

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

V.

JANE KATHERINE HUGHES,

RESPONDENT,

RECEIVED
SEP 03 2019
SC Court of Appeals

APPELLANT

APPELLATE CASE NO 2018-000659

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF GREENVILLE

Case No(s) : 2015GS2303343,
2017GS2304938A

State of South Carolina,

Plaintiff,

-VS-

TRANSCRIPT OF RECORD

Jane Katherine Hughes,

Defendant.

January 05, 2018

Greenville, South Carolina

B E F O R E:

HONORABLE LETITIA H. VERDIN, Judge.

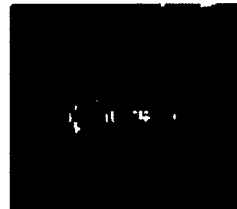
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(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 5th day of January, 2018 at approximately 12:07 p.m.)

THE COURT: I just have on the docket the motion for continuance. Is the motion to be relieved -- is it today?

MR. MOYER: It should be on the docket also, Your Honor.

THE COURT: Okay. It should be. Okay.

MR. MOYER: I apologize for that.

THE COURT: Good afternoon, Ms. Hughes.

MS. HUGHES: Good afternoon.

THE COURT: We're -- you're here today -- one motion that's set for today is a motion for a continuance, and I will tell you that I have granted that motion.

MS. HUGHES: Thank you.

THE COURT: Okay. In other words, your trial will not be Monday. The reason I am granting that is because your attorney, in a great stroke of wisdom, wants to have the full transcript of the previous trial. And she -- and because you are an indigent client, she has applied for funds for that to be paid for. In other words, she's gotten together as quickly

1 as possible, but it is not -- due to the court
2 reporter, it is not ready yet.

3 MS. HUGHES: Okay.

4 THE COURT: So I just wanted to apprise
5 you of our full conversation about that. So, I
6 have granted your motion for continuance.

7 MS. HUGHES: Thank you.

8 THE COURT: Now, there is also a motion to
9 be relieved. Was it filed by you?

10 MS. TAYLOR: Yes.

11 THE COURT: Okay, filed by you. And I have
12 cleared the courtroom for purposes of this
13 hearing because I understand that it involves
14 allegations of -- before the Office of
15 Disciplinary Counsel. So I'm -- and so I am
16 going to turn now to Ms. Taylor and see if
17 there's anything she would like to let me know
18 about this motion. Then, I'm going to hear from
19 you.

20 MS. HUGHES: Okay.

21 THE COURT: Okay.

22 MS. TAYLOR: Thank you, Your Honor. May it
23 please the Court. I did file this motion on
24 November 21st. I had met with Ms. Hughes on
25 November 14th, along with several other

1 clients. During to the course of that meeting
2 with the other clients, I was made aware that
3 the multiple bar complaints that I had received
4 over from September until that time, had been
5 due to coercion on the behalf -- on the half --
6 on the part of either Ms. Hughes or a direct
7 member of her family that's involved in this
8 case. They have reiterated to me that they are
9 still in fear of coming forward, due to any
10 kind of repercussions they may face, but that
11 they were even encouraged to outline or
12 provided outlines of these bar complaints that
13 were submitted to the Office of Disciplinary
14 Counsel.

15 Your Honor, at this time, all of them have
16 been ruled upon by the ODC. There has been
17 absolutely no finding whatsoever against me. In
18 fact, I've actually even called the ODC and
19 spoke with them at length about my concerns
20 relating to this issue.

21 As you know, when a report is filed, an
22 attorney has to take lengthy measures to answer
23 that. I am a sole practitioner. I employ one
24 other person in my office. To have four of
25 these in a period of two months has been

1 extremely detrimental, not just to my ability
2 to defend Ms. Hughes, but to defend my other
3 clients and adequately represent them for what
4 they have hired me for.

5 THE COURT: I gotcha.

6 MS. TAYLOR: Your Honor, I have never been
7 in this situation before. I have, in my
8 opinion, done everything I can to aid her and
9 communicate with her and provide her the same
10 level of representation that I would any other
11 client since I've been in practice. This is
12 very concerning to me, as far as the conflict
13 of the relationship that this has created. I
14 think any amount of trust that existed between
15 us that has, you know, occurred over the last
16 two years is simply evaporated by this.

17 It shows me that this is an intentional
18 act, on either, you know, her family's part or
19 hers, to publicly defame me and, you know,
20 intentionally hurt my career. That is why I
21 have -- obviously, I'm still her attorney and
22 counsel of record. I filed the appropriate
23 motions to continue the trial that's on Monday.
24 I've also requested the transcript. I have
25 requested funds for the transcript. So I have,

1 you know, continued my representation, even
2 though I have known this conflict is existing
3 and, to be honest, has weighed heavily on me.
4 Based on that, that is why I'm here today
5 asking the Court to relieve me of my duties to
6 represent Ms. Hughes.

7 **THE COURT:** All right. Ms. Hughes, let me
8 ask you this, have you encouraged other members
9 or other folks at the Law Enforcement Center to
10 file grievances ---

11 **MS. HUGHES:** No, ma'am.

12 **THE COURT:** --- against Ms. Taylor?

13 **MS. HUGHES:** No, ma'am.

14 **THE COURT:** Are you asking that Ms. Taylor
15 be relieved as your attorney?

16 **MS. HUGHES:** I did, at one time, ask her
17 to be relieved.

18 **THE COURT:** Are you asking her -- that she
19 be relieved now?

20 **MS. HUGHES:** Yes.

21 **THE COURT:** Why?

22 **MS. HUGHES:** In the almost 35 months I've
23 been at GCDC, I have yet to have my motion of
24 discovery, which I think is quite important.
25 I'd like to -- I have requested to go to trial

1 and I would like to call witnesses for my
2 trial. I think that would be helpful as well.
3 And even though --

4 **THE COURT:** Well, I mean, let me just --
5 let me just stop -- we'll take these things one
6 by one. Have you received discovery in this
7 case?

8 **MS. TAYLOR:** There is a protective order
9 dealing with the family law in case -- this
10 case, Your Honor. I've given her everything
11 that I can give her without relating to the
12 children that is under protective order.

13 **THE COURT:** Okay. Second -- the trial was
14 set. Did you intend on calling witnesses? In
15 your legal opinion --

16 **MS. TAYLOR:** In my legal opinion, that
17 would not be an effective strategy. We have not
18 gotten even into the bare bones of discussing
19 that. I believe that in the September
20 situation, Mr. Moyer's detective had a surgery
21 that immediately pushed it back four weeks.
22 I've been -- you know, I've been in contact
23 with Jill Spector from the Clearinghouse --
24 National Clearinghouse, and have kind of
25 strategized with her and gotten her opinion on

1 some things. It would not have been my
2 intention to call any witnesses other than Jane
3 herself, if that was her choice.

4 **THE COURT:** Okay. Okay. All right. Go
5 ahead. I'm just taking them one by one.

6 **MS. HUGHES:** Like I said, I think it's --
7 we're all under burden here. This has been a
8 great stress for all of us.

9 **THE COURT:** Sure. Understood.

10 **MS. HUGHES:** I think I'm as ready as
11 anybody ---

12 **THE COURT:** Sure.

13 **MS. HUGHES:** --- for this to be closed. I
14 don't feel prepared yet to go to trial.

15 **THE COURT:** Okay.

16 **MS. HUGHES:** I don't feel like I have -- I
17 feel like my six amendments -- my Sixth
18 Amendment is being violated, personally. I'm
19 not asking for any preferential treatment. I am
20 asking for a fair and just trial ---

21 **THE COURT:** Well I --

22 **MS. HUGHES:** --- and representation. Right
23 now, I don't -- I don't feel that -- that
24 that's happening.

25 **THE COURT:** Let me just say without going

1 too far into things ---

2 MS. HUGHES: Right.

3 THE COURT: --- I mean, Ms. Taylor is a
4 very experienced and outstanding trial attorney
5 and, in fact, got some measure of notoriety
6 throughout the bar by winning a murder trial in
7 Greenwood --

8 MS. TAYLOR: Drug case.

9 THE COURT: -- oh, right out of law
10 school. Got some notoriety within the bar for
11 doing that right out of law school. I could not
12 imagine you being appointed a better attorney.
13 But what you're doing is called shooting
14 yourself in the foot. In other words, the only
15 thing that I could possibly do -- what I've
16 done is put this trial off effectively for 60
17 days ---

18 MS. HUGHES: 60 days.

19 THE COURT: --- so that the transcript can
20 be received and Ms. Taylor can have time to go
21 over it and look at those things. Now,
22 differing ideas about trial strategy are one
23 thing. That's not -- that is not in any way
24 unethical behavior or deficient performance to
25 have differing trial strategies. If you were

1 to, so to speak, change horses midstream, that
2 is a great detriment to you, horrible detriment
3 to you. I'm not saying that you're doing this,
4 but I think some judges would feel like what
5 you're doing, filing a complaint and doing
6 things like that, would be to put off the trial
7 date. But it sounds like you want that trial
8 date to come ---

9 MS. HUGHES: Like I said ---

10 THE COURT: --- and you want to go ahead
11 and have your day in court.

12 MS. HUGHES: --- I'm ready for this to
13 come to closure for all of us, not just myself.

14 THE COURT: Okay. So what I've done is
15 I've allowed Ms. Taylor additional time ---

16 MS. HUGHES: Okay.

17 THE COURT: --- to prepare for this.
18 Because, like I said, she's really ahead of the
19 game, requested this transcript immediately ---

20 MS. HUGHES: Right.

21 THE COURT: --- and then had to request
22 funds due to -- due to your being indigent
23 there.

24 MS. HUGHES: Okay.

25 THE COURT: I would say there are some

1 attorneys who would say, I don't ever worry
2 about the transcript. She just can't pay for
3 it, so I'm not even going to worry about it.
4 She's gone the extra mile. I commend her for
5 doing that.

6 Here's what I'm going to do, it puts
7 Ms. Taylor in a horrible position -- and
8 Ms. Taylor, I understand the position that you
9 are in -- but Ms. Hughes, I am not going to
10 relieve Ms. Taylor. She's an outstanding
11 attorney. I'm not going to relieve her as your
12 attorney because I want you to have the benefit
13 of her experience. I want you to have the
14 benefit of her know-how on your case and
15 knowledge of your case. What I do want you to
16 do, Ms. Hughes, is I want you to figure out
17 ways to work with Ms. Taylor, to work out this
18 problem that you've got with Ms. Taylor and
19 discuss it with her.

20 **MS. HUGHES:** The only issue I have is
21 communication and visits. In the past 34 months
22 I've been here, I've seen her six times.

23 **THE COURT:** Well, that's not a --

24 **MS. HUGHES:** You know, I would love to
25 communicate with her more.

1 **THE COURT:** Okay. And she -- now that
2 we've got a trial date coming up and we know
3 when it's going to be and she's going to have
4 all the information, I anticipate that she's
5 going to be -- you'll probably see her more.

6 **MS. HUGHES:** Right.

7 **THE COURT:** But what I say to people when
8 they say, I haven't seen my attorney enough,
9 you don't want an attorney that doesn't have
10 other clients.

11 **MS. HUGHES:** Yeah. Exactly.

12 **THE COURT:** But here's what I'm going to
13 say, to the extent that you did anything to
14 harm Ms. Taylor -- if you did, I -- then my
15 apologies to Ms. Taylor in asking her to
16 continue on as your attorney. This is probably
17 the worse situation I've put an attorney in
18 about this, but my understanding from our brief
19 talk about this case is it is nearly three
20 years old.

21 **MR. MOYER:** It is.

22 **THE COURT:** So we've got to get the ball
23 rolling on this. And for your benefit, I am not
24 going to relieve Ms. Taylor as your attorney.
25 But again, you must work with her. I will not,

1 for any reason, put this trial off past 60
2 days.

3 MS. TAYLOR: Your Honor, I was getting
4 ready to just say for purposes of everybody
5 knowing everything, can we agree on a date? I
6 know, in April, I do have some depositions in a
7 sheriff's office case that are going to be
8 taking up some time. If we could agree to
9 anything that -- Mark, whenever your next court
10 term is and we can get it set --

11 MR. MOYER: I don't have a docket with me
12 right now. But, I mean, I was -- I think
13 towards the end of March, we have a term of
14 court. Is that --

15 THE COURT: Okay. So we'll look towards
16 the end of March. It will be a little longer
17 than 60 days.

18 MR. MOYER: I'll email you.

19 THE COURT: It will be a little longer
20 than 60 days, but you'll have -- that should
21 give you plenty of time to be ready to go.

22 MS. HUGHES: And I have another question.
23 Do we know who will be the judge in that?

24 THE COURT: I don't. I would anticipate
25 that it would probably -- it might be me, it

1 might be Judge Gravely, it might be Judge
2 Miller, but I'd anticipate it would be one of
3 the three of us. Okay.

4 **MS. HUGHES:** Thank you, Your Honor.

5 **THE COURT:** All right. Best of luck to
6 you.

7 **MS. HUGHES:** Thank you.

8 **THE COURT:** Okay.

9 **MS. TAYLOR:** Thank you, Your Honor.

10 **MR. MOYER:** Thank you.

11

12 (**WHEREUPON,** the proceedings conclude at
13 approximately 12:20 p.m.)

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25

CERTIFICATE

17

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 16th day of May, 2018.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

Teresa B Johnson

Circuit Court Reporter

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

COURT OF GENERAL SESSIONS

2015-GS-23-03343

2017-GS-23-04938A

2015-GS-23-03345

2017-GS-23-04937A

STATE OF SOUTH CAROLINA,)

vs.)

TRANSCRIPT OF RECORD

JANE KATHERINE HUGHES,)

JACOB CODY HUGHES,)

DEFENDANTS.)

VOLUME I

ORIGINAL

April 2 and 3, 2018

Greenville, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE; and a jury.

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

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Assistant Solicitor

LAUREN M. TAYLOR, ESQ.
Attorney for Defendant Jane Katherine Hughes

BRIAN P. JOHNSON, ESQ.
Attorney for Defendant Jacob Cody Hughes

HOLLIE M. JENKINS
Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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P R O C E E D I N G S

1
2 THE COURT: All right. Before we bring the jury in,
3 is there anything we need to -- I've reviewed the voir
4 dire. Is there anything y'all want to put on the record
5 on the voir dire?

6 Because I know, Mr. Moyer, you made some mention
7 about that, but.

8 MR. MOYER: Your Honor, I think -- it's my
9 understanding these were the same questions that were
10 asked at the previous trial. So that being the case, I
11 don't think I can make a strong argument against Your
12 Honor giving them again. I'll just defer to the Court's
13 discretion.

14 THE COURT: Okay. Anything else then?

15 I've got -- I've got the witness list from the State,
16 and the voir dire from -- on behalf of Defendant Hughes,
17 which would apply both to -- to -- I mean to Jane Hughes,
18 but the questions would definitely cover for both
19 Defendants in this matter.

20 So -- and I was going to read -- usually -- just to
21 let y'all know, I usually read the indictment verbatim.
22 And I was just going to say the indictment -- because the
23 indictments are identical to both Jane Hughes and to Jacob
24 Hughes; is that correct?

25 (WHEREUPON, there was no response.)

1 THE COURT: I didn't -- in looking through them, I
2 didn't notice there was any difference. They're the same
3 indictments. I was going to say, these indictments are as
4 to Jane Hughes and Jacob Hughes, unless there was a
5 distinction that I missed in there.

6 MR. MOYER: Yes, Your Honor.

7 The only matter regarding the indictments, I believe
8 they were indicted for possession of a weapon during the
9 commission of a violent crime, in addition to the murder.
10 We're not going forward on those charges.

11 THE COURT: Okay. So just count -- count two,
12 conspiracy --

13 MR. MOYER: Count two.

14 THE COURT: -- and the murder?

15 MR. MOYER: Conspiracy and murder, yes sir.

16 THE COURT: All right. And, apparently, the -- we're
17 bringing the entire jury panel up here. So the room will
18 not fit -- so we're going to have to, actually, put the
19 venire in this box here. So we're not going to have room
20 for anybody else to be able to attend this.

21 So I -- you know, I guess everybody won't be able to
22 fit over here, if we bring 60 up here.

23 THE BAILIFF: We can get 45 back here. And then we
24 can bring some other chairs in.

25 THE COURT: All right. So you may want to do that.

1 again. But if we do, we appreciate you coming back.

2 So, anyway, if you'll go downstairs for further
3 instructions.

4 (WHEREUPON, the remaining jury panel members exited
5 the courtroom.)

6 THE COURT: All right. Anything from the State that
7 we're going to have to take up before we, actually, start
8 the case?

9 I'm not sure we're going to do them now or wait
10 till --

11 MR. MOYER: Your Honor, I don't know of anything we
12 need to take up before we start the trial.

13 THE COURT: All right. Anything that we're going to
14 have to take up from y'all?

15 And I'm not saying we're doing it right this second,
16 but --

17 MR. JOHNSON: No, Your Honor.

18 I just -- I know we spoke in chambers. And I just
19 want to put on the record the understanding from the State
20 that we have time to make Bruton and Crawford motions.

21 And I guess I'm making Bruton and Crawford just to make
22 sure everything is on the up and up about using any of the
23 statements of people sitting here that may not testify, or
24 using any co-defendants statements who are not going to be
25 here to testify.

1 THE COURT: And the State's position on that?

2 MR. MOYER: They both gave several statements that
3 were recorded. And they, also, both gave written
4 statements. We don't intend, at this time, to use those
5 in our case in chief.

6 Should something unexpected come up, we'll,
7 certainly, make it known to the Court beforehand. And,
8 obviously, we know about the rules under Bruton and we'll
9 be careful about that. But as of this time, we don't
10 anticipate going into any of those statements.

11 THE COURT: And I think you indicated, too, that in
12 the event that they testified, then, again, that would not
13 apply.

14 MR. MOYER: That's correct.

15 THE COURT: And since the -- we have selected a jury,
16 then everyone will remain in custody at this time.

17 MR. JOHNSON: Okay. Your Honor, my client did want
18 me to ask -- he said that his bondsman might vouch for him
19 as far as his release during the trial. I'm asking --

20 THE COURT: Right. And usually on a case of this
21 nature, due to the serious consequences and charge, it's
22 my general rule to deny that request.

23 MR. JOHNSON: Yes, sir, Your Honor.

24 THE COURT: Thank you.

25 All right. Anything else then?

1 (WHEREUPON, there was no response.)

2 THE COURT: Y'all be ready to go a few minutes
3 before. We want to be able to start this case at 2:00.

4 MR. MOYER: Yes, sir. We'll be here.

5 THE COURT: Thank you.

6 (WHEREUPON, a lunch break was taken.)

7 THE COURT: Before we bring the jury in, let's just
8 make sure we're all on the same page as far as the marking
9 of the exhibits.

10 Do you have -- who has those?

11 MR. MOYER: I do, Your Honor.

12 THE COURT: All right.

13 MR. MOYER: These are all the photographs, and one of
14 the tapes.

15 THE COURT: Right.

16 First of all -- and this is not related to whether
17 y'all had any objections. This is just to the marking of
18 them. I realize y'all may have some issues, or whatever.

19 But on the previous -- for instance, the previous --
20 like, I'm looking at State's Exhibit No. 8. It has the
21 initials of the court reporter and the date. And for this
22 trial, I was going to ask our court reporter to put
23 somewhere on here, which may be tough -- but small at the
24 same time. And then indicate to the jury that any
25 previous markings from today were some pretrial matters,

1 and not make any reference to any previous trials, or
2 anything like that.

3 Do y'all have any issues with that?

4 MR. JOHNSON: No.

5 Can I just see what --

6 THE COURT: Yes.

7 And, again, that's just the marking of them. As far
8 as the admissibility of them, that will be addressed at
9 the appropriate time.

10 Well, I guess, first of all, do y'all have any issues
11 with those? Have y'all discussed that?

12 MR. MOYER: We haven't discussed the admissibility.

13 THE COURT: I'm just talking about the marking of
14 them.

15 MR. JOHNSON: So you're going to put it right on
16 the -- where the sticker is, Judge?

17 THE COURT: Yeah. We're not going to add another
18 sticker. She's just going to add her initials and write
19 very small, but, also, put the date on it. So that will
20 be two dates and two initials.

21 MR. JOHNSON: Yes, sir, Your Honor.

22 THE COURT: Do y'all have a problem with that?

23 MS. TAYLOR: I don't, Your Honor.

24 MR. JOHNSON: I don't, Judge.

25 THE COURT: And you can do it that way?

1 THE COURT REPORTER: Yes, sir.

2 THE COURT: All right. Now, have y'all had a chance
3 to look at the exhibits? Any of them y'all can agree on?

4 MR. JOHNSON: Your Honor, I assume -- we have not
5 looked at them. But it might be the appropriate time to
6 do that right before we adjourn today -- or when we
7 adjourn. It won't take me long to --

8 THE COURT: Well, I think he's going to be using them
9 right off the bat.

10 MR. JOHNSON: Right off the bat?

11 MR. MOYER: I'm going to use some in my second
12 witness, so the first grouping there.

13 MR. JOHNSON: May I just take a look, Judge?

14 THE COURT: Yes. I guess for efficiency purposes.

15 MR. JOHNSON: Yes.

16 (Pause.)

17 (WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7,
18 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
19 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,
20 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,
21 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63,
22 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77,
23 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91,
24 92, 93, and 94 were marked for identification only.)

25 MR. MOYER: Your Honor, I believe the Defense has

1 looked through all the photographs.

2 MS. TAYLOR: Yes. That's correct, Your Honor.

3 MR. MOYER: If there's no objection, if it pleases
4 the Court, I'd like to move them all into evidence now.

5 MR. JOHNSON: At the appropriate time, I -- I still
6 would like him to request for them to just be moved in
7 with the proper foundation.

8 MR. MOYER: All right.

9 THE COURT: Okay. Anything before we bring the jury
10 in from the State?

11 MR. MOYER: No, Your Honor.

12 THE COURT: Anything before we bring the jury in from
13 Defendant Jane Hughes?

14 (WHEREUPON, there was no response.)

15 THE COURT: Anything from --

16 MS. TAYLOR: No, Your Honor.

17 THE COURT: Anything on behalf of Jacob Hughes?

18 MR. JOHNSON: No, sir, Your Honor.

19 THE COURT: All right. And that's how I'm going to
20 do it, just so y'all know. It keeps the record going.

21 All right. Bring the jury in.

22 MR. MOYER: Actually, real quick before they come in.
23 Just so I'm clear, now that they've looked at all the
24 photographs, just to save time, does that clear me from
25 having to go show that to them before each witness?

1 inconvenience at all points.

2 When y'all take your first break, I will ask that
3 from the original 12 that y'all select a foreperson. A
4 foreperson is just merely someone who would communicate
5 with the Court, if needed. And, also, kind of lead the
6 discussions during your deliberation phase.

7 As I always say, that person, you don't -- it's not a
8 pay increase. It's still that very nominal amount you're
9 getting as jurors. But that's something I'll get y'all --
10 and let y'all select from the original 12.

11 Sorry to the alternates. Y'all can't participate or
12 serve as the Foreperson.

13 But when we take the afternoon break, I'll let y'all
14 do that.

15 Other than that, at this point, we'll begin with
16 opening statements.

17 OPENING STATEMENTS

18 MR. MOYER: Thank you, Your Honor.

19 May it please the Court.

20 Ladies and gentlemen of the jury, good afternoon.

21 As you know, my name is Mark Moyer. I am an
22 assistant solicitor in the Thirteenth Circuit. If you're
23 from South Carolina, you may know that here in this State,
24 we call -- what everyone else in the country calls a
25 district attorney, we call them solicitors here in South

1 Carolina. I'm an assistant solicitor. It's my privilege,
2 it's my responsibility to represent the State in this
3 criminal trial.

4 Now, what I want to do here in these very brief
5 opening remarks to you is accomplish several things. I
6 want to give you an overview of the case so that you will
7 have an idea of what is coming as the witnesses are called
8 throughout this matter. And I want to touch on just a
9 couple of matters of law that's going to be relevant in
10 this case.

11 So the case is going to come to you. And you're
12 going to make your decision based on evidence and
13 testimony of witnesses. As you've heard, you're going to
14 hear from some 20 odd witnesses in the case.

15 As His Honor just told you, it's hard to estimate how
16 long a trial will last. But I -- I believe and I'm
17 hopeful that we will be able to finish up -- the State
18 will be able to finish up calling witnesses, hopefully,
19 late tomorrow afternoon or, at the latest, early on
20 Wednesday.

21 The witnesses are going to come to you in several
22 different forms. You're going to hear from some officers
23 who arrived at the incident location at the scene very
24 shortly after this happened. And they got an overall
25 picture of what was taking place right in the moments

1 after this incident happened.

2 You're going to hear from some other officers who
3 looked deeper into the case. They were investigators.
4 And they investigated the case over the ensuing period of
5 time before charges were filed.

6 You're going to hear from some forensic people.
7 You're going to hear from some forensic officers who went
8 to the actual scene and collected evidence. And then
9 you're going to hear from some people who analyzed that
10 evidence, specifically, DNA, someone from the DNA lab who
11 analyzed the evidence.

12 You're going to hear from a medical examiner who did
13 the autopsy. And then you're going to hear from what I
14 would call lay witnesses, people who are non-law
15 enforcement people.

16 And then you're going to receive some exhibits. We
17 probably have somewhere between 85 and 95 photographs for
18 you to look at throughout this trial. We're going to have
19 some diagrams. We're going to have some phone records.
20 We're going to have a 911 tape. And we're going to have
21 some other items and pieces of evidence in this case that
22 you're going to, actually, be able to put your hands on.
23 You're going to see a gun. The gun will be made safe
24 before you get it, I can assure you.

25 So what is the overall picture that you're going to

1 hear about in this case from these 20 some witnesses and
2 all of these items of evidence? You're going to hear that
3 this incident happened on the night of January the 24th of
4 2015. It happened in a quiet residential neighborhood in
5 the small town of Simpsonville, South Carolina. It's,
6 actually, pretty close to the police station.

7 You're going to hear that very close to midnight on
8 that date, shots range out, multiple shots. The evidence
9 is going to lead you to believe that most likely there
10 were five shots fired. The police arrived very quickly
11 onto the scene. And you're going to hear what the police
12 found as they arrived.

13 You're going to hear that when they arrived, they
14 find a man standing there holding a firearm, a man who's
15 very identifiable. He was in his late 50s. He has a long
16 white beard and long white hair. His name is John Hughes.
17 You're going to hear that there was another man there on
18 the scene. Not too far away on the ground is a man
19 lifeless with his hands up above his head bleeding, very
20 soon to be found -- to be determined to be deceased.

21 So what do we have here? The initial examination of
22 the scene leads to one conclusion, to one possible
23 thought. What we have is we have a homeowner standing
24 there outside of his own house, not running away, staying
25 there when the police arrive and voluntarily giving them a

1 firearm.

2 We have a short distance away at the house, there is
3 a window to the house that leads into the kitchen. That
4 window is open. A fan that had been in that window had
5 been knocked out and it was on the ground. A few kitchen
6 utensils were, also, knocked out onto the ground beneath
7 it.

8 The deceased man's car keys are there on the ground
9 under the window as well. Not too far from that window,
10 we have the deceased person. It's almost midnight. Could
11 this be a case of justifiable homicide? Could this be a
12 situation where an intruder was justifiably shot by a
13 homeowner? That might be the initial understanding upon
14 just, initially, looking at that scene. But as the
15 officers begin to look deeper into this case and
16 investigating this case, questions arise. Question arise
17 about what happened.

18 First off, the deceased man is not a stranger. The
19 deceased man is the shooter, John Hughes', stepson [sic].
20 You're going to hear testimony in this case that John
21 Ferrell, a 51-year-old man, who was shot and killed that
22 night, was this woman's husband, Jane Hughes' husband. He
23 was Jacob Hughes' brother-in-law. Jacob and Jane Hughes
24 are brother and sister.

25 You're going to hear in addition to that, that the

1 victim, John Ferrell, and Jane were separated. They had
2 lived in California. They had two children. Jane Hughes
3 brought the children back here. She was staying with her
4 father -- her mother and father, John and Margaret Hughes.

5 John Ferrell followed them back here and instigated
6 court proceedings to try to get custody and/or visitation
7 with the children. It was a contentious matter. It was a
8 contentious disagreement in the Family Court.

9 You're going to hear that a hearing was scheduled. A
10 hearing was scheduled for just a couple of days away.
11 This happened on a Saturday night. On Tuesday,
12 January the 27th, there was to be a hearing in Family
13 Court where they were going to decide upon issues of
14 visitation.

15 Going back to the scene. You're going to find out --
16 you're going to learn, as the officers found out that
17 night very soon after confronting the body, that John
18 Ferrell's appearance was very significant and unusual.
19 His clothes were down around his ankles. His pants and
20 his underwear were, literally, down around his ankles.
21 You're going to see photographs of him as he looked as the
22 officers saw him.

23 You're going to hear that there was a trail of blood
24 underneath that window. There were droplets of blood.
25 And those droplets led over to where John Ferrell was

1 lying on the ground. You're going to hear that as you
2 looked up at the house, as you looked up at the window,
3 blood can be seen around the window and on some blinds
4 that were around that window.

5 Then they go into the house. That window leads to
6 the kitchen. You're going to hear testimony in this case
7 that inside that kitchen is blood. Inside the kitchen,
8 there's blood on a wooden spatula. There's some blood
9 spatter underneath the sink. Across the room where the
10 table and a blanket was, there's more blood over there.
11 You're going to hear that subsequent DNA testing shows
12 that that blood matched John Ferrell's blood.

13 You're going to hear testimony that there was
14 evidence of a hasty clean up, things put back into
15 position, things cleaned up there in the house, a
16 cover-up. You're going to hear testimony, also, that,
17 also, found in that kitchen on the floor is a hammer.

18 On that hammer is blood, both on the -- mainly, on
19 the blunt end of that hammer. You're going to hear
20 testimony that the blood on that hammer matched John
21 Ferrell. You're going to hear testimony that the handle
22 of that hammer has DNA that matches Jane Hughes.

23 You're going to hear that Jane Hughes had blood on
24 her clothing, that she went to the hospital shortly after
25 the police arrived complaining of a sore wrist. Officers

1 went. They saw her clothes had blood on it. The clothes
2 were collected. And you're going to hear testimony that
3 the blood on her clothes matched John Ferrell, her
4 husband.

5 You're going to hear testimony about the autopsy.
6 You're going to hear that, at the autopsy, the examiner
7 found that John Ferrell had been shot five times. He had
8 been shot in the face, in the eye. He had been shot in
9 the left shoulder. He had two wounds on his right
10 shoulder. And he had another gunshot on his back.

11 You're going to hear testimony that the significance,
12 also, about those gunshot wounds in that the gunshot wound
13 that hit him in his eye did not exit the back of his head.
14 It exited his eyebrow -- his eyelid, excuse me. You're
15 going to hear that one of the shots that hit his shoulder
16 did not go out the back of his shoulder. But it,
17 actually, came out and started down his side and lodged
18 into his leg.

19 You're going to hear that the shot that hit him
20 behind his head went down into his body where it pierced
21 his heart and killed him. All those gunshot wounds, which
22 are grouped around his head, are going downwards.

23 You're going to hear testimony, also, that there were
24 wounds to John Ferrell's face and head, blunt force
25 trauma. And the significance of that is what that trauma

1 looked like, small circular indentations and, also, evenly
2 spaced marks like this, like the head end of a hammer, the
3 claw end, and the other end of a hammer.

4 You're going to hear testimony, also, that John
5 Ferrell, the officers found out, was with Jacob Hughes
6 earlier that night. That Jacob Hughes and John Ferrell
7 went out for a couple of beers, then went to the Waffle
8 House and ate some food. And then 30 minutes after they
9 left that Waffle House, there were gunshots fired back at
10 the home of his parents. And John Ferrell's vehicle was
11 out front.

12 So this and other evidence that you will hear in this
13 trial led the officers to charge the five people who were
14 there that day, John Hughes, Jane Hughes, Jacob Hughes,
15 Margaret Hughes, and Jane Hughes' boyfriend at the time, a
16 man named Andrew Martin.

17 Today is the trial of these two of those five people.
18 But you're going to hear from another one of those five
19 people. You're going to hear from Andrew Martin. Andrew
20 Martin is going to testify that he was at the house that
21 night, that he had been told to stay outside. He had been
22 told to stay out back, stay in the backyard.

23 And he's going -- you're going to hear his testimony
24 that while he was back there, he heard a crash. He came
25 into the house. And then he came upon this scene. And

1 the scene was John Hughes holding a gun on John Ferrell,
2 who was on his knees. Jane Hughes has a hammer and is
3 striking John Ferrell in the head. Jacob Hughes has a
4 stun gun.

5 You're going to hear in this melee, John Ferrell was
6 able to get up and try to get away, try to go through that
7 kitchen window in a desperate attempt to get out of that
8 house. You're going to hear that Jacob Hughes and
9 Margaret Hughes, the mother, John Hughes' wife, went over
10 to him to try to keep him from getting away, grabbed at
11 him, grabbing at his clothes. But they were unable to
12 totally keep him from getting away. John Ferrell gets out
13 the window. John Hughes runs around outside and then
14 shots are fired.

15 Now, in closing, I just want to mention a couple of
16 areas of the law to you for you to have -- to have in your
17 mind as you start to hear the testimony in this case. You
18 heard the indictments read to you. The indictments read
19 that these two are -- are indicted for murder for the
20 shooting and the beating of John Ferrell.

21 Obviously, these two didn't shoot him. How can they
22 be before you being charged with shooting him? And that
23 is because what we have here is a conspiracy.

24 Conspiracy is when two or more people work together
25 to accomplish some wrongful act. The crime of conspiracy

1 is committed when the agreement is made. We don't have to
2 show you some formal written agreement. Just a tacit
3 understanding of people committing a wrongful act is
4 enough for there to be a conspiracy. That conspiracy can
5 be proved to you through circumstantial evidence, among
6 other evidence.

7 Now, that brings us to the second point of law. And
8 that's something related, and it's called accomplice
9 liability. Some big fancy words. But an easier way to
10 understand that is the hand of one is the hand of all.
11 When several people are working together to accomplish an
12 unlawful act, what one does, all the others are
13 responsible for.

14 A quick example. Three people decide they're going
15 to rob a bank. One person goes in to do the actual
16 robbery. Another person waits out on the sidewalk looking
17 for people -- for witnesses. A third person is the
18 get-away driver. The guy who goes in there to rob the
19 bank, he robs and, let's say, he shoots somebody during
20 the robbery. All three people are charged with robbing
21 the bank. And all three are responsible for the shooting
22 of the person inside the bank. So the hand of one is the
23 hand of all.

24 At the end of this case -- this is the last time
25 you're going to hear from me addressing you until the

1 actual close of the case. And I'm going to get back up in
2 front of you and I'm going to give a recap of the
3 testimony that you've heard. And I'm going to argue to
4 you what that testimony means at that time.

5 So, for now, all I'm going to ask of you is this,
6 just, as I know you will, pay attention closely to all the
7 testimony that you hear. Listen to the witnesses, pay
8 close attention to the evidence.

9 Secondly, just use your common sense and your good
10 judgment to weigh all that testimony and evidence. And at
11 the end of this case, do justice.

12 Thank you.

13 THE COURT: Ms. Taylor.

14 MS. TAYLOR: Thank you, Your Honor.

15 May it please the Court.

16 Good afternoon, members of the jury.

17 I would like to explain that I have a stress fracture
18 in my foot, so if I'm hobbling around, I appreciate your
19 indulgence.

20 As I stated before, my name is Lauren Taylor. I'm an
21 attorney here in Greenville. And I represent one of the
22 Defendants in this case, Ms. Jane Hughes.

23 I want to take just a little bit of time and I,
24 certainly, won't be very long, but to explain to you the
25 burden of proof in this case. Okay. So the Judge kind of

1 walked you through and he will, certainly, do a more
2 in-depth analysis of this towards the end of the case when
3 we're wrapping everything up.

4 But, essentially, the burden of proof falls on the
5 State in this case. Okay. The Defense does not have to
6 put forth any evidence, or any exhibits, or give any kind
7 of suggestion as to what happened in this case.

