

18 THE COURT: There's a whole lot of opening
19 statements by both sides, direct, cross, and we are way
20 beyond opening statements.

21 MS. DAVIS: I know. I understand that, Your
22 Honor. I just don't believe that that questioning opened
23 the door to what Ms. Campbell is requesting.

24 MS. CAMPBELL: I understand she wants to un-open
25 the door, Your Honor, but I think if you play back the last

1 two questions she asked this witness, you will find that
2 they weren't going into homosexual.

3 THE COURT: All right. Let's me hear the last --

4 COURT REPORTER: It will take me a minute, Your
5 Honor. I can't just play it back.

6 THE COURT: That's fine.

7 COURT REPORTER: Because I have to stop my system
8 to do that.

9 THE COURT: Take your time. Don't worry about it.
10 Let's be at ease for a moment.

11 MS. CAMPBELL: Thank you, judge.

12 (Off the record)

13 (Back on the record)

14 THE COURT: Go ahead.

15 (Whereupon, requested testimony was replayed in
16 open court)

17 THE COURT: You are supposed to have where he had
18 drugs in the house?

19 MS. CAMPBELL: He had bongs in his bedroom, glass
20 pipe.

21 THE COURT: He had what?

22 MS. CAMPBELL: Bongs.

23 THE COURT: What, bong?

24 MS. CAMPBELL: Yeah.

25 And then apparently there were marijuana seeds

1 observed in the bedroom. He also had a glass pipe from
2 which he smoked marijuana.

3 THE COURT: Was that in the kids room or his room?

4 MS. CAMPBELL: His room.

5 THE COURT: His room.

6 MS. CAMPBELL: And then, of course, Your Honor,
7 the guns laid out.

8 THE COURT: How were those guns laid out?

9 MS. CAMPBELL: We didn't put up testimony to that.

10 THE COURT: Find out and tell me.

11 MS. CAMPBELL: Sorry.

12 Set up on the beds in front of the house. They
13 were laid out in the manner in which -- a double-aught
14 buckshot. I don't know if that's the right words.

15 They were set up as in to suggest that he might be
16 preparing for some onslaught.

17 MS. DAVIS: Your Honor, I believe they have photos
18 of the guns that might assist.

19 THE COURT: All right.

20 MS. CAMPBELL: Here are some of them, Your Honor.

21 May I approach, Your Honor?

22 THE COURT: Yes.

23 MS. DAVIS: Your Honor, I believe some of those
24 photos were taken after they had been moved and then
25 photographed after that.

1 MS. CAMPBELL: Here is the bong.

2 THE COURT: He had a gun laid out on every bed in
3 every room?

4 MS. CAMPBELL: The front two rooms.

5 May I approach with the bong?

6 THE COURT: All right.

7 MS. DAVIS: Your Honor, the search warrant
8 indicates that there was one gun found on one bed.

9 MS. CAMPBELL: A shotgun in the foyer, Your Honor,
10 and also a pistol in the top of the closet.

11 May I approach, Your Honor?

12 THE COURT: Yes.

13 THE COURT: We will take a break for a few
14 minutes.

15 (Whereupon, proceedings were recessed)

16 (Whereupon, proceedings were reconvened)

17 THE COURT: I think I will instruct the witness to
18 respond to the question this way; that is, that he found
19 many things in the house that would be consistent with him
20 living a double life, or at least living a life that's
21 inconsistent with the way you are representing it to be here
22 in trial.

23 MS. CAMPBELL: Thank you.

24 THE COURT: And if you want me to explain, I will.

25 Alternatively, if the defense wants to withdraw

1 the question from the record in the presence of the jury, I
2 will allow the defense to do that.