8 The State and the Prosecution has to prove beyond any
9 reasonable doubt that the Defendant -- or Defendants in
10 this case are guilty of the crimes as they are charged,
11 and they meet the elements exactly as the law prescribes
12 for them to be met. Okay.

13 Throughout this case, like Mr. Moyer said, you're
14 going to hear a lot of testimony. And evidence is going
15 to be presented to you in varying different forms. Okay.
16 This case is very confusing. Most confusing, perhaps, is
17 because the person that shot and fired the bullets that
18 killed Mr. Ferrell is not in this courtroom today. Okay.
19 He's not here. This is a family situation. And I'm going
20 to get a little -- or give you a little bit of clarity as
21 far as the characters involved here.

22 So you have John Hughes and you have Margaret Hughes.
23 They are married. They have two children. These are
24 their two children, Mr. Jacob Hughes and Ms. Jane Hughes.
25 Okay. Ms. Jane Hughes was married to the victim in this

1 case, Mr. John Ferrell. Okay. They had two children
2 together.

3 At this time, they were engaged in a pretty contested
4 custody battle. I do a little bit of family law. And as
5 most of you probably would imagine, custody cases are
6 pretty much always highly emotional and highly contested
7 issues whenever children are involved. And that,
8 certainly, was the case in this situation. Okay.

9 As we go through this and you start hearing
10 witnesses, it's your job to determine the credibility of
11 these witnesses. Okay. You might believe one witness or
12 you might not believe that witness at all. You might
13 believe some things that witness says and not believe
14 other things that witness says. And you are the sole
15 person that determines the believability of a witness.
16 Okay.

17 So what determines whether you believe a witness or
18 not? Well, we're all human and you're going to make
19 certain judgments just by looking at someone and hearing
20 their story, and seeing if that sounds like something that
21 makes sense to you; right? I always want you to consider
22 motivations, reasons to lie, benefits of lying in this
23 case. Okay. Think about all of those things when you're
24 listening to this testimony.

25 What are any reasons that people would say certain

1 things? Are they benefitting, or are they getting
2 anything out of giving a certain statement? Just keep
3 that in mind and listen very carefully as the evidence is
4 presented to you.

5 I know a murder case is serious. Obviously, you guys
6 are taking time out of your life. And we, certainly,
7 appreciate that. We would not be able to have the system
8 of justice that we have if you were not willing to do
9 this.

10 So I thank you for your time. Hopefully, we will be
11 as brief as possible. And I appreciate your service.

12 THE COURT: Mr. Johnson.

13 MR. JOHNSON: Thank you, Your Honor.

14 May it please the Court.

15 Good afternoon.

16 As I told you earlier, I'm Brian Johnson. I'm here
17 on behalf of Jacob Hughes.

18 Jacob, hold your hand up for me.

19 I represent him. And the first thing I want to be
20 clear with regards to this case is I'm here for Jacob
21 Hughes.

22 Lauren Taylor represents Jane Hughes. We talked
23 together. And if you saw during the jury selection
24 process, we had to have communications because that's how
25 things just kind of work when we're selecting a jury,

1 among other things. But we're here separately. You will
2 be asked to consider their guilt and innocence separately.
3 And I think that's an important thing for you to know
4 going forward.

5 The second thing I want you to understand is what the
6 Solicitor has stated, what Ms. Taylor has stated, and what
7 I'm saying isn't evidence. The Solicitor gave you an
8 anticipation of what he expects the witnesses to say. If
9 you know people, if you know anyone, you don't know what
10 they're going to say.

11 And so what I'll ask you to do is be patient, allow
12 the people to get up on the stand. I suspect that a lot
13 of things that he said will be consistent, but there might
14 be some things that are not. Obviously, he and I disagree
15 on the ultimate outcome of this case.

16 So I ask you guys to keep that in mind. Use your lie
17 detectors, assess credibility. Do all the things that
18 they talked about when you're looking at this case.

19 At the end, I think you'll find that my client, one,
20 did not have responsibility as it relates to the death of
21 this man. And, two, I think you'll find that the State
22 did not prove my client guilty of a matter of conspiracy
23 or being involved in the fray that caused this man's
24 murder.

25 But I just ask for your patience. And at the end of

1 the case, I'll be able to argue to you. I'll spend a
2 whole lot more time than I am right now. Now, I'm going
3 to be brief. At the end of the case, I'll have time to
4 sit there -- to stand there and argue to you, and give you
5 what I think. And I ask for your patience until that
6 time.

7 Thank you.

8 THE COURT: All right. Mr. Moyer, call your first
9 witness.

10 MR. MOYER: May it please the Court.

11 The State calls Tirissa Johnson.

12 THE CLERK: Place your left hand on the Bible and
13 raise your right hand.

14 WHEREUPON,

15 TIRISSA JOHNSON,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: And please state your name for the
18 record.

19 THE WITNESS: Tirissa Johnson.

20 DIRECT EXAMINATION

21 BY MR. MOYER:

22 Q Okay. Ms. Johnson, tell the jury, please, where it
23 is that you work.

24 A I work at the Greenville County Sheriff's Office in
25 communications.

1 Q Okay. And do you have -- how long have you been with
2 the Greenville County Sheriff's Office?

3 A Almost 20 years.

4 Q Is that the extent of your law enforcement
5 experience?

6 A Yes.

7 Q What -- so tell us, again, your current position with
8 the sheriff's office.

9 A My current position -- my primary duties involve
10 pulling reports from the recording equipment, all 911
11 calls, radio traffic, and non-emergency calls.

12 Q And is there a title for this position?

13 A It would be research analyst.

14 Q How long have you held this position?

15 A Approximately 14 years.

16 Q I think you just told us what your responsibilities
17 are for this position. But tell the jury a little bit
18 about the -- the call -- the dispatch center, or the call
19 center, and what dispatchers at the call center do.

20 A Okay. So there are several, actually, what we call
21 PSAPs, which are public service answering points. We are
22 for Greenville County. Each municipality, also, has their
23 own.

24 So calls are routed to those agencies. And they
25 would answer the phone, try to determine the emergency,

1 and the location.

2 Q Okay. What kind of information are they trying to
3 get when they get a 911 call?

4 A The most important information is the location, and
5 then what the situation is, who it involves, whether
6 there's weapons, injuries.

7 Q Okay. And what do they do when they get that
8 information?

9 A We have computed-aided dispatch. They would type in
10 that information, and, first, determine whether it's
11 located within the county or a city jurisdiction.

12 Q And if it is within their jurisdiction, what do they
13 do with the information at that time?

14 A If it's located within Greenville County, then we
15 would put the call in for service with all of the
16 information. If it's for another municipality, then it
17 would be transferred to that agency.

18 Q Okay. And that's what happened in this case, isn't
19 it?

20 A It is.

21 Q And we'll get to that in just a moment. So let me
22 ask you this, are -- all calls that are received in the
23 dispatch center, are they all recorded?

24 A Yes, they are, digitally, simultaneously.

25 Q Okay. And what does that mean?

1 A So that means it is on a server. And all those calls
2 are recorded on digital lines.

3 Q Now, can a recording be stopped during the recording
4 process?

5 A No, it cannot.

6 Q Okay. At what point -- and let me take you back to
7 January of 2015. I think it may be different now. But at
8 what point when a call is made does that -- did that call
9 start to be recorded?

10 A Prior to the upgrade with the system, it was as soon
11 as the last "1" was dialed.

12 Q Okay. So it could even be before the dispatcher
13 answered the call?

14 A That's correct.

15 Q So if someone called 911, as soon as they hit that
16 second "1," the call started to be recorded?

17 A That is correct.

18 Q And you said it's not that way right now?

19 A No, unfortunately, it is not.

20 Q But it was back in January of 2015?

21 A Yes, it was.

22 Q Okay. Now, did -- does a dispatcher who receives a
23 call or anybody else have any control over how the call is
24 recorded, or what part of the call is recorded?

25 A No.

1 Q So is the entire call, actually, recorded?

2 A Yes, it is.

3 Q And so then when your call records that, you get --
4 they accurately reflect the conversations that are taking
5 place between the 911 caller and dispatcher?

6 A Yes.

7 Q How are the recordings then kept?

8 A They are stored on a computer database, on a server.

9 Q How long are they kept?

10 A Minimum of three years.

11 Q And are they kept in the ordinary course of your
12 operations there at the call center?

13 A Yes.

14 Q And do your duties include the responsibility for
15 maintaining those records concerning these calls to 911?

16 A It does.

17 Q And do they, also, include coming to court and
18 bringing copies of those 911 calls to court for the
19 purpose of introducing them into a court of record?

20 A Yes.

21 Q All right. Now, let me take you -- your attention to
22 the night of January the 24th, 2015. Was the recording
23 system working properly on that date?

24 A It was.

25 Q And so were 911 calls made on that evening -- was

1 there a 911 call made on that date pertaining to this
2 case?

3 A There was.

4 Q And have you had an opportunity to review that call
5 that was made, and did you save a copy for purposes of
6 court?

7 A Yes, I did.

8 Q I'm going to hand you what's been marked as State's
9 Exhibit No. 94.. Will you take a look at that? And can
10 you recognize that?

11 A I do.

12 Q What is it? And how do you recognize it?

13 A Well, I recognize it because that's my signature that
14 is on there. And it's the recording of the 911 call.

15 Q And that's an exact copy of that call?

16 A It is.

17 Q There aren't any changes made by you or anyone else
18 regarding that call?

19 A No, there is not.

20 Q Okay. Now, what time did the 911 call come in on
21 January the 24th of 2015?

22 A I don't exactly recall.

23 Q Okay. Would -- would -- a look at the CAD, would
24 that help you to remember?

25 A Yes.

1 Q One moment, please.

2 By taking a look at this document, is that the CAD
3 that was generated for this case?

4 A That would be correct.

5 Q And by looking at that, is that able to refresh your
6 memory as to when that call was made?

7 A Yes, it does.

8 Q What time was it made?

9 A So it would have been 11:54 p.m.

10 MR. MOYER: Okay. Thank you.

11 Your Honor, at this time, I would move to have
12 State's Exhibit No. 94 entered into evidence.

13 THE COURT: Any objection from either Defendant?

14 MS. TAYLOR: No objection, Your Honor.

15 MR. JOHNSON: No objection, Your Honor.

16 THE COURT: All right. State's Exhibit No. 94 is in
17 without objection.

18 (WHEREUPON, State's Exhibit No. 94 was admitted into
19 evidence.)

20 BY MR. MOYER:

21 Q Now, did your department at the Greenville County
22 Sheriff's Office end up handling that call, or what was
23 done with the call?

24 A Well, I do believe it was transferred over to
25 Simpsonville.

1 Q Okay. And so can you explain how it is that a call
2 that happened within the city limits of Simpsonville ended
3 up being directed to your office?

4 A Well, it's not an exact science on where the calls
5 are directed to, especially if you're dealing with a cell
6 phone. Whatever tower that call may hit is going to
7 determine what public safety answering point it's directed
8 to.

9 Q Okay. So, for example, if someone was in the city
10 limits of Simpsonville and used a cell phone that -- that
11 cell phone might hit a tower that's outside of the city
12 limits, which are directed to Greenville County?

13 A That's correct.

14 Q So a landline then, more likely, would have gone
15 directly to Simpsonville; is that right?

16 A That's correct.

17 MR. MOYER: Okay. I have no further questions for
18 this witness.

19 Please answer any questions the Defense may have.

20 MS. TAYLOR: No questions for this witness.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: I have no questions, Your Honor.

23 THE COURT: Thank you.

24 You may step down.

25 MR. MOYER: All right. The State calls Adam

1 Randolph.

2 THE BAILIFF: Place your left hand on the Bible, and
3 raise your right hand, and face the Clerk.

4 WHEREUPON,

5 ADAM RANDOLPH,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Please take a seat.

8 And state your name for the record.

9 THE WITNESS: Corporal Adam Randolph, Simpsonville
10 PD.

11 DIRECT EXAMINATION

12 BY MR. MOYER:

13 Q Where -- you said you're employed with the
14 Simpsonville Police Department; correct?

15 A Yes.

16 Q How long have you been in law enforcement?

17 A Since January of 2012.

18 Q And has that all been with the Simpsonville Police
19 Department?

20 A Yes.

21 Q What is your position with the Simpsonville Police
22 Department now?

23 A Right now, I'm a corporal. So I'm a supervisor for
24 road -- for the patrol unit.

25 Q What was your position in January of 2015?

1 A At that time, I was just an officer.

2 Q Okay. You say, "just an officer"?

3 A Not a supervisor position.

4 Q Not a supervisor?

5 A Correct.

6 Q What were your duties as -- like a road officer?

7 Would that be another term for it?

8 A Yes.

9 Q What were your duties as a road officer back at that
10 time?

11 A Patrol the streets, answer any calls for service,
12 work collisions, security checks.

13 Q So, like, when a 911 call comes in, would a road
14 officer be the first person who would be dispatched to
15 that scene?

16 A Yes.

17 Q And did that happen to you on the night of
18 January the 24th of 2015?

19 A It did.

20 Q So you were working that night?

21 A I was.

22 Q And you responded to the location that was the
23 subject of this case?

24 A Yes.

25 Q What was that location?

1 A It was [REDACTED] Drive.

2 Q Okay. And is that in the city limits of
3 Simpsonville?

4 A It is.

5 Q And is that -- so that would be in Greenville County;
6 is that right?

7 A Yes.

8 Q What is at that address? Is it, -- can you -- tell us
9 about that neighborhood and what exactly is -- is at that
10 address.

11 A It's across from the Simpsonville Police Department.
12 It's a small neighborhood. There's only a few streets
13 that wind inside the neighborhood there. So there's
14 minimal homes. There's not a ton of homes. It's not a
15 big neighborhood.

16 Q Okay. So were you close by when you got the call?

17 A I was, actually, across the other side of the city.
18 I was, actually, at Sherby's Bar, actually, on another
19 call. So that was at the other side of town, Fairview
20 Road, Ray Talley area, about a mile, mile and a half away.

21 Q When you got the call, did you wrap up the call that
22 you were on?

23 A Yes. I told them I'd have to come back, that the
24 call wasn't as priority as the one I was now being
25 dispatched to. So I advised them I would come back to

1 finish with that call. And I responded to [REDACTED].

2 Q What did this call come out as? Do you recall?

3 A This call came out as a shooting.

4 Q Were you the first officer to arrive?

5 A I was.

6 Q Did you go lights and siren?

7 A I did.

8 Q Do you recall what time you arrived at the scene?

9 A I believe it was like 23:58 hours, which is just
10 before midnight.

11 Q Okay. Now, when you -- when you got there to the
12 location, are there a lot of street lamps, or is it a
13 pretty dark neighborhood?

14 A There's a couple of street lamps in there, but it's
15 very low lit. It's amber lighting that was in there at
16 the time, anyway, when I had shown up on scene. So I
17 would -- I mean, it's lit up, but it's poor lighting.
18 It's not strong lighting.

19 Q Did you park right at the house?

20 A No. I parked a couple houses -- when you first turn
21 on to go onto Stonegate, I parked -- you had, I believe,
22 two houses prior to where the victim was. So I parked,
23 basically, at that first house as you round the corner to
24 turn onto that road.

25 Q What was your reason for not parking right at the

1 house?

2 A Just because I didn't have -- right off the bat, I
3 didn't know -- you know, it came out as a shooting.. So I
4 didn't know where the shooter may be. And I didn't want
5 to put myself right in front of the scene where whoever
6 the shooter is, or if that shooter is still on the scene,
7 put myself right there in the line of fire.

8 So it just gave me an advantage to walk up on the
9 scene and check the area prior to.

10 Q So you were alone when you arrived?

11 A Yes.

12 Q What did you do when you stopped and parked your
13 vehicle?

14 A I exited my patrol vehicle, and then started to
15 approach the house. I veered off a little bit to the
16 right and just kind of followed the road and the grass
17 line of these other homes and started to approach.

18 Q What did you see as you approached the house?

19 A I saw a male coming from the right side, coming from
20 the incident location. He was coming -- you know, you
21 couldn't see him because there was some cars in the way,
22 but he was coming from this side, the right side.

23 And there was somebody else that was coming from what
24 is known as Stonegate Court, which intersects with
25 Stonegate, from the incident location. That person was

1 walking down from that area. And the two -- that person
2 and the one coming from the right, basically, converged
3 into one area as I was approaching.

4 Q Okay. Now, you mentioned a man coming from the right
5 side. Are you talking about the right side of the house?

6 A Well, he was coming from the right side of the road.

7 Q The right side of the road. Okay.

8 A Right.

9 Q Now, tell us what this man looked like.

10 A He was a -- he was pretty tall, heavyset, real bulky.
11 He had white hair, long white beard, you know. He was
12 known to me already because I had been out to that
13 address. So he was easily identifiable by me.

14 Q You knew who he was?

15 A Yes.

16 Q John Hughes?

17 A Yes.

18 Q And then who did you learn the other man to be?

19 A The one that had walked up?

20 Q The other man you said walking up.

21 A That happened to be -- later on I found out -- it
22 winded up being a neighbor that, I guess, lived on
23 Stonegate Court. So he was later confirmed to be a
24 witness as far as the call goes.

25 Q Was it Isaac Mintz? Is that who you found that out

1 to be?

2 A Yes.

3 Q And he was a neighbor?

4 A Yes.

5 Q Let me take your attention back then to John Hughes.
6 When you saw him, did you call out to him?

7 A Yes.

8 Q And what was your reason for that? And what did you
9 say?

10 A I told him to hold his arms -- to hold his arms out,
11 you know, let me see his hands. And as soon as I said
12 that, he, basically, told me that there's a body laying
13 over there to the right.

14 Q Okay. And did you look up where he was pointing?

15 A Yes.

16 Q What did you see?

17 A There was a male -- what appeared to be a male
18 subject laying on the ground face down in between --
19 basically, in between him and the side of the house.

20 Q Okay. Now, did you spend at that time -- you said he
21 was on the ground. Was he face up or face down?

22 A He was face down.

23 Q Was he moving?

24 A No.

25 Q Did you spend any time with him, or did you focus

1 your attention on John Hughes?

2 A I had flashed my light over to him so I could see
3 where he was talking about there was a body laying. I had
4 walked over to him just for a minute.

5 As I started to make my approach towards him, John
6 Hughes advised me he had a gun, meaning he had the gun.
7 So I then -- my attention, obviously, went back to him.
8 And that's when I started to order him to drop the weapon.

9 Q Okay. And did you see a gun at that time?

10 A I did.

11 Q Where was the gun?

12 A It was in his right hand.

13 Q Had you -- you hadn't seen it then before he made
14 mention of the gun?

15 A No.

16 Q Okay. And so when you saw the gun, what did you do?

17 A I ordered him to drop the weapon.

18 Q Did he do so?

19 A He did after I told him three times. And then he,
20 finally, dropped the weapon.

21 Q But he wasn't uncooperative, was he?

22 A No.

23 Q Okay. So when he dropped -- he dropped the gun as
24 you directed, you said?

25 A Uh-huh.

1 Q Now, did you have any other dealings with Isaac
2 Mintz, the neighbor who was there?

3 A Just, initially, when I was trying to get John Hughes
4 under control as far as getting the weapon secured and
5 things of that nature. Mr. Mintz kept trying to talk to
6 me in the middle of that.

7 So I had to -- basically, had to quiet him and tell
8 him we would get with him later on. Because based on just
9 some of the little things he was telling me, I realized he
10 wasn't part of the situation itself. So I wanted him to
11 back away and get off the scene until I had everything
12 secured.

13 Q Okay. Did other officers then begin arriving?

14 A They did.

15 Q What did you do with John Hughes?

16 A John Hughes was then placed in investigative
17 detention. So he was placed in handcuffs, but he was not
18 under arrest, initially, at that time.

19 Q Did you direct a backup officer to do anything with
20 regard to the man who was on the ground?

21 A , I did. I asked him to go check on the victim, at the
22 time, to check for a pulse to see if he was, in fact,
23 deceased or not.

24 Q That was Officer Edwards at the time?

25 A It was.

1 Q Okay. Could you see the victim, the man on the
2 ground, from where you were?

3 A Yes.

4 Q What observations did you make?

5 A You could, clearly, see blood on the victim's head.
6 His hair appeared to be matted. You could see steam
7 coming off his body. It was pretty cold that night. So
8 you could see steam, actually -- I was assuming, at that
9 time, if there was some sort of deep wound, steam must
10 have been exiting from that area.

11 Q And you said he wasn't moving?

12 A No.

13 Q He wasn't speaking, or anything?

14 A No.

15 Q Now, you said it was a cold night then?

16 A Yes.

17 Q It wasn't -- no precipitation; right? No rain, or
18 snow, or anything like that?

19 A No.

20 Q Did you call for dispatch to do anything?

21 A I had them contact first responders and EMS.

22 Q Did you do -- did you have any contact with the
23 victim? Did you touch or move the victim --

24 A No.

25 Q -- in any way, shape, or form?

1 A No.

2 Q Did you take the pistol?

3 A I did.

4 Q What did you do with it?

5 A I cleared the weapon, made it safe. So I unloaded
6 the weapon, took the magazine out of the firearm. And I
7 secured it on my person.

8 Q What kind of firearm was it?

9 A It was a Glock 21. It was a 45-caliber weapon.

10 Q Were there rounds in it?

11 A There was one unspent round in the chamber. And then
12 there were five rounds in a 13-round magazine.

13 Q So there were five live rounds. And you said if it
14 were fully loaded, it could hold 13 rounds?

15 A 13 rounds in the magazine, yes.

16 Q In the magazine. And then one extra in the gun
17 itself; right? So it could have 14?

18 A Yeah.

19 Q Okay. What did you do with John Hughes?

20 A I walked John Hughes up to the carport -- his carport
21 of his home, and just walked him up into the driveway.

22 Q Did anyone else come out of the house, at any point,
23 while you were dealing with John Hughes?

24 A His wife had stepped outside.

25 Q And that -- do you remember her name?

- 1 A Margaret.
- 2 Q And what did she do when she came out of the house?
- 3 A She just seemed surprised when she came out, like, I
- 4 guess due to police presence. That's initially -- that's,
- 5 really, all she did. She just kind of stood there.
- 6 Q Did she go up to anybody?
- 7 A Did she go up to anybody?
- 8 Q Did she go to anybody? Did she go over to her
- 9 husband, or anything? Do you remember?
- 10 A Well, yeah. I mean, she stood next to her husband
- 11 where I was standing with him.
- 12 Q Were they talking?
- 13 A Not initially.
- 14 Q Okay. Did first responders and EMS then arrive?
- 15 A Yes.
- 16 Q Did you have a -- start having officers secure the
- 17 scene?
- 18 A I did.
- 19 Q And what does that mean?
- 20 A It just means to preserve the scene. So tape it off,
- 21 so, that way, we don't have anybody else entering the
- 22 scene to contaminate any evidence as there may be for the
- 23 case itself.
- 24 Q Did you go inside the house?
- 25 A I did.

1 Q What was the reason for going in the house?

2 A That was to get anybody that was still in the home,
3 because it is part of the active crime scene, to get them
4 out of the home. And they would have to, basically, wait
5 outside of the crime scene.

6 Q Had another officer been in the house around that
7 time, also?

8 A Yes. It would have been myself and Officer Murphy.

9 Q So Officer Murphy had gone in the house as well?

10 A Yes.

11 Q What did you find when you went in the house?

12 A There was -- Jacob Hughes and Jane Hughes were
13 inside. And then we were advised a little later by Jane
14 that she had her -- two children were in the back room.

15 So I had her go wake her children. And we had the
16 children come outside as well.

17 Q Now, was Andrew Martin in the house as well, Jane's
18 boyfriend?

19 A Yes. He was, also, inside.

20 Q Now, did you go through the house at that time?

21 A Just to -- just to take the people out of the home.
22 That was the extent of it.

23 Q So you weren't searching the home, or examining the
24 home, or anything like that?

25 A No. All we do on that initial when we enter the home

1 is just to, basically, do a sweep to make sure there are
2 no other persons in the home. And if there is, they need
3 to come out.

4 Q How much time had gone by, would you say, from when
5 you got there to when you went inside the house?

6 A It was approximately between 15 and 20 minutes.

7 Q What did you do with everyone when you had them out
8 of the house?

9 A I just had them wait outside. FD, fire department,
10 was on scene. It was cold. So we were able to get them
11 to assist in allowing some of them to wait inside the fire
12 trucks; just so they could stay warm while we were doing
13 what we were doing with the scene.

14 Q When they were out of the house, did you secure the
15 house to make sure no one went back in --

16 A Yes.

17 Q -- other than law enforcement and investigators?

18 A Yes.

19 Q What took place with Jane Hughes?

20 A If I remember correctly, she had to go to the
21 hospital. Officer Murphy advised me she had to take
22 her -- or EMS, she had to go with EMS to the hospital
23 because she was complaining of wrist pain.

24 Q Did Officer Murphy go with her?

25 A She did.

1 Q And then they later returned to the scene?

2 A Yes.

3 Q Did you get consent from John Hughes to search the
4 house?

5 A Yes.

6 Q And you got it in writing?

7 A I did.

8 Q Did you remain at the house after that?

9 A I remained at the house, yes, for scene security.

10 Q Did you participate in the search?

11 A I did not.

12 Q Were you present when the victim's body was taken
13 from the scene?

14 A I was.

15 Q And what time was that?

16 A I believe it was approximately 3:30 in the morning.

17 Q Did you have any more interaction with the witness,
18 Mr. Mintz, who was there when you first arrived on scene?

19 A I believe we collected a statement from him towards
20 the end of the night. We were able to get in touch with
21 him.

22 Q Now, what did you do with the pistol?

23 A That was given to forensics for Greenville County.

24 Q Okay.

25 A For evidence.

1 Q Before you did so, you made note of the -- the -- the
2 serial number of the pistol?

3 A Yes.

4 Q In just a moment, I'm going to show you State's
5 Exhibit No. 75.

6 MR. MOYER: Before doing so, I just want to advise
7 the Court this is a firearm. It has been cleared
8 previously by another officer. But I'm going to hand it
9 to courtroom security just to ensure safety.

10 THE COURT: All right. And, ladies and gentlemen, I
11 want to, also, advise you that sometimes when such things
12 as firearms are evidence in a case, the courtrooms have
13 certain procedures that they must follow in ensuring that
14 they're safe. One, that any ammunition is taken out of
15 them.

16 They're, also -- I assume there's a lock --

17 Is there a lock on that one?

18 MR. MOYER: There is.

19 THE COURT: So there's a lock. So it's passed all
20 safety inspections for use in a courtroom. I'm telling
21 you this so y'all won't be alarmed. And, also, anything
22 that is put in as evidence, you know, as far as y'all are
23 concerned, you'll never have the ammunition and the actual
24 weapon itself at any time during your deliberations.

25 So there's certain procedures that we follow. I just

1 wanted to let y'all know that before this is offered as an
2 exhibit.

3 So you may proceed.

4 BY MR. MOYER:

5 Q So, Officer, I'm going to hand you what's been marked
6 as State's Exhibit No. 75. If you can just take a look at
7 that. And has that been in your possession on a previous
8 occasion in which you double-checked the serial number to
9 make sure that is the firearm that you collected from the
10 scene that night?

11 A Yes. I had documented that the serial number was
12 ALD680. And that's what's on this firearm here is ALD680.

13 Q So that is the firearm that was in John Hughes' hands
14 on the night of January the 24th of 2015?

15 A It is.

16 MR. MOYER: Your Honor, at this time, I would move to
17 have State's Exhibit No. 75 entered into evidence.

18 THE COURT: Any objection --

19 MS. TAYLOR: No objection.

20 THE COURT: -- from Defendant Jane Hughes?

21 Any objection from Defendant Jacob Hughes?

22 MR. JOHNSON: I beg the Court's indulgence for a
23 second.

24 (Pause.)

25 MR. JOHNSON: Your Honor, permission to voir dire the

1 witness a little further as far as this piece of evidence?

2 THE COURT: All right. As it relates to
3 identification?

4 MR. JOHNSON: Yes.

5 If I'm clear, Mark, that was moved into evidence;
6 correct?

7 THE COURT: Right.

8 VOIR DIRE EXAMINATION

9 BY MR. JOHNSON:

10 Q Okay. Now, Officer, did you put it in that box?

11 A No.

12 MR. JOHNSON: Okay. Your Honor, I don't think a
13 proper chain has been established yet to put this item
14 into evidence.

15 MR. MOYER: Your Honor, it's a non-fungible item of
16 evidence. The serial number is an identifying feature of
17 a firearm. It is identified as the firearm based on the
18 serial number.

19 THE COURT: So your objection is noted. I'm going to
20 overrule.

21 MR. JOHNSON: Yes, sir, Your Honor.

22 THE COURT: So that is -- State's Exhibit No. 75 is
23 in, subject to Defendant Jacob Hughes' objection.

24 (WHEREUPON, State's Exhibit No. 75 was admitted into
25 evidence.)

CONTINUED DIRECT EXAMINATION

BY MR. MOYER:

Q Now, did you take anything from the scene before you left?

A The only thing I had taken from the scene were the keys after they had been documented to be on scene and photographed. Those keys were taken so, that way, the victim's vehicle could be towed from the scene.

Q Okay. Now, they had already -- as you stated, they had already been photographed and noted by investigators and forensics officers before you took them?

A Yes, where they were laying at the time.

Q And where were they?

A They were laying near the kitchen area, the window that's on the right side of the home near the victim's body.

Q And what time did the vehicle get towed?

A I believe it was approximately around 5:40 a.m.

Q And they were the keys for that vehicle that was out there?

A Yes.

Q It was a white minivan; is that right?

A Yes.

Q Okay. I'm going to now show you several photographs. I'm going to show you State's Exhibit Nos. 8, 1, 9, and

1 12, initially. And if you would, can you take a look at
2 those photographs and see if you can recognize what is
3 shown in those photographs? Just look at each one and
4 then I'll ask you if you know what is shown in the
5 photographs.

6 A Yes, sir.

7 Q Okay. And what is depicted in the photographs?

8 A The photographs, basically, depict the victim, where
9 the victim was laying. And it shows how his clothing was
10 at the time when I arrived.

11 Q Okay. Is that -- is that the location as far as
12 where it is in relation to the house and other structures
13 that were out there as you saw the body that night?

14 A Yes.

15 Q Is his body in the same position as far as what
16 direction -- whether he's laying up or down, or where his
17 hands are as he was when you saw him on January the 24th
18 of 2015?

19 A Yes. This is how I found him when I arrived.

20 Q So they are accurate depictions of the victim, John
21 Ferrell, as you saw him that night?

22 A Yes.

23 MR. MOYER: Your Honor, at this time, I would move to
24 have State's Exhibit Nos. 8, 1, 9, and 12 entered into
25 evidence.

1 THE COURT: Okay. Any objection from Defendant Jane
2 Hughes?

3 MS. TAYLOR: No objection.

4 THE COURT: Any objection from Defendant Jacob
5 Hughes?

6 MR. JOHNSON: No, sir, Your Honor.

7 THE COURT: All right. Those numbers are 8, 1, 9,
8 and 12, State's Exhibits are in without objection.

9 (WHEREUPON, State's Exhibit Nos. 1, 8, 9, and 12 were
10 admitted into evidence.)

11 BY MR. MOYER:

12 Q And then let me show you State's Exhibit No. 19. Do
13 you recognize what is shown in that photograph?

14 A Yes.

15 Q And what is shown?

16 A Basically, it's showing the kitchen window. This is
17 the same window that investigators had found that the
18 victim had come out of.

19 Q Okay. And is that the area around which you found --
20 or where you collected the car keys --

21 A Car keys, yes.

22 Q -- that belonged to the victim?

23 And if we zoom in, we'll be able to see the keys?

24 A Yes.

25 Q And is that a true and accurate depiction then of the

1 outside area on the house at [REDACTED] underneath the
2 window of that house?

3 A Yes.

4 MR. MOYER: Your Honor, I move -- at this time, I
5 move to have State's Exhibit No. 19 entered into evidence.

6 THE COURT: Any objection from Defendant Jane Hughes.

7 MS. TAYLOR: No objection.

8 THE COURT: And Jacob Hughes?

9 MR. JOHNSON: No objection.

10 THE COURT: All right. It's in without objection,
11 State's Exhibit 19.

12 (WHEREUPON, State's Exhibit No. 19 was admitted into
13 evidence.)

14 BY MR. MOYER:

15 Q If you would, I'm going to ask you to step down.
16 We're going to show some photographs behind you --

17 A Okay.

18 Q -- on that screen. And if I could just ask you to
19 just step over here. We have a laser pointer. That
20 button activates it.

21 A Okay.

22 Q We're going to start off -- okay. Can you -- this is
23 State's Exhibit No. 8 that is before you. And if you
24 would, let's start off by using the laser pointer to point
25 out where the house -- the side of the house.

1 A This is going to be the side of the house here.

2 Q Okay. And you mentioned the window. I know we can't
3 see the actual window, but where would that be?

4 A I believe right here is the window.

5 Q And we can see a trash can there?

6 A Correct.

7 Q Is it sort of close to where that trash can is?

8 A Yes. You've got an air conditioner unit here, and
9 the trash can. And the window is on the other side of
10 that right up here.

11 Q Okay. And then we can see a figure on the ground?

12 A Yes.

13 Q Would you point to the jury -- is that -- is that
14 roughly the angle of -- that you saw John Ferrell when you
15 were dealing with Mr. Hughes and he pointed out the body?

16 A Yes. There's a -- these bushes are, like, a little
17 tree line right here. And it, actually, extends out just
18 a little bit, comes forward just a little bit.

19 And I had come up to the street and came in kind of
20 like at an angle like this. So, basically, as I rounded
21 the corner, I could see him like this.

22 Q Okay. I'm going to show you State's Exhibit No. 9.
23 And can you, again, point out where Mr. Ferrell's body is?

24 A This is Mr. Ferrell here.

25 Q Okay. And that's the way his clothing was when you

1 saw him?

2 A Yes.

3 Q Can you point out the house?

4 A This is the house here.

5 Q Okay. And the corner of the house is kind of where
6 that fence meets up against it?

7 A Right here is one corner, yes.

8 Q I think if we look close enough -- can you point out
9 the window? I'm sorry. You might be able to see it.

10 A There it is.

11 Q There it is. Okay. So that's the window we were
12 talking about?

13 A Yes.

14 Q And the keys would have been in kind of what general
15 area?

16 A They were in this area here.

17 Q And that was State's Exhibit No. 9. Now, State's
18 Exhibit No. 19, is that another depiction of that window?

19 A It is.

20 Q And where would the body be? I'm not sure we can see
21 it, but where would it, roughly, be?

22 A It would have been on the other side of this trash --
23 it would have been in this area past that. It's just -- I
24 can't really see. It's dark.

25 Q Okay. And where were the keys?

1 A The keys were right around in here. It's hard to see
2 them.

3 Q Is that those right by --

4 A Yeah. I think that's them right there.

5 Q And the state of the other items that are on the
6 ground there, do you recall those items being there as
7 well that night?

8 A Yeah. I don't -- I can't recall as far as this. I
9 didn't pay much attention to that. The air unit here, I
10 remember being there, being on the ground.

11 Q Okay. And you mentioned a few moments ago that you
12 were present then when Mr. Ferrell was taken by law
13 enforcement -- I'm sorry, by the -- when he was taken away
14 from the scene?

15 A By the coroner.

16 Q By the coroner's office; right?

17 A Biocare, yes.

18 Q And you remember them lifting up his shirt and seeing
19 his body?

20 A Yes.

21 Q Let me show you State's Exhibit No. 12. Is that what
22 you saw on his body when his shirt was lifted up?

23 A Yes.

24 Q Let me ask you then, again, to please -- you can take
25 your seat.

1 A (Witness complied.)

2 MR. MOYER: I have nothing further for you at this
3 time. Please answer any questions of Defense Counsel.

4 THE COURT: Cross-examination, Ms. Taylor.

5 MS. TAYLOR: No questions for this witness.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: I have some questions, Your Honor.

8 THE COURT: All right.

9 CROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q Corporal Randolph -- it's corporal now; right?

12 A Yes.

13 Q Corporal, I believe you stated when -- at some point,
14 you did go inside the home?

15 A Correct.

16 Q All right. And when you went inside the home, you
17 got everybody out of the home?

18 A Correct.

19 Q And it was Jacob Hughes, Jane Hughes, Andrew Martin,
20 and the children?

21 A Yes.

22 Q All right. And Margaret Hughes, the mother, was
23 already outside of the home?

24 A Yes.

25 Q Now, when you got them outside of the home, did any

1 police officers go in the home?