3 MS. DAVIS: Yes, sir.

4 THE COURT: All right. Let's bring the jury.

5 (The following takes place in the presence of the
6 jury panel)

7 THE BAILIFF: Your Honor, the jury is present.

8 THE COURT: All right, Ms. Davis, do you want the
9 witness to answer the last question?

10 MS. DAVIS: No, sir, Your Honor, I withdraw my
11 last question.

12 MS. CAMPBELL: Your Honor, if she can state what
13 the question was that she's withdrawing?

14 MS. DAVIS: I withdraw the question if did you
15 find anything during the house to substantiate a double
16 life.

17 THE COURT: Next question.

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

19 BY MS. DAVIS:

20 Q. Investigator Gwyn, we were talking about, as the lead
21 investigator, of course, you conducted the thorough
22 investigation throughout this case?

23 A. Numerous investigators assisted on this case.

24 Q. Of course.

25 With the help of everybody -- well, not everybody, but

1 multiple people at Richland County?

2 A. Yes.

3 Q. And throughout that investigation the evidence that

4 Todd was gay comes from Edgar Lopez, correct?

5 A. It came from the witnesses that he talked to, yes.

6 Q. Right. That Edgar told them?

7 A. Correct.

8 Q. And his blood alcohol level was .379?

9 A. Correct.

10 MS. DAVIS: I have nothing further, Your Honor.

11 THE COURT: All right.

12 Redirect?

13 REDIRECT EXAMINATION BY MS. CAMPBELL:

14 Q. You also can say it from Jose Monroy?

15 A. That is correct.

16 Q. And did he indicate in his statement to you that there

17 was a conversation between Edgar and --

18 MS. DAVIS: Your Honor, objection as to hearsay.

19 MS. CAMPBELL: I'm responding to her line of

20 questioning. She opened the door again.

21 THE COURT: The objection is overruled.

22 MS. CAMPBELL: Thank you.

23 BY MS. CAMPBELL:

24 Q. Jose Luis Monroy on the question of a being gay,

25 whatever you want to call it, did he have a conversation --

1 did he overhear a conversation between Lopez and the white
2 American where Lopez talked to the white American about how
3 he was homosexual?

4 A. That's correct.

5 Q. And that was separate from the conversation Lopez had
6 with the woman in the store?

7 MS. DAVIS: Objection, Your Honor, leading.

8 THE COURT: Do not lead.

9 MS. CAMPBELL: Thank you.

10 BY MS. CAMPBELL:

11 Q. Go ahead.

12 A. That's correct. This conversation would have been at
13 1801 Woodfield Drive.

14 Q. And then there was a conversation with the woman at the
15 store as well?

16 A. Correct.

17 Q. And then there was a conversation with her husband out
18 in the parking lot of the store?

19 A. Two separate conversations, yes, ma'am.

20 Q. And did one of the witnesses also indicate here in
21 court that they observed the \$200?

22 A. That is correct.

23 Q. And, for the record, when you are investigating a case,
24 you don't create the evidence, do you?

25 A. No, ma'am. We go with what we are told and basically

1 follow the evidence trail.

2 Q. They asked you about whether or not you interviewed any
3 neighbors that had any evidence of him leading, how did she
4 describe it, this double life?

5 A. Yes, ma'am.

6 Q. Did any of the neighbors know him?

7 A. I don't believe we spoke to any of the neighbors,
8 because we didn't know who he was until August the 19th.

9 Q. And that's the point?

10 A. That's correct.

11 Q. You didn't know who he was until August the 19th?

12 A. That's correct.

13 Q. And you were in the military?

14 A. Yes, ma'am.

15 Q. And she asked you about there was no evidence of anyone
16 you spoke to in the military that he was homosexual?

17 A. That's correct.

18 Q. If he had told anyone in the military he was homosexual
19 until this year, what would have happened to him?

20 A. Based on my experience in the Marine Corps, pretty much
21 would have been outcasted, especially somebody who has been
22 in the military for 20 plus years.

23 Q. She asked you about the tattoos and he showed them to
24 the people there?

25 A. Yes, ma'am.

1 Q. As if he was trying to ingratiate himself with those
2 members of the community?

3 A. Correct.

4 Q. And the time period that this crime occurred, it
5 started before anybody went to the store?

6 A. Yes, ma'am.

7 Q. He was there over at the house on Woodfield?

8 A. From our indication, he was over there for a couple of
9 hours prior to the incident occurring.

10 Q. And he stayed there for -- he went to the store? He
11 had gave him a ride?

12 A. That's correct.

13 Q. And then went where?

14 A. Came back to [REDACTED] [REDACTED] [REDACTED].

15 Q. She also asked you if you found any evidence in his
16 house of him being homosexual?

17 A. Yes.

18 Q. Do you expect to find any evidence of his wife's house
19 of him being homosexual?

20 A. No, ma'am.

21 Q. She also asked you about Shanna telling you about the
22 tattoo on his back. When you first asked Shanna about this
23 tattoo on his back, what did she tell you?

24 A. She only told us that it was a fox. She completely
25 left out the fact that it was a naked woman, which would

1 have been her, on his back.

2 MS. CAMPBELL: Beg the court's indulgence.

3 (Off the record)

4 (Back on the record)

5 MS. CAMPBELL: I don't have anything further.

6 THE COURT: Recross?

7 MS. DAVIS: Just briefly, Your Honor. Thank you.

8 RECROSS EXAMINATION BY MS. DAVIS:

9 Q. Investigator Gwyn, again, the conversations -- I'm
10 sorry -- the Todd being gay and exchange of money every time
11 comes from the mouth of Edgar Lopez?

12 A. I believe there was a separate conversation that was
13 heard at the house. And, I'm sorry, I think it was from
14 amongst the individuals standing at [REDACTED],
15 which would have been Pablo, Edgar, and Mr. Todd Parvin.

16 Q. Edgar was the one saying it, right?

17 A. I believe so, yes, ma'am.

18 Q. And Ms. Campbell asked you about Jose Monroy and about
19 overhearing a conversation, right?

20 A. Correct.

21 Q. He testified, not today, but this week?

22 A. Yes, ma'am.

23 Q. I think he was one of the first people to testify?

24 A. I think so.

25 Q. Right.

1 He did not testify to hearing that conversation, right?

2 A. Not to my knowledge, no, ma'am.

3 Q. And, again, in terms of -- I think you just mentioned
4 that -- Ms. Campbell asked you if you would expect to find
5 anything in his wife's house that he was gay, right?

6 A. Correct.

7 Q. This is his house?

8 A. Correct.

9 Q. Right, they all lived there together?

10 A. That's correct.

11 Q. It was Todd lived there?

12 A. Yes, ma'am.

13 Q. His wife Shanna?

14 A. That's correct.

15 Q. Three sons?

16 A. Yes, ma'am.

17 Q. His father-in-law --

18 A. That's correct.

19 Q. I'm sorry, his father?

20 A. Correct.

21 MS. DAVIS: Nothing further, Your Honor.

22 THE COURT: You may step down.

23 Your next witness.

24 MS. CAMPBELL: Thank you, Your Honor.

25 State would call Major Stan Smith,

1 MAJOR JAMES SMITH, having been first duly sworn,
2 testified as follows:

3 THE CLERK: Have a seat in the witness box and
4 state your name for the record and spell it, please.

5 THE WITNESS: It's James Standin Smith. Middle
6 name is S-T-A-N-D-I-N. Smith is common spelling.

7 DIRECT EXAMINATION BY MS. CAMPBELL:

8 Q. Major Smith, where are you employed?

9 A. Richland County sheriff's department.

10 Q. What do you there, sir?

11 A. I'm a supervisor in the criminal investigative
12 division. I supervise roughly about 80 detectives.

13 Q. And what do your duties include as the supervisor?

14 A. At the time of this crime I was a captain in the
15 investigative division. I had more of a focus with major
16 crimes.

17 Now my role is sort of expanded and I have to sort of
18 supervise generally all the crimes. However, I still
19 involve myself with major crimes.

20 Q. And back in July and August of 2010, I believe you were
21 a captain over major crimes?

22 A. I was.

23 Q. And at that point did you also become actively involved
24 in the investigation of crimes, such as homicide, rape,
25 armed robbery?

1 A. Most of the homicides I would become involved in, yes.

2 Q. When did you first become aware of this double murder
3 that occurred over on Woodfield Drive?

4 A. A little bit after seven o'clock on the evening of the
5 30th. I was -- it was actually a Friday night. I was
6 actually out working another homicide and we learned about
7 it conducting the search warrant in the other case.