2 A I don't recall right away as far as what officers may
3 have -- I mean, over a period of time, officers were in
4 the home. As far as who was the very next officer that
5 may have gone in there, I don't know.

6 Q But you had them outside of the home so that -- I
7 believe you said so that the scene could be secured -- or
8 the house could be secured; is that correct?

9 A Correct, for investigations.

10 Q All right. And so when you're talking about
11 investigations, we're talking about police officers going
12 inside the home and --

13 A Correct.

14 Q -- looking for evidence, and other weapons, and
15 things of that nature; is that correct?

16 A Correct.

17 Q Just to make sure not only for safety, but, also,
18 evidence regarding the case?

19 A Correct.

20 MR. JOHNSON: Your Honor, I have nothing further.

21 THE COURT: Any redirect?

22 MR. MOYER: No redirect, Your Honor.

23 THE COURT: All right. Thank you.

24 You may step down.

25 Let's take a short break here.

1 Ladies and gentlemen, this is a good point to take
2 our afternoon break. So I'll ask you to go back to your
3 jury room. Do not discuss the case.

4 And, also, at this point, if you will select your
5 foreperson and let the -- when you have selected that
6 person, then go ahead and write the name on a piece of
7 paper, and give it to the bailiff, and he'll let us know.

8 We'll bring you out just very shortly.

9 (WHEREUPON, the jury was excused from open court at
10 approximately 3:22 p.m.)

11 THE COURT: All right. We'll take a short recess, 10
12 minutes, at the most.

13 (WHEREUPON, a break was taken.)

14 THE COURT: For planning purposes, we need to
15 probably finish as close to 5:00 as possible.

16 MR. MOYER: Okay.

17 THE COURT: Anything before we bring the jury in from
18 the State?

19 MR. MOYER: No, Your Honor.

20 THE COURT: Anything from the Defendants?

21 MS. TAYLOR: No, Your Honor.

22 THE COURT: Mr. Johnson, anything from you?

23 MR. JOHNSON: No, sir, Your Honor.

24 THE COURT: All right. Bring them in, if they're
25 ready.

1 (WHEREUPON, the jury came into open court at
2 approximately 3:38 p.m.)

3 THE COURT: Mr. Jackson, Mr. Foreman,
4 congratulations.

5 Thank you for serving.

6 All right. The State, are you ready to proceed with
7 your next witness?

8 MR. MOYER: The State calls Jonathan Edwards.

9 THE BAILIFF: Place your left hand on the Bible,
10 raise your right hand, and face the clerk.
11 WHEREUPON,

12 JONATHAN EDWARDS,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Please take a seat.

15 And state your name for the record.

16 THE WITNESS: Jonathan Edwards.

17 DIRECT EXAMINATION

18 BY MR. MOYER:

19 Q Sir, you're employed with the Laurens County
20 Sheriff's Office; is that correct?

21 A Yes, sir.

22 Q And how long have you been with the Laurens County
23 Sheriff's Office?

24 A Since about February of this year.

25 Q Back in September -- I'm sorry, January of 2015, you

1 were employed with the Simpsonville Police Department?

2 A Correct.

3 Q How long did you work with the Simpsonville Police
4 Department?

5 A A little over nine and a half years.

6 Q What was your position with Simpsonville in January
7 of 2015?

8 A I was a K9 handler assigned to uniform patrol.

9 Q Okay. Now, were you working on the night of
10 January the 24th of 2015?

11 A Yes, sir, I was.

12 Q Did you get dispatched related to this incident at
13 [REDACTED]?

14 A I did.

15 Q Do you remember what the call came out as?

16 A Yes, sir. It came out as shots fired with a possible
17 gunshot victim.

18 Q Did you use your blue lights and siren to go to the
19 scene?

20 A Yes, sir, I did.

21 Q Were other officers there when you arrived?

22 A They were.

23 Q What officers were there?

24 A Officer Randolph and Officer Murphy.

25 Q Did you see the -- did you see John Hughes when you

1 arrived there at the location?

2 A Yes, sir, I did.

3 Q And where was he at that time?

4 A At that time, he was standing on the driveway beside
5 Officer Randolph.

6 Q Okay. And when you arrived at the scene, what did
7 you do when you came up to the residence?

8 A When I arrived on scene, I got out and I noticed
9 Officer Randolph was over there standing beside
10 Mr. Hughes. He already had him in investigative detention
11 at the time. And Officer Randolph had pointed in the
12 direction of the victim and told me to go check on him.

13 Q Okay. And what did you do when he told you to do so?

14 A At the time, I put some latex gloves on. And I ran
15 over to where the victim was lying. And I patted him on
16 the shoulder a few times, asked him if he could hear me.
17 I got no response. And I checked his pulse on his right
18 hand and didn't get any pulse.

19 Q Did see any signs of life at all?

20 A I did not.

21 Q Now, how was he positioned when you saw him?

22 A He was positioned face down. I got his hand above
23 his head a little bit. At that time, I believe he had his
24 left hand down by his side. But his right hand was up
25 near where his head was at. And that's the hand that I

1 checked for a pulse.

2 Q Did you see any -- did you see signs of possible
3 trauma?

4 A Yes, I did.

5 Q What did you observe?

6 A He had trauma to the back of his head. There was
7 steam, actually, coming from the back of his head. His
8 hair was kind of matted down a little bit. And there was
9 a wound. Other than that, I didn't see -- I mean, I saw a
10 pool of blood near where his face was at, where his face
11 would have been lying on the ground. And that's --
12 primarily, at that point, as far as trauma-wise, that's
13 what I saw.

14 Q And how was he dressed?

15 A He had a jacket on. He had some -- I believe some
16 pants on. The pants and his underwear were, actually,
17 below his buttocks. His pants were down near where his
18 ankles was at. And his underwear was below his buttocks.

19 Q Did you observe any weapons of any type, guns,
20 knives, or any weapons of any kind around him?

21 A Yes, sir. While I was, actually -- I believe it was
22 either while I was walking up or walking back away from
23 the scene, I observed a Glock pistol that was lying on the
24 ground.

25 Q And is that the pistol that Officer Randolph ended up

1 collecting and taking into evidence?

2 A It is.

3 Q Were there any weapons around the victim, John
4 Ferrell?

5 A There was none.

6 Q Did you tell Officer Randolph what you observed about
7 the victim?

8 A I did.

9 Q Now, while walking away from him and back towards
10 Officer Randolph, did you observe anything?

11 A Yes, sir. I observed two shell casings that were
12 what I estimated to be approximately 10 feet in front of
13 where the head of the victim was at.

14 Q What did you do when you observed those two shell
15 casings?

16 A I went back to my patrol car -- so the shell casings
17 wouldn't get disturbed or kicked around, I went back to my
18 patrol car. And I had some flags that I use for K9
19 tracking, orange flags that were on little posts. And I
20 posted that in the ground next to the shell casing so that
21 it wouldn't -- so whoever arrived on scene would notice
22 that they were there, and they wouldn't get kicked around
23 or disturbed.

24 Q So you didn't move or touch the shell casings?

25 A No, sir, I did not.

1 Q Were you there when EMS arrived?

2 A Yes, sir, I was.

3 Q Okay. Was the victim moved by either you or anyone
4 else from when you approached the victim to when EMS
5 arrived?

6 A He was not moved by myself, Officer Randolph, or
7 Officer Murphy. Whether he was moved by any of the
8 suspects or not, I have no idea. But he was not moved by
9 any of the officers on scene prior to EMS.

10 Q So you're saying whether or not he was moved prior to
11 when officers arrived, you don't know?

12 A I have no idea, correct.

13 Q Now, when you arrived to when EMS came and
14 attended --

15 A He was not moved.

16 Q He was not moved at all?

17 A The only thing, actually, I did was lift his hand up
18 for a pulse. And that was it. Other than that, no one
19 touched him, except for EMS.

20 Q Now, did you observe anything else around the
21 victim's body that seemed of significance?

22 A Yeah. He, actually, had a -- there was a trail of
23 blood that was from where his feet were lying that I
24 traced all the way back to where the window was at on the
25 opposite side of the air conditioner unit.

1 Q And we're going to take a look at a photograph in
2 just a moment. But when you talk about the air
3 conditioning unit, you're talking about that fan that was
4 on the ground underneath the window?

5 A There were two. There was, actually, a main air
6 conditioner unit.

7 Q Okay.

8 A And then there was that window fan that was knocked
9 away from the window that was lying on the ground.. But
10 there was, actually, a main window unit -- or not window
11 unit, but air conditioner unit on the outside of the house
12 as well.

13 Q Okay.

14 A And then the blood, actually, traced back where --
15 right beside where that window unit was at and the main
16 air conditioning unit up underneath where the window was
17 at on the ground. So there was a big pool of blood right
18 there as well.

19 Q A pool of blood underneath the window?

20 A Correct.

21 Q Okay. Did you see the car keys and the kitchen
22 implements that were on the ground?

23 A I saw the car keys. I don't remember seeing any of
24 the other instruments on the ground. But I did see the
25 car keys, yes, sir.

1 Q Now, I'm going to show you just a couple of
2 photographs. If you will, just step down, also, so we can
3 show the photographs behind you.

4 A Sure..

5 Q If you would, use this laser pointer. I'm going to
6 start with State's Exhibit No. 8. And does that depict
7 the victim as you saw him when you approached him that
8 night?

9 A Yes, sir.

10 Q And when you talked about seeing trauma to his head,
11 can you point out where it was that you saw it?

12 A About right there, where that pool of blood is at on
13 the back of his head.

14 Q The pool of blood where?

15 A There's an area of blood right here on the back of
16 his head. That's where the trauma was at that I saw where
17 the steam was coming from the back of his head. And
18 there's a pool of blood right up under where his face is
19 lying.

20 Q And State's Exhibit No. 9. You talked about the
21 State of Mr. Ferrell's clothing. Does that accurately
22 depict the way his clothes looked to you when you
23 approached him?

24 A Yes, sir, it does.

25 Q The way those pants are down around his ankles --

1 A Yes, sir.

2 Q -- and underwear?

3 Okay. So you didn't move or change that in any way
4 before those photographs were taken?

5 A No, sir, I did not.

6 Q Okay. State's Exhibit No. 1. Does that, also, show
7 Mr. Ferrell's condition as you saw him that night?

8 A Yes, sir.

9 Q And, finally, State's Exhibit No. 19. And you
10 mentioned the window. And would you point out the window
11 to the house that you noticed?

12 A The window is right here.

13 Q And you mentioned the ground underneath it. Can you
14 point it out?

15 A It would be right around in here. There was a pool
16 of blood. You can see some blood right here. There's the
17 air conditioner unit that I was talking about. And
18 there's the window unit I was talking about:

19 Q Okay. And that's -- okay. You can take your seat
20 again, please.

21 A (Witness complied.)

22 MR. MOYER: Okay. Please answer any questions the
23 Defense may have.

24 THE COURT: Ms. Taylor.

25 MS. TAYLOR: Thank you, Your Honor.

1 May it please the Court.

2 CROSS-EXAMINATION

3 BY MS. TAYLOR:

4 Q Officer Edwards, you were fired from the Simpsonville
5 Police Department, weren't you?

6 A Yes, ma'am.

7 Q What were you fired for?

8 A I made an error on a report -- or a warrant.

9 Q And is that what you would call an unintentional --
10 let's see -- unintentional inaccurate information?

11 A That is correct.

12 MS. TAYLOR: Thank you.

13 No further questions.

14 THE COURT: Mr. Johnson, any cross-examination?

15 MR. JOHNSON: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. JOHNSON:

18 Q Is it Officer Edwards now?

19 A Deputy Edwards.

20 Q Deputy. I'm sorry. Are you still a K9 handler?

21 A No, sir, I'm not.

22 Q How long were you a K9 handler?

23 A I was a K9 handler for about three to four years.

24 Q Now, when you got on scene, you were the second man?

25 A I believe I was the third. I believe Officer Murphy

1 was, actually, on scene as well.

2 Q Okay. You were the third man on scene?

3 A Correct.

4 Q Did you go into the house?

5 A No, sir, I did not.

6 Q All right. And when you got on scene, I understand
7 you put a flag down by some projectiles. And, otherwise,
8 it looks like you observed -- you said you observed the
9 trail of blood to the window; is that correct?

10 A Correct.

11 Q Okay. So you made those observations. You did a
12 police report; correct?

13 A Correct.

14 Q Now, how long were you on the scene after you made
15 those observations?

16 A Until I was, actually, released, until investigators
17 and forensics arrived on scene. We had some other calls
18 holding, I believe. So I got cleared from the scene as
19 soon as the majority of the other command staff and
20 investigators arrived on scene to take over.

21 Q Okay. Now, were you there when -- did you encounter
22 any other members of the family, other than John Hughes?

23 A I don't recall, actually, encountering anyone other
24 than Mr. Hughes. The only thing that I can say is I
25 remember the female, actually, came and spoke with

1 Mr. Hughes while he was on the concrete. But I don't
2 recall who that was. But other than that, I didn't have
3 any further encounter with the family members.

4 Q Was it an old female or young female?

5 A I believe it was older.

6 MR. JOHNSON: I have nothing further.

7 THE COURT: Any redirect?

8 MR. MOYER: Real briefly.

9 REDIRECT EXAMINATION

10 BY MR. MOYER:

11 Q The matter that got you in trouble with at the
12 Simpsonville Police Department, did that have anything to
13 do with this case at all?

14 A It had nothing to do with this case.

15 MR. MOYER: Okay. Nothing further.

16 THE COURT: Thank you.

17 You may step down.

18 THE WITNESS: Thank you.

19 MR. MOYER: The State calls Isaac Mintz.

20 THE BAILIFF: Put your left hand on the Bible, and
21 raise your right hand, and face the clerk.

22 WHEREUPON,

23 ISAAC JOSHUA MINTZ,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Please take a seat.

1 And state your name for the record.

2 THE WITNESS: My name is Isaac Joshua Mintz.

3 DIRECT EXAMINATION

4 BY MR. MOYER:

5 Q All right. Mr. Mintz, you're not in law enforcement;
6 is that right?

7 A That is correct, I'm not.

8 Q How old are you?

9 A I am 30.

10 Q Are you single? Are you married?

11 A I'm in a committed relationship.

12 Q Okay. What line of work are you in?

13 A I work for a non-emergency medical transport for
14 Medicaid.

15 Q Okay. How long have you been holding that position?

16 A Almost two years.

17 Q Where did you live on January the 24th of 2015?

18 A I lived at [REDACTED] Court, which is the road
19 parallel to [REDACTED] Road.

20 Q Okay. Which is the incident location that we're
21 talking about today. How close in relation to [REDACTED]

22 [REDACTED] Road would you say your residence was?

23 A I am one house and a street from -- from the --
24 106 --

25 Q Okay.

1 A -- Stonegate Road.

2 Q Now, were you close friends with the people who lived
3 at [REDACTED]?

4 A No.

5 Q How would you describe the relationship, if any, that
6 you had with the people who lived there?

7 A If we drove by, we would wave. And that was the
8 extent.

9 Q Okay. So they weren't -- as far as you know, you had
10 never spoken to them, or anything like that?

11 A That's correct.

12 Q Okay. Did you know the victim in this case, John
13 Ferrell?

14 A No.

15 Q As far as you know, had you ever met him?

16 A I had never met him, as far as I know.

17 Q Now, I'm going to take you back to the night of
18 January the 24th of 2015. Were you home?

19 A I was.

20 Q Did something happen that evening that caught your
21 attention?

22 A Yeah. I heard a -- a loud bang that I, initially,
23 thought was possibly like a firework [sic].

24 Q What were you doing when you heard this bang?

25 A I was watching TV with a friend.

1 Q And so you heard this bang, and you didn't know what
2 it was at first?

3 A At first, I did not know. About 30ish seconds
4 passed, and then I heard a series. And I recognized that
5 as the sound of a gun firing.

6 Q So you heard a shot, then there's a pause. Then you
7 heard a series of shots. And then anything else?

8 A And then there was another pause. I don't quite
9 remember how long. And then there was one final shot.
10 And then I didn't hear any more shots following that.

11 Q Okay. So did it sound loud?

12 A Yes.

13 Q Did it sound close?

14 A Fairly, yeah.

15 Q So what did you do when you heard this noise?

16 A I went out my front door into my yard. I observed a
17 man, Mr. John Hughes. He has a long white beard and long
18 white hair. He was standing over the body with another
19 person. They were talking, shined his flashlight on the
20 person on the ground, and then went back inside and were
21 talking with some people inside in, like, the doorway.

22 Q So you -- the two of them walked over to the doorway?

23 A Correct.

24 Q So when you say someone -- you could see someone on
25 the ground at that time?

1 A Yeah. For -- it's -- it really is like -- it's -- I
2 live pretty close to them. It's not far.

3 Q Okay. And you recognized John Hughes with the --
4 because of his beard and long white hair?

5 A Yeah.

6 Q Did you recognize the other person?

7 A No.

8 Q Could you tell anything about the other person,
9 whether it was a man or woman, or anything like that?

10 A I could not.

11 Q Just that it was another person?

12 A Correct.

13 Q Then the two walked over to the house. And it seemed
14 like there was a conversation?

15 A Correct.

16 Q Could you hear what was being said?

17 A No, sir.

18 Q So you wouldn't be able to say what, if anything, was
19 talked about?

20 A That is correct. I could not.

21 Q Now, when you observed that, what did you do?

22 A I went back inside, told my friend, Celeste, to call
23 911. And I went back outside and proceeded to cross my
24 neighbor's yard and then approach -- cross the road and
25 approach the driveway to [REDACTED] Road.

1 Q Okay. So were you the person that the first officer
2 was talking about seeing when he showed up?

3 A Yes.

4 Q Okay. What did you do when you went over there to
5 that residence?

6 A I walked up. I said, Is everything okay?

7 He -- Mr. John Hughes said, No. Everything is not
8 okay.

9 I walked a few feet into -- sort of up the driveway.
10 And I could clearly see -- I guess that's when I realized
11 it was a body lying on the ground with blood coming out of
12 the head.

13 Q Okay. And you saw the photographs that were shown
14 here?

15 A I did.

16 Q Is that the way the body looked to you when you saw
17 it?

18 A Yes.

19 Q Could you -- could you see about the clothing that
20 was down around his ankles, or did you not look closely
21 enough for that?

22 A I -- I -- I don't recall seeing -- because,
23 basically, as I walked up, the officer was walking up at
24 the same time.

25 Q So this was taking place while the officer was

1 coming. And the officer was talking to you?

2 A He was talking to Mr. Hughes, initially. I did not
3 realize that Mr. Hughes had a gun. But I think the
4 officer and I both found out at the same time.

5 Q Did you see the gun?

6 A I did.

7 Q In his hand?

8 A I did.

9 Q But when you first walked up, you hadn't noticed the
10 gun?

11 A That's correct.

12 Q It was only then when the officer got there?

13 A (Witness nodded.)

14 Q And did you go over to the body, or touch it, or move
15 it?

16 A No, I did not.

17 Q Okay. And you saw the officers take John Hughes into
18 custody?

19 A Yes.

20 Q Okay. Then did you later meet with officers and talk
21 about what you had seen and what you had learned?

22 A I did.

23 MR. MOYER: Okay. I have nothing further for this
24 witness at this time.

25 THE COURT: Cross-examination, Ms. Taylor.

1 MS. TAYLOR: Thank you, Your Honor.

2 May it please the Court.

3 CROSS-EXAMINATION

4 BY MS. TAYLOR:

5 Q Mr. Mintz, so you said that you heard one shot, then
6 30 seconds, then multiple other shots; is that correct?

7 A That is correct.

8 Q Have you ever heard gunshots before?

9 A I have.

10 Q When -- when did you hear them?

11 A I heard gunshots -- my dad was a collector of guns.
12 And so he would -- he would go and shoot.

13 Q So you're familiar with firearms?

14 A Yeah. I've never, actually, shot one myself, but,
15 yes, I am.

16 Q Okay. So once you heard these gunshots, did you
17 hesitate at all, or did you just run right outside to see
18 what was going on?

19 A I just went outside.

20 Q Okay. And then you stated that you didn't, actually,
21 see a gun until the officer asked Mr. Hughes -- or
22 Mr. Hughes volunteered that he had a weapon; is that
23 right?

24 A That's correct.

25 Q About how long were you outside before you realized

1 there was a weapon and you saw the gun?

2 A A minute to a minute and a half.

3 Q Okay. And you with your own eyes saw two individuals
4 standing over what you later found out to be Mr. Ferrell;
5 is that correct?

6 A It was a body. I didn't know who it was.

7 Q At any point -- I'm sorry. At any point, did you see
8 Jane Hughes?

9 A No -- well, I don't -- there was another person out
10 there. I do not know who that was.

11 Q Okay. But you couldn't identify it as Jane Hughes?

12 A That's correct.

13 MS. TAYLOR: Okay. Thank you.

14 No further questions.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: I don't have any questions, Judge.

17 THE COURT: Any redirect?

18 MR. MOYER: No, Your Honor.

19 THE COURT: Thank you.

20 You may step down.

21 MR. MOYER: The State calls Scott Coleman.

22 MR. JOHNSON: Your Honor, before he's sworn in, can
23 we approach briefly?

24 THE COURT: Yes. Come over here.

25 (WHEREUPON, a bench conference was held.)

1 WHEREUPON,

2 RICHARD SCOTT COLEMAN,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Please take a seat.

5 State your name for the record.

6 THE WITNESS: Richard Scott Coleman.

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q Okay. Mr. Coleman, how old are you?

10 A I'm 41.

11 Q Okay. And are you single? Are you married?

12 Children?

13 A I'm married.

14 Q Okay. Do you have children?

15 A Yeah.

16 Q Okay. What line of work are you in right now?

17 A I work at Unifirst. We -- we do clothing, wash
18 company, other companies clothing, their mats that you
19 walk on when you go in their stores, aprons, that kind of
20 thing.

21 Q How long have you been working for that company?

22 A Just a couple of months.

23 Q Now, let me take you back to January the 24th of
24 2015. Where were you living back at that time?

25 A [REDACTED] Road, Simpsonville..

1 Q And where is that in relation to [REDACTED] Road?

2 A Just right around the corner. There's one house that
3 separates mine and his street -- or that street.

4 Q And how far, roughly -- if you were to take a guess,
5 how far would that be from your house?

6 A 400 and something feet.

7 Q Okay.

8 A 450 probably.

9 Q Now, did you know the people who lived at [REDACTED]
10 [REDACTED]?

11 A No.

12 Q As far as you know, had you ever spoken to them?

13 A I didn't know they even lived down there. I never --
14 you know, have anything to do with my neighbors, except my
15 immediate neighbors.

16 Q You didn't have any interaction with them as far as
17 you know?

18 A No.

19 Q Now, as far as the victim, John Ferrell, did you know
20 him as far as you know, or had you ever spoken to him?

21 A No.

22 Q So any of those people involved, would you have
23 recognized them before this night?

24 A No, I wouldn't.

25 Q Let me take you back to that night, January the 24th

1 of 2015. Did something happen that night that caught your
2 attention?

3 A Yeah. I was sitting on my porch on my phone and a
4 fox had walked by me. There was a fox in the
5 neighborhood. And a couple of seconds after that fox
6 walked by, a gunshot went off. And it was close. I could
7 almost feel the concussion of it. And I thought, damn,
8 somebody killed the fox. And --

9 Q Okay. Now, what were you -- this was pretty late at
10 night?

11 A I guess 11:00, 12:00, something like that.

12 Q And what -- were you out on the porch by yourself?

13 A Yeah.

14 Q Were you on the front porch, or the back porch?

15 A Front porch.

16 Q And did it -- you said this shot sounded loudly?

17 A Oh, yeah.

18 Q You could tell it was close?

19 A Oh, yeah.

20 Q So you heard this shot. Then what happened?

21 A Yeah. Then I heard somebody start screaming for
22 help. And I got up and I walked to the edge of my porch.
23 And I didn't really understand, you know, what I was
24 hearing. I mean, I knew what I was hearing, but I didn't
25 know if it was related to the gunshot. And it just kept

1 getting more and more intense, please, God, help me,
2 somebody, God, help me, you know.

3 And then I -- it seemed like to me two minutes went
4 by. And then I heard a bunch of shots. And then I never
5 heard another word.

6 Q Okay. And so you heard someone -- from the tone of
7 voice, what -- tell me about the tone of voice that the
8 person you heard calling out --

9 MS. TAYLOR: Objection, Your Honor. Speculation.

10 MR. MOYER: It's not speculation. It's state of
11 mind.

12 THE COURT: Overruled.

13 THE WITNESS: Go ahead?

14 THE COURT: Yes.

15 THE WITNESS: I mean, at -- he was horrified. At
16 first, it was -- it escalated from the first help to the
17 last one was -- you know, it was scared. It was very
18 scared, his tone.

19 BY MR. MOYER:

20 Q And what words do you recall hearing the person
21 saying?

22 A Somebody, please, help me. God, help me, over and
23 over until -- until he didn't say anything else, until all
24 the gunshots went off.

25 Q And then you didn't hear anything else?

1 A (Witness shook his head.)

2 Q Now, after that happened, what did you do?

3 A I just waited. I was frozen. I was just, like,
4 frozen in fear. I didn't -- you know, I knew what I had
5 just heard. I knew what I had just heard, you know.

6 But my wife came out. She thought it was me that had
7 been shot because it was so close. And then we waited.
8 And then we saw the police come. Then we walked up to the
9 corner and looked down the street. And that was it.

10 Q Okay. Now, going -- going back to that night. You
11 didn't talk to the police on that night; is that right?

12 A That's right.

13 Q I think they came by and -- did your wife call the --
14 call 911?

15 A I don't -- I'm not -- I don't think so.

16 Q Okay. Now, you, actually, had some active warrants
17 at that time, didn't you?

18 A Right.

19 Q And they were, like, seven years old?

20 A Yeah. They were old.

21 Q So you were -- is that one of the reasons that kept
22 you from going over to the police that night?

23 A Yeah, kind of. But after I saw him being arrested
24 for it, I figured they had what they needed. So I
25 never -- I never mentioned it.

1 Q Okay. And then you ended up, actually, going off
2 and --

3 A I went to prison.

4 Q -- serving the time. And then you got back out and
5 you were contacted about this case. And is that when you
6 gave a statement to law enforcement?

7 A Well, yeah. I -- yeah. I was under the impression
8 that everybody was in jail. So when I got that, I was
9 shocked.

10 Q Okay. And then --

11 A I went over and talked to them.

12 Q Okay. And then you told them what you heard happen
13 that night?

14 A Yeah.

15 Q Had -- what you heard that night, did that stick with
16 you over that period of time?

17 MR. JOHNSON: Your Honor, I object to relevance of
18 this question.

19 THE WITNESS: I woke up every night with him just
20 standing next to my bed --

21 THE COURT: Hold on.

22 Overruled --

23 THE WITNESS: I --

24 MR. MOYER: Hold on.

25 THE COURT: Overruled.

1 BY MR. MOYER:

2 Q Okay. You can answer.

3 A I woke up every night with him standing next to my
4 bed begging for help. Every night, I had nightmares for
5 almost two years.

6 MR. MOYER: Okay. Nothing further.

7 Please answer any questions of the Defense.

8 THE COURT: Cross-examination, Ms. Taylor.

9 MS. TAYLOR: Thank you, Your Honor.

10 May it please the Court.

11 CROSS-EXAMINATION

12 BY MS. TAYLOR:

13 Q Mr. Jones, what did you serve time for?

14 A Mr. Coleman.

15 I served time --

16 Q I apologize.

17 A -- for breach of trust.

18 Q Have you ever had any history with drugs or alcohol
19 addiction?

20 A Yeah.

21 Q Were you under the influence of any substances the
22 night of this incident?

23 A No. I've been clean since 2007.

24 Q I'm sorry. Could you repeat that?

25 A I haven't done any drugs since 2007.

1 Q What about alcohol? Had you been drinking that
2 night?

3 A No. I don't drink.

4 MS. TAYLOR: Thank you.

5 No further questions.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: No questions, Your Honor.

8 THE COURT: Any redirect?

9 MR. MOYER: No, Your Honor.

10 THE COURT: Thank you, Mr. Coleman.

11 You can step down.

12 MR. MOYER: The State calls Sandra Murphy.

13 THE CLERK: Ms. Murphy, if you can come to the Bible.

14 THE BAILIFF: Place your left hand on the Bible, and
15 raise your right hand, and face the clerk.

16 WHEREUPON,

17 SANDRA MURPHY,

18 after first having been duly sworn, testified as follows:

19 THE CLERK: Please take a seat.

20 And state your name for the record.

21 THE WITNESS: Sandra Murphy.

22 DIRECT EXAMINATION

23 BY MR. MOYER:

24 Q Ms. Murphy, where are you employed?

25 A With Bank Of America.

1 Q How long have you worked at Bank of America?

2 A Since February 5th.

3 Q What did you do before working for Bank of America?

4 A I ---

5 Q Where did you work?

6 A For the Simpsonville Police Department.

7 Q How long were you in law enforcement?

8 A Approximately four and a half years..

9 Q And was that always with the Simpsonville Police
10 Department?

11 A Yes, sir, it was.

12 Q What was your position with the Simpsonville Police
13 Department in January of 2015?

14 A I was a patrol officer.

15 Q Were you working the night of January the 24th of
16 2015?

17 A Yes, I was.

18 Q And were you dispatched to the location that we are
19 talking about in this case, [REDACTED] Road?

20 A Yes, I was.

21 Q Were you close by when the call came out?

22 A No, sir. I was across town, actually.

23 Q So when you arrived, was another officer already on
24 scene?

25 A Yes, sir. There was another officer.

1 Q Who was that?

2 A Officer Randolph.

3 Q Okay. What was taking place when you arrived?

4 A When I arrived, he was telling one gentleman to back
5 away, and placing another gentleman into handcuffs.

6 Q And who was the gentleman that was being placed into
7 handcuffs?

8 A It was John.

9 Q Was it John Hughes?

10 A Yes.

11 Q Okay. What does he look like?

12 A An older gentleman, gray hair, gray long beard.

13 Q Okay. Now, and then the other person, that was the
14 neighbor?

15 A Yes, sir.

16 Q Okay. Now, did you have any contact with that
17 neighbor, Mr. Mintz?

18 A I did.

19 Q Okay. And did you -- after your conversation with
20 him, what did you direct him to do at that time?

21 A I advised him to go back to his residence, because he
22 didn't see anything. And we would get back in touch with
23 him, if we needed to.

24 Q And you're aware that he was contacted?

25 A Yes, sir.

1 Q All right. Did you see the victim in the case?

2 A I did.

3 Q And tell us about that, how it came about that you
4 saw the victim.

5 A When I had gotten onto the scene, I was talking to
6 the neighbor. Another officer arrived on scene, Officer
7 Edwards. And Officer Randolph told us that there was
8 somebody lying to the right of the house as you're facing
9 it on the ground. And he appeared to have been shot.

10 Officer Edwards walked over to the -- to the victim,
11 Mr. John Hughes [sic]. And he was lying face down -- or
12 he was lying on the ground. And Officer Edwards checked
13 for a pulse. And I just kind of got close, but not -- I
14 didn't touch him, or anything.

15 Q Okay. So you didn't touch the body or disturb the
16 body at all?

17 A No, sir.

18 Q Okay. Now, did you -- after you had been there, did
19 you end up going into the residence?

20 A I did.

21 Q And you were, actually, the first officer to enter
22 the residence; is that right?

23 A Yes, sir.

24 Q Which door did you enter?

25 A The front entrance.

1 Q And what does that lead into? What part of the house
2 does that lead into when you enter the home?

3 A It walks right into -- like, there's a hallway right
4 here. And it opens up into the kitchen, and then, like, a
5 living room kind of area. And around the corner is the
6 bedrooms. So right into the entrance, there's a bench and
7 then the kitchen.

8 Q And what did you see when you entered the residence?

9 A I saw Jane and I was told it was a family friend,
10 Mr. Andrew Martin, sitting on the bench right inside the
11 door.

12 Q Just the two of them?

13 A Yes.

14 Q And when you say "Jane," is that person here in the
15 courtroom?

16 A Yes.

17 Q Is it Jane Hughes seated over here?

18 A Yes.

19 Q Okay. And what were they doing?

20 A They were sitting kind of close together. Their
21 knees were kind of touching. And Jane was upset. And
22 Mr. Martin was consoling her.

23 Q Okay. And so they were the only two people that you
24 saw at that time?

25 A Yes.

1 Q Did you go through the house?

2 A I did not.

3 Q What was your purpose for going into the house at
4 that time?

5 A To make contact with who was inside the residence.

6 Q Okay. And do you remember Officer Randolph, also,
7 coming and helping with that at some point?

8 A He came to the door and was trying to tell me
9 something, but I couldn't hear. So I opened up the door,
10 I stepped out. He told me the scene had to be taped off.

11 So I went back outside, got the tape from my car, and
12 started taping off the perimeter.

13 Q Okay. Did you then go back to the house?

14 A I did, yes.

15 Q And what did you do when you went back to the house?
16 Were Jane and Andrew still in the house?

17 A Yes.

18 Q Okay. And so you went back to the house then to get
19 them out of the house?

20 A Yes. I was told that they needed to get out by
21 our -- Investigator Manley.

22 Q And were they still sitting there on that bench?

23 A I don't recall.

24 Q Okay. Do you recall learning about anyone else being
25 in the house?

1 A Yes, I do. When I was outside doing the perimeter, I
2 was told that -- well, there was another gentleman outside
3 with the father. I called him grandfather. Sorry. The
4 grandfather, he was outside and another person approached.
5 And I said, Who is that? And it ended up being Jacob, his
6 son. And I asked where he had been during the incident.
7 And I was told he had been in Jane's daughter's room --

8 MR. JOHNSON: Your Honor, objection.

9 THE COURT: All right.

10 MR. JOHNSON: Your Honor, this is hearsay. I ask --
11 I move to strike the testimony.

12 MR. MOYER: Your Honor, it doesn't go to the truth of
13 the matter asserted. We would say just part of the
14 investigation.

15 MR. JOHNSON: Your Honor, it does.

16 THE COURT: As far as the identity or -- I mean, I'll
17 grant it as to anything other than identity of the person.

18 MR. MOYER: Okay.

19 THE COURT: And, ladies and gentlemen, therefore, any
20 additional information other than the identity of the
21 person is stricken from the record. And that's not
22 something you need to consider in your deliberations.

23 MR. JOHNSON: Thank you, Your Honor.

24 BY MR. MOYER:

25 Q So going back to that. Who was the -- what was the

1 identity of this person?

2 A Jacob.

3 Q And is that the Defendant seated over there next to
4 his counsel with the beard --

5 A Yes.

6 Q -- Jacob Hughes?

7 Okay. Was anyone else inside the house?

8 A Yes, the two children.

9 Q Okay. And were they visible, or did you learn of
10 them being in the house?

11 A I learned of them being in the house by the
12 grandfather. He had told me to begin with that his
13 daughter and two children were inside. While I was
14 outside, his wife came out to begin with.

15 Q Okay. And then having learned that information, did
16 you see to it that they, also, were brought outside of the
17 house?

18 A Yes, sir.

19 Q Okay. And how did they -- the children get out of
20 the house?

21 A Jane went inside and got them bundled up. Because it
22 was very cold during that time. And she loaded them up
23 and brought them outside with a fireman.

24 Q So you didn't go back with her, then, to the
25 children?

1 A I looked in briefly just to make sure it was just the
2 two kids in the room.

3 Q Were they young children?

4 A Yes.

5 Q You don't know their exact ages, do you?

6 A I have it in my report, but, no, I don't remember.

7 Q That's okay. So she got the children. And Jane, the
8 two children, and Andrew Martin came outside; is that
9 correct?

10 A Yes.

11 Q What did you do with them when you had them outside?

12 A They were put into the fire department's SUV's,
13 because we have cages in our cars, to keep them warm
14 because it was so cold.

15 Q Okay. Now, let me ask you a little bit more about
16 when you were inside the house. Could you see the kitchen
17 from where you were?