8 Q. What did you do once you heard about this one?

9 A. Well, I was sort of knee deep in that situation, so I
10 couldn't really break free.

11 Brien Gwyn, my homicide detective who was the lead, and
12 he explained that earlier, was actually with us at the scene
13 of that other search warrant, so I directed him to head to
14 Woodfield Park and begin his investigation of that incident.

15 Q. During the course of that evening did you remain
16 informed, as far as his investigation went?

17 A. I did.

18 Q. And during the course of this investigation, for the
19 record, did you remain actively involved in helping
20 supervise and participating in this?

21 A. I did.

22 Q. That night did y'all get a general description of a
23 suspect and a vehicle that may be involved in this crime?

24 A. We did. That was relayed to me pretty much off the
25 bat. Witnesses had seen a white male. He had driven up

1 there in what was described as a Kia van, two tone van with
2 Louisiana tags.

3 Q. Okay.

4 A. A witness had gotten a partial tag of that vehicle.

5 Apparently the individual had shown some of the
6 witnesses some unusual tattoos. Those were described to us;
7 a nude woman covering his back with what was described
8 initially as a puma underneath, and a unicorn possibly on
9 one arm and a lightening bolt possibly on one arm. He was
10 described as being in his thirties, blond or brownish hair
11 and he had glasses.

12 MR. SHEALEY: Objection, Your Honor. We will
13 object to the cumulative nature of this testimony. We
14 already just heard it.

15 THE COURT: Objection overruled.

16 MS. CAMPBELL: Thank you, sir.

17 BY MS. CAMPBELL:

18 Q. Go ahead.

19 A. He had glasses and these things they call gages that
20 stick in your earlobe that makes them expand out, for lack
21 of a better way to describe it. I don't really understand
22 it, but this -- gages is the what I'm told they are called.

23 Q. Gages?

24 A. Yes, ma'am.

25 Q. And that evening under your direction, as well as with

1 Investigator Gwyn, were a number of witnesses that either
2 seen the events up to the crime and/or the crime itself
3 interviewed?

4 A. Yes, they were.

5 Q. Was that a little bit problematic because of the
6 language barrier?

7 A. All the witnesses spoke Spanish. There was one maybe
8 that spoke a little bit better English than the others, but
9 we had to have an interpreter. And fortunately we do have
10 several bilingual people at the sheriff's deputy. Two of
11 them are CAT team members. Then Sergeant Rafael Gonzales
12 and the other young man's name escapes me, but they both
13 speak fluent Spanish.

14 We do have a veteran seasoned detective that I use in
15 most of these scenarios named Willie Gonzalez, and Willie
16 was on vacation at the time or he would have been right in
17 the thick of it that night.

18 Q. And this event occurred on Friday night, I believe?

19 A. Yes.

20 Q. During the course of the weekend did you remain
21 involved, as far as getting updates as to what was going on?

22 A. My weekend supervisor that weekend was Sergeant
23 Daniels. He worked with the homicide team. We did have a
24 team that was Brien Gwyn and Tai Jordan. They worked on it
25 all weekend, you know, desperately trying to get leads;

1 basically trying to run down possible links to the victims
2 who may be Caucasian or American who they may have possibly
3 worked with. That was one of the main directions they went
4 with that weekend.

5 Q. And were any of the leads successful, as far as
6 identifying the person that did this murder, these murders?

7 A. No, ma'am.

8 Q. That Monday did you return back to work and have a
9 briefing on this case?

10 A. It's been right after eight o'clock. As is the case, a
11 lot of these homicides do occur on the weekends, so many of
12 these briefings are on Monday morning. When all the
13 administrative personnel are back, the supervisors of the
14 various labs, ballistic section, they are all present and
15 then they get a comprehensive briefing.

16 Q. Did you become aware of a video from a gas station that
17 might prove to corroborate some of what the witnesses were
18 telling you?

19 A. Yes, I did. We had learned that one of the victims,
20 Edgar Lopez, had actually accompanied the suspect to a
21 nearby gas station. And we learned from some witnesses
22 there that he had actually had conversations with them
23 there. That was substantiated by the video, the fact that
24 he did have those conversations, verified their account of
25 their interaction with him there.

1 Q. And on the video there is some question as to whether
2 or not -- is there audio on all the video or just on part of
3 it?

4 A. I believe there is audio on one camera angle. And I am
5 told, and I don't think I have listened to it, that it's
6 basically you can't hear much because of the movement in the
7 store. So although you may be able to hear some talking,
8 you can't discern specifically what's being said. That was
9 what I was advised of.

10 Q. And on that Monday morning when y'all met again, had
11 there been a number of witnesses interviewed over the
12 weekend?

13 A. Yes, there were about seven or eight critical witnesses
14 that were interviewed over the weekend.

15 Q. Including, I believe, Adan Soto?

16 A. Yes, Adan Soto and his wife Marlin.

17 Q. Uh-huh.

18 A. Several others. Dimas Lagunes, Esau Hernandez, Alfredo
19 Vidal, Jose Monroy, Roberto Gonzales Merrin.

20 Q. Roberto Gonzales Merrin, was he important in this case?

21 A. He was important, because he would be sort of an
22 independent witness that actually just happened to reside
23 across the street and he heard the arguments and saw
24 actually the victims trying to hand the defendant some
25 money. Then he saw the shooting and then saw the individual

1 take off in the van, so he was a pretty critical witness.

2 Q. And you said he was an independent witness?

3 A. Yes. One of the other pieces of information he gave us
4 was that he actually saw the victim, Pablo Gutierrez, lift
5 his hands and start to turn before the shooting. No, that
6 would become critical.

7 Q. And Mr. Gutierrez, did you become aware of where he was
8 actually shot and how many shots, do you know?

9 A. He was shot three times in the back.

10 Q. Did you also become aware of some forensics that had
11 been recovered from the scene that Monday?

12 A. Yes, we knew that there was drinking involved, so we
13 were very hopeful at that point. One of the best forms of
14 DNA is saliva. So if the defendant had had a couple of
15 beers, we felt confident we would get a DNA profile, in
16 addition to that possibly fingerprints off of some of the
17 cans that were left.

18 Q. Over the next week or so did you all continue to follow
19 up on possible leads on other suspects, as well as
20 collecting some buccal swabs from them as well?

21 A. We did. We collected buccal swabs from everybody that
22 we interviewed as a possible suspect based on what I just
23 said. We felt like if we hit on the right person, his DNA
24 would be on those beer cans.

25 Q. Were there decisions made, as far as what was to be

1 tested as far as the DNA?

2 A. Yes, we wanted the beer cans run, you know, in sort of
3 what we call it -- we have a rush formula that they drop
4 basically what they are doing when we have a crime like this
5 and we can usually get a pretty quick turnaround. Usually
6 within 48 hours.

7 Q. And that was requested?

8 A. Yes, ma'am.

9 Q. As well as were you aware of whether or not the crime
10 scene had been processed for fingerprints?

11 A. Yes, a number of the beer cans were collected. I think
12 even a chair was collected that we thought the defendant may
13 have been seated in. A number of items were brought back;
14 shell casings, that kind of thing.

15 We had -- we have actually gotten DNA in the past off
16 of shell casings. It's pretty rare, and possible partial
17 fingerprints.

18 Q. Turning on to August the 3rd of 2010, did you contact
19 the Louisiana State Analytical Infusion Exchange Center?

20 A. Yes, I did. Our first contact with them, which didn't
21 turn up any results, we focused on the partial tag. The
22 thinking there was we have had that happen here in South
23 Carolina with our DMV. If you get a partial tag and the
24 person is relatively certain about the sequence, you can get
25 runs or lists to see if you can find that vehicle, or one

1 like it, in that partial run. So our initial request was
2 for a run on the partial tag of MGN, and then there was a
3 question about the first digit. It's a 69. MGN blank 69.
4 So that's what we tried to have Louisiana Fusion Center run
5 first.