18 A Yes.

19 Q Did you go in the kitchen that you recall?

20 A I was standing in it because that's where the bench
21 is. But going up and touching anything or going to the
22 sink, no.

23 Q Was the kitchen in disarray, or was it orderly? How
24 would you describe the state of the kitchen?

25 A It wasn't in disarray.

1 Q It was not in disarray?

2 A Not that I remember, no.

3 Q Okay. So you don't recall anything off the walls, on
4 the floor, table turned over, anything like that?

5 A No, sir.

6 Q Okay. Now, so you got the children taken outside,
7 along with Jane. And then what did you do when you went
8 back outside?

9 A I was told to start getting written statements.

10 Q Okay. Did you help tape off the scene, or was that
11 already being --

12 A I had already done that.

13 Q Okay. Now, did you see Jane Hughes being attended to
14 by EMS?

15 A Yes. She had told me that her wrist hurt.

16 Q Okay. And she went to the hospital; is that right?

17 A She did, yes.

18 Q And did anyone go with her?

19 A Martin.

20 Q Andrew Martin, that was the man who had been seated
21 with her?

22 A Yes.

23 Q Now, at some point, did you end up going over to the
24 hospital?

25 A I did.

1 Q Okay. And what was the purpose for going over to the
2 hospital?

3 A To bring her back home.

4 Q What did you find when you got to the hospital?

5 A Her, and Martin, and Investigator Williams were in
6 the room.

7 Q Okay. So Jane Hughes and Andrew Martin were in a
8 hospital room. And there was another -- when you say --
9 Tim Williams?

10 A Investigator Tim Williams.

11 Q So he's an investigator with the Simpsonville Police
12 Department?

13 A He was at the time.

14 Q And he was present at that time as well?

15 A Yes.

16 Q And then you took Jane Hughes and Andrew back to the
17 incident location; is that right?

18 A Yes.

19 Q One other question. On Jane Hughes's 911 call,
20 there's a comment about someone being called out to that
21 location the prior night, January the 23rd. Was that you
22 who was called out to that location?

23 A Yes, it was.

24 Q And what was that about?

25 A I was told that they were concerned because the

1 victim in the case had been seen at the --

2 MR. JOHNSON: Your Honor, objection. Hearsay.

3 THE COURT: All right.

4 MR. MOYER: Your Honor, it explains the officer's
5 actions. It's the purpose of her being called out.

6 THE COURT: She can -- sustained.

7 She can talk about what she did when she got out
8 there.

9 BY MR. MOYER:

10 Q So when you got out to the -- you went out to [REDACTED]
11 [REDACTED] then?

12 A Yes.

13 Q Did you go in the house?

14 A No.

15 Q Where did you go?

16 A I parked at the end of the cul-de-sac. And I blacked
17 out.

18 Q What do you mean "blacked out"?

19 A I turned off all the lights in my car and was -- as
20 dark as I could to appear as if I was just parking on the
21 street.

22 Q So it was nighttime?

23 A Yes.

24 Q Was anyone home at [REDACTED] Road?

25 A Not that I'm aware of.

1 Q How long did you stay there?

2 A For 20 to 25 minutes.

3 Q Did you see anything? Did anything happen, any
4 incidents of any type?

5 A No, sir.

6 Q Did you end up seeing the family?

7 A I saw the grandfather.

8 Q That would be John Hughes?

9 A Yes, sir.

10 Q The man with the long white beard?

11 A Yes.

12 Q How did you see him?

13 A He drove up and asked me if I had seen anything. I
14 said, No.

15 And he said, Thank you for staying by.

16 Q Then you left?

17 A Then I left.

18 MR. MOYER: Okay. Please answer any questions
19 Defense counsel has.

20 MS. TAYLOR: No questions.

21 THE COURT: Mr. Johnson.

22 MR. JOHNSON: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. JOHNSON:

25 Q Now, you work at the bank now, so you're no longer an

1 officer?

2 A I am not.

3 Q Okay. What is your role now?

4 A I'm vice president for global corporate security for
5 Bank of America.

6 Q All right. Now, when we're talking about the home, I
7 believe you stated when you went inside, you saw Andrew
8 Martin and Jane Hughes?

9 A Uh-huh.

10 Q I'm sorry. You have to say "yes" or "no."

11 A Yes.

12 Q Okay. And at some point, everyone was taken out of
13 the house, including the children and my client as well,
14 Jacob Hughes?

15 A He was outside before the kids came out.

16 Q Okay. So Jacob Hughes came out first and then the
17 children came out after that?

18 A I didn't direct him out. He was already outside. I
19 directed Jane, Martin, and the two kids outside.

20 Q Okay. So everybody came outside?

21 A Yes.

22 Q And you were securing the home or securing the scene.
23 Is that -- is that what you -- what was the purpose of you
24 doing that?

25 A Securing the incident scene.

1 Q Securing the incident scene. And was it your
2 understanding that other police officers were going to go
3 into the home after --

4 A I can't assume what other officers are doing.

5 Q But, basically, in your training, what did you expect
6 to happen next?

7 A That the scene would be secured.

8 Q The scene would be secured?

9 A Yes, sir.

10 Q And then the scene would be investigated; correct?

11 A Yes, sir.

12 MR. JOHNSON: All right. I have nothing further.

13 THE COURT: Any redirect?

14 MR. MOYER: No, Your Honor.

15 THE COURT: All right. Thank you.

16 You may step down.

17 MR. MOYER: The State calls Nick Jones.

18 THE BAILIFF: Put your left hand on the Bible, and
19 raise your right hand, and face the clerk.

20 WHEREUPON,

21 NICHOLAS JONES,

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

23 THE CLERK: Please take a seat.

24 And state your name for the record.

25 THE WITNESS: Sergeant Nicholas Jones.

DIRECT EXAMINATION

BY MR. MOYER:

Q Please state your name again.

A Sergeant Nicholas Jones.

Q Nicholas Jones. And where are you employed?

A Greenville County EMS.

Q Greenville County EMS. How long have you worked for EMS?

A 14 years.

Q Has that all been with Greenville County?

A Yes, sir, full-time. And I worked part-time in Belton as well during that time.

Q Okay. During the same time?

A Yes, sir.

Q Are you just full-time with Greenville now?

A Yes, sir.

Q What is your position?

A I'm a clinical field supervisor.

Q What does your job entail?

A I respond to calls for treatment of patients. And I, also, supervise employees in their treatment and quality assurance afterwards. So I read the reports, and stuff.

Q What kind of training does it take -- education and training does it take for your job?

A I have a -- I have a two-year degree from Greenville

1 Tech. You can do a degree program or certificate program
2 to work up to EMT and paramedic school. And you have to
3 take several tests from the National Registry of EMTs to
4 obtain a certification.

5 Q Okay. And you receive continuing training and
6 education?

7 A Yes, sir.

8 Q Are there any certifications, or anything required
9 for it to be an EMS?

10 A At a minimum, you have to maintain an advanced heart
11 and life support, and basic heart and life support every
12 two years --

13 Q Okay.

14 A -- to keep that certification. And then there's
15 other ones that are required by our organization.

16 Q And what certifications do you have?

17 A I have National Register of Paramedic, advanced
18 cardiac life support instructor, basic cardiac life
19 support instructor, pediatric life support instructor,
20 tactical emergency care. There may be some other ones
21 that I can't remember.

22 Q Okay. Let me take you back to January -- the early
23 morning hours of January the 25th of 2015. Did you
24 receive a call to the incident location that we're talking
25 about today?

1 A Yes, sir.

2 Q And what address was that?

3 A It was [REDACTED] Road.

4 Q Okay. What time did you get the call?

5 A I was dispatched at 00:02, and went en route about
6 the same time, about 30 seconds later.

7 Q Okay. So by 00:02, would that be two minutes after
8 midnight?

9 A That's correct.

10 Q On January the 25th?

11 A That's correct.

12 Q And what time did you arrive at that location?

13 A I arrived at 00:11, so 12:11 on the 25th.

14 Q So 11 minutes after. It took you about nine minutes
15 to get there?

16 A That's correct.

17 Q Okay. Were police officers there, and first
18 responders, and everything when you arrived?

19 A Yes, sir.

20 Q Okay. And did officers -- were you allowed to go
21 right up to the scene when you arrived?

22 A Yes, sir. At that point, the scene was secured. I
23 was directed to where I was needed.

24 Q And where were you directed, initially?

25 A Up to the house -- beside the house where the

1 decedent was.

2 Q Okay. So tell us about what you found at the
3 location at which you were directed.

4 A When I got there, I had my equipment. I was directed
5 to where the victim was by the fire department. I found
6 him flat on the ground, laying on the ground face down
7 with his arms up. I assessed for any respiratory rate,
8 which I didn't see any movement. I assessed for a pulse
9 and didn't feel one.

10 Q Okay. And I'll get into that in just one moment.

11 A Sure.

12 Q Were you here in the courtroom when the photographs
13 were shown of the decedent?

14 A Yes, sir.

15 Q Is that the position that he was in when you found
16 him?

17 A Yes, sir.

18 Q Is that, also, the state of his clothing when you
19 found him?

20 A Yes, sir.

21 Q Okay. Now, you -- you checked for signs of life?

22 A Yes, sir.

23 Q And how did you do so, and what did you find?

24 A When I approached him -- we'll start a visual
25 assessment as we walk up. I didn't see any movement, no

1 signs of life, any type of respiratory movement. I
2 approached him, spoke, no response. I checked for a pulse
3 and didn't feel a pulse, so.

4 Q When you say "checked for a pulse," would that be
5 just with your hand?

6 A I -- initially, yes, sir.

7 Q And then did you do anything else to see if there was
8 any electrical activity, or anything like that?

9 A So after I found there was no pulse, no respiratory
10 activity, then I placed him on a cardiac monitor to see if
11 there was any form of electric activity in the heart,
12 which there wasn't. So then I pronounced him deceased.

13 Q And are you -- under what conditions can you
14 pronounce somebody deceased?

15 A So if there's obvious signs of incompatible with
16 life, such as decapitation or burn beyond recognition and
17 some other things, we can. If there's also -- if their
18 heart rhythm is asystolic, which is the term for this,
19 basically, the flat line, as you see. So that's how he
20 presented to me. It was a flat line, no signs of life.
21 So I pronounced him deceased.

22 Q So "asystolic," is the word that you used?

23 A Yes, sir.

24 Q Which means no electrical activity at all?

25 A Yes, sir.

1 Q And what time was it that death was confirmed?

2 A 00:15, I believe -- 00:13.

3 Q Okay. So 13 minutes after midnight?

4 A That's correct.

5 Q Now, did you, also, attend to anyone else there
6 while -- after you finished attending to the victim, John
7 Ferrell?

8 A Yes, sir.

9 Q Did you attend to anyone else at the scene?

10 A Yes, sir.

11 Q And who was that?

12 A I attended to Jane Hughes and John Hughes.

13 Q Okay. Well, let's talk about Jane Hughes.

14 A Okay.

15 Q How did it come about that you attended to her?

16 A She was directed to me -- or approached me and said
17 that she was having pain in her wrist.

18 Q Okay. So she came up to you?

19 A Yes, sir.

20 Q And what wrist was it?

21 A Right.

22 Q Okay. And can you tell us what time -- or I don't
23 know if you made any notations in your report about what
24 time you came in contact with her.

25 A It was approximately 30 minutes after midnight, about

1. 25 minutes after midnight.

2 Q Okay. Was there any visible signs of injury?

3 A Not that I recall.

4 Q And --

5 A No obvious -- no obvious area of injury, per the
6 report.

7 Q That's what you put in your report was --

8 A Yes, sir.

9 Q -- no obvious area of injury?

10 A That's correct.

11 Q Was she able to move her --

12 A Yes, sir.

13 Q -- hand, and wrist, and fingers?

14 A Yes.

15 Q Okay. What did you do with her?

16 A At this point, I called for another ambulance.
17 Because I was on a truck by myself, so I had to transport.
18 And she wanted transport.

19 So I called for an ambulance, splint her wrist. And
20 when they got there, I gave her over to that crew and they
21 transported her to the hospital.

22 Q So it was Jane Hughes who wanted to be transported?

23 A That's correct.

24 Q She made that request. And then you had some
25 interaction with John Hughes as well?

1 A Yes, sir.

2 Q Did he need any medical attention?

3 A No, sir.

4 Q Okay. How did it come about that you gave him
5 attention?

6 A He approached me on the scene and said that he was
7 directed to come to me by law enforcement to be evaluated.
8 When I asked him for what, he said he didn't know. He was
9 just directed to come to me.

10 So by our policy, anybody who is identified as a
11 patient by any other first responder, we talk to. And I
12 obtained some information from him, obtained a refusal.
13 And he said he did not require any medical attention.

14 Q So he had no complaints then?

15 A That's correct.

16 Q Did he look in distress or any pain whatsoever?

17 A No, sir.

18 Q And there was nothing about him that lead you to
19 believe he needed medical attention of any kind?

20 A No, sir.

21 Q What time did you clear the scene?

22 A I went available six minutes after 1:00.

23 MR. MOYER: Okay. Please answer any questions the
24 Defense may have.

25 THE COURT: Ms. Taylor.

1 MS. TAYLOR: Thank you, Your Honor.

2 May it please the Court.

3 CROSS-EXAMINATION

4 BY MS. TAYLOR:

5 Q Just briefly. So you got the call at 12:02; is that
6 correct?

7 A That's correct.

8 Q And then you arrived at 12:11?

9 A Correct.

10 Q And then you pronounced Mr. Ferrell dead at 12:13?

11 A That's correct.

12 Q So it only took you two minutes from the time you got
13 there to get out of your car, approach the victim,
14 evaluate for signs of life, and then make a determination
15 that he was dead?

16 A Correct.

17 MS. TAYLOR: No further questions.

18 THE COURT: Mr. Johnson.

19 MR. JOHNSON: I don't have any questions, Your Honor.

20 THE COURT: Any redirect?

21 MR. MOYER: No redirect.

22 THE COURT: Thank you.

23 You may step down.

24 MR. MOYER: The State would call Dar Shaw.

25 THE BAILIFF: Place your left hand on the Bible and

1 raise your right hand.

2 WHEREUPON,

3 DARWIN SHAW,

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

5 THE CLERK: Please take a seat.

6 And state your name for the record.

7 THE WITNESS: Darwin Shaw, S-H-A-W.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q Okay. And you are not employed at this time, are
11 you?

12 A I retired in February.

13 Q Okay. Where did you retire from?

14 A From the Department of Public Safety Forensic
15 Division Crime Scene Section here in Greenville County.

16 Q How long were you with the forensics division?

17 A 19 years.

18 Q 19 years. Did you have law enforcement experience
19 before that?

20 A I did 21 years with another department, seven years
21 as a road officer, and 14 as a detective.

22 Q And you had a little bit of involvement in the case
23 that's before the Court today; is that right?

24 A I did.

25 Q And what was the involvement that you had?

1 A I attended the autopsy that was performed on the
2 individual.

3 Q And what -- do you know when that was done?

4 A January 26th, 2015.

5 Q Okay. And where -- where did it take place?

6 A At the morgue at Greenville Memorial.

7 Q Okay. Did you take the photographs? Did you take
8 photographs there at the scene?

9 A I did.

10 Q During the autopsy?

11 A I did.

12 Q Okay. Is it normal for a forensics officer to attend
13 an autopsy in a case of this nature?

14 A It is. Most death-related calls we respond to,
15 suicides, homicides. Natural deaths, a lot of times, we
16 don't. Traffic fatalities, we don't. But the major
17 crimes, we do.

18 Q And you were present, then, while the autopsy was
19 conducted by Dr. Fulcher?

20 A I was.

21 Q Did you collect anything while you were there?

22 A I did.

23 Q Okay. Is that one of the reasons why a forensics
24 officer goes to autopsies?

25 A It's -- yes. To photograph -- photograph, document

1 any injuries and, also, to collect any potential evidence
2 either on the person's body or, actually, in the body, if
3 it happened to be like projectiles.

4 Q And what did you collect in this case?

5 A I collected several things. I collected his clothes.
6 I collected projectiles recovered from various parts of
7 the victim inside. I did the fingernail clippings,
8 gunshot residue test, several things I collected, head
9 hair, pubic hair, that type thing.

10 Q And all of those things you just talked about,
11 they're standard for a homicide case like this?

12 A They are.

13 Q Okay. You talked about shell casings. You
14 collected -- I'm sorry, not shell casings, projectiles?

15 A Projectiles.

16 Q Tell the jury what you mean by "projectiles."

17 A Well, a cartridge is -- as you buy it from the store,
18 it's intact. When it's fired, the projectile comes out.
19 And then you have a shell casing that is left. So the
20 bullet itself is considered a projectile.

21 Q Okay. And did you see where the projectiles that you
22 collected came from?

23 A I did.

24 Q Okay. And where did they come from?

25 A One came from his heart, one came from his bladder.

1 And the other one was recovered from the inside of his
2 right thigh.

3 Q Okay. I'm going to show you State's Exhibit No. 77.
4 I think you -- I'm sorry, State's Exhibit No. 79. And I
5 believe you have testified about these in another
6 proceeding. Can you take a look at that exhibit, and see
7 if you can identify what that is?

8 A I can.

9 Q What are they?

10 A These are projectiles recovered by Dr. Fulcher during
11 the autopsy procedure. They were photographed by me. And
12 then I took possession of those projectiles and put them
13 inside of cannisters. I labeled them A, B, and C,
14 corresponding with where the projectiles were collected
15 from. And then Dr. Fulcher initialled the container, as
16 well as myself. My initials are on there as well.

17 Q Okay. So you, actually, packaged those three
18 projectiles?

19 A I did. I've been doing it long enough, they felt
20 comfortable with me doing that.

21 Q Okay.

22 A So I would take the projectile, photograph it, put it
23 in a paper towel, put it inside of a canister, such as
24 this. I would then seal it. And then the pathologist
25 would initial off on it. They would then look at my

1 property and evidence sheet as far as what I assigned each
2 number. And then they would sign off stating that that
3 was what they were turning over to me.

4 Q Okay. And that's how you were able to identify what
5 you just testified about?

6 A They were labeled A, B, and C, which they're
7 consistent -- they're still -- they're labeled as such, A,
8 B, about C. And my initials are on the top.

9 Q Okay. And after you collected them, what did you do
10 with them?

11 A They went into my locker at our office until, I
12 think, February 2nd. I packaged all of the evidence and
13 put it -- took it to property and evidence.

14 Q And then you saw them again at the other proceeding
15 where they were entered into evidence?

16 A I did.

17 Q Through identification procedures similar to this one
18 here?

19 A That's correct.

20 MR. MOYER: Your Honor, at this time, we would move
21 to have State's Exhibit No. 79 entered into evidence.

22 THE COURT: Any objection?

23 MS. TAYLOR: No objection.

24 MR. JOHNSON: No objection, Your Honor.

25 THE COURT: Okay. It's in without objection.

1 (WHEREUPON, State's Exhibit No. 79 was admitted into
2 evidence.)

3 MR. MOYER: One moment, please.

4 (Pause.)

5 BY MR. MOYER:

6 Q You photographed the clothing of the victim there as
7 well?

8 A I did. As the clothing were -- clothing items had
9 been removed, they were set on the floor on a sheet. And
10 I photographed any injuries or any damage that I saw to
11 the -- to the clothing.

12 Q Do you remember seeing damage or injury to the
13 clothing?

14 A There was -- there was a leather jacket that looked
15 like it had projectile holes in it --

16 Q Okay.

17 A -- consistent with the location as it was found on
18 the body.

19 Q Okay. And do you remember the T-shirt itself?

20 A I do.

21 Q And do you remember any damage to the T-shirt?

22 A It was the same. It penetrated the leather jacket
23 and through the T-shirt.

24 MR. MOYER: One moment.

25 (Pause.)

1 BY MR. MOYER:

2 Q I'm going to show you State's Exhibit No. 93. Can
3 you take a look at that? Is that some of the clothing
4 that you photographed that belonged to John Ferrell?

5 A Yes, it is.

6 Q Okay. Does that show the T-shirt that Mr. Ferrell
7 had been wearing underneath his coat?

8 A It does. Unfortunately, with the darker color, it's
9 hard to see where the holes are at. There might be some
10 other photographs that might depict closer where the holes
11 were.

12 Q Okay. Now, the bottom of the T-shirt -- let me ask
13 you this. Is that a true and accurate representation
14 of -- of the way those clothes looked on January the 26th
15 of 2015?

16 A Yes. As they were taken off of the victim, yes.

17 MR. MOYER: Your Honor, I move to have State's
18 Exhibit No. 93 entered into evidence.

19 THE COURT: All right. Any objection, Ms. Taylor?

20 MS. TAYLOR: No objection.

21 MR. JOHNSON: No objection, Your Honor.

22 THE COURT: It's in without objection, State's
23 Exhibit No. 93.

24 (WHEREUPON, State's Exhibit No. 93 was admitted into
25 evidence.)

1 BY MR. MOYER:

2 Q Do you remember the T-shirt being ripped? If you
3 look at the bottom of the T-shirt, does it depict the tear
4 that was in the T-shirt?

5 A It is. The -- on the bottom corner, the bottom part
6 of the T-shirt was torn. In fact, because of it being
7 torn, I opened it enough to where I could photograph the
8 sheet underneath it indicating that there was a tear in
9 the fabric.

10 Q Okay. Just real briefly. I think you can just stay
11 where you are. But we're going to take a quick look at
12 this for the jury. I'm going to use my -- use the laser
13 pointer. And is this the jacket that we were talking
14 about over here?

15 A It is. That is the leather jacket there and then the
16 T-shirt.

17 Q And is this the back of the T-shirt that you were
18 talking about the tear --

19 A That's along the bottom of the shirt. And then you
20 can see where it's been torn. And, as I say, I opened it
21 up enough to show the sheet underneath it showing there
22 was, in fact, a tear in the fabric.

23 Q And where I'm illuminating with the laser pointer, is
24 that the tear?

25 A That's right, yes.

1 MR. MOYER: Thank you.

2 I have no further questions for this witness.

3 THE COURT: Cross-examination, Ms. Taylor.

4 MS. TAYLOR: Yes.

5 Thank you, Your Honor.

6 May it please the Court.

7 CROSS-EXAMINATION

8 BY MS. TAYLOR:

9 Q Mr. Shaw, can you tell the jury what a gunshot
10 residue kit is, or test?

11 A Gunshot residue -- when a weapon is fired, there are
12 three components, barium, antimony, and lead. When a
13 weapon is fired, those three compounds, they freeze
14 together to make a gunshot particle.

15 And then a test -- what the test does, there are --
16 they changed it from four to two. But you would do
17 dabbers. It's like sticky fly paper. And you would dab
18 the palm of the hand, the back of the hand, the same on
19 the right and left.

20 The purpose of the gunshot residue test is to try to
21 capture any of those gunshot particles that might be on
22 the hands.

23 Q And did you perform that test on the victim?

24 A I did a GSR test, yes.

25 Q Did you perform that test on Mr. Hughes, John Hughes?

1 A No, I didn't.

2 Q Okay. Did you perform that test on Jane Hughes?

3 A No, I did not.

4 Q So the only person you performed a gunshot residue
5 test on was the victim?

6 A That's correct.

7 MS. TAYLOR: Thank you.

8 No further questions.

9 THE COURT: Mr. Johnson.

10 MR. JOHNSON: Yes, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q Now, you were just shown and put into evidence
14 State's Exhibit No. 93; is that correct? That's what we
15 just looked at?

16 A Yes, it is.

17 Q Is that -- so you took that photograph; correct?

18 A I did.

19 Q Did you take other photographs?

20 A I did.

21 Q Did you take photographs of the scene as he lay in
22 the autopsy room?

23 A I'm sorry?

24 Q Did you take photographs of the victim as he laid in
25 the autopsy room?

1 A Yes. Before the clothing was removed and then as --
2 after each article of clothing was removed, the clothing
3 was photographed. And then the victim was photographed
4 again after the clothing was taken off.

5 Q And when you take the photos of his body, I guess
6 you're looking for injuries or different things of that
7 nature that may be of evidentiary value?

8 A Anything -- first of all, it could be to identify
9 scars, tattoos, any visible injuries, which could include
10 gunshots. It could be cuts, any type of injury that the
11 victim may have.

12 MR. JOHNSON: All right. Thank you.

13 THE COURT: Any redirect?

14 MR. MOYER: No redirect.

15 THE COURT: All right. Thank you.

16 You may step down.

17 MR. MOYER: May it please the Court.

18 I think the next witness would be a little more
19 lengthy.

20 THE COURT: This will be a good time to break.

21 All right. Ladies and gentlemen, we're going to
22 conclude for the day.

23 So, now, I'm going to give you my four rules. One,
24 don't discuss the case among yourselves, or family
25 members, or anyone. Don't do any type of research. Don't

1 pay any attention or -- please disregard any media
2 attention, whether it's social media, or newspaper, TV,
3 any type of media.

4 You should not be contacted by anybody, other than
5 the clerk's office. If you're contacted by anybody other
6 than the clerk's office, please, give them as much
7 information about -- give the contact information to the
8 bailiff.

9 Otherwise, we will start back at 9:30 in the morning.
10 So be in your jury room at 9:30.

11 All right. Have a good evening.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 4:45 p.m.)

14 THE COURT: All right. Anything else from the State?

15 MR. MOYER: No, Your Honor.

16 THE COURT: Anything else from the Defendants?

17 MS. TAYLOR: No, Your Honor.

18 MR. JOHNSON: Not at this time.

19 THE COURT: All right. 9:30. See y'all in the
20 morning.

21 (WHEREUPON, Court's Exhibit No. 1 was marked for
22 identification and admitted into evidence.)

23 (WHEREUPON, the proceedings were concluded at
24 approximately 4:45 p.m., to be reconvened on
25 Tuesday, April 3, 2018.)

TUESDAY, APRIL 3, 2018

THE COURT: Are we ready for the jury? Anything from the State before we bring the jury in?

MR. MOYER: No, Your Honor.

THE COURT: Anything from Defendant Jane Hughes?

MS. TAYLOR: No, Your Honor.

THE COURT: Mr. Johnson, anything?

MR. JOHNSON: No, sir.

THE COURT: All right. If the jury is ready, bring them in.

(Pause.)

THE COURT: We've got one juror that hasn't shown up yet. So we'll wait just a few minutes.

We'll be at ease until then.

(Pause.)

THE COURT: The juror is here.

Is the State ready?

MR. MOYER: Yes, Your Honor.

THE COURT: Are both Defendants ready?

MS. TAYLOR: Yes, Your Honor.

MR. JOHNSON: Yes.

(WHEREUPON, the jury came into open court at approximately 9:39 a.m.)

THE COURT: Good morning, ladies and gentlemen.

I hope everybody had a good evening and didn't stay

1 up too late to watch the ball game. It didn't look like
2 it was that good.

3 We are now -- you will recall, the State is still in
4 their case.

5 And at this time, Mr. Moyer, if you'll call your next
6 witness.

7 MR. MOYER: Thank you, Your Honor.

8 May it please the Court.

9 The State calls Robert Parker.

10 THE CLERK: Place your left hand on the Bible and
11 raise your right hand.

12 WHEREUPON,

13 ROBERT STEVEN PARKER,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Please take a seat.

16 And state your name for the record.

17 THE WITNESS: My name is Robert Steven Parker.

18 DIRECT EXAMINATION

19 BY MR. MOYER:

20 Q Okay. And where are you employed?

21 A Greenville County forensics.

22 Q How long have you been in law enforcement?

23 A I've been in law enforcement going on 11 years.

24 Q Okay. Has it all been with Greenville County
25 forensics?

1 A No, sir. About six of those years was with the
2 Simpsonville Police Department, and the other five was
3 with Greenville County forensics.

4 Q Okay. And what do you do as a forensics officer?
5 Tell the jury what a forensics officer does.

6 A I'm a forensics officer with the crime scene unit.
7 And my job entails documenting the crime scene and
8 collecting any items of evidentiary value.

9 Q Okay. Now, were you called out to the incident
10 location in this case, [REDACTED] Road?

11 A Yes, sir.

12 Q Let's talk, first off, about the time frame for that.
13 What time did you get the call?

14 A I received the call around 12:30 a.m.

15 Q Okay. And what time did you arrive at [REDACTED]
16 Road?

17 A It was around 12:59 a.m.

18 Q Okay. And when did you wrap it up and leave the
19 scene?

20 A It was around 5:58 a.m. in the morning.

21 Q Okay. Now, you, actually, went back to that location
22 on a later date; is that right?

23 A Yes, sir, I did.

24 Q And when was that?

25 A I don't have the date in front of me. I believe it

1 was in August to do another crime scene diagram.

2 Q Okay. And what kind of diagram did you do at that
3 time?

4 A It was a diagram of the interior of the residence.

5 Q Okay. I'm going to bring State's Exhibit No. 74 up
6 to you. All right. I'm going to show you State's Exhibit
7 No. 74. Can you take a look at that? Is that a blown-up
8 version of the diagram that you made?

9 A Yes, sir, it is.

10 Q And that's the diagram of the house at [REDACTED]
11 Road?

12 A Yes, sir.

13 Q Okay. And what are you depicting in this diagram?

14 A The interior of the residence where the incident
15 occurred.

16 MR. MOYER: Your Honor, at this time, I would move to
17 have State's Exhibit No. 74 entered into evidence.

18 THE COURT: Any objection?

19 MS. TAYLOR: No objection, Your Honor.

20 MR. JOHNSON: No objection.

21 THE COURT: Okay. It's in without objection.

22 (WHEREUPON, State's Exhibit No. 74 was admitted into
23 evidence.)

24 MR. MOYER: I'm just going to leave it here for now.
25 We'll refer to it later.

1 BY MR. MOYER:

2 Q So, now, let me take you back then to your initial
3 time at [REDACTED]. When you arrived there, did you,
4 initially, meet with the officers and investigators that
5 were already at the scene?

6 A Yes, sir, I did.

7 Q And they gave you a summary of what they had learned
8 up to that point?

9 A Yes, sir.

10 Q Okay. Let's start -- did you then do observations of
11 the outside of the residence?

12 A Yes, sir, I did.

13 Q Okay. Did you take note of a vehicle?

14 A Yes, sir.

15 Q And tell us about the vehicle you took note of and
16 where it was.

17 A I observed a white in color Chrysler Town and Country
18 minivan. The tag was 9631 G, golf, Y, Yankee. And it was
19 parked in the roadway in front of the residence.

20 Q Okay. Did you find and collect shell casings?

21 A Yes, sir, I did.

22 Q And tell us about the shell casings that you found,
23 and how it came about that you located them?

24 A Upon arrival at the residence, in the front yard, I
25 did see where one of the investigators had, initially,

1 placed an evidence marker flag. Searching that area, I
2 did locate several cartridge casings. I did put evidence
3 placards down. And I collected five cartridge casings in
4 that area.

5 Q Okay. So there were a total of five?

6 A Yes, sir. That I collected in the grass in the front
7 yard.

8 Q So there were two that were already marked with
9 flags; right? And then you found three others?

10 A Yes, sir.

11 Q And what caliber shells were they?

12 A They were 45 auto on the head stamps.

13 Q Okay. And you took photographs of everything that
14 you just described, as well as the entirety of the outside
15 there at [REDACTED] Road?

16 A Yes, sir, I did.

17 Q Now, did you take note of the victim in this case?
18 Was he still there?

19 A Yes, sir, he was.

20 Q Okay. And was -- when you saw him, was he positioned
21 as he was in the photographs that you took?

22 A Yes, sir.

23 Q In other words, you didn't move him or change his
24 position in any way before the photographs were taken?

25 A No, sir.

1 Q Okay. Were there any weapons, either around the
2 victim or on his person?

3 A No, sir.

4 Q No guns, knives, anything of that type?

5 A No, sir.

6 Q Did you take note of an open window on the side of
7 the house?

8 A Yes, sir, I did.

9 Q Okay. And did -- was this directed to your attention
10 by the officers who were there?

11 A Yes, sir.

12 Q And did you look at the area around the outside of
13 the house in the vicinity of that window?

14 A Yes, sir, I did.

15 Q What observations did you make?

16 A Yes, sir. Around the -- around the area of the
17 kitchen window on the ground, I did observe a set of keys
18 that belonged to the victim. I did observe -- there was a
19 pair of -- it was a can opener. And I did observe a
20 window AC unit. It was like a double fan window unit. I
21 did observe some specks of blood around the exterior of
22 that window.

23 Q Okay. Did you then look up at the window?

24 A Yes, sir, I did.

25 Q And what, if anything, of significance did you find

1 when you looked up at the window?

2 A I did observe suspected blood on the exterior of the
3 kitchen window frame and at the bottom of the kitchen
4 window blinds.

5 Q Okay. And you said you took photographs of
6 everything that you've just been talking about?

7 A Yes, sir.

8 Q Okay. One moment, please.

9 Okay. I'm going to hand you State's Exhibit Nos. 2
10 through 7, 10 through 23, 77 through 78, and 80 that have
11 all been marked for identification.

12 Before I ask you to take a look at them, let's just
13 see if there are objections to these photographs --

14 THE COURT: Any objection?

15 MR. MOYER: -- before I lay a foundation.

16 MR. JOHNSON: If he recognizes them as the
17 photographs, I don't have any objection.

18 THE COURT: All right.

19 BY MR. MOYER:

20 Q I'm going to hand you the exhibits that I just
21 mentioned. If you would, just take a look through those
22 photographs and see if you can identify those as the
23 photographs you took at the outside of the residence at
24 [REDACTED] Road.

25 A Yes, sir.

1 MR. MOYER: Your Honor, at this time, I would move to
2 have State's Exhibit Nos. 2 through 7, 10 through 23, and
3 77 through 78 entered into evidence.

4 THE COURT: Any objection?

5 MS. TAYLOR: Without objection.

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: All right. Run through that again,
8 State's Exhibit Nos. 2 through 7?

9 MR. MOYER: State's Exhibit Nos. 2 through 7, 10
10 through 23, 77 and 78.

11 THE COURT: All right. Those are State's Exhibits
12 and those numbers are in without objection.

13 (WHEREUPON, State's Exhibit Nos. 2, 3, 4, 5, 6, 7, 10,
14 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 77 and 78
15 were admitted into evidence.)

16 BY MR. MOYER:

17 Q Okay. I want to ask you, if you would, to step down.

18 A (Witness complied.)

19 Q And you're going to publish these photographs for the
20 jury. If you could step maybe over here where you'll be
21 able to see. The pictures are going to be shown behind
22 you.

23 Okay. I'm going to start off with State's Exhibit
24 No. 70 -- I'm sorry, State's Exhibit No. 3. Can you see
25 it from where you are?

1 A Yes, sir.

2 Q Can you tell the jury what it is we're looking at in
3 that photograph?

4 A In this photograph, we're looking at the front of the
5 residence. To the left right here is that Chrysler
6 minivan. And this is the driveway leading up to the front
7 of the residence.

8 Q And that is what I'm showing you with the laser
9 pointer? That's the driveway?

10 A Yes, sir. It's leading up to the carport.

11 Q And this is the residence here?

12 A Yes, sir.

13 Q And to the far left of the photograph over here, what
14 is it that is shown here?

15 A That is the back of the Chrysler minivan.

16 Q Okay. I'm, actually, going to hand you the laser
17 pointer. If you could, using that button right there, can
18 you show the jury the general area where the victim's body
19 was found?

20 A He's going to be over here off to the right of the
21 residence.

22 Q And that would be the area where the open window was?

23 A Yes.

24 Q Okay. Here's State's Exhibit No. 4. Would you tell
25 the jury what is shown in that?

1 A This is the Chrysler minivan parked in front of the
2 residence.

3 Q Okay. State's Exhibit No. 5. Can you see what is
4 shown in that picture?

5 A Yes, sir. This is looking down from the front of the
6 residence, looking down the carport. And this is the --
7 again, the Chrysler minivan in front of the residence.