6 Q. And in your first request were you successful in
7 getting anything?

8 A. We didn't have anything close. Several of the tags
9 that had those characters had been transferred to other
10 vehicles or new tags from that tag kind of thing, so it
11 ended in nothing.

12 Q. Then on the 5th did you set it up so that a composite
13 drawing could be done of one of the witnesses?

14 A. Yes. That's not uncommon. Oftentimes when you have a
15 crime like this we will get a composite and disseminate to
16 the public in hopes that it will generate some leads. We
17 did that in this case.

18 I contacted Debbie Goff, who testified here as a SLED
19 artist. I have used her before. She did a composite
20 drawing with actually Alfredo Vidal.

21 Q. And what's the purpose of getting a composite drawing?
22 How can you use it to help to get a lead as to the identity
23 of the person?

24 A. Once again, if you can get that on a flyer or what we
25 call a BOLO, be on the lookout for, we can put it up at

1 convenience stores. We can put it on the news. And we have
2 gotten leads on cases like this before with composite
3 sketches.

4 Usually it's in companionship with other pieces of
5 information, not just a sketch, but the sketch with the
6 green and gold van, with the tattoo description, with the
7 age frame, that those things sometimes together mirror up in
8 somebody's mind and you might get a name that way.

9 Q. And did you actually send out BOLOS over the course of
10 the next week or so with that information?

11 A. Yes, we disseminated a number of these fliers and I
12 believe it also went out to the media.

13 Q. Then on the 6th did you all conduct a tattoo parlor
14 canvass?

15 A. Yes, I actually was personally involved in that. It
16 was an interesting experience. We felt like the unique
17 nature of these tattoos, that somebody in town may have done
18 it, and there is a number of tattoo parlors. We sent out
19 teams of detectives and hit the various locations and
20 described these tattoos and we got negative results on that,
21 but we got a lot of different interpretations and a lot of
22 explanations about tattoos, but nobody remembered that
23 particular series of tattoos.

24 Q. Over the course of the next week, or so, did you all
25 continue to try to run down possible leads, possible other

1 suspects in this case in an effort to solve this?

2 A. We did a number of things. We, of course, tried to
3 think creatively. We contacted the Louisiana Department of
4 Corrections and they have a tattoo database, believe it or
5 not, which is -- we don't have one in South Carolina. We
6 were pleased to learn that they did. We felt, you know, we
7 might get a break that way, and we found one particular
8 individual who had some common tattoos and sort of hit on
9 him a little bit until we found out he had died back in
10 2004, so that eliminated him from suspicion. That's just
11 one of the things that we did.

12 We checked rental car companies.

13 We did a number of things.

14 Q. And did y'all also try to canvass certain areas or
15 neighborhoods in and around this, or did they make reference
16 during the course of your investigation to try to create
17 leads?

18 A. Yes, ma'am. One of the critical pieces of information
19 that would turn out to be, especially critical as when we
20 got Mr. Parvin identified, was a conversation he had had
21 wherein he described where he lived to one of the witnesses,
22 Alfredo Vidal. He indicated that had lived in the Windsor
23 Lake area in a big curve. So we concentrated a canvass in
24 the Windsor Lake area, which is a pretty large area. It's
25 better known in the community. A lot of houses and the CAT

1 team helped us with that. They also did some checkpoints on
2 Windsor Lake Boulevard in that area in attempt to get a
3 lead.

4 Q. Turning your attention to Tuesday, the 17th, did y'all
5 have another meeting in order to try to regenerate this
6 investigation?

7 A. We did. We got a number of people in the meeting, some
8 who had not had direct involvement for fresh ideas, like
9 Brian Godfrey was in there, one of my sharper detectives
10 that just as an example, to run it by some people
11 independently to see if they had any other ideas. And we
12 did that and we came up with sort of a list of things. One
13 of those things was the door do door canvass of Windsor
14 Lake -- a further canvass of the Windsor Lake area.