8 Q Okay. So that vehicle -- what we see on the left, is
9 that the police law enforcement vehicle?

10 A No. That's the Biocare van that was transporting the
11 victim.

12 Q Okay. I show you now State's Exhibit No. 6. Can you
13 tell the jury what was shown in that picture?

14 A Yes, sir. That was a flashlight and a cell phone
15 that was collected in the front yard.

16 Q And you collected those items?

17 A Yes, sir.

18 Q And who did they belong to?

19 A I was advised those belonged to Mr. Hughes.

20 Q John Hughes?

21 A Yes, sir.

22 Q And he was the man with the long -- the big white
23 beard and long hair?

24 A Yes, sir.

25 Q So officers pointed those out to you?

1 A Yes, sir.

2 Q And you collected them?.

3 A Yes, sir.

4 Q Now, can you show the general area where those items
5 were found, that flashlight and cell phone?

6 A I believe those items were over here in the front
7 yard.

8 Q Okay. Correct?

9 A Yes, sir.

10 Q All right. We're going to move on to State's Exhibit
11 No. 7. Can you tell the jury what is shown in that
12 picture?

13 A This is on the right side of the residence. This was
14 one of the evidence flags the investigators planted to
15 show me where one of the cartridge casings was located.
16 Faintly, right there, you can see the victim on the
17 ground.

18 Q Okay. So that's able to show us the relation of, at
19 least, one of the shell casings to the victim?

20 A Yes, sir.

21 Q And then State's Exhibit No. 2, you have another --
22 we've seen some photographs already, but that's another
23 photograph of the victim as you saw him?

24 A Yes, sir.

25 Q And that's the position he was in and the state of

1 his clothing as you saw him?

2 A Yes, sir.

3 Q And State's Exhibit No. 78, is that the same thing?

4 A Yes, sir, it is.

5 Q State's Exhibit No. 11, can you tell the jury what is
6 in that photograph?

7 A Yes, sir. This is the bottom half of the victim,
8 where you can see that his pants and his underwear were
9 pulled down. And he has a suspected gunshot wound in his
10 right buttocks.

11 Q Okay. And you mentioned underwear. Was the
12 underwear around both legs? Did you take note, or did you
13 not take note?

14 A Yeah. His boxers were right there on his left leg.

15 Q Okay. So the boxers were just around his left leg?

16 A Uh-huh.

17 Q Not around his right leg; is that right?

18 A Correct.

19 Q But his pants were around both legs?

20 A Yes, sir.

21 Q State's Exhibit No. 110 -- I'm sorry -- yes -- I'm
22 sorry. That is State's Exhibit No. 10, not 110. Tell the
23 jury what is, once again, in that picture.

24 A This is still the bottom half of the victim where you
25 could see his clothing was down around his legs.

1 Q Okay. I'm going to move now to State's Exhibit

2 No. 23. Can you tell the jury what is in that photograph?

3 A In this photograph, this is the open kitchen window.

4 You can see right here at the bottom, this was the double
5 fan window unit that was in the kitchen window. It was on
6 the ground.

7 Q Okay. And State's Exhibit No. 20?

8 A That is a set of car keys.

9 Q Okay. And they were the car keys to the white van
10 that was on the road?

11 A I believe so, yes, sir. They belonged to the victim.

12 Q And State's Exhibit No. 77?

13 A This photograph is underneath the kitchen window
14 showing the window unit and the can opener.

15 Q Okay. And where was the keys?

16 A Right there, sir.

17 Q Okay. And the -- point out the can opener.

18 A Yes, sir.

19 Q The can opener was right there?

20 A Yes, sir.

21 Q And then to the far right, that's the window fan unit
22 that --

23 A Yes, sir, it is.

24 Q All right. State's Exhibit No. 22, tell the jury
25 what is in that photograph.

1 A Yes, sir. In this photograph, suspected blood was
2 observed right here on top of the trash can.

3 Q And that is the trash can -- is it shown in that
4 photograph here?

5 A Yes, sir, it is.

6 Q Okay. It's that trash can there?

7 A Yes, sir.

8 Q Okay. Now, let's move on to State's Exhibit No. 21.
9 Can you tell the jury what is shown in that photograph?

10 A Looking up at the open kitchen window, suspected
11 blood can be observed right here on the exterior on the
12 frame, and right here on the bottom of the window blinds.

13 Q Okay. Now, let's move on to State's Exhibit No. 15.
14 What is shown in that photograph?

15 A These are the evidence placards that I placed down
16 next to the cartridge casings that were found in the front
17 yard.

18 Q And how many placards and how many shell casings were
19 there?

20 A There was five.

21 Q Okay. And you mentioned some flags. Are they shown
22 in that picture?

23 A Yes, sir. These were the two that were placed down.

24 Q So numbers one and two were the two shell casings
25 that had already been noted?

1 A Yes, sir. That were, initially, located by the
2 investigators.

3 Q And then you found the other three?

4 A Yes, sir.

5 Q Now, State's Exhibit No. 16, what is shown in that
6 photograph?

7 A Two of my evidence placards, and the victim right
8 there.

9 Q Okay. Then did you take close-up photographs of each
10 of the five shell casings?

11 A Yes, sir, I did.

12 Q Okay. And so we'll show just one of them. If we
13 could -- I'll show you State's Exhibit No. 17. And are
14 you able to see the shell casing?

15 A Yes, sir. It's right there.

16 Q Okay. And you see a placard number one, that
17 corresponds to the placard number one that we saw in one
18 of the other photographs where we could see all of them?

19 A Yes, sir.

20 Q Okay. Would you point out, again, where the shell
21 casing was?

22 A It's right here, sir.

23 Q And then did you -- after taking a photograph of
24 where it was on the ground, did you pick it up and take a
25 photograph of the head stamp?

1 A Yes, sir, I did.

2 Q I'm going to show you State's Exhibit No. 18. What
3 is that?

4 A That is the head stamp of the cartridge casing that
5 was collected.

6 Q It shows it was a 45-caliber?

7 A Yes, sir.

8 Q Okay. Now, did you collect all of those shell
9 casings and place them into the property and evidence
10 room?

11 A Yes, sir, I did.

12 Q Okay. Let me ask you to take a seat again at this
13 time.

14 A (Witness complied.)

15 Q And did you then identify those shell casings in
16 another proceeding?

17 A Yes, sir.

18 Q Let me hand you State's Exhibit No. 80. Would you
19 take a look at that and see if you can identify what I've
20 just handed you?

21 A Yes, sir. State's Exhibit No. 80 is the five coin
22 envelopes that have the cartridge casings in them that I
23 collected.

24 Q How are you able to identify them?

25 A My initials are on the packaging.

1 Q So you put them in the property and evidence room; is
2 that correct?

3 A Yes, sir.

4 Q And then they were brought to court in another
5 proceeding and you were able to identify them as the shell
6 casings that you had collected and that had been brought
7 to court?

8 A Yes, sir.

9 MR. MOYER: Your Honor, at this time, I move to have
10 State's Exhibit No. 80 entered into evidence.

11 THE COURT: Any objection?

12 MS. TAYLOR: No objection, Your Honor.

13 MR. JOHNSON: No objection, Your Honor.

14 THE COURT: And that's State's Exhibit No. 80?

15 MR. MOYER: Yes, sir.

16 THE COURT: Okay. It's in without objection.

17 (WHEREUPON, State's Exhibit No. 80 was admitted into
18 evidence.)

19 BY MR. MOYER:

20 Q Okay. Now, let me take your attention to another
21 location at this scene. And that would be to the inside
22 of the residence. Did you go inside the residence?

23 A Yes, sir, I did.

24 Q And did you go in to do the same type of processing
25 and making observations as you did outside, as far as

1 taking photographs and collecting evidence, and so forth?

2 A Yes, sir.

3 Q Did you go into the kitchen?

4 A Yes, sir, I did.

5 Q And you took photographs of all of these areas that
6 we're about to talk about?

7 A Yes, sir.

8 Q Okay. So before taking -- before showing those
9 photographs, tell the jury what observations you made in
10 the kitchen that seemed significant.

11 A Upon entering the residence, I did observe suspected
12 blood above the kitchen cabinet doors, under the sink.
13 And I observed suspected blood on a wooden utensil that
14 was in the sink. I did observe a hammer that was on the
15 kitchen floor that I observed suspected blood on both
16 sides of the head of the hammer.

17 Q Okay. Were there any other locations in the kitchen
18 where you saw suspected blood?

19 A Yes, sir. I did observe suspected blood on a
20 multi-pattern blanket that was near the kitchen table.

21 Q All right. Now, did you go into the living room,
22 also?

23 A Yes, sir.

24 Q Was there anything of note in the living room?

25 A In the living room, I did observe a carrying case for

1 Mr. Hughes' firearm that was on the couch.

2 Q Okay. You took photographs of that?

3 A Yes, sir.

4 Q Okay. Now, going back to the kitchen. As a result
5 of your observations there in the kitchen, did you have a
6 particular product at your disposal that you used to
7 further your examination of that case -- of that area?

8 A Yes, sir.

9 Q And what is the name of that product? What is it
10 called?

11 A Leucocrystal Violet.

12 Q Is there a shorter name for that? Does it go by the
13 initials?

14 A LCV.

15 Q LCV or Leucocrystal Violet?

16 A Yes, sir.

17 Q Now, before going into what it does and what you use
18 it for, have you been trained in the use and
19 administration of this product?

20 A Yes, sir.

21 Q When were you first trained?

22 A It was probably during my FTO phase. We were shown
23 the product and we did some hands-on training with it.
24 But it was probably around the year 2014 was when I was
25 definitely trained on it.

1 Q What do you mean by "FTO"?

2 A During my field training process, during the first
3 six-weeks.

4 Q Okay. First six weeks of?

5 A Of being hired.

6 Q Being on the job?

7 A Uh-huh.

8 Q Did you receive follow-up training after that?

9 A Yes, sir.

10 Q How often was the training?

11 A We try to do inservice training every year.

12 Q Okay. And is it done in a live, like, clinical
13 setting with hands-on practice?

14 A Yes, sir. Doing scenarios, yes, sir.

15 Q Now, have you used this product in the field in live
16 scenarios as well?

17 A Yes, sir, multiple times.

18 Q Is it used by other officers in your department?

19 A Yes, sir.

20 Q Is it standard use in the department?

21 A Yes, sir, for violent crimes.

22 Q Okay. How long has it been used that you know of?

23 A Probably 20 plus years we've been using it.

24 Q Okay. Now, have you been qualified as an expert in
25 the use of this product in the past?

1 A Yes, sir.

2 MR. MOYER: Your Honor, at this time, I would move to
3 qualify Officer Parker as an expert in the use of
4 Leucocystal Violet.

5 MS. TAYLOR: Your Honor, if I may briefly voir dire
6 the witness?

7 THE COURT: Yes.

8 MS. TAYLOR: Thank you.

9 May it please the Court.

10 VOIR DIRE EXAMINATION

11 BY MS. TAYLOR:

12 Q Mr. Parker, at the time of this incident -- it took
13 place in 2015; is that correct?

14 A Yes, sir -- yes, ma'am.

15 Q That's okay.

16 So you testified that you received your training in
17 2014 on LC [sic]; is that right?

18 A During my FTO phase, yes, we did initial -- again, to
19 see how the product works. But, yeah, I would say 2014.

20 Q Okay. So that would have only been one year that you
21 had been trained when you were, actually, using the
22 application; is that correct?

23 A Yes, sir -- yes, ma'am. Sorry.

24 Q That's okay.

25 So you just said you were trained in how it works.

1 Can you give us, like, a brief little summation of how the
2 process works?

3 A Yes. The product is in a -- we put it in a bottle
4 and we use it in a -- I guess you would say a missed
5 pattern spraying on suspected blood, or to identify blood
6 stains that are not visible.

7 Q Okay. And I know that most of us aren't scientists.
8 But how does the actual chemical work and breakdown in
9 order to show what you're observing?

10 A It reacts to the hemoglobin in the blood. And you
11 would see a violet color.

12 Q Okay. And let me just ask you briefly. So after
13 your initial training, have you done any seminars, or any
14 follow-up training?

15 A When you say "seminars," just attending seminars
16 or --

17 Q Uh-huh.

18 A I haven't attended any seminars. But there were
19 other cases where I had to use the product after training.

20 Q And do you familiarize yourself with this procedure
21 with any publications or anything on a regular --

22 A Not any publications.

23 MS. TAYLOR: Okay. Your Honor, at this time, I would
24 object to this witness being qualified as an expert.

25 THE COURT: Any questions from you, Mr. Johnson?

1 MR. JOHNSON: No, sir, Your Honor.

2 But I join in on her objection.

3 THE COURT: Mr. Moyer.

4 MR. MOYER: Your Honor, he is just being qualified
5 regarding the use of this product at this time. He's
6 testified that he's received training -- received
7 specialized training with the product. And he's used it
8 in the past. It's standard practice for the department.
9 We would argue that he is qualified as an expert.

10 THE COURT: Okay. And I'm going to go ahead and
11 qualify him as an expert, subject to your objection.

12 Ladies and gentlemen, let me -- at this point, I'm
13 going to let you know that an expert -- normally, a person
14 can only testify about what they've observed with their
15 five senses, and they cannot give an opinion or
16 conclusions. All right. But an exception to that, if
17 somebody is qualified as an expert -- in this case,
18 Officer Parker is qualified as an expert in Leucocrystal
19 Violet --

20 Is that correct?

21 MR. MOYER: That's correct, Your Honor.

22 THE COURT: And that just means he can give his
23 conclusion based on his experience and his training. He
24 can give an opinion based on that. But you still are only
25 to give it the weight you feel is appropriate.

1 So you may proceed.

2 MR. MOYER: Thank you, Your Honor.

3 May it please the Court.

4 CONTINUED DIRECT EXAMINATION

5 BY MR. MOYER:

6 Q Okay. You've touched briefly now through the voir
7 dire from the Defense attorney. But tell the jury with a
8 little more detail about what Leucocrystal Violet is, why
9 you use it, and how you use it.

10 A Okay. Leucocrystal Violet is an reagent we use for a
11 visual enhancer for photo documentation. When we spray it
12 on suspected blood, it reacts to the hemoglobin in the
13 blood and the result will be a violet color. So it would
14 enhance, like I said, for when we do our photo
15 documentation.

16 And it's, also, used to help identify blood stains
17 that are not visible, such as if someone had possibly
18 wiped up blood from the floor and we were to spray it,
19 there's a possibility it would react with any remaining
20 blood there.

21 Q Now, you told us that in your training, you do live
22 clinical testing. What kind of testing is done in -- how
23 is it done, the testing?

24 A In -- when we do scenarios in our inservice training,
25 we would use pig's blood during our training. And we

1 would spray it on that to be able to see the indicators of
2 LCV.

3 Q And then do you use LCV both on the pig's blood when
4 it's visible and, also, after it has been cleaned up?

5 A Yes, sir. So we can see the indicators.

6 Q And does it show up as a violet color in both of
7 those scenarios?

8 A For us, yes, sir.

9 Q So in your training, when you spray it on the pig's
10 blood that's visible, it turns violet?

11 A Yes, sir.

12 Q And then once it has been cleaned up and you go back
13 and spray it when it's -- the blood is not visible to the
14 naked eye, does it turn violet then, also?

15 A Yes, sir.

16 Q Now, you said you have used this in actual live
17 scenarios?

18 A Yes, sir, actual cases.

19 Q In actual cases. Okay. Now, is this a tool that's
20 used throughout the country by law enforcement agencies?

21 A Yes, sir, it is.

22 Q Okay. It's used by the FBI?

23 A Yes, sir.

24 Q Do you know how long they've been using it?

25 A I believe since 1993.

1 Q Okay. And tell the jury -- and so the way you use
2 it, then, is you say you spray it as a mist on the areas?

3 A Yes, sir. After it's mixed and we put it in a spray
4 bottle, we like to spray it in a mist pattern.

5 Q Okay. Now, let's go back to this actual -- the case
6 itself. Did you use this agent, this LCV, in the
7 residence at [REDACTED] Road on January the -- I guess
8 it would be the 25th now of 2015?

9 A Yes, sir.

10 Q Again, what was it about the scene there inside the
11 house that led you to use it?

12 A Observing the kitchen floor, I noticed the kitchen
13 floor was -- kind of had a sticky texture to it. And I
14 noticed everybody that walked in the kitchen was leaving
15 boot impressions, like fresh ones, on the kitchen floor.
16 And that led me to utilize the LCV on the kitchen floor.

17 Q Okay. Before looking at the photographs, tell the
18 jury what you found when you used that LCV substance in --
19 in that house.

20 A When I used the LCV on the kitchen floor, I did get
21 positive results. I did observe some of the violet around
22 the edges of the kitchen floor.

23 I, also, used it on the kitchen table, which I did
24 observe the positive results on the kitchen floor -- I
25 mean -- sorry -- kitchen table as well.

1 I used it in the foyer on the foyer wall. One of the
2 investigators pointed out there was suspected blood on the
3 foyer wall. I sprayed it there as well, and got positive
4 results.

5 And then they requested I spray it in the hallway
6 bathroom sink, which I did, and saw results there as well.

7 Q Okay. Now, were there any clothes or any implements
8 like that in the kitchen that you sprayed it on as well?

9 A Yes, sir. We did locate a rag that was still damp in
10 the kitchen trash can. When I removed the rag and
11 collected it, I did spray LCV on the rag and got a
12 positive result on the rag.

13 Q Okay. And you took pictures in the kitchen and,
14 also, pictures of the reaction of the chemical after you
15 sprayed it?

16 A Yes, sir, I did.

17 MR. MOYER: All right. One moment, please.

18 (Pause.)

19 THE COURT: Any objection?

20 MS. TAYLOR: No objection, Your Honor.

21 MR. JOHNSON: No objection.

22 THE COURT: All right. And these are State's Exhibit
23 what?

24 MR. MOYER: These are State's Exhibit Nos. 24 through
25 29, 30 through 38, actually, 39 through 57, and then,

1 also, 58.

2 THE COURT: All right. And those State's Exhibit are
3 in without objection.

4 (WHEREUPON, State's Exhibit Nos. 24, 25, 26, 27, 28,
5 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42,
6 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56,
7 57, and 58 were admitted into evidence.)

8 BY MR. MOYER:

9 Q All right. Officer Parker, I'm going to ask you to
10 step down again as I show the photographs to the jury.

11 A (Witness complied.)

12 Q And I'm, also, going to bring -- have the diagram
13 brought out.

14 MR. MOYER: Let me have that put back here where he
15 is standing.

16 BY MR. MOYER:

17 Q Because there's going to be some areas I'm going to
18 ask you as we look at on the -- as we look at the
19 photographs.

20 THE BAILIFF: Can they see it?

21 MR. MOYER: Maybe put it over here back a little bit.

22 BY MR. MOYER:

23 Q Let's start off by just explaining the diagram to the
24 jury.

25 A Yes, sir.

1 Q You can use the laser pointer probably.

2 A Okay.

3 Q But let's start off by showing the jury where the
4 side of the house is where that window was that we were
5 talking about.

6 A This right here is going to be the kitchen window
7 above the kitchen sink.

8 Q Okay. And so Mr. Ferrell's body would have been in
9 what general area?

10 A Right here on the right side of the residence.

11 Q So the kitchen is where?

12 A Right here, sir.

13 Q That's the kitchen. Okay. Where is the front door
14 where you would enter the house?

15 A Right here.

16 Q Is that the foyer?

17 A Uh-huh.

18 Q And then just follow with the laser pointer back to
19 how you would get into the kitchen.

20 A Going right here through the front door of the foyer,
21 you would travel this way. You would see the living room.
22 And right here is the open doorway to the dining room and
23 kitchen area.

24 Q Now, we talked about a living room where you said you
25 found the case for the gun?

1 A Yes, sir. It was right here on the couch in the
2 living room.

3 Q That's the living room adjacent to the kitchen?

4 A Yes, sir.

5 Q Okay. We're, now, going to start with State's
6 Exhibit No. 24. Let me make sure you're not blocking the
7 jury.

8 So maybe step back a little bit there.

9 So starting with State's Exhibit No. 24. Can you
10 tell the jury what it is that is shown in that picture?

11 A We're looking at the opened kitchen window above the
12 sink.

13 Q And make sure you speak up so the jurors can hear
14 you, also.

15 A Yes, sir. We're looking at the opened kitchen window
16 above the sink.

17 Q So that is that window that we saw the other
18 photograph of from the outside --

19 A Yes, sir.

20 Q -- that had the suspected blood?

21 And will you point out where that suspected blood was
22 in the window?

23 A Yes, sir. There's -- right here, it's on the bottom
24 of the window blinds.

25 Q Is there any other suspected blood that is shown?

1 A Yes, sir. Right here in the photograph, you can see
2 it right there above the kitchen sink cabinet doors.

3 Q Okay.

4 A And right here on that wooden utensil.

5 Q And State's Exhibit No. 26, I believe this is a
6 close-up of what you're talking about?

7 A Yes, sir, it is.

8 Q Can you point out the suspected blood areas using the
9 photograph?

10 A Yes, sir. Right there.

11 Q Okay.

12 A Yeah. Right there.

13 Q All right. And then you mentioned something in the
14 sink. Would you point that out?

15 A Yes, sir. Right there is that wooden utensil. And
16 there's the suspected blood right there on the handle,
17 right there.

18 Q Okay. State's Exhibit No. 27, what is shown in that
19 photograph?

20 A That's a close-up of the suspected blood above the
21 kitchen sink cabinet doors right there.

22 Q Above the doors and under the actual sink; right?

23 A Yes, sir.

24 Q And State's Exhibit No. 28?

25 A That's another close-up underneath the sink. And

1 there's more suspected blood right there.

2 Q Okay. And State's Exhibit No. 29?

3 A That's a close-up of the handle of the wooden utensil
4 in the sink.

5 Q Now, State's Exhibit No. 25, would you tell the jury
6 what that is?

7 A Looking away from the kitchen sink, this is the
8 kitchen, and the kitchen table right there.

9 Q Okay. Now, you mentioned seeing suspected blood on a
10 quilted -- on a patterned quilt. Can we see that in the
11 photograph?

12 A Yes, sir. Right here in the back behind the kitchen
13 table.

14 Q Can you point on the diagram where that area is?

15 A Right here. Looking away from the kitchen sink, the
16 table is right here in this dining area.

17 Q Okay. And the quilt?

18 A The blanket would be up against this wall.

19 Q And is State's Exhibit No. 36 another picture of that
20 area?

21 A Yes, sir. This is a close-up of the quilted blanket.

22 Q And where's the table?

23 A Right here to the left of it.

24 Q State's Exhibit No. 37?

25 A That's a close-up of the suspected blood observed on

1 the quilted blanket.

2 Q Okay. And I'm going to go back to State's Exhibit
3 No. 36. Can you see where that area is on that --

4 A Yes, sir, right here.

5 Q That's a close-up of that. Now, State's Exhibit
6 No. 38 is what?

7 A The evidence placard I placed on the blanket when I
8 collected it.

9 Q So you just took that map or whatever it was that was
10 on top of it and replaced it with that evidence placard?

11 A Yes, sir.

12 Q And then we'll move to State's Exhibit No. 33. What
13 can we see in that picture?

14 A Down here on the floor by the kitchen table was the
15 hammer that was observed.

16 Q And where is that area on the diagram?

17 A Still right here in the dining room. It was right
18 here in this area next to the table.

19 Q Okay. So we can see that quilt in the picture as
20 well?

21 A Yes, sir.

22 Q State's Exhibit No. 34?

23 A A close-up of the hammer. And you can see some of
24 the suspected blood right there on the head.

25 Q State's Exhibit No. 35?

1 A Yeah. Another close-up of the hammer. And you can
2 see the suspected blood on it.

3 Q Okay. Now, we're going to talk about what you
4 described as using that chemical, the Leucocrystal Violet?

5 A Yes, sir.

6 Q And we're going to start off, first off, using
7 State's Exhibit No. 58. Can you tell the jury what is
8 shown in that picture?

9 A That is standing in the dining room looking through
10 the open doorway to the living room.

11 Q All right. So that's standing in the dining room
12 looking into the living room?

13 A Yes, sir. That's looking through that area right
14 there.

15 Q Okay. Now, let's go to State's Exhibit No. 30. What
16 is shown in that picture?

17 A Right there on the edge of the kitchen table where
18 the Leucocrystal Violet was sprayed, this is that positive
19 result where you see the violet color.

20 Q Okay. So what looks kind of dark as is displayed
21 there, that is that violet color that you talked about?

22 A Yes, sir.

23 Q And looking at State's Exhibit No. 31, which is a
24 picture of the table, can you show what area of that table
25 that was at?

1 A This corner right here nearest the quilted blanket.

2 Q Okay. So that area right there would be this top?

3 A Yes, sir, right here.

4 Q Okay. And State's Exhibit No. 32, that's just
5 another photograph of that table?

6 A Yes, sir, it is.

7 Q Okay. And just, again, point out the area where the
8 Leucocrystal Violet --

9 A Right here, sir.

10 Q All right. State's Exhibit No. 47, what is shown in
11 that picture?

12 A Right here is the rag I collected that I sprayed the
13 Leucocrystal Violet on, and showing the trash can as well
14 where it was recovered from.

15 Q So that's the trash can you got that rag from?

16 A Yes, sir.

17 Q And then you put it out on the table there and
18 photographed it?

19 A Yes, sir.

20 Q So that discoloration that we see, is that from the
21 Leucocrystal Violet?

22 A Yes, sir. That is the violet color from the LCV.

23 Q Looking at State's Exhibit No. 48?

24 A Yes, sir. Same rag. And you can see the
25 discoloration and how dark it is from the violet color.

1 Q State's Exhibit No. 49?

2 A Yes, sir, same rag.

3 Q Okay. We'll move now to State's Exhibit No. 42.

4 What is shown in that picture?

5 A The kitchen floor after I had sprayed the
6 Leucocrystal Violet. And you can see certain areas of the
7 violet coloring where it got positive results.

8 Q Can you point it out?

9 A Yes, sir. Right there, and you can see some right
10 there in that area as well.

11 Q State's Exhibit No. 43?

12 A Yes, sir. A closer photograph near the refrigerator
13 where you see some of the positive results from the
14 Leucocrystal Violet.

15 Q State's Exhibit No. 44?

16 A And this is the kitchen floor nearest where the quilt
17 and kitchen table is at.

18 Q Okay. And --

19 A You can see the results.

20 Q I'm sorry. I spoke over you. What did you just say?

21 A Oh, no. I was just saying you can see the results.

22 Q And that pool of blood that was on the actual quilt
23 is where?

24 A Just right above it.

25 Q Right above it?

1 A Uh-huh.

2 Q State's Exhibit No. 45?

3 A Same photograph, a close-up of the results.

4 Q State's Exhibit No. 46, is that another close-up of
5 that area?

6 A Yes, sir.

7 Q Okay. We're looking at State's Exhibit No. 39.

8 A And that's a -- near where the trash can was, more of
9 the violet coloring on the floor.

10 Q Where's the trash can?

11 A Right there, sir.

12 Q State's Exhibit No. 40?

13 A And that's a close-up of it.

14 Q And State's Exhibit No. 41?

15 A More of the violet coloring on the kitchen floor.

16 Q Okay. I'm going to move now to State's Exhibit
17 No. 51. Can you tell the jury what it is we see in that
18 picture?

19 A This is the hallway bathroom.

20 Q Okay. Can you point out on the diagram where that
21 bathroom is?

22 A Yes, sir. Coming in the foyer, if you turn to the
23 left at the end of the hallway, it's the first door on
24 your left.

25 Q Okay.

1 A That's the hallway bathroom.

2 Q I think this, State's Exhibit No. 52, may give an
3 idea, also. Can you show which of those doors is that --

4 A Right here, sir.

5 Q Now, State's Exhibit No. 53. Can you tell the jury
6 what it is that is shown in that picture?

7 A Yes, sir. It's a photograph of the sink. And you
8 can see spots where the LCV got positive results. And you
9 can see in the sink where it turned violet, and up in this
10 area, too.

11 Q State's Exhibit No. 54?

12 A Yes, sir. Another photograph of the sink. And you
13 can see the positive results.

14 Q Here's State's Exhibit No. 55, what is -- what are
15 you showing in that photograph?

16 A This is coming from the -- in the front door looking
17 down the foyer. And right here would be the living room.
18 And on this wall right here is where suspected blood was
19 observed. When I sprayed the Leucocrystal Violet on it,
20 it got a positive result.

21 Q Before we show a close-up of that, where is that on
22 the diagram that you're talking about?

23 A Coming in through the front door foyer, it's that
24 part of the wall right there.

25 Q State's Exhibit No. 56?

1 A And that's a close-up of the results.

2 Q And State's Exhibit No. 57?

3 A Yes, sir. Another close-up of the results I got.

4 Q All right. I can ask you to take a seat.

5 A (Witness complied.)

6 Q Okay. The hammer that you were just -- we just saw a
7 photograph of, did you collect it?

8 A Yes, sir.

9 Q Okay. What did you do with it after you collected
10 it?

11 A I did take a swab of suspected blood from the hammer
12 upon collecting it.

13 Q Okay. So what did you do with the swab that you
14 collected?

15 A It was packaged and submitted with the rest of the
16 evidence.

17 Q Okay. And when you say "submitted," what does that
18 mean?

19 A Just taken to property and evidence.

20 Q Okay. And we'll talk about that in just a moment.
21 So you took a swab. What area of the hammer did you take
22 a swab of?

23 A I took it off the head of the hammer.

24 Q Okay. What did you do with the hammer after you took
25 a swabbing from it?

1 A After collecting the hammer, I packaged it and sealed
2 it up on scene.

3 Q Okay. And did you take that to the property and
4 evidence room as well?

5 A Yes, sir.

6 Q Okay. Again, was that brought to court on a previous
7 date and entered into evidence after being identified by
8 you?

9 A Yes, sir.

10 Q I'm going to show you in just a moment State's
11 Exhibit 81. Okay. I'm going to hand you State's Exhibit
12 No. 81. Can you take a look at that and see if you can
13 recognize and identify what I just handed you?

14 A Yes, sir. It's the hammer I collected.

15 Q Okay. How are you able to recognize it?

16 A My initials are still on the packing.

17 MR. MOYER: Your Honor, at this time, I move to have
18 State's Exhibit No. 81 entered into evidence.

19 THE COURT: Any objection?

20 MS. TAYLOR: No objection.

21 MR. JOHNSON: No objection, Your Honor.

22 THE COURT: All right. Without objection, it's
23 entered into evidence.

24 (WHEREUPON, State's Exhibit No. 81 was admitted into
25 evidence.)

1 BY MR. MOYER:

2 Q Before you put that back in the bag, would you just
3 take that out and show it to the jury?

4 A Remove it from the packaging?

5 Q Yes, please.

6 A (Witness complied.)

7 Q Okay. Thank you.

8 Actually, just put it on top of the packaging there.
9 Thank you.

10 A Yes, sir.

11 Q Now, the cell phone that was identified to you as
12 John Hughes' cell phone that we saw the photographs of a
13 moment ago --

14 A Yes, sir.

15 Q -- did you collect that as well?

16 A I did, sir.

17 Q And did you take that to the property and evidence
18 room?

19 A Yes, sir.

20 Q And you then, subsequently, saw that at a previous
21 hearing as well; is that correct?

22 A Yes, sir.

23 Q And identified it, and it was entered into evidence?

24 A Yes, sir.

25 Q I'm going to show you State's Exhibit No. 82. Can

1 you look at that?

2 A Yes, sir.

3 Q Okay. Is that the cell phone that you collected?

4 A Yes, sir, it is.

5 Q How are you able to identify that?

6 A My initials are on the packaging.

7 Q Okay. And you have identified that at a previous --
8 on a previous occasion as well, have you not?

9 A Yes, sir, I did.

10 MR. MOYER: Your Honor, at this time, we would move
11 to have State's Exhibit No. 82 entered into evidence.

12 THE COURT: Any objection?

13 MS. TAYLOR: Your Honor, I don't have any objection
14 to the actual cell phone itself. However, its contents, I
15 will.

16 THE COURT: Just the cell phone itself. And we'll
17 address that if we need to.

18 Mr. Johnson.

19 MR. JOHNSON: Your Honor, no objection.

20 THE COURT: With your limited -- it's entered without
21 objection -- over the limited objection as to any content
22 of the phone -- cell phone itself. It is admitted into
23 evidence.

24 (WHEREUPON, State's Exhibit No. 82 was admitted into
25 evidence.)

1 (WHEREUPON, State's Exhibit No. 95 was marked for
2 identification only.)

3 BY MR. MOYER:

4 Q Okay. I'm going to hand you what's been marked as
5 State's Exhibit No. 95. And it's just for identification
6 at this point. Can you take a look at the contents of
7 that bag and identify what is there?

8 A Yes, sir. This is the clothing that I collected from
9 Lieutenant Williams.

10 Q Okay. And where did you collect them?

11 A On scene.

12 Q Okay. So you were still at the scene that night?

13 A Yes, sir.

14 Q And Lieutenant Williams gave the clothing to you?

15 A Yes, sir.

16 Q Okay. And what did you do with the clothing after
17 you were given -- after it was given to you by Lieutenant
18 Williams?

19 A It was packaged and sealed.

20 Q Okay. And then what did you do with it after you
21 packaged and sealed it?

22 A Once I did take them back to the crime scene office,
23 I did take additional photographs of the clothing before
24 they were repackaged, and sealed, and taken to property
25 and evidence.

1 Q Okay. So the contents then of those bags is
2 clothing?

3 A Yes, sir.

4 Q And did you take note of what the clothing was?

5 A Yes, sir, I did.

6 Q And what is the description of that clothing?

7 A Clothing item marked 1-TW was a black in color Merona
8 underwear that was a size XL. 2-TW was a tan in color,
9 size L, Converse One Star pants with suspected blood on
10 them. And item 3-TW was a black in color green T brand
11 shirt, size XXL, with suspected blood on it.

12 Q So the pants and shirt then had suspected blood?

13 A Yes, sir.

14 Q Okay. So you looked at the contents of those bags
15 and photographed them after you collected it?

16 A Yes, sir.

17 Q And before you put it into property and evidence?

18 A Yes, sir.

19 Q Okay. Now, you, also, collected from the scene the
20 firearm?

21 A Yes, sir, I did.

22 Q Okay. And that's already in evidence. But would you
23 describe what the firearm was?

24 A Yes, sir. The firearm was a Glock Model 21. It was
25 a 45-caliber with seven cartridges that was with it.

1 Q Okay. Now, did you package the cartridges separately
2 from the pistol?

3 A (There was no response.)

4 Q Or maybe when they were taken to property and
5 evidence, would they have been put in a separate --
6 separate bag?

7 A Yes, sir. Because when I submitted it, it was with
8 the seven cartridges. And there's a possibility they
9 separated the cartridges.

10 Q Okay. Now, I'm going to show you State's Exhibit No.
11 76. And can you take a look at the contents of that, and
12 see if those are the cartridges that were collected from
13 the pistol and put in property and evidence?

14 A Yes, sir. That's the heat-sealed bag I placed them
15 in.

16 MR. MOYER: Okay. Your Honor, at this time, I -- I
17 would move to have State's Exhibit No. 76 entered into
18 evidence.

19 THE COURT: Any objection?

20 MS. TAYLOR: No objection.

21 MR. JOHNSON: No objection, Your Honor.

22 THE COURT: Without objection, it will be -- State's
23 Exhibit No. 76 is in without objection.

24 (WHEREUPON, State's Exhibit No. 76 was admitted into
25 evidence.)

1 BY MR. MOYER:

2 Q Okay. Now, I'm going to ask you now about some other
3 processing you did at the scene. Did you -- you talked
4 about doing a swab on the hammer. Did you take swabs from
5 anything else there at the residence, inside the
6 residence?

7 A Yes, sir. I did take a swab of suspected blood from
8 the exterior of the kitchen window blinds.

9 Q Okay.

10 A And I did take a swab of suspected blood from the
11 multicolored quilted blanket.

12 Q Okay. And what about from the washcloth?

13 A Yes, sir. I did as well from the washcloth.

14 Q Okay. Did you mark each of those items after you
15 took swabs? Were they given, like, an item number or
16 identifying number?

17 A Yes, sir, I did.

18 Q What numbers were they given?

19 A The swab from the blanket was labeled as RSP-10. The
20 swab from the washcloth was RSP-12 -- wait. I take that
21 back. Sorry. No. I did not swab the washcloth.

22 Q Okay.

23 A RSP-10 was a swab from the quilted blanket. And
24 RSP-8 was the swab from the exterior of the window blinds.

25 Q And "RSP," those are your initials?

1 A Yes, sir.

2 Q And what is the purpose of taking those swabs? Why
3 are you taking them?

4 A For DNA. So they can compare the suspected blood and
5 test it to confirm the suspected blood.

6 Q Okay. And how do you take a swab?

7 A The swabs we use, I would use some distilled water to
8 moisten the swab. And then I would rub the swab across
9 suspected blood.

10 Q Then after you do that, what do you do with that
11 swab?

12 A The DNA swabs are in a sealed capsule. And you screw
13 them into the capsule to seal it. And then I would
14 package it and seal it again.

15 Q Okay. Now, what did you do -- well, with all the
16 evidence that we just talked about, including all those
17 swabs you just spoke about?

18 A Yes, sir.

19 Q And did you collect that washcloth as well?

20 A Yes, sir, I did.

21 Q Okay. So all of those items of evidence that we've
22 just been talking about, what did you end up doing with
23 them?

24 A Once they were packaged and sealed, I transported
25 them over to the property and evidence section. It was

1 after hours. No personnel was there. I placed it in one
2 of their secure temporary evidence lockers. Once they're
3 placed in there and locked, it cannot be opened, except by
4 the property and evidence personnel.

5 Q And you did that for each of those items?

6 A Yes, sir.

7 Q So that is a secure location then?

8 A Yes, sir, it is.

9 Q One moment, please.

10 Okay. And what was the date you put those items into
11 property and evidence?

12 A On January the 29th was when I took the items over to
13 property and evidence.

14 Q Okay. And where were those items between that time
15 you collected them to when you put them into the property
16 and evidence room?

17 A They were in my secure evidence locker in the crime
18 scene processing bay at our office that is, also, secured
19 and can only be accessed by us.

20 Q Okay. And then you personally yourself took it over
21 to the property and evidence room. And that's at the law
22 enforcement center here in Greenville?

23 A Yes, sir.

24 MR. MOYER: Okay. I have no further questions for
25 you at this time. Please answer any questions the Defense

1 has.

2 THE COURT: Ladies and gentlemen, we're going to take
3 a break right now since y'all have been going for a little
4 over an hour.

5 So, at this time, go back to your jury room. Do not
6 discuss the case. And we'll bring you back out in just a
7 few minutes.

8 (WHEREUPON, the jury was excused from open court at
9 approximately 10:43 a.m.)

10 THE COURT: All right. Mr. Parker, I remind you
11 you're in what I call the trial bubble, which means you
12 can't talk about your testimony with anybody since you're
13 still on the stand. But you can step down.

14 THE WITNESS: Yes, sir.

15 THE COURT: We'll be on break for about 10 minutes.

16 (WHEREUPON, a break was taken.)

17 THE COURT: Are we ready to proceed?

18 MR. JOHNSON: Yes, sir, Your Honor.

19 THE COURT: All right. Bring the jury in.

20 (WHEREUPON, the jury came into open court at
21 approximately 10:59 a.m.)

22 THE COURT: All right. Ladies and gentlemen, we're
23 back. We're now on cross-examination.

24 Ms. Taylor.

25 MS. TAYLOR: Thank you, Your Honor.

1 May it please the Court.

2 CROSS-EXAMINATION

3 BY MS. TAYLOR:

4 Q Is it Officer Parker or Deputy?

5 A Officer Parker is fine.

6 Q Officer Parker. Okay. So when you testified earlier
7 that you were photographing some of the things inside the
8 house, do you remember, was there blood on the -- or I'm
9 sorry, outside the house. Was there blood on the fan that
10 was outside?

11 A It did not appear so.

12 Q Okay. And when you were inside the house and you
13 were taking photos, was the sink broken, the faucet?

14 A No, ma'am, it wasn't.

15 Q Okay. Was the little nozzle that sprays to the side
16 of the faucet broken?

17 A No, ma'am.

18 Q Was anything broken?

19 A It did not appear so.

20 Q What about the kitchen table?

21 A The table was not broken.

22 Q Was not broken. Okay. Now, I'm going to move on to
23 the LCV. Okay. So we kind of went through kind of what
24 it is, and everything. But just to clarify it. Now, you
25 said that when you walked in, what gave you the tip off

1 was that you noticed the floor was sticky? Is that what
2 you said?

3 A Yes, ma'am.

4 Q Okay. And then you, also, said that you saw that you
5 noticed the floor was sticky because officers were
6 tracking in boot prints; is that right?

7 A Yes, ma'am.

8 Q So the scene, at that point, one could argue had been
9 contaminated?

10 A I do not believe so for the LCV.

11 Q Okay. But there were boot prints and things that
12 were outside the house that were brought inside the house?

13 A Yeah. I guess you could say that since the boots
14 were adhering to the surface.

15 Q Right. Okay. So, now, let's talk about when you say
16 that the luminol -- or the LCV uses -- it detects when
17 something has been cleaned up. So you mentioned the
18 hammer. Now, there was blood on the hammer; right?

19 A Yes, ma'am.

20 Q Okay. Now, was there any evidence that the hammer
21 had been cleaned?

22 A It did not appear so.

23 Q Okay. And so there was no evidence at all that there
24 had been an attempt to wipe the hammer, or rid it of
25 fingerprints, or anything like that?

1 A No, ma'am.

2 Q Did you test it for fingerprints?

3 A No, ma'am. I just swabbed it and collected it.

4 Q Okay. Now, about DNA, let's just briefly touch on
5 that for a second. DNA gets transferred through several
6 different ways; correct?

7 A Yes, ma'am.

8 Q Okay. Can you transfer it through spit or saliva?

9 A Yes, ma'am.

10 Q What about through touch?

11 A Yes, ma'am.

12 Q So I just left my DNA right there; right?

13 A Uh-huh.

14 Q What about through bodily fluids?

15 A Yes, ma'am.

16 Q Okay. So there's a lot of different ways that DNA
17 can get on an item that you're swabbing; correct?

18 A Yes, ma'am.

19 Q Okay. And I just have one more question going back
20 to the LCV test. So when you spray that, it doesn't tell
21 you when it was cleaned up, does it?

22 A No, ma'am.

23 Q Does it tell you when the blood was there?

24 A No, ma'am.

25 Q Does it tell you how long the blood had been there?

1 A No, ma'am.

2 Q So, in fact, the blood that the LCV illuminated could
3 have been there from a previous incident, maybe even years
4 before?

5 A Possibly.

6 MS. TAYLOR: Okay. Thank you.

7 No further questions.

8 THE COURT: Mr. Johnson.

9 MR. JOHNSON: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. JOHNSON:

12 Q Mr. Parker, you were describing LCV; correct? And
13 that's the -- the way you can tell blood was there, but
14 it's not visible to the eye?

15 A Yes.

16 Q Is that correct?

17 A What was the question?

18 Q You were talking about LCV. And that's the way that
19 you can detect blood that's not apparent to the eye?

20 A Yes, sir.

21 Q And is it like a black light?

22 A No, no. The LCV, when you spray it, it -- like I
23 said, it reacts to the hemoglobin that's in blood. So,
24 say, the area was cleaned up and I spray it, it would turn
25 a violet color that you can't see with the naked eye.

1 Q Yes, sir. And when you -- it appeared that you can
2 spray almost any surface. Does that sound correct?

3 A Yes, sir.

4 Q Can you spray somebody's skin?

5 A You can. But we have never done that.

6 Q Never done that before?

7 A No, sir.

8 Q Can you spray cloth?

9 A Yes, sir.

10 Q So like my clothes, could you spray my clothes and
11 you could tell whether there's been blood there before?

12 A Yes, sir. It could react.

13 Q Okay. So cotton, wool, just any sort of fabric is --
14 is all in play?

15 A If it absorbs.

16 Q All right. Who decides on what it is that you
17 collect as it relates to evidence in your investigation?

18 A Usually, I ask the investigator what they would like
19 me to collect. And then I would assist as well in asking
20 them, hey, this looks like it could be pertinent.

21 Q Who did you ask in this instance?

22 A To be honest, I can't recall which investigator was
23 out there.

24 Q Do you recall -- was there more than one investigator
25 out there?

1 A Yes, sir.

2 Q Who was out there?

3 A I know Investigator Donnelly was out there,
4 Investigator Manley, Patrolman Randolph, Investigator
5 Morecraft, Investigator Williams, and Chief Grounsell was
6 out there.

7 Q Okay. But you're not sure who told you -- if you got
8 any direction from them as it relates to the scene itself?

9 A I know Lieutenant Donnelly had advised me on some of
10 that. But I can't recall who was, actually, asking me
11 about it.

12 Q All right. Now, when you looked in the home, I
13 believe you, also -- you went into the living room, as
14 well as the kitchen and, it appeared, the bathroom as
15 well; is that correct?

16 A Yes, sir.

17 Q Did you go in any other portion of the house?

18 A We did do a walk-through. But those were the three
19 main areas.

20 Q Did you take photographs of the whole home?

21 A No, sir.

22 Q Okay. Did you take photographs of the backyard,
23 anything like that, other than, I guess, there was a side
24 area where the body was found? Did you take photographs
25 of any other portion of the home?

1 A No, sir.

2 Q For the -- for John Hughes' firearm, I believe you
3 said you found the case -- the carrying case?

4 A Yes, sir. I collected the carrying case.

5 Q Okay. And you were able to identify that's the case
6 for that specific gun that was in evidence today?

7 A No, sir.

8 Q Okay. But -- was it a different case, or the same
9 case?

10 A I'm not sure that was the case for the Glock. I was
11 advised there was a case for a handgun. And that was what
12 I collected.

13 Q So you found a case in the living room?

14 A Yes, sir. It was in the living room.

15 Q Okay. And you collected that case?

16 A Actually, looking back at my report, I believe I just
17 photographed it. It doesn't look like it was an item I
18 collected.

19 Q Is your answer it doesn't appear you collected it,
20 the case?

21 A No, sir. I don't see it in the items on my report.
22 I believe I just photographed the case they pointed out on
23 the couch.

24 Q Okay. Was anything else around the case?

25 A I do not recall.

1 Q You don't recall. Okay. But if something was there
2 that was remarkable, you would potentially photograph
3 that; is that correct?

4 A Yes, sir.

5 Q You've been referring to a report. Is that a typical
6 police report?

7 A This is just a report of my observations, what I
8 observed, and collected, and documented.

9 Q Okay. And the same rules as a police report, kind
10 of, you try to use that so that you can remember so you
11 can -- if you needed it in testimony three years later,
12 you can potentially rely upon that; is that right?

13 A Yes, sir.

14 Q What's the date of your report?

15 A The date that it was submitted?

16 Q Yes.

17 A This report I submitted was on February the 7th,
18 2015.

19 Q Okay. So February 7th. And that's about, I guess, a
20 little bit over a week later, or about a week later
21 exactly?

22 A From January the 25th?

23 Q Yes. And do you have, like, an approving officer, or
24 anything like that?

25 A Yes, sir. Our reports would be approved by a

1 supervisor.

2 Q Okay. Who was your supervisor at the time?

3 A I believe it was Sergeant Hamilton.

4 Q Sergeant Hamilton?

5 A Yes, sir.

6 Q So you do the report, you sign it, and you submit it
7 to him?

8 A Uh-huh.

9 Q Was there any other -- now, let's be clear. You're
10 in forensics; correct?

11 A Yes, sir.

12 Q Was there any other person in forensics in the home?

13 A I had a trainee that had come out just to observe a
14 little bit of it, but he had to leave.

15 Q Okay.

16 A It was just myself.

17 Q So he just watched what you did?

18 A Only a little bit of it and he had to leave. So it
19 was mainly just me out there.

20 MR. JOHNSON: All right. I have nothing further,
21 Your Honor.

22 THE COURT: Any redirect?

23 MR. MOYER: No, Your Honor.

24 THE COURT: All right. Thank you.

25 You may step down.

1 MR. MOYER: State calls Tim Williams.

2 THE CLERK: Please place your left hand on the Bible
3 and raise your right hand.

4 WHEREUPON,

5 TIMMY WILLIAMS,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Please take a seat.

8 And state your name for the record.

9 THE WITNESS: My name is Timmy Williams.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q Where are you employed?

13 A The Simpsonville Police Department.

14 Q What is your position with the Simpsonville Police
15 Department?

16 A Right now, I'm a lieutenant over uniform patrol.

17 Q Okay. What was your position back in January of
18 2015?

19 A I was an investigator with the Simpsonville Police
20 Department.

21 Q Okay. Did you -- were you called to give assistance
22 in the case that we are handling here today?

23 A Yes, I was.

24 Q Okay. And you, initially, responded to [REDACTED]
25 Road?

1 A Yes, I did.

2 Q Now, when you arrived there, were you instructed to
3 go to another location?

4 A Yes, I was.

5 Q Where were you instructed to go?

6 A Hillcrest Hospital.

7 Q And did you go there by yourself?

8 A Yes, I did.

9 Q Okay. And when -- and what was your reason for going
10 to Hillcrest Hospital?

11 A My supervisor, Lieutenant Donnelly, advised me that
12 there was a person there that I needed to go and speak to,
13 as well as collect some clothing.

14 Q Okay. And who was the person that you were going to
15 see?

16 A Ms. Jane Hughes.

17 Q Okay. And did you see her there?

18 A Yes, I did.

19 Q Okay. When you say "Jane Hughes," are you talking
20 about the Defendant in this case seated to my left?

21 A Yes, sir.

22 Q Okay. Was -- and was she in one of the rooms?

23 A Yes, she was.

24 Q Was anyone with her?

25 A A gentleman she stated was her friend. I think his

1 name was Andrew Martin.

2 Q Okay. But there weren't officers there at that
3 point. You were the first officer to show up there to
4 meet with her?

5 A Yes. I believe so.

6 Q Okay. Now, so did you collect anything there from
7 Ms. Hughes?

8 A Yes, I did. Her clothing that she had on during, I
9 guess, that night.

10 Q Okay. Now, was she already out of that clothing in
11 hospital attire at that point?

12 A Yes. She was in a hospital gown, if I recall
13 correctly.

14 Q Okay. So you didn't -- you didn't have to ask her to
15 go change, or anything? The clothes were already off?

16 A No. She was on a gurney.

17 Q And were the clothes right there in her presence?

18 A Yeah. I believe they were already in, I believe, the
19 hospital bag. And I think one or two items was still
20 laying out. I'm not, actually, certain.

21 Q Okay. But you did collect her clothing?

22 A I collected it.

23 Q You asked her permission to take the clothing?

24 A Yes, I did.

25 Q And it was given?

1 A Yes.

2 Q You heard Officer Parker, the forensic officer who
3 just testified a few minutes ago, that he collected some
4 clothing from you?

5 A Yes.

6 Q Is that the clothing that you took from Jane Hughes?

7 A Yes.

8 Q Okay. I'm going to show you State's Exhibit No. 95.
9 Can you take a look at the contents of that bag? And can
10 you look and see, and are you able to say if that's the
11 clothing you took from Jane Hughes?

12 A Yes, sir.

13 Q Okay. And there are three bags in there; is that
14 correct?

15 A Yes.

16 Q And they're marked TW-1, TW-2 and TW-3?

17 A Yes, sir.

18 Q And the "TW" stand for Tim Williams?

19 A Yes.

20 Q And so you heard the testimony that there was -- I
21 think there was some underwear. There was some Converse,
22 like, jogging pants. And then there was, like, a shirt.
23 Are they the three items that you took from her?

24 A Yes.

25 Q And you took them directly from the hospital and you

1 gave them to -- to Parker without anything in -- given to
2 anybody else in between those -- in between that?

3 A No, sir.

4 MR. MOYER: Your Honor, I would move to have this
5 exhibit moved into evidence.

6 THE COURT: Any objection?

7 MS. TAYLOR: No objection, Your Honor.

8 MR. JOHNSON: No objection.

9 THE COURT: All right. No objection from either
10 Defendants.

11 So this will be State's Exhibit No. 95?

12 MR. MOYER: State's Exhibit No. 95, yes, sir.

13 THE COURT: State's Exhibit No. 95 is in without
14 objection.

15 (WHEREUPON, State's Exhibit No. 95 was admitted into
16 evidence.)

17 MR. MOYER: Nothing further of this witness.

18 MS. TAYLOR: Just briefly.

19 CROSS-EXAMINATION

20 BY MS. TAYLOR:

21 Q Officer Williams, can you tell me how Ms. Hughes
22 identified the gentleman that was with her at the hospital
23 when you arrived?

24 A She said he was her good friend, or best friend.

25 Q Okay. But she described him as a "friend"?

1 A Yes.

2 MS. TAYLOR: Thank you.

3 No further questions.

4 MR. JOHNSON: Your Honor, I have no questions.

5 THE COURT: Any redirect?

6 MR. MOYER: No, Your Honor.

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

8 Next witness.

9 MR. MOYER: The State calls Christy Cash.

10 THE CLERK: Please place your left hand on the Bible
11 and raise your right hand.

12 THE BAILIFF: Raise your right hand and face the
13 Clerk.

14 WHEREUPON,

15 CHRISTY CASH BATES,

16 after first having been duly sworn, testified as follows:

17 THE CLERK: Please take a seat.

18 And state your name for the record.

19 THE WITNESS: Christy Cash Bates.

20 DIRECT EXAMINATION

21 BY MR. MOYER:

22 Q Okay. Ms. -- you go by Ms. Bates now?

23 A Yes. I go by Cash and Bates. Professionally, people
24 know me as Cash.

25 Q All right. So, Ms. Bates, then, are you familiar

1 with the business called Visitation Express?

2 A Yes, sir.

3 Q How are you familiar with that business?

4 A I started the business several years ago. And I,
5 ultimately, sold it.

6 Q Okay. And do you remember when it was that you
7 started the business?

8 A It's kind of gray there. Because I, actually,
9 started it while I was working at DSS, but not officially.
10 I worked for many years. And then around 2012 is when I
11 officially opened it as Visitation Express.

12 Q So you started, sort of, part-time while you were
13 with DSS?

14 A That's correct.

15 Q And in 2012, you left DSS and did that full-time?

16 A Well, yes. I had left a little bit before, but, yes.

17 Q And then you sold the business, you said. So what do
18 you do now?

19 A I write home studies, domestic and international, as
20 well as I work with my husband in his business.

21 Q Okay. Well, before I ask you to tell what Visitation
22 Express is, tell the jury about your experience with DSS,
23 how long you worked there, and what you did.

24 A Altogether, about 10 years with DSS. I worked in
25 foster care doing, specifically, termination of parental

1 rights.

2 Q Okay. Now, so what is Visitation Express?

3 A During my time at DSS, I found that there was a huge
4 need for visitation with private families, families that
5 were not involved with DSS. And, ultimately, a parent
6 would not be able to have visitation pending an
7 investigation on their case.

8 Q Okay.

9 A So I began it to provide that niche, that visitation
10 in private cases.

11 Q So there are certain scenarios in Family Court where
12 before they make a final ruling, there has to be
13 supervised visitation?

14 A That's correct.

15 Q And that's sort of where your company stepped in; is
16 that correct?

17 A That's correct.

18 Q And then how would this be arranged? Would it be
19 ordered by the courts?

20 A Yes. The Court ordered it. Occasionally, it would
21 be private, such as maybe a grandparent having custody and
22 they didn't want to do visitation anymore. So they might
23 pay for the service.

24 But, ultimately, a parent was ordered supervised
25 contact only. And so they were able to get those visits

1 through Visitation Express.

2 Q Okay. Now, did you do this all by yourself, or did
3 you have a staff?

4 A I had a staff.

5 Q Do you remember how big the staff was in 2015?

6 A Five or six girls that ran it with us.

7 Q Now, the case that we're about to talk about, did you
8 handle this one just yourself, or did anyone else on your
9 staff get involved?

10 A Nobody else. I did every visitation.

11 Q Okay. Now, when you get involved in a case, do you,
12 like, look into the allegations that have been made by
13 either party?

14 A No. I don't ask for that information, unless there's
15 been an accusation of sex abuse. And only enough to know
16 that so that even changing a diaper, we wouldn't allow
17 that parent to do so.

18 Q Okay. So you just kind of want to keep a neutral
19 stance; is that right?

20 A That's correct.

21 Q All right. Well, let me take you then back to --
22 to -- I guess November of 2014. Did Visitation Express,
23 your company, get involved with the people who were
24 involved in this case that we're dealing with today?

25 A Yes, sir, with Ms. Hughes.

1 Q And when you say "Ms. Hughes," you're talking about
2 Jane Hughes, the Defendant, seated over here?

3 A Yes, sir.

4 Q What were you hired to do? First off, who hired you,
5 and then what were you hired to do?

6 A I believe that the guardian ad litem contacted us to
7 let us know that the case existed. And then from there,
8 we contacted mom and dad to set up visitation.

9 Q Who was the guardian ad litem?

10 A Lisa Mobley.

11 Q Okay. Who paid -- who was responsible for paying
12 the -- for your services in this case?

13 A The father paid for it.

14 Q What was his name?

15 A Mr. Ferrell.

16 Q John Ferrell. All right. Where did -- where was it
17 decided upon to have the actual visitations?

18 A One of them was at a McDonald's, and the other three
19 were at Chick-Fil-A.

20 Q Okay. So there were four total that were done?

21 A I believe so.

22 Q Were they about -- do you remember how long they were
23 spaced out?

24 A We had two in November, and two in December.

25 Q Okay. And that would have been 2014?

1 A Yes, sir.

2 Q Now, when you talk about, like, a McDonald's and a
3 Chick-Fil-A, places like that, is that common places for,
4 like, this?

5 A Very common.

6 Q How long, roughly, were the visits, if you recall?

7 A Two hours.

8 Q Okay. So the first time -- for the very first visit,
9 who did you meet with first?

10 A Before any visitation occurred, I met with mom. And
11 when I arrived, her parents were, also, present, and the
12 children were present.

13 Q When you say "mom," are you talking about Jane
14 Hughes?

15 A That's correct.

16 Q Okay. Do you remember how old the children were?

17 A Probably around three and five, three and six, maybe.

18 Q Okay. And so Jane Hughes, you met with. And you
19 said her parents were there?

20 A That's correct.

21 Q Would that be John and Margaret Hughes?

22 A That's correct.

23 Q And what was the purpose of that meeting?

24 A The mother wanted to meet us first. Visitation
25 Express is who I mean by "us," to identify what kind of

1 service we were providing, and ask us questions, and such.

2 Q Okay. Now, where was the first visitation then?

3 A The first one was at McDonald's.

4 Q Okay. And where did you all meet when you -- who did
5 you meet with, and how did that go about?

6 A At the first visitation, I believe grandma and
7 grandpa were there, as well as Jane. They dropped the
8 child with me. The first two visits, mom did not walk to
9 the establishment. She stayed back. And one of the
10 grandparents walked with me over to the restaurant where
11 the dad was meeting us there.

12 Q Okay. So John Ferrell was at the restaurant?

13 A That's correct.

14 Q Okay. Now, when you -- what do you mean by a sight
15 and sound visit?

16 A Sight and sound just means that during the time that
17 the parent is being supervised, he has to remain in our
18 sight, as in he can't go up into the play area where we
19 can't see and can't hear what he's talking to the children
20 about.

21 Q And that's customary for these kinds of cases?

22 A That's correct.

23 Q Now, how long did you say the visits would,
24 generally, be?

25 A About two hours.

1 Q About two hours. Okay. And then would the mother or
2 grandparents be present for the visitation?

3 A Not during the visit. But they came at the exchange
4 where the children began to visit and at the end when the
5 children were leaving.

6 Q Okay.

7 A At least, one of them was with mom on each of the
8 visits.

9 Q Okay. Now, did Jane Hughes express her feelings
10 about allowing visitation with her husband, John
11 Ferrell?

12 A She did.

13 Q And what were they?

14 A She was not happy about the visits.

15 Q Okay. And what led you to believe that?

16 A Vocally, they expressed being very unhappy that they
17 were having to do the visits during our first exchange
18 before a visitation when I met with them. And then the
19 very last visit that, actually, did not end up being a
20 visit where the mom did not bring the children, rather
21 showed up by herself and told us she was not bringing the
22 children, she wasn't going to be subjected to him anymore,
23 and she didn't care how we documented that.

24 Q And we'll talk about that for -- in just a minute.
25 So who did you say was paying for the visits?

1 A The father.

2 Q Okay. And how did the visits go?

3 A The little boy was a little bit aggressive. And I
4 talked to both of the parents about that, maybe getting
5 him into some play therapy. He would slap his sister or
6 scratch the other children on the playground. He was just
7 a little aggressive.

8 And the first visit when they started, both of them
9 were a little bit hesitant to initiate the visit, but
10 warmed up pretty quickly. And there was another visit
11 where the little girl was hesitant to start the visit.
12 But, ultimately, both of them would warm up and engage
13 with the father during the visit.

14 Q Okay. Did the children seem happy and at ease during
15 the visits?

16 A Yeah. I mean, they --

17 MR. JOHNSON: Your Honor, I object to the relevancy
18 of this question.

19 MR. MOYER: Your Honor, I think it's very relevant in
20 that the -- the reason for the termination of these visits
21 is very relevant to this case. It has nothing to do with
22 the children's interactions with the father.

23 THE COURT: All right. Subject to your objection,
24 I'm going to allow him to ask the question.

25 MR. JOHNSON: Yes, sir, Your Honor.

1 BY MR. MOYER:

2 Q So you said the children did seem at ease and
3 comfortable there during the visits?

4 A They did. They would play and, sometimes, ask him to
5 tickle them, and things like that.

6 Q Did Mr. Ferrell ever act in any way that gave you
7 concern?

8 A No, he did not.

9 Q Now, when was the last scheduled visitation?

10 A It was in January.

11 Q Okay. Do you remember the day?

12 A I think the 15th, but I can't be for sure.

13 Q Okay. Now, you made some documentations about it,
14 did you not?

15 A Yes, sir.

16 Q If you had a chance to take a look at that
17 documentation, would that help you remember --

18 A It would.

19 Q -- things like dates, and so forth?

20 A (Witness nodded.)

21 Q I'm going to hand you several pieces of paper. If
22 you would just take a minute to look through those and see
23 if they are documents that you generated for the purposes
24 of visitation?

25 A Yes, sir.

1 Q And from taking a look at that, does that refresh
2 your recollection for when the last final visit was
3 scheduled to have taken place?

4 A It does.

5 Q Okay. And what was that date?

6 A January 15, 2015.

7 Q And where was that to take place?

8 A At Chick-Fil-A, where we had been taking visits.

9 Q And that's in Simpsonville?

10 A Yes, sir.

11 Q And did you show up for that visit?

12 A Yes, sir.

13 Q Did John Ferrell show up?

14 A Yes, sir.

15 Q And did you show up on time?

16 A One visit, I was delayed with traffic. And I
17 notified both the parents. However, yes, all the others
18 were on time.

19 Q Okay. And so on this particular occasion, you were
20 on time and Mr. Ferrell was on time?

21 A Yes, sir.

22 Q Did Jane Hughes show up on time?

23 A Within minutes of being on time, yes.

24 Q Okay. Did she have the children with her?

25 A No.

1 Q Okay. So what happened?

2 A She notified us at that time -- and she seemed pretty
3 hostile, you know, upset. She notified us at that time
4 that the children were not coming. And that she was tired
5 of being abused by him and put down. And that she was not
6 bringing them. And that was all there was to it. We
7 could document it however we wanted to.

8 Q She said you could document it however you wanted?

9 A That's correct. And then she just left.

10 Q Okay. So would you characterize her demeanor as
11 being -- was it belligerent? Or how would you
12 characterize it?

13 A She seemed very upset.

14 Q Okay.

15 A I don't really know how else to explain it. But she
16 was mad or upset. She was not happy with the situation.

17 Q Mad and upset?

18 A Yeah.

19 Q Now, did you -- had she notified you prior to the
20 scheduled visitation that the children would not be there?

21 A She did not.

22 Q Did she have your phone number?

23 A Yes.

24 Q Had you all communicated with each other back and
25 forth prior to this?

1 A Yes, mostly by text.

2 Q And why is that?

3 A Just because we have a lot of clients. And because
4 of that, we like to have a lot of texting documentation.
5 So we highly encourage people to text or e-mail us.

6 Q Okay. And so you would have had quite a bit of
7 texting back and forth with Jane Hughes prior to this
8 time?

9 A Correct. Setting up visits and such, that's correct.

10 Q How did Mr. Ferrell react to this display by Jane
11 Hughes?

12 A He was, obviously, upset.

13 Q Okay. What do you mean? Can you explain?

14 A He didn't seem to understand why he wasn't going to
15 get a visit, and indicated he didn't understand what she
16 was talking about.

17 Q Okay. Was he -- did he blow up, or get angry, or --
18 and yell?

19 A No. He just was sad. Upset is how he portrayed
20 himself with me.

21 Q Was he polite to you?

22 A Always.

23 MS. TAYLOR: Objection, Your Honor. Asked and
24 answered.

25 THE COURT: I'll allow that.

1 BY MR. MOYER:

2 Q Was he polite to you?

3 A Always.

4 Q Now, had you -- did you generate reports during this
5 entire process up until January the 15th?

6 A Yes, sir.

7 Q What would you do with the reports?

8 A Each of the parents could sign a release with me and
9 who they wanted those reports sent to, such as their
10 attorney and the guardian ad litem.

11 Q Okay. And so you would give reports to Lisa
12 Mobley --

13 A That's correct.

14 Q -- after they were done?

15 Okay. And you did them for each of the visits; is
16 that right?

17 A That's correct.

18 Q Did you have any more contact with Jane Hughes, John
19 Ferrell, or the children after that date?

20 A No. No more visits were scheduled.

21 Q No more visits had been scheduled after that time?

22 A That's correct.

23 MR. MOYER: Okay. Please answer any questions the
24 Defense may have.

25 THE WITNESS: Yes, sir.

1 THE COURT: Cross-examination.

2 MS. TAYLOR: Thank you, Your Honor.

3 May it please the Court.

4 CROSS-EXAMINATION

5 BY MS. TAYLOR:

6 Q Ms. Cash, so you said you had some experience in
7 Family Court as a DSS caseworker. And for that, you saw a
8 need for a potential business opportunity?

9 A That's correct.

10 Q So, basically, if parents are not in agreement upon a
11 custody situation with their child and the Court says --
12 or orders that one of those parents or both needs to have
13 supervised visitation with those children, then that's
14 where your business would step in and provide that
15 supervision?

16 A Yes, ma'am.

17 Q Okay. So you would agree, though, that it's not
18 common, it doesn't happen every day that the Court orders
19 supervised visitation?

20 A I would agree.

21 Q Okay. And some of the reasons that the Court would
22 go to that extent and say that a parent has to have
23 supervision would be things that you mentioned before,
24 like, if there had been any allegations of sexual
25 misconduct against a child; correct?

1 A Correct.

2 Q Also, physical abuse, that would be another reason;
3 correct?

4 A Correct.

5 Q Generally, any concerns about that person's ability
6 to parent in the best interest of those children; right?
7 That's what's going to lead to supervision?

8 A Yeah. The Court has a choice to either cut off
9 visitations when allegations occur, or to have supervised
10 visitation while an investigation is ongoing.

11 Q Okay.

12 A That's correct.

13 Q But your job is to make sure that nothing happens to
14 those children while that parent is being supervised?

15 A That's correct.

16 Q Okay. So when you -- when the Solicitor asked you
17 about the sight and sound standard that you apply in your
18 business, can you explain the purpose of wanting to be
19 able to see and hear what's going on?

20 A For instance, a child -- a child -- a father might
21 try to or a mother might try to squeeze out the location
22 of a parent. And you want to stop that while it's
23 occurring.

24 Q What do you mean "squeeze out"? Like ask the
25 children for information?

1 A Right, push the child, like, go up in the playground
2 where you can't hear them and ask for a location.

3 Q Okay.

4 A You know,, when it may be ordered that they can't have
5 it. Those types of things is why we would do sight and
6 sound or, you know, threaten to hurt a child if they said
7 anything further, you know, things of that nature. So
8 that's why, you know, even on the playground, et cetera,
9 we would follow them.

10 Q Okay. So you're there to ensure their physical
11 safety, but, also, to prevent like mental manipulation
12 against the other parent?

13 A Yes. To make sure nothing else can occur.

14 Q Okay. And just to clarify, the father was the one
15 that was paying for these -- for your services; is that
16 correct?

17 A That's correct.

18 MS. TAYLOR: Okay. Thank you.

19 No further questions.

20 THE COURT: Cross-examination, Mr. Johnson.

21 MR. JOHNSON: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. JOHNSON:

24 Q Ms. Cash, I believe you stated that you had met
25 Mr. Ferrell; correct?

1 A Yes, sir.

2 Q And you had met Jane Hughes?

3 A Yes, sir.

4 Q Had you met Jane's father, John Hughes?

5 A Her father, yes.

6 Q Had you met Jane's mother, Margaret -- or Renee
7 Hughes?

8 A Yes, her mother as well.

9 Q Had you met a young man named Andrew Martin?

10 A No.

11 Q Had you met Jacob Hughes?

12 A No.

13 MR. JOHNSON: Okay. I have nothing further.

14 THE COURT: Okay. Any redirect?

15 MR. MOYER: No, Your Honor.

16 THE COURT: All right. Thank you.

17 You may step down.

18 THE WITNESS: Thank you.

19 MR. MOYER: Your Honor, before I call my next
20 witness, may we approach? I want to talk about scheduling
21 for today.

22 THE COURT: Okay.

23 (WHEREUPON, a bench conference was held.)

24 MR. MOYER: The State calls Lisa Mobley.

25 THE BAILIFF: Place your left hand on the Bible and

1 raise your right.

2 WHEREUPON,

3 LISA MOBLEY,

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

5 THE CLERK: Please take seat.

6 And state your name for the record.

7 THE WITNESS: My name is Lisa Mobley.

8 DIRECT EXAMINATION

9 BY MR. MOYER:

10 Q Okay. Ms. Mobley, what profession are you in?

11 A I'm an attorney.

12 Q Okay. And that's here in Greenville?

13 A In Greenville County, yes.

14 Q What kind of work do you do in your practice?

15 A My husband and I are self-employed in private
16 practice. And we do, at this point, for the last 20 years
17 exclusively family law.

18 Q Does that include some guardian ad litem work?

19 A I do about -- maybe a fifth of my practice is
20 guardian ad litem work in Family Court when I'm appointed
21 by judges.

22 Q Okay. And can you tell the jury briefly what a
23 guardian ad litem -- the purpose of one is and what you do
24 as a guardian ad litem?

25 A Well, in cases where there are disputes regarding

1 children, whether it's custody, visitation, concerns about
2 abuse issues, those kind of things, then a judge will
3 normally appoint a guardian ad litem to conduct an
4 investigation and sort of get behind the scenes, so to
5 speak, to see what's going on and make recommendations
6 concerning counseling, or other things like that.

7 Q So whenever an allegation is made, a guardian gets
8 involved to sort of look into whatever those allegations
9 are and advise the Court about it?

10 A That's correct. Normally, cases in Family Court
11 start out with some kind of temporary or expedited
12 hearing. And that's a 15-minute hearing where a judge
13 will consider affidavits submitted by both sides and try
14 to make a decision. You don't know really what has
15 happened when one side says one thing and one side says
16 the other thing. So a judge will appoint a guardian ad
17 litem.

18 Q I guess it's pretty common, especially in the early
19 stages, for there to be a lot of mud slinging back and
20 forth?

21 A Very common.

22 Q Now, did you get involved in the matter of John
23 Ferrell and Jane Hughes?

24 A Yes, I did. They were -- I have just my timeline
25 because it's been a while ago.

1 Q Okay.

2 A There was a hearing, an action filed by Mr. Ferrell,
3 a temporary hearing in July of 2014. I believe it was
4 July the 8th. There was a court order arising from that
5 hearing. I was not present for the hearing. The Court
6 order appointed me as guardian ad litem.

7 As I recall, Mr. Ferrell had an attorney. And his
8 attorney was present. And Ms. Hughes was not present, but
9 her parents were present.

10 Q Okay. And so did the parents have a pretty prominent
11 involvement throughout this ordeal -- this case, Jane's
12 parents?

13 A They were the ones, I think, first to come in to meet
14 with me before she did. And I think her father appeared
15 at the first temporary hearing as a family representative
16 is how he identified himself, I think.

17 Q Okay. And do you happen to have the names of the
18 children and their ages at the time? Do you recall, or do
19 you not have that with you?

20 A No, I do.

21 Q Okay.

22 A I probably would just identify them by their --
23 because the Family Court file is, actually, sealed.

24 Q Okay.

25 A So we got that, but just by the first letters of

1 their names.

2 Q Okay.

3 A The female child is "S."

4 Q Okay.

5 A And the male child is "C."

6 Q Okay. Thank you.

7 A And I believe that "C" was about two and a half when
8 this case started, and "S" was five.

9 Q Okay. What was the custody situation when you first
10 got involved?

11 A The Family Court in Greenville issued a temporary
12 order requiring placement of the children with the mother
13 and her parents. Both parties were not to remove the,
14 children from the jurisdiction of Family Court here in
15 Greenville. And that I was supposed to do an expedited
16 investigation, and then ask for a second temporary
17 hearing.

18 Q Okay. And were you familiar with whether custody
19 proceedings had begun in another state prior to that?

20 A Yes. In the course of the investigation after I was
21 appointed -- because I knew nothing about the case until I
22 got the order of appointment.

23 But the parents had been back and forth between
24 various states during the course of their relationship
25 and, particularly, I think, California and South Carolina.

1 And the -- there was a time in, I believe, 2010 when they
2 were in California. And after "S" was born, mother left
3 and father got an order in California granting him custody
4 of "S" because the mother did not appear for the hearing.

5 After that point, I believe he filed again in
6 California. I was unable to get the records from
7 California. But this was based on information that both
8 parents told me.

9 After "C" was born, he applied for an order to have
10 custody of both "S" and "C" in California. He wasn't able
11 to serve the mother.

12 And then at some point, he moved back here to
13 Greenville. And in 2014, he hired an attorney. And they
14 filed what's called, I guess, a rule to enforce the
15 California order, and, also, a motion and a complaint for
16 custody of both children. And that's when the temporary
17 hearing was held.

18 Q Okay. So he wasn't able to serve Jane Hughes in
19 California because she had moved here. And then he
20 followed her here?

21 A That was my understanding, yes.

22 Q Okay. And so you said John Ferrell had an attorney?

23 A Yes.

24 Q And he had one throughout the entire proceedings?

25 A Yes.

1 Q Was he active and involved?

2 A Yes.

3 Q Did Jane or her family have an attorney, at any
4 point, during this matter?

5 A Not until maybe one of the last hearings that we had
6 in this case dealing with the children.

7 Q Now, did you issue a guardian ad litem report?

8 A Yes. I commenced an investigation, as the Court
9 ordered me to. And I filed a report and filed a motion to
10 have a second temporary hearing to be scheduled. And I
11 provided notice to both sides that we would be having a
12 temporary hearing for the Judge to consider my report, and
13 other information submitted by both parties.

14 Q And what did you recommend in your guardian ad litem
15 report?

16 A The -- I made some recommendations. As guardian's,
17 we're not really able to make recommendations regarding
18 custody. So we didn't talk about custody in the report.

19 At the time approaching that first temporary hearing,
20 I had interviewed the father, and the mother, and the
21 mother's parents, reviewed some records, reviewed medical
22 records, I think, of the children from Parkside
23 Pediatrics.

24 At some point, I talked with a counselor that the
25 mother had at Compass of Carolina. So I just prepared, I

1 think, it was a 16- or 17-page report summarizing all the
2 information and presented it to the Judge.

3 I had concerns about what both sides had been telling
4 me about the other side. So I had suggested psychological
5 evaluations for both parents. That was an agreed-upon
6 issue in court. And the father had agreed to pay for
7 those evaluations. I had suggested that until an
8 investigation could be completed, the Judge would need to
9 make a determination regarding visitation, because that
10 was a contested issue.

11 Q Okay.

12 A And Family Courts, normally, have strict parenting
13 guidelines and restraining orders. And I felt like that
14 needed to apply. Because these parents had some issues
15 with boundaries. I thought the grandparents did, too.
16 And then, again, restraining orders about removing the
17 kids from the jurisdiction of the Court until the matter
18 could proceed further.

19 And then the Judge considered the affidavit -- the
20 report and the other information. And he had some
21 concerns and had asked me to make a report to DSS,
22 included in my report, just for them to check it out, too.
23 Because there had been some allegations of abuse and
24 neglect by both sides, which I did.

25 After the Judge reviewed the information, he did

1 order visitations with Visitation Express. And I had
2 worked with Ms. Bates and her agency in many cases before.
3 And I think sometimes that's important for the Court to
4 have that information. Because they have a neutral party
5 that's observing and making sure the kids are protected.
6 But it's, also, sort of getting out of the he-said,
7 she-said situation.

8 So I asked for that. And I knew that there had
9 been -- because they do forward me their reports when they
10 do that. But I know there had been -- there was a
11 therapist at Compass of Carolina that worked with small
12 children. So I had made that suggestion to the Court,
13 too, that "S," the older female child, go to -- I think
14 her name was --

15 Q I don't think we, actually, need to get into that.

16 A Okay.

17 Q But there was supervised visitations then ordered
18 with John Ferrell?

19 A Yes, court ordered. The Court ordered two
20 visitations in November, two visitations in December, and
21 two visitations in January. And after those six
22 visitations, then visitation could expand if the guardian
23 and the counselor recommended it, or we would go back to
24 court for another hearing for the Judge to determine what
25 was going to happen at that point.

1 Q So after -- two took place in November, two took
2 place in December. So after the two in January, then it
3 was open to -- to modification at that point?

4 A Yes.

5 Q And was there going to be a third hearing held about
6 that matter? Was one scheduled?

7 A One was not scheduled. When I found out -- because
8 the court order said there's got to be six visits. When I
9 found out in January that there had not been -- what had
10 happened with the visit where the children weren't there,
11 and because of that situation, then I felt like I needed
12 to file for another hearing.

13 Additionally, there was some financial issues with
14 the parents as far as getting psychological evaluations
15 set up, and that kind of thing. So I filed a motion to
16 have a third temporary hearing.

17 Q Okay. And when was that hearing to be held?

18 A The hearing was scheduled for January the 27th of
19 2015. I filed a motion and sent notice to the parties of
20 the temporary hearing on January the 20th of 2015.

21 Q Okay.

22 A It was set as an expedited hearing.

23 Q Is that normal, an expedited hearing?

24 A Normally, you have five days notice as far as a case
25 is concerned, or more than five days notice. I asked for

1 it to be expedited. Because I just had some concerns
2 about what was going on.

3 Q With the children not being allowed to be with the
4 father?

5 A Yes.

6 Q And were you going -- and so were you going to make
7 recommendations about John Ferrell, the father, being
8 allowed to have unsupervised visitation?

9 A The -- we had -- that was to be considered. Because
10 that was part of what the Court said for -- whether it
11 would be my recommendation, along with the recommendation
12 of the children's counselor, who I had been working with.

13 If people don't agree to what I do, then I have to
14 file a motion and say this is what this side wants. They
15 can present their side, and this side, and have the judge
16 be able to decide.

17 Along with the third temporary hearing being set,
18 they knew it was going to address visitation. And that I
19 didn't -- I wasn't going to go back and say no visitation.
20 Because all the reports that I got from Visitation Express
21 said that visitation was going well.

22 It had been some period of time since the kids had
23 seen their father. And they were, also, young kids. So I
24 felt like they needed to graduate into whatever it looked
25 like.

Q The second temporary hearing?

1 A Yeah.

2 Q I apologize. Is it common in your field to have
3 supervised visitation of a child?

4 A Fairly common.

5 Q Okay. Are there, typically, extenuating
6 circumstances where there have been claims of abuse or
7 neglect? Is that, usually, what stems and leads to the
8 supervision?

9 A I think it could be that, but it could be other
10 reasons, too, such as you've got a very young child, or a
11 very young parent, or it's been a period of time that the
12 kids have not seen a parent that they don't have that kind
13 of bond with. I've had clients of my own that I've had to
14 hire Visitation Express just because I want to have a
15 witness there to say, you know, this is going okay.

16 Q Certainly. But in this particular case, there were
17 some pretty serious accusations; is that correct?

18 A Yes. On both sides.

19 Q Okay. On both sides. And let me just ask you -- I
20 think the Solicitor asked you. And I know, as a guardian,
21 you are in a very kind of delicate position as far as what
22 you can recommend to the Family Court. But can you tell
23 us, I guess, what -- were you going to recommend that Jane
24 Hughes have supervised visitation?

25 A Not at that point.

1 Q Not at that point. Okay. So there was never going
2 to be an issue with Ms. Hughes having supervised visits,
3 or having her visits restricted in some way?

4 A I wouldn't say that there was never going to be an
5 issue. Because I felt like that the reports that I had
6 from both sides and the Judge did, too, were significant
7 enough to report it to DSS. And around that time, DSS was
8 commencing an investigation.

9 Q Okay. But in your guardian's report, you were not
10 going to raise the issue that she should have supervised
11 visitation?

12 A Not at that point.

13 Q Okay. Did you recommend that both parties submit to
14 a psychological evaluation?

15 A Yes.

16 Q Did either party do that?

17 A No.

18 Q Do you know what the reason was for them failing to
19 complete that?

20 A Well, the second temporary hearing was October the
21 22nd -- 27th, excuse me. That's when the psychologicals
22 were ordered. I made contact, at that point, with -- I
23 think it was Dr. Gillespie. And I provided that
24 information to the father. I don't think either one of
25 them thought that the psychological evaluation, when

1 you're looking at child custody issues, was worth the kind
2 of money that it was. He said, I've got some difficulty
3 financially with doing that.

4 Q So it was a financial issue as to why he, at least,
5 didn't submit to the psychological evaluation?

6 A I could say financial. But, sometimes, it takes a
7 while to get a psychological scheduled, too.

8 Q Certainly.

9 A So, you know, when you're looking at between
10 October 27th and January 27th, and you've got Christmas
11 holidays, and those kind of things, it's not unusual that
12 they would not have been scheduled.

13 Q Was he ordered -- was Mr. Ferrell ordered to pay for
14 both his psychological evaluation, as well as Ms. Hughes?

15 A Can I look at the order and see?

16 Q Sure.

17 A I think he was. I'm pretty sure he was.

18 He was ordered to pay for both psychological
19 evaluations.

20 Q And those run about \$5,000 each; is that about right?

21 A Maybe \$3,000 each with her.

22 Q But it's a significant expense?

23 A Depending on what kind, too.

24 Q Okay.

25 A So if you're looking at just a straight

1 psychological, then that's not quite as expensive as a
2 full-scale child custody evaluation.

3 Q And you were recommending a full-scale one; is that
4 correct?

5 A Well, the judge said psychological evaluations.

6 Q Okay.

7 A So I, normally, reach out to the psychologist and I
8 say this is what you've got to do.

9 Q All right. And just to clarify. There was never, as
10 far as you know, any attempt to set up that appointment on
11 either parties behalf?

12 A As far as I know, no.

13 MS. TAYLOR: Thank you.

14 No further questions.

15 THE COURT: Mr. Johnson.

16 MR. JOHNSON: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. JOHNSON:

19 Q Ms. Mobley, have you ever met Jacob Hughes?

20 A I have not.

21 Q Okay. So he wasn't really part of the situation as
22 it was portrayed by the parents?

23 A Right.

24 Q Now, you said you had mediation scheduled in
25 February; is that correct?

1 A February the 10th.

2 Q And mediation is like a negotiation conference,
3 basically; is that right?

4 A Basically, yes.

5 Q All right.

6 A It's required in Family Court for any contested case.

7 Q And do you have to pay for that process?

8 A The mediation was scheduled at Upstate Mediation
9 Center, so they do that on a sliding scale.

10 Q Okay. Depending upon your income, you pay a little
11 bit, or depending upon your income, you might pay more?

12 A Right.

13 Q All right. Now, I believe you stated that -- that
14 Jane Hughes didn't have an attorney, initially; is that
15 correct?

16 A That's correct.

17 Q Now, were the parents, also, a party to the action?

18 A They were a party to the action at the first
19 hearing -- the first temporary hearing. Mr. Ferrell's
20 attorney named them as parties.

21 At the second temporary hearing where Visitation
22 Express was ordered, the Judge, I believe it was based
23 on -- on their request, removed them as parties to the
24 action.

25 Q Yes, ma'am. And when you don't have an attorney, you

1 represent yourself; is that correct?

2 A That's correct.

3 Q All right. So does the Judge hold you to the same
4 standards as he might hold an attorney as it relates to
5 the rules of evidence, and things of that nature.

6 A Judges do. But they, normally, in my experience,
7 question to make sure that the person is educated enough
8 to know what's going on, and that kind of thing. So --
9 but, yes.

10 Q All right. Now, when you're representing yourself
11 and there's going to be negotiations, and things of that
12 sort, or requests for information, you have to handle that
13 yourself; is that correct?

14 A Yes.

15 Q Okay. So you would be directly involved in any sort
16 of -- whether it's negotiations, or letters of
17 correspondence with the Court, things of that nature, you
18 have to do that yourself?

19 A Right. You have to name your address for the
20 purposes of serving anything on you.

21 Q And --

22 MR. JOHNSON: Your Honor, I have nothing further.

23 THE COURT: Any redirect?

24 MR. MOYER: No, Your Honor.

25 THE COURT: You may step down.

1 You're not released yet.

2 All right. Anything -- we're going to take a break.

3 All right. Ladies and gentlemen, this is our lunch
4 break. Hey, we're close to 12:00. We're getting better
5 at this.

6 So, at this point, I'm going to let y'all go to lunch
7 and be back at 1:30. And we will continue the case.

8 All right. Here's my four rules. Do not discuss the
9 case among yourselves or with anybody. Do not do any type
10 of research. Do not pay any attention to any media
11 coverage. And if you're contacted by anyone, please, give
12 that information to the bailiff.

13 Other than that, y'all have a good lunch. And we'll
14 see you at 1:30.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 11:56 a.m.)

17 THE COURT: All right. Anything from the State
18 before we break for lunch?

19 MR. MOYER: No, Your Honor.

20 THE COURT: Anything from Defendant Jane Hughes?

21 MS. TAYLOR: No, Your Honor.

22 THE COURT: And Jacob Hughes?

23 MR. JOHNSON: No, sir.

24 THE COURT: All right. We'll be ready to go at 1:30.

25 (WHEREUPON, a lunch break was taken.)

1 THE COURT: All right. Anything before we bring the
2 jury in from the State?

3 MR. MOYER: No, Your Honor.

4 THE COURT: Either Defendants?

5 MS. TAYLOR: No, Your Honor.

6 MR. JOHNSON: No, sir, Your Honor.

7 THE COURT: All right. Bring the jury in when
8 they're ready.

9 (WHEREUPON, the jury came into open court at
10 approximately 1:32 p.m.)

11 THE COURT: All right. I hope everybody had a good
12 lunch. We are now -- the State is still in their case.

13 So you may continue. Call your next witness,
14 Mr. Moyer.

15 MR. MOYER: Thank you, Your Honor.

16 May it please the Court.

17 The State calls Lester Martin.

18 THE CLERK: Mr. Martin, please place your left hand
19 on the Bible and raise your right hand.

20 WHEREUPON,

21 LESTER MARTIN,

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

23 THE CLERK: Please take a seat.

24 And state your name for the record.

25 THE WITNESS: Lester Martin.

DIRECT EXAMINATION

BY MR. MOYER

Q Okay. Mr. Martin, I'm going to ask you just a few questions. Okay. I'm going to allow you to get back to work.

Where do you work?

A Waffle House.

Q Okay. You work for Waffle House Corporation. How long have you worked for the Waffle House Corporation?

A A little over 29 years.

Q Over 29 years. And you're currently at the store in Simpsonville?

A Yes, sir.

Q And that's 3845 Grandview Drive?

A Yes, sir.

Q What is your position there?

A Unit manager.

Q Does that mean you are -- so do you kind of manage the -- you're the head manager there for the Waffle House?

A Yes, sir.

Q How long have you been at that particular Waffle House?

A A little over eight years.

Q Now, I just have a few questions for you about your surveillance camera system there at that Waffle House.

1 Well, first off, let me ask you, does that Waffle House
2 have one?

3 A Yes, sir.

4 Q Do all of the restaurants have security systems?

5 A All the corporate, yes, sir.

6 Q Okay. Are there multiple cameras at the one there in
7 Simpsonville?

8 A Yes, sir.

9 Q Do you know how many?

10 A Eight.

11 Q Okay. And where are -- are they inside and outside?

12 A We have six inside, two outside.

13 Q Okay. And those cameras -- excuse me. Do they
14 record what is being filmed?

15 A Yes, sir.

16 Q Okay. How long does the -- the -- your store, how
17 long would it keep those -- what is being recorded on the
18 camera?

19 A Roughly, about three months.

20 Q Okay. Now, what happens after that time?

21 A It goes to the corporate office.

22 Q Okay. And then do you know how long it's kept at the
23 corporate office?

24 A At least, two years.

25 Q Okay. But they're kept there for three months at the

1 actual restaurant itself?

2 A Yes, sir.

3 Q Okay. Now, the Waffle House is open 24 hours a day?

4 A Yes, sir.

5 Q Do the cameras record 24 hours a day?

6 A Yes, sir.

7 Q Now, the one, specifically, at 3845 Grandview Drive
8 where you are, does -- the security system and cameras,
9 are they in proper working order?

10 A Yes, sir.

11 Q Now, are there time stamps on the recordings?

12 A Yes.

13 Q Okay. And are they accurate?

14 A Yes, sir.

15 Q Now, is maintenance done to the security -- to the
16 surveillance system?

17 A Yes, sir.

18 Q And how often is that done, and how is that done?

19 A It's about once a year. A technician will come in
20 and check the modem, check the monitors, check all the
21 camera screens, do a basic checkup on the whole system.

22 Q Okay. And what would happen, like, if there is a
23 problem with the system? How would you know about it?
24 And what would you do about it?

25 A If we have a problem before the technician arrives,

1 we have either a black screen or a screen that has
2 complete lines all through it. Once we see that, we know
3 that we have a problem with that certain camera. And
4 that's when we call our security department at the home
5 office, which they would turn around and send someone out
6 to have that fixed.

7 Q Now, what is the purpose of having the cameras?

8 A It's primarily for training purposes.

9 Q And how are they used for training?

10 A They're used for training in situations when things
11 happen, how can we fix a situation from happening, how can
12 we do better at our job of dealing with the public.

13 Q Okay. Are they, also, used for customer complaints?

14 A Yes.

15 Q How so?

16 A If a customer were to call in and make a complaint,
17 then we can go back and look at the video and -- and see
18 if they're, actually, telling the truth, if this,
19 actually, happened, if it didn't happen.

20 Q Now, how -- how are you able to -- like, if someone
21 complains about a bill, how are you able to find when that
22 person was at the restaurant?

23 A Our time stamp with the cameras match up with the
24 time stamp of the transaction at the cash register.

25 Q So that's real important?

1 A Yes, sir.

2 Q Okay. Does law enforcement ever view or collect
3 video recordings from -- from you all?

4 A Yes, sir.

5 Q Does that happen fairly regularly?

6 A Not regularly, periodically.

7 Q Okay. And y'all don't have any problem with law
8 enforcement coming to look at them or --

9 A No, sir.

10 Q -- even get copies, if need be?

11 A No, sir.

12 Q Okay. Do you have any reason to believe that your
13 cameras were not in perfect and good working order on
14 January the 24th and 25th of 2015?

15 A No.

16 MR. MOYER: Nothing further of this witness.

17 THE COURT: All right. Any cross?

18 MS. TAYLOR: No questions, Your Honor.

19 THE COURT: Any cross?

20 MR. JOHNSON: No questions, Your Honor.

21 THE COURT: Thank you.

22 You may step down.

23 MR. MOYER: The State call Tim Nafziger.

24 THE CLERK: Please place your left hand on the Bible
25 and raise your right hand.

1 WHEREUPON,

2 TIMOTHY NAFZIGER, JR.,

3 after first having been duly sworn, testified as follows:

4 THE CLERK: Please take a seat.

5 And state your name for the record.

6 THE WITNESS: My name is Timothy Nafziger, Jr.

7 DIRECT EXAMINATION

8 BY MR. MOYER:

9 Q Would you spell your name for the court reporter?

10 A N-A-F-Z-I-G-E-R.

11 Q And where are you employed?

12 A The Greenville County Department of Public Safety
13 forensics division. I work in the DNA lab.

14 Q How long have you worked in the DNA lab?

15 A About four and a half years.

16 Q Okay. Did you have any work experience prior to
17 that, or was that right out of college?

18 A I had some experience teaching science courses at
19 Greenville Tech and Piedmont Tech, and teaching at
20 Brookmount [phonetic] Science Center, and some other
21 part-time teaching jobs.

22 Q Okay. Before we get into your education and
23 training, tell the jury what serology is, and what you do
24 as a serologist?

25 A Serology is the identification of human bodily fluids

1 on evidence as forensic serology. So most of my job
2 consists of screening evidence and taking samples to be
3 used for DNA analysis.

4 Q Okay. What do you mean by "screening evidence"?

5 A I may be looking for human bodily -- certain type of
6 human bodily fluids, depending on the type of case. Or I
7 may be swabbing something to collect DNA off of a
8 particular item of evidence.

9 Q Okay. And do you do the -- any actual DNA testing on
10 the items?

11 A I don't personally.

12 Q Okay. So there's someone else in your lab who does
13 that?

14 A That's right.

15 Q Do you do any kind of chemical tests on evidence that
16 is before you?

17 A I do some presumptive tests to screen for certain
18 bodily fluids.

19 Q Okay. And what kind of presumptive tests do you do?

20 A I use phenolphthalein to test for blood, if we do a
21 test for acid phosphatase for seminal fluid. We have
22 tests we can run for saliva and urine as well.

23 Q Now, would you tell the jury about your education and
24 training for this position, beginning with college?

25 A I have a Bachelor's Degree from Clemson in Biological

1 Sciences. I have a Masters Degree in Entomology from
2 Auburn University. Once I was hired at the DNA lab, I was
3 trained for about six months in serology before being
4 certified to work cases.

5 Q Okay. And when you say "certified," what do you mean
6 by that?

7 A Basically, I get approved by my technical leader.
8 And I, also, pass a proficiency test and work a certain
9 number of mock cases.

10 Q Okay. And who was the training done by?

11 A Dr. Kandala, our technical leader.

12 Q And is he the head of the DNA lab?

13 A Yes, sir.

14 Q The gentleman seated here on the second row?

15 A Yes, sir.

16 Q Okay. Have you testified in court?

17 A I have.

18 Q You've been qualified as an expert how many times?

19 A Seven times.

20 MR. MOYER: Your Honor, at this time, I would move to
21 have Tim Nafziger qualified as an expert in serology.

22 THE COURT: All right. Any objections or any
23 additional questions?

24 MS. TAYLOR: No objection from me, Your Honor.

25 MR. JOHNSON: No objection, Judge.

1 THE COURT: All right. Ladies and gentlemen, as I
2 told you before, a person who has been qualified as an
3 expert in this case in the field of serology and is able
4 to give their conclusions and opinions, based on their
5 testing -- or based on their experience. And you're to
6 consider that and give that the weight you feel is
7 appropriate.

8 MR. MOYER: Thank you.

9 BY MR. MOYER:

10 Q Now, Mr. Nafziger, let me bring your attention to the
11 case for which you were brought here to court today. Did
12 you handle some evidence in this case?

13 A Yes, sir.

14 Q When did you get the evidence that you -- that you
15 handled and that you processed?

16 A I received it on July 15th, 2015.

17 Q From where did you get it?

18 A Our property and evidence department.

19 Q Okay. And is that the property and evidence room at
20 the law enforcement center?

21 A That's correct.

22 Q Is your lab at the law enforcement center?

23 A No, sir.

24 Q Okay. And so you had to travel from your lab to the
25 law enforcement center to get it, the evidence?

1 A Yes, sir.

2 Q And you did so yourself?

3 A Yes, sir.

4 Q There wasn't an intermediary?

5 A No.

6 Q And there's a case number assigned to this case. Is
7 that how you were able to get the particular evidence for
8 this case?

9 A There's a case number. And then we assign a lab
10 number for our internal tracking.

11 Q Okay. And so they're all individual -- both the case
12 number and the lab number that you have are individual
13 numbers that you can keep cases separated by?

14 A That's correct. Yes.

15 Q Okay. Now, how many different pieces of evidence
16 were in your custody for this case?

17 A 20 items.

18 Q Okay. Now, when did you take action on the evidence
19 that you -- that you went and got?

20 A The week of July 21st.

21 Q Okay.

22 A It was a couple days, so a few days in there.

23 Q Okay. And then after you were done with the
24 evidence, processing and analyzing it, did it move on to
25 Dr. Kandala to do the DNA testing?

1 A The samples I took moved on to Dr. Kandala. The
2 original items that I picked up from property and
3 evidence, I repackaged, resealed, and returned to property
4 and evidence.

5 Q Okay. Now, we're going to go through the different
6 items of evidence you talked about. Was each one of them
7 given a number, each of these 20 different items?

8 A Yes, they were.

9 Q All right. So let's begin with Item #1. What was
10 Item #1, and what did you do with it?

11 A This was a swab of suspected blood from the exterior
12 of kitchen window blinds.

13 Q Okay. What observations did you make of that?

14 A I observed a reddish-brown stain on the tip of the
15 swab. I performed a presumptive examination with
16 phenolphthalein, which tested positive for the presence of
17 blood. And then I sampled the stain for DNA analysis as
18 Item 1-1.

19 Q And what do you mean by swabbing a -- or getting a
20 sample, swabbing a sample?

21 A I take -- when I'm sampling something -- or a swab in
22 this case, I take sterile scissors and I cut the stain, in
23 this case, and put it into a small two-milliliter plastic
24 tube with a snap lid. And I label that. And I then put
25 it into a small envelope, and seal it with evidence tape.

1 Q Okay. And then that was directed on -- and kept for
2 Dr. Kandala then to do the DNA testing?

3 A That's right. And that sample goes for further DNA
4 testing.

5 Q All right. Tell the jury -- what was Item #2?

6 A Item #2 was a swab of suspected blood from RSP-11, a
7 multicolored blanket.

8 Q Okay. And the multicolored blanket, then that was
9 RSP-10; is that correct?

10 A That's right.

11 Q Okay. And so tell us what observations you made
12 about that, and what you -- what actions you took.

13 A A visual examination revealed a reddish-brown stain
14 on the swab. A presumptive examination with
15 phenolphthalein tested positive for the presence of blood.
16 The entire swab was sampled for DNA analysis as Item 2-1.

17 Q Okay. Let me take you to Item #3. What was Item #3?

18 A A swab of suspected blood from a hammer with a black
19 handle.

20 Q Okay. And so this was -- tell us about your
21 observations of that swab, and what action you took.

22 A Visual examination revealed a reddish-brown stain on
23 the tip of the swab. A presumptive examination with
24 phenolphthalein tested positive for the presence of blood.
25 The entire stain was sampled for DNA analysis as Item 3-1.

1 Q Okay. Now, what was Item #4?

2 A Item #4 was the hammer with a black handle and
3 suspected blood from kitchen.

4 Q Okay. So this was not a swab then? This was the
5 actual item itself?

6 A That's right.

7 Q The actual hammer. What action did you take with the
8 hammer?

9 A The entire handle was swabbed. And the entire swab
10 sampled for DNA analysis as Item 4-1.

11 Q So what do you mean -- when you say the "entire
12 handle was swabbed," what do you mean by that?

13 A I take a swab, basically, like a Q-tip. I wet it
14 with some sterile water, moisten it with some sterile
15 water. And then I, basically, just scrub it on the item
16 with a lot of force and pressure. And I just swab the
17 entire area, the handle in this case.

18 And then I take that -- and that's to collect
19 whatever cells may be on the item that I'm swabbing. And
20 then, like I did with the blood swabs, I cut the cotton
21 tip of the swab into a small tube.

22 Q Okay. So is this looking for what is sometimes
23 called touch DNA --

24 A That's right.

25 Q -- or DNA that is left after somebody touches an

1 object?

2 A That's right.

3 Q Okay. What was Item #5?

4 A Item #5 was a blue hand towel with suspected blood
5 from a trash can in the kitchen.

6 Q Okay. What observation did you make of that, and
7 what actions did you take?

8 A A visual examination revealed three stains. There
9 was a faint smeared brownish stain, which was tested with
10 phenolphthalein with negative results. There was a small
11 reddish-brown stain on the towel, which tested negative
12 for phenolphthalein. And there was a large dark stain on
13 the hand towel that tested negative with phenolphthalein.

14 The stain -- the second stain, 5-2, was sampled for
15 DNA analysis by cutting it out of the towel.

16 Q Okay. Now, let me ask -- let me do a follow-up
17 question about the presumptive testing with the
18 phenolphthalein. That's the presumptive testing for
19 blood. Is there anything that can affect and give you a
20 false reading with phenolphthalein?

21 A There are. Basically, the way that the test works is
22 it's reacting with hemoglobin, which is a major component
23 of blood. And there are any number of chemicals that can
24 alter its ability to react with that. So, sometimes, it
25 can give a false negative.

1 Q Okay. So if there were, say, cleaning supplies, are
2 they -- could that be a chemical that could give you a
3 false reading on the phenolphthalein?

4 A Possibly.

5 Q Okay. Let me take you to Item #6. What was that?

6 A Tan Converse One Star pants with suspected blood
7 taken from Jane Hughes.

8 Q Okay. And what -- was there an item number listed
9 with that?

10 A Items -- well, our item was Item #6. The case item
11 number was 2-TW.

12 Q Okay. And what observations and what actions did you
13 take?

14 A A visual examination revealed several stains. Two
15 stains were tested. The stains -- let me look at my
16 report. There was a large, reddish-brown stain on and
17 above the back right pocket of the tan pants of the item
18 that was labeled as 6-1. A presumptive examination with
19 phenolphthalein tested positive for the presence of blood.
20 And the stain was sampled for DNA analysis as Item 6-1-1.

21 Q Okay.

22 A Then I, also, tested the largest of several small
23 smeared stains on the middle back of right leg of the tan
24 pants. Presumptive examination with phenolphthalein
25 tested positive for the presence of blood. It was, also,

1 sampled as 6-2.

2 Q So you took samples from two different stains on
3 these pants belonging to Jane Hughes?

4 A That's right.

5 Q What was Item #7?

6 A Dark gray, Green Teas long-sleeved shirt with
7 suspected blood taken from Jane Hughes. And in this case,
8 Item #3-TW.

9 Q Now, by Green Tea, that's the word -- that's a brand;
10 right?

11 A Yes. It was in quotes, I put it in quotes in my
12 report. That's what was written on the shirt.

13 Q So Green T-E-A; right?

14 A That's correct.

15 Q Okay. And so what were your observations of this
16 shirt, and what did you do with it?

17 A A visual examination revealed two stains. The stains
18 were -- stain labeled 7-1 was a dark stain on the middle
19 right sleeve of dark gray shirt. Presumptive examination
20 with phenolphthalein tested positive for the presence of
21 blood. And that stain was sampled as Item 7-1.

22 There was, also, a large dark stain on the lower
23 right hem of dark gray shirt. Presumptive examination
24 with phenolphthalein tested positive for the presence of
25 blood. That stain was, also, sampled as Item 7-2.

1 Q Okay. What was Item #8?

2 A Item #8 was a swab from the grip of Glock 45-caliber
3 gun, serial number ALD680. Case item number was RSP-B.

4 Q And what did you do with that?

5 A I just simply sampled the entire swab for DNA
6 analysis as Item 8-1.

7 Q So you didn't check for blood?

8 A There was no reddish-brown stain, so I didn't check
9 for blood.

10 Q - And Item #9?

11 A That was a swab from the trigger of Glock 45-caliber
12 gun, serial number ALD680. That swab, also, was sampled
13 for DNA analysis as Item 9-1.

14 Q And what was Item #10?

15 A Blue jeans, apparently, Authentic's brand, I put that
16 in quotes, Authentic's in quotes, size 40 waist, 30
17 length. Case item number is DS-4.

18 Q Okay. And these were the -- the pants of the victim
19 that were taken from the autopsy?

20 A They were not -- I don't have that in my report. But
21 that's possible.

22 Q Okay. And tell us what you did with that.

23 A A visual examination revealed five stains. So we
24 have 10-1 was a reddish-brown stain on the middle front
25 left leg of the jeans, which tested positive for the

1 presence of blood with phenolphthalein. And that was
2 sampled as Item 10-1.

3 We have a small reddish-brown stain on the side of
4 the left leg of jeans, which tested positive for blood
5 with phenolphthalein. It was sampled for DNA analysis as
6 Item 10-2. We had a reddish-brown stain on the upper
7 front right leg of jeans. It tested positive for the
8 presence of blood with phenolphthalein. It was sampled
9 for DNA analysis as 10-3.

10 We had reddish-brown stains on the seat area of
11 jeans. They tested positive for the presence of blood
12 with phenolphthalein, and was sampled for DNA analysis as
13 Item 10-4.

14 We had reddish-brown stains on back of right leg of
15 jeans, which, also, tested positive for the presence of
16 blood with phenolphthalein. And it was sampled for DNA
17 analysis as Item 10-5.

18 Also, on -- the inside and outside of the rear waist
19 of the blue jeans was swabbed with a single swab. And the
20 swab was sampled for DNA analysis as 10-6.

21 Q Okay. Now, Item #11 -- what was Item #11?

22 A Plaid boxers from victim.

23 Q Okay. And what was the law enforcement item number
24 for that?

25 A DS-5.

1 Q Okay. And what observations, and what did you do?

2 A A visual examination revealed one stain. It was a
3 reddish-brown stain on the right front of boxers.
4 Presumptive examination with phenolphthalein tested
5 positive for the presence of blood. The stain was sampled
6 for DNA as Item 11-1. The entire outside of rear waist
7 and inside of rear waist were swabbed with separate swabs.
8 And the swabs were sampled for DNA analysis as Items 11-2
9 and 11-3, respectively.

10 Q Okay. What was Item #12?

11 A Black No Boundary shirt from victim. The shirt
12 appeared to be covered in possible blood. The bottom hem
13 of the shirt was ripped approximately two-thirds of the
14 way around the shirt. The torn portion of the bottom hem
15 was swabbed and the entire swab sampled for DNA analysis
16 as Item 12-1.

17 The dark dried material on the left shoulder area was
18 swabbed. A presumptive examination with phenolphthalein
19 tested positive for the presence of blood. The entire
20 swab was sampled for DNA analysis as Item 12-2.

21 The dark dried material on the right shoulder area
22 was swabbed. A presumptive examination with
23 phenolphthalein tested positive for the presence of blood.
24 The entire swab was sampled for DNA analysis as Item 12-3.

25 Q Please tell the jury about Item #13 and #14.

1 A Item #13 was fingernails from the right hand of John
2 Michael Ferrell. And Item #14 is fingernails from the
3 right hand of John Michael Ferrell. The case item numbers
4 were DS-10 and DS-11. In both cases, all material was
5 sampled for DNA analysis as Items 13-1 and 14-1,
6 respectively.

7 Q Okay. And then what were items -- well, what was
8 Item #15?

9 A Item #15 was the blood spot of John Ferrell.

10 Q Okay. And what is a blood spot?

11 A It's, basically, some -- a few drops of blood that
12 are dried on a card by the coroner that is used as a known
13 DNA sample for comparison to evidence.

14 Q Okay. And so that would be something that was,
15 actually, taken from -- we know was taken from that person
16 that then can be used to sample -- or test against all the
17 other items that were taken?

18 A It's a reference that's used to compare any profile
19 they may find off of the evidence.

20 Q So #15 was a blood spot of John Ferrell?

21 A That's right.

22 Q And what were #16 through #20?

23 A Item #16 were buccal swabs of Andrew Martin. Item
24 #17, buccal swabs of Jane Hughes. Item #18, buccal swabs
25 of Margaret Hughes. Item #19, buccal swabs of Jacob

1 Hughes. And Item #20, buccal swabs of John M. Hughes.

2 Q What is a buccal swab?

3 A It's a swab of the inside cheek in your mouth. So,
4 basically, a swab from inside the mouth.

5 Q How do you spell "buccal" in this scenario?

6 A B-U-C-C-A-L.

7 Q So it's not like a belt buckle. So it's buccal
8 referring to the cheek; right?

9 A The mouth cavity. The term is the buccal cavity,
10 which is where that comes from.

11 Q So what is the purpose of a buccal swab?

12 A You're collecting, basically, skin cells from saliva
13 inside the mouth.

14 Q And what is that to be used for?

15 A That's, also, used as a reference to compare to
16 whatever profiles may come from the evidence.

17 Q So it's used for the same reason as that blood spot
18 that's gotten from the victim?

19 A That's right. We take buccal swabs from living
20 people and blood swabs if the person is deceased,
21 typically.

22 Q Right. So Items 15 through 20, then, were the known
23 samples from the five people -- or six people that were
24 using to test against those other 14 items?

25 A That's right.

1 Q Okay. Now, after you finished processing all of this
2 evidence, tell us what you did with the samples that you
3 took to be used for DNA testing.

4 A Each sample that I took was, as I said, put in a
5 tube, sealed in an envelope. A bar code label was made on
6 our filing queue system, which is our evidence tracking
7 system, with the sub-item numbers. And then these items
8 were stored in DNA freezer one.

9 Q And they were put there for what reason?

10 A For further DNA analysis.

11 Q Okay. So all of those items that you took the
12 samples from, like the victim's clothes, Jane Hughes'
13 clothes, the hammer, those other items, what did you do
14 with those items when you were finished sampling them?

15 A All items were resealed into their original packaging
16 and returned to property and evidence.

17 Q And you did that -- you did that yourself?

18 A Yes.

19 Q Okay. One moment, please.

20 Oh, when did that take place as far as returning
21 those items?

22 A Let me look at my notes.

23 Q Okay.

24 A July 29th, 2015.

25 MR. MOYER: Okay. One moment, please.

1 (Pause.)

2 MR. MOYER: Okay. Please answer any questions the
3 Defense may have.

4 THE COURT: Ms. Taylor.

5 MS. TAYLOR: Thank you, Your Honor.

6 May it please the Court.

7 CROSS-EXAMINATION

8 BY MS. TAYLOR:

9 Q So you testified that you tested the rag that was
10 found in the trash can with phenolphthalein and got a
11 negative result; is that correct?

12 A That's correct.

13 Q And the Solicitor asked you what types of
14 circumstances could happen that would occur for that to be
15 a false negative; correct?

16 A That's right.

17 Q And you said that bleach was one of those -- or
18 cleaning supplies could possibly lead to a false negative;
19 is that correct?

20 A Possibly.

21 Q Do you use bleach or cleaning supplies in your lab?

22 A I do. I wipe down the tables before we analyze
23 evidence with bleach.

24 Q Okay. And what would you say -- how often do you
25 produce false negatives?

1 A Very rarely, at least, that I know of. I mean, the
2 problem is I don't know what it's supposed to be. So if I
3 get something that's negative, I don't know for sure that
4 it's a false negative or a real negative. Because I don't
5 know what it really is.

6 Q Correct. Obviously. Is there any way that LCV or
7 Leucocrystal Violet could cause a false negative?

8 A Based on what I understand, it's not supposed to.

9 MS. TAYLOR: Okay. Thank you.

10 No further questions.

11 THE COURT: Mr. Johnson.

12 MR. JOHNSON: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. JOHNSON:

15 Q Do I call you doctor? Are you a doctor?

16 A I'm not a doctor.

17 Q You're not a doctor. What's your -- what's the
18 abbreviation you might use?

19 A Well, with a Master's Degree, it's an MS degree. But
20 you can just call me Mr. Nafziger.

21 Q Okay. I'll do that.

22 All right. So I just -- y'all went over all the
23 things that you did. It appears that, basically, you
24 gathered items for further testing as related to blood and
25 DNA. Is that, essentially, what you did?

1 A I examined the items that the investigator requested.

2 Q Okay. And then you gathered -- you took samples from
3 some of it to be tested further; correct?

4 A That's right.

5 Q So just some of the things, you -- Item #5 was the
6 hand towel; correct?

7 A That's right.

8 Q And I believe you sent that to be DNA tested;
9 correct?

10 A I did.

11 Q And then Item #2 was the blanket?

12 A I never, actually, saw the blanket. I received a
13 swab from the blanket.

14 Q So it was -- on the sample that you dealt with, it
15 was indicated as being from the blanket?

16 A That was what it was labeled as.

17 Q So if that was correct, you sent an item from -- that
18 was sampled, initially, from the blanket to be tested for
19 DNA as well?

20 A That's right.

21 Q All right. Items 10, 11, and 12 were, essentially,
22 the victim's clothing?

23 A Yes.

24 Q Again, did you have the actual clothing, or did you
25 have a sample from the clothing?

1 A In this case, I had the actual clothing.

2 Q All right. And it looks like Item #12, you,
3 actually, noticed there was a rip in the item?

4 A That's right.

5 Q And you took that -- you took those items and you had
6 those sampled for DNA testing as well; is that correct?

7 A I will have to look in my report to know exactly.

8 Q Yes, sir.

9 A So, yes. I swabbed the torn portion of the hem and
10 sampled that for DNA.

11 Q Okay. Did you sample Items 10 and 11, too, for DNA
12 testing?

13 A I did.

14 Q And then Items 13 and 14 were swabs from under the
15 victim's fingernails?

16 A They were the actual fingernails.

17 Q Oh, you, actually, had the fingernails?

18 A Fingernail clippings, yes.

19 Q And then you took a sample from there to be DNA
20 tested as well?

21 A In that case, I just take the fingernail clippings
22 and put them into -- into a tube to be tested.

23 Q Okay. And what was the -- can you confirm the date
24 that you did this work?

25 A I'd have to look at my notes. It was over several

1 days.

2 July 20th, July 21st, July 22nd, July 23rd,
3 July, 24th. I think that's it.

4 Q Okay.

5 A All of 2015.

6 Q Yes, sir. And you issued a report. What's the date
7 of your report?

8 A The report date is September 10th, 2015.

9 Q When you do the report, where is -- where does the
10 report go? Do you give it to somebody certain?

11 A Someone -- another analyst in the lab reviews the
12 report, checking your work, basically, to make sure
13 everything is accurate.

14 Q Do you know if they produce that report to the
15 Solicitor or law enforcement? Do you know where it goes
16 after that?

17 A We -- we bring a copy over to our captain. And from
18 there, she sends it to where it needs to go. I don't know
19 past there.

20 Q You, also, referenced touch DNA. And that's
21 transferred from someone touching something?

22 A Basically.

23 Q If someone has a prolonged or a rougher touch, would
24 DNA be prone to transfer more easily?

25 A That would be a better question for a DNA analyst.

1 MR. JOHNSON: Absolutely.

2 Thank you.

3 THE COURT: All right. Any redirect?

4 MR. MOYER: No, Your Honor.

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

6 MR. MOYER: The State calls Dr. Kandala.

7 THE CLERK: Please place your left hand on the Bible
8 and raise your right hand.

9 WHEREUPON,

10 JAGANNADHA KANDALA,

11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 Take seat.

14 And please state your name for the record.

15 THE WITNESS: Jagannadha Kandala.

16 DIRECT EXAMINATION

17 BY MR. MOYER:

18 Q Dr. Kandala, would you, please, spell your name for
19 the court reporter?

20 A Do you want the full name to spell?

21 Q Yes, as you just told the Court.

22 A Okay. J-A-G-A-N-N-A-D-H-A, that is my first name.

23 And last name is Kandala, K-A-N-D-A-L-A.

24 Q Okay. Very good.

25 Thank you, Dr. Kandala.

1 All right. Would you tell us, please, where you are
2 employed?

3 A I'm employed with the Greenville County Department of
4 Public Safety.

5 Q Okay. And what -- what area in the Greenville County
6 Department of Public Safety?

7 A I'm in the DNA section of forensics science.

8 Q The forensics science department?

9 A Yeah.

10 Q Does that include DNA analysis?

11 A Yes.

12 Q Okay. Are you, actually, head of the lab?

13 A I head the lab, yes. I oversee the whole work in the
14 lab.

15 Q You oversee the work in the lab?

16 A Yeah.

17 Q Okay. And what all do you do in the lab?

18 A In addition to being the supervisor of the lab, I,
19 also, do the DNA analysis.

20 Q Okay.

21 A And then I make the reports from the DNA analysis.

22 Q So you do DNA analysis?

23 A Yes.

24 Q Tell the jury about your background learning about
25 DNA analysis, and your experience doing this kind of work.

1 A I have a Bachelor's Degree in Biology and Chemistry.
2 And I have a Master's Degree in Chemistry.. And I have a
3 Master's in Microbiology, and a Ph.D. in Biochemistry.

4 I worked in the research pertaining to DNA for about
5 25 years. And then I moved into forensics. And then in
6 forensics, I have worked about 21 years doing DNA.

7 Q You've been doing DNA lab work for about 21 years
8 then?

9 A About 19 years as a DNA analyst. And a little while,
10 I was a technician, part-time.

11 Q How long have you been with the Greenville lab doing
12 DNA analysis?

13 A Coming May, it will be 10 years.

14 Q 10 years in May?

15 A Yeah.

16 Q And where did you work prior to that?

17 A Prior to that, I joined in 1997 the St. Louis
18 Metropolitan Police Department as a DNA analyst. And from
19 there, I moved to California Sheriff Department in San
20 Bernardino.

21 Q The police department in San Bernardino?

22 A Yes -- the sheriff's department.

23 Q The sheriff's department?

24 A Yes.

25 Q For their DNA lab?

1 A Yes.

2 Q And over these 19 years, have you testified in court
3 and been qualified as an expert in DNA analysis?

4 A Yes, several times.

5 Q Okay. Do you keep track of how many times?

6 A No. I have not kept track.

7 Q Okay.

8 A It's a long journey.

9 Q Okay. More than 10 times? More than 20? I mean,
10 can you give us an estimate how many times?

11 A It could be 20 -- more than 25 times, definitely.

12 Q More than 25 times?

13 A Yes.

14 Q Would you tell the jury what DNA is, and then what a
15 DNA analyst does?

16 A DNA is the blueprint that every living organism has
17 in its cells. And it is passed on to the next generation.
18 And the DNA analysis we do for forensic work is a small
19 portion of the DNA, which we call physical DNA in the --
20 because the human DNA, particularly, has too much portion
21 of your DNA. It is not any useful. About 10 percent has
22 got it, good usage.

23 So we are looking at most DNA that is present in the
24 human beings. But it differs from human being to human
25 being. So we are using that point in order to say that

1 every person is unique in the DNA.

2 So we use that property and then do the DNA analysis
3 to prove that the DNA that we find is unique to that
4 person who has left it at the crime scene, or any place.

5 Q Okay. And so you said it's kind of a blueprint. And
6 so are you able to say that everyone's DNA is unique; is
7 that correct?

8 A Yes.

9 Q Okay. And that's sort of the basis for how you do
10 your testing is by trying to find matches with known
11 samples?

12 A Yes.

13 Q Against samples -- or against DNA that is left at
14 crime scenes?

15 A Yes.

16 MR. MOYER: Your Honor, at this time, I would move to
17 have Dr. Kandala qualified as an expert in DNA analysis.

18 THE COURT: All right. Any objection, or additional
19 voir dire?

20 MS. TAYLOR: No objection, Your Honor.

21 MR. JOHNSON: No objection.

22 THE COURT: So since there's no objection from either
23 Defendant, I will qualify him as an expert in DNA
24 analysis.

25 And, ladies and gentlemen, as I told you before, when

1 somebody has been qualified as an expert in this field of
2 DNA analysis, they're allowed to give their opinions,
3 based on their experience in their particular field. And
4 you're to give it the weight which you feel is
5 appropriate.

6 MR. MOYER: Thank you, Your Honor.

7 THE COURT: You may proceed.

8 BY MR. MOYER:

9 Q Okay. Dr. Kandala, did you receive evidence in this
10 case to analyze for DNA matching?

11 A Yes.

12 Q Did you receive the swab samples that were provided
13 and prepared by Mr. Nafziger, who just testified a few
14 moments ago?

15 A Yes.

16 Q All right. Did you, also, receive the buccal swabs
17 of the five people who were charged, John Hughes, Jane
18 Hughes, Jacob Hughes, Margaret Hughes, and Andrew Martin,
19 as well as the blood spot of the victim, John Ferrell?

20 A Yes.

21 Q So you had those six items as your known samples to
22 do the testing; is that right?

23 A Yes.

24 Q Okay. When did you receive all of the evidence that
25 you analyzed in this case?

1 A Basically, when Nafziger has done his serology, he
2 keeps -- stores them in the freezer that we have in the
3 DNA lab. And I took those samples on August 11, 2015 --

4 Q Okay.

5 A -- for DNA.

6 Q Okay. And you took them from the freezer where
7 doctor -- I'm sorry, where Mr. Nafziger had put those
8 items?

9 A Yes.

10 Q Correct?

11 A Yes.

12 Q And what was the time frame that you had all of those
13 items in your possession for purposes of doing the
14 analysis?

15 A Normally, on the same day I take them from the -- for
16 my sampling and then use them immediately for analysis.

17 Q Okay. So you started doing the analysis then in
18 August of -- August 11th of 2015?

19 A Yes.

20 Q Now, when you finished using all of those items, what
21 did you do with those items?

22 A Normally, what happens is when he takes the sample
23 and puts it in the tube, the whole sample is used by me.
24 But there's an extra sample that goes back into the
25 freezer.

1 So most of the samples here, what I do is when I
2 return them, I say that the sample has gone into the
3 freezer if there is some sample left. If the sample is
4 not left, we say that all the sample is used in analysis.

5 Q Okay. What I'm going to do now is I'm going to go
6 through the different items that Mr. Nafziger had prepared
7 for you.

8 A Yes.

9 Q And using his item numbers, I'm going to ask you to
10 tell the jury what the results of your testing was.

11 A Yes.

12 Q So let's start with Item #1-1 that Mr. Nafziger
13 identified as a swab of suspected blood from the kitchen
14 window blinds, RSP-8. What was the result of your
15 analysis for that swab of suspected blood?

16 A The swab is a match to John Michael Ferrell and is
17 the -- he is the source of this DNA to a reasonable degree
18 of scientific certainty.

19 Q Now, tell the jury what you mean by "a match." What
20 significance does that have?

21 A The population -- human population on this earth is
22 about 78 billion, roughly, with all the indifference that
23 is happening every day. When we statistically approach
24 the value, if it is that the profile of the DNA that I
25 found is one in more than 300 billion, one in more than

1 300 billion, then I will call as a possible match.

2 Q Okay.

3 A To a reasonable degree of scientific certainty.

4 Q So if the probability, if I understand what you said,
5 is more than one in 300 billion --

6 A Yes.

7 Q -- then you call it a match?

8 A Yes.

9 Q Because the population of the earth is between seven
10 and eight billion?

11 A Yes. So what we're looking at is what we call a
12 confidence level. So multiplying by the confidence level,
13 you are doing -- so that there's no doubt about it.

14 Q Okay.

15 A So one in eight billion is the entire population on
16 this earth. We are looking at more than one in 300
17 billion.

18 Q Okay. So that was Item 1.1, the swab from the
19 kitchen window blinds.

20 Now, let's move to Item 2-1, the swab of blood from
21 the quilt. What was your --

22 A This is the same as the previous one. It is from
23 John Michael Ferrell. And he is the source of this DNA to
24 a reasonable degree of scientific certainty.

25 Q So you called that a match to the victim, John

1 Ferrell, as well?

2 A Yes.

3 Q Item 3-1, the swab of blood from the hammer.

4 A That DNA is also -- is from John Michael Ferrell.

5 And he is the source of this DNA to a reasonable degree of
6 scientific certainty.

7 Q So that was a match, also?

8 A Yes.

9 Q Now, Item 4-1, which is the swab that Mr. Nafziger
10 did from the handle of the hammer?

11 A Yes.

12 Q What is the result of your examination of that?

13 A This DNA -- because we have certain ways to make the
14 difference, this is not a single profile. It is a mixture
15 of two people.

16 Q Okay.

17 A And depending -- using them in a mathematical
18 calculation of the [inaudible] that comes out, we can
19 separate the organism, major contributor and minor
20 contributor. In this case, we will do that. And the
21 major contributor is John Michael Ferrell and the -- and
22 he is the source of this DNA to a reasonable degree of
23 scientific certainty. So the major contributor in this
24 mixture is John Michael Ferrell.

25 Q Okay. And what about the other contributor to that

1 mixture?

2 A The minor contributor from this mixture matches the
3 DNA of Jane Hughes.

4 Q Matches Jane Hughes?

5 A Yes.

6 Q Okay.

7 A Excluding any other, Jane Hughes is the source of
8 this DNA to a reasonable degree of scientific certainty.

9 Q So if I got you right, so from the handle of the
10 hammer --

11 A Yes.

12 Q -- it matched both John Ferrell and Jane Hughes?

13 A Because we could separate. And the -- whenever we
14 separated that, we made the calculation. And the
15 calculation has given us still as a -- that is the source
16 that is a match.

17 Q Okay. Let's move to Item 5-2, which was the blue
18 hand towel with suspected blood from the trash can. What
19 was your result of testing of that?

20 A This DNA is, also, a -- kind of a mixture. But most
21 of the DNA is John Michael Ferrell.

22 Q Okay.

23 A The other portion that looks like a small place you
24 see in there is a trace contributor, which we could not
25 define. Because it is merely small places that we could

1 see, minimal places that we analyzed. And the --
2 excluding -- John Michael Ferrell is the source of this
3 DNA to a reasonable degree of scientific certainty.

4 Q So the minor contributor then was --

5 A I wouldn't even call it a minor. It is only a trace.

6 Q Just a trace?

7 A Yes.

8 Q So it was so small, you weren't able to make any kind
9 of match?

10 A Yes. Define it even, yes.

11 Q Okay. That leads me to a question about -- what is
12 touch DNA?

13 A Touch DNA comes from -- basically, it is your skin
14 cells that you deposit on any place when you touch
15 something.

16 Q Okay. And every time you touch something, does it
17 always leave enough behind to do DNA testing?

18 A That is -- that cannot be said. It depends on the
19 person and at the time of the -- what is the nature -- the
20 condition of the person. Did he hold it hard or low? Is
21 he sweating a lot? All kinds of things, physiological
22 things will tell whether a lot of material has been
23 deposited or no material is deposited that cannot be
24 defined. It's a situation.

25 Q So it's very situational?

1 A Very situational.

2 Q Sometimes, you would leave it behind, sometimes, you
3 might not?

4 A And you may leave more, you may leave less, depending
5 on the -- how you are, what your physiological state is,
6 are you sweating too much, are you in fear. So all of
7 these things will come into play.

8 Q How about environmental factors like moisture or, you
9 know, factors like that that could come into play? Can
10 that sometimes --

11 A No. Of course, heat -- you may sweat a lot.

12 Q Okay.

13 A At that point, if you touch, you're leaving more
14 material, so it can be possible, yes.

15 Q All right. Let's move to Item 6-1-1, which was the
16 cutting of the reddish-brown stain above the right pocket
17 of Jane Hughes' pants. What was your result of your
18 testing of that?

19 A This is a mixture of DNA, again, of two individuals,
20 a major and a trace contributor.

21 Q Okay.

22 A The major contributor matches John Michael Ferrell.
23 And John Ferrell is the source of this DNA to a reasonable
24 degree of scientific certainty.

25 Q Okay. So the main contributor was the victim, John

1 Ferrell?

2 A Yes.

3 Q And were there other trace contributors that you were
4 able to identify?

5 A The -- because it is a trace contributor, you cannot
6 match DNA.

7 Q Okay.

8 A But looking at the points which are the trace
9 contributor, we can say at different loci, it may be Jane
10 and Jacob Hughes.

11 Q Okay. So it might be Jane and Jacob Hughes, but you
12 couldn't call it a match?

13 A No. It's only a possibility. It may not be, it may
14 be.

15 Q But you could call it a match to John Ferrell, the
16 major contributor?

17 A Yes.

18 Q Item 6-2, which was a cutting of a small smeared
19 stain on the middle back of Jane Hughes's right leg pant
20 pocket?

21 A It is very similar to the previous one.

22 Q Okay.

23 A And the major contributor is John Michael Ferrell.
24 And the trace contributor can be -- may be both Jane and
25 Jacob Hughes.

1 Q Okay. But it was a match to John Ferrell, the
2 victim?

3 A Yes.

4 Q Okay. Now, let's move on to Item 7-1, the cutting of
5 blood stain from the right sleeve of Jane Hughes' shirt.
6 What was the result of your testing on that?

7 A Literally, the same as the previous -- both of those.

8 Q The same thing, a match to the victim?

9 A And trace probably is from those other two people.

10 Q Okay. Item 7-2, a cutting of a blood stain from the
11 lower right hem of Jane Hughes' shirt?

12 A The DNA that was obtained from 7-2 is not sufficient
13 for the -- for the processing. The quantity that we
14 received, I estimated it is not enough for the analysis.
15 So nothing is done on that.

16 Q So it wasn't a sufficient sample for you to do
17 testing; is that right?

18 A Yes, for the analysis -- for the profile analysis.

19 Q Okay. Now, Items 8-1 and 9-1 were swabs from the
20 pistol, from the grip of the pistol and from the trigger.
21 Were you able to do DNA testing on those swabs?

22 A I did test those two from the gun. And there's no
23 DNA profile that we could see on these.

24 Q And so you weren't able to get a DNA profile?

25 A No.

1 Q Okay. And so a swabbing from a gun then, once again,
2 you would be looking for touch DNA?

3 A Yes.

4 Q And so --

5 A From the grip where normally a person grips, the DNA,
6 and, also, the trigger, the finger is -- would emit
7 pressure there.

8 Q Okay. So this would be an example of where, for
9 whatever reason, the touch DNA was not left behind on that
10 surface?

11 A Many reasons for DNA touch. Somebody might have --
12 handle it. Somebody -- whatever have happened, it's hard
13 to say. It may be somebody was wearing gloves. All of
14 those things will come into point.

15 So what we can say is if it is swabbed and when I
16 swab it and do the quantification on the material, if I do
17 the quantification and there's a second amount of DNA I
18 had to get back in order to do the analysis. In fact, I
19 did not get enough DNA on that. But that being the only
20 weapon that was found, I went on to do the analysis with
21 the swabs. And I did not get anything.

22 Q Okay. Let's move on now to 10-1 through 10-6, which
23 were swabs from the stains on the victim's blue jeans.
24 What was the result of your testing of those items?

25 A 10-1 through 10-6, basically, has given the profile

1 of John Michael Ferrell.

2 Q Okay.

3 A And he was the source of the DNA.

4 Q Okay. And so the blood on his pants then matched?

5 A It matched, yes.

6 Q Okay. Items 11-1, 11-2, and 11-3, which were
7 cuttings from stains from John Ferrell's boxer shorts.

8 What were you able to determine from your testing of those
9 items?

10 A Basically, the DNA is same as before. 11-3 -- 11-1
11 and 11-2 is John Michael Ferrell. And 11-3, also, matches
12 the DNA of John Michael Ferrell.

13 Q Okay. So the swabs from his boxers matched him?

14 A Yes.

15 Q Items 12-1, 12-2, and 12-3 are swabs from John
16 Ferrell's black shirt. What was the result of your
17 testing of the swabs from his shirt?

18 A These swabs are, also, a match to John Michael
19 Ferrell. And he is the source of this DNA to a reasonable
20 degree of scientific certainty.

21 Q Okay. And then, finally, the fingernail scrapings,
22 Items 13-1 and 14, were you able to get any -- do any DNA
23 testing from those?

24 A Those are, also, the DNA of John Michael Ferrell.
25 And he is the source of the DNA.

1 Q Okay. So the fingernails just matched himself, John
2 Ferrell?

3 A Yes, yes.

4 MR. MOYER: Okay. One moment, please.

5 (Pause.)

6 MR. MOYER: Okay. Please answer any questions the
7 Defense has.

8 THE WITNESS: Yes.

9 THE COURT: Cross-examination, Ms. Taylor.

10 MS. TAYLOR: Thank you, Your Honor.

11 May it please the Court.

12 CROSS-EXAMINATION

13 BY MS. TAYLOR:

14 Q Dr. Kandala.

15 A Yes.

16 Q You were just detailing some circumstances that make
17 DNA, I guess, easier to pick up. Would sweating --

18 A I did not say "pick up."

19 Q Okay. Sorry.

20 A How did it transfer. That was the questioned asked.

21 Q I'm sorry. Can you repeat that?

22 A He asked the question how the DNA gets transferred,
23 touch DNA.

24 Q Okay. Transferred.

25 A That's all he said. But nobody sees that DNA. It's

1 not visible. It just gets transferred.

2 Q Got you.

3 A Yes.

4 Q So if you were sweating profusely, would I be
5 transferring more or less DNA?

6 A Normally, that is more DNA.

7 Q More DNA?

8 A Yes.

9 Q If I was drinking a lot of alcohol, would I be
10 transferring more or less DNA?

11 A That doesn't matter.

12 Q Alcohol doesn't have an effect?

13 A No.

14 Q Okay. Does DNA go away, like, can it fade?

15 A No.

16 Q Okay.

17 A Unless somebody has gone to the same spot and then
18 they have -- they clean it. They have put their hand
19 there at the same place hard enough to remove that other
20 DNA.

21 Q Okay. So if someone touches one spot and then
22 another person touches the exact same spot, would there be
23 DNA of both people?

24 A Yes.

25 MS. TAYLOR: No further questions.

1 Thank you.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q Dr. Kandala, I represent Jacob Hughes. And you had
7 his sample to compare, as you just testified to; is that
8 correct?

9 A Yes.

10 Q Okay. And it looks like there was one item that
11 appeared to be Jane Hughes' clothing where you found the
12 victim's blood. And then you weren't sure whether the
13 other DNA sample was Jane or Jacob Hughes; is that
14 correct?

15 A No, not that way. It is probably both of them.

16 Q Okay.

17 A But I did not -- it is not a matter -- what happens
18 is when you do a DNA analysis, what you get is a profile.
19 In this profile, you -- we look at the profile in numbers.
20 Because the DNA size differs from person to person in
21 those pieces of DNA that we look at here.

22 So when you have the known DNA and you are comparing
23 this mixture -- okay -- you have a major allele that is
24 the victim. And when I look at the -- those trace
25 numbers, the test numbers -- go and whatever small number

1 of places I could see, three or four, or whatever, they
2 looked to be the same as that I've seen in the known
3 sample. So it is not a match, I'm saying. But maybe they
4 are there.

5 Q Okay.

6 A Yes.

7 Q Now, I'd like to elaborate on that. When we're
8 talking about brother and sister --

9 A Yes.

10 Q -- and we're talking about a DNA profile, the
11 difference in between their profiles would be small; is
12 that correct?

13 A It depends on how they have inherited those alleles
14 from the father and mother.

15 Q Okay.

16 A Two brothers -- most of the time, maybe both brothers
17 have -- I have 15 places I'm looking at, 20 places I'm
18 looking at. Sometimes, they may differ only at two
19 places. Sometimes, they may differ at 15 places.

20 Q Okay. Now, is there a specific allele -- allele
21 is -- when you talk about a DNA profile, an allele is a
22 specific portion of that; is that correct?

23 A The human being is qualified, the DNA is qualified,
24 that is two people. That means he gets half the DNA -- a
25 person gets half the DNA from father and half the DNA from

1 mother.

2 So what happens is there are two copies of the same
3 gene. Okay. But it can differ by length a little bit, or
4 by some other ways. And the two copies are called the
5 alleles.

6 And here, what happens is, by chance, if the alleles
7 that are given by the father and mother are the same, then
8 that person becomes homozygote at that point. And if they
9 differ by a little bit, then they look as two different
10 pieces of DNA on the profile called the heterozygote.

11 And so when the father and the mother, they -- those
12 DNA get into the child, they can be -- they might have
13 given the same for both, or it could be the second one and
14 the first one. So it can differ at some places. It may
15 differ at other places. If it is a homozygote, there's no
16 difference. So that is the situation.

17 So that is what is an allele, and how it gets into
18 the whole profile.

19 Q Well, to kind of condense that, because even, like, I
20 know a little bit about it and that kind of goes over my
21 head. But what I want to do is kind of condense that a
22 little bit. And so an allele -- when we look at --

23 A Yes. They can be much more similar in siblings
24 compared to a random person.

25 Q And when you look at the --

1 A No, no. That's fine.

2 Q Okay.

3 A Yeah. But you can, also, see when I call both of
4 them, because there is a difference in the trace alleles
5 that I see. Because there's alleles that is not found in
6 John, which I found in Jane may be there in that mixture.
7 That's the reason I can't -- we don't call them unless
8 they are there.

9 Q Absolutely.

10 A So the different ones between those people, I look
11 for the difference allele and still maybe is from that
12 person. Then only -- I say it maybe there. Otherwise, I
13 cannot count it as there.

14 Q All right.

15 A But at the same time because I could not say for sure
16 it can be them or somebody else, I say it maybe. But I
17 have the known samples of these two people. So I could --
18 from there, I could only deduce to the extent to say maybe
19 they are there. That's all.

20 Q All right. Now, when you're talking about alleles or
21 loci, is there a specific one that attributes whether
22 someone is a man or a woman? Like, can you tell?

23 A We have that tool. There is what is called in our
24 profile and -- a locus card allele gene. An allele gene
25 tells you whether it is an XY or just an X.

1 Q And, please, indicate -- what does the X mean? /

2 A X means female, XY means -- if the Y is there, it is
3 male.

4 Q So X is female, XY is male?

5 A Yes.

6 Q And that would tell you whether the DNA profile was
7 that of a man or a woman?

8 A But that, also, has to be carefully analyzed.

9 Because the X and Y are quite close in the peaks that we
10 get. Then we could call just a male. But if X is much,
11 much higher, twice the amount of Y, then we can call it is
12 a female, also, there.

13 Q And you're talking about that's in case of a
14 potential mixture of DNA profiles?

15 A But here, more than I call them as the other two
16 people. Because at the other places where it is specific,
17 the trace alleles differ between the two. I'm only
18 looking at the trace alleles. And they differ between
19 Jane and whoever that other person is, Jacob, I think.

20 So those alleles differ there. All do not match
21 Jane, all do not match Jacob. Those alleles, they are
22 different. That's why I said it may be both of them.

23 Q Okay. So if you say there was an item that is Jane,
24 it is Jane, it's not Jacob; is that correct?

25 A Yes.

1 Q Okay. And I guess by -- you didn't do that in this
2 instance?

3 A No. I cannot make -- as I said, there is a trace
4 amount of DNA. And, here, the situation is that you
5 cannot say it is him or her. And that is the reason. But
6 we have a comparison here with the buccal swab that is
7 provided. And by analyzing from the known samples and
8 looking at the profiles, you can say there is a mixture.
9 All right. We could separate out as a major, the victim.

10 But here, there is trace alleles, which are different
11 from the major. And I'm not looking any more at the
12 major. I'm looking at only the trace alleles. And
13 looking at the trace alleles, which how are they present,
14 some of them are the same as in Jane, and some of them are
15 from Jacob. I could see that and say, yeah, but it's not
16 for sure.

17 Q Okay. So let me go back to your analysis as a whole.

18 A Yes.

19 Q Your DNA report, you tested the items -- Items 1
20 through 20; correct?

21 A Yeah. All the analysis.

22 Q Out of 1 through 20?

23 A There are some sub-samples.

24 Q Okay. Sub-samples of the various samples that you
25 had?

1 A Yeah.

2 Q Okay. Just pinch that. Have you got it?

3 A Yeah. I got it.

4 Q And I'll make this question clean.)

5 A Yeah.

6 Q When we're talking about Jacob Hughes --

7 A Yes.

8 Q -- you found him -- well, you said there's a
9 possibility, you're not sure, that he was on Items 6 or 7;
10 is that correct?

11 A Yes.

12 Q You're not sure, but it's a possibility he was on
13 Item 6 or 7?

14 A Yes. Because it's a very trace amount of DNA. It
15 could be from any other person, too.

16 Q Okay.

17 A Yes.

18 Q So it could be him, it could be any other person?

19 A Yes. If I'm not sure, that is one case. If I'm
20 sure, then I would have said it was a match.

21 Q Yes, sir.

22 A Yes.

23 Q Okay. And those are the clothing from Jane Hughes?
24 Those items are identified as the clothing from Jane
25 Hughes?

1 A Yes.

2 Q Okay. And so when we're talking about your analysis,
3 Jacob Hughes may or may not be, you're not sure. It could
4 be anyone. It was only found in -- the items tested were
5 from Jane Hughes; is that correct?

6 A Yes.

7 MR. JOHNSON: All right. Thank you.

8 THE COURT: Redirect?

9 MR. MOYER: No, Your Honor.

10 THE COURT: Thank you.

11 You may step down.

12 THE WITNESS: Thank you.

13 THE COURT: I think I'm going to give my court
14 reporter a break after that. We'll take a 10-minute
15 break.

16 Don't discuss the case.

17 (WHEREUPON, the jury was excused from open court at
18 approximately 2:41 p.m.)

19 THE COURT: We'll be on break for 10 minutes.

20 (WHEREUPON, a break was taken.)

21 THE COURT: All right. Anything before we bring the
22 jury in.

23 MR. MOYER: I just want to say, Your Honor, after
24 this next witness, I'll need to take a short break.

25 Because Dr. Fulcher will be testifying. And we have to

1 set up that -- that program that we have --

2 THE COURT: Okay.

3 MR. MOYER: -- that we'll be using. So I think we'll
4 have two or three more witnesses and that should probably
5 take up the day.

6 THE COURT: All right. Are you ready for the jury
7 then from the Defendants?

8 MS. TAYLOR: Yes.

9 MR. JOHNSON: Yes, Your Honor.

10 THE COURT: All right. Bring the jury in.

11 (WHEREUPON, the jury came into open court at
12 approximately 3:10 p.m.)

13 THE COURT: All right. Mr. Moyer, you can call your
14 next witness.

15 MR. MOYER: Thank you, Your Honor.

16 May it please the Court.

17 The State calls Andrew Martin.

18 THE CLERK: Please place your left hand on the Bible
19 and raise your right hand.

20 WHEREUPON,

21 ANDREW MARTIN,

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

23 THE CLERK: Please take a seat.

24 And state your name for the record.

25 THE WITNESS: My name is Andrew Martin.

DIRECT EXAMINATION

1

2 BY MR. MOYER:

3 Q Okay. There was a man that testified earlier this
4 afternoon named Lester Martin. You're not related to him,
5 are you?

6 A No, sir.

7 Q Okay. How old are you, Mr. Martin?

8 A I'm 40 years old.

9 Q Okay. Mr. Martin, are you from the Greenville area?

10 A I am.

11 Q Did you finish high school?

12 A I did.

13 Q Where did you go to high school?

14 A Travelers Rest.

15 Q And you have some college, also, right?

16 A I do.

17 Q Where did you go to college?

18 A Furman.

19 Q You didn't graduate, but you went there?

20 A Correct.

21 Q All right. Now, before I ask you questions that are
22 pertinent to the case about your knowledge of it, you were
23 arrested for murder in this case as well, weren't you?

24 A I was.

25 Q And that charge is still pending?

1 A It is.

2 Q And after you were charged, you contacted law
3 enforcement to give a statement about what happened and
4 agreed to testify, if necessary; is that correct?

5 A I did.

6 Q Were any promises made to you either to get you to go
7 to law enforcement, or to testify in --

8 A No, sir.

9 Q -- this matter, or any matters related to this case?

10 A No, sir.

11 Q Okay. Let me ask you about the people that we've
12 been hearing about throughout this trial. First off, do
13 you know John Hughes, Jane Hughes, Jacob Hughes, and
14 Margaret Hughes?

15 A I do.

16 Q How do you know them?

17 A I lived there. I was Jane's significant other for a
18 long time.

19 Q How long would you say you -- you knew Jane Hughes
20 and were her significant other?

21 A 18 months to two years.

22 Q Prior to the incident that took place?

23 A I believe so.

24 Q Let me ask you to move a little bit closer to the
25 microphone.

1 A I'm sorry.

2 Q Make sure the jury can hear you.

3 A Is that better?

4 Q Okay. So were you living in the home. And were you
5 dating Jane Hughes when this incident happened in January
6 of 2015?

7 A I was.

8 Q How long?

9 A Six months, maybe.

10 Q How long had you been dating Jane Hughes?

11 A For about a year before then, maybe.

12 Q Okay. So maybe about a year -- so about a year and a
13 half total you knew