15 But one of the other things we decided to do, and it
16 wound up being the thing that broke the case, we reached
17 back out to the Fusion Center in Louisiana. We asked them
18 not just for the tag number, but we asked them for all Kia
19 Sedona vans.

20 By this time we had learned that the two tone emerald
21 green and gold model was made between 2002 and 2005. That
22 was critical. We asked for a list of all Kia Sedona vans in
23 the State of Louisiana that were dated years 2002 to 2005,
24 and that wound up being the thing that turned the case.

25 Q. And so this expanded the search, but not limited it

1 case one of the letters was wrong?

2 A. It took the sequence out of play and just let us focus
3 on all the vehicles, and then let us go back and plug in the
4 sequence to see if we found a match.

5 Q. And did you actually on the evening of the 17th make
6 contact with a Lyn Lesage from Louisiana?

7 A. Yes, I had been in touch with Ms. Lesage, who's an
8 investigative specialist with the Louisiana State Police,
9 and she took personal interest in this case. She actually
10 went to a Kia dealership down the road from her office,
11 which is a lot for somebody to do out of state, which I
12 appreciated, and got the -- she was trying to determine if
13 there might be something in the VIN that referenced a paint
14 code in the car, and it turned out that that wasn't the
15 case, but she was interested in it and she sent us an excel
16 spread sheet with thousands of Kia Sedona vans on it.

17 Q. And, in fact, how many thousand was it?

18 A. I think there was about 19,000 total is what my notes
19 indicate. It was page after page. Apparently that's a
20 pretty popular vehicle.

21 Q. And that was turned over to you all I believe on the --

22 A. Late on the 18th she e-mailed me the list and I opened
23 them up on the morning of the 19th. Sort of overwhelmed
24 with that amount of data, I enlisted the aid of Audra
25 Linfert, who testified here yesterday, I believe, who had

1 some previous expertise with excel spread sheets that I
2 didn't have, and she simply alphabetized the column in
3 question of the tags and went to the M's and found one that
4 was pretty dad-gum close.

5 Q. Let me back up for a second. On the evening of the
6 18th, are you familiar with the term reverse 9-1-1?

7 A. Yes.

8 Q. What is that?

9 A. It's a way that we can inform the public of certain
10 things that may be happening in their area. A good example
11 is if we have an escape from the prison or something and we
12 have a description out around the Broad River road area, we
13 can send out a message to all homes in certain
14 neighborhoods. In let's say the Broad River Road area, say
15 there is an escape, lock your doors, be on the lookout for
16 suspicious people. We can use it for any case, even
17 investigations like this. And we had put out a reverse
18 9-1-1 for the Windsor Lake area in an effort, again, just
19 likes a canvass, just like a DL checkpoint, to try to get
20 somebody to tell us who this guy might be.

21 Q. And the reverse 9-1-1, what information would you have
22 sent out on this?

23 A. We put out the nature of the fact that there was a
24 crime and then the description and then the vehicle
25 description and the fact the person was believed to be or

1 frequent or reside in the Windsor Lake area.

2 Q. You mentioned that on Thursday, the 19th, that Ms.
3 Linfert was actually able to reorganize the excel spread
4 sheet of the tag numbers?

5 A. Yes.

6 Q. And came up with some information that proved critical?

7 A. She did.

8 Q. How did that happen?

9 A. She -- again, she alphabetized the column. And we were
10 looking for MGN, number blank 69. MGN blank 69. When she
11 alphabetized it, she came up with an MBG 869. She brought
12 that over to my office and she said "this one is close."
13 And I said "well, you know, it sure is close." And it was
14 registered to a Leslie Todd Parvin, [REDACTED] [REDACTED] [REDACTED] in
15 Fort Polk, Louisiana.

16 Q. Fort Polk, Louisiana?

17 A. Fort Polk, Louisiana.

18 Q. And at that point the only information you had was that
19 this person resided in Fort Polk?

20 A. That's right.

21 Q. What did you do?

22 A. I took that information, which included -- I was able
23 to come up with a date of birth, and the name Parvin is a
24 little bit unusual, and I plugged that into the database we
25 have that we pay for called Accurint. It's a people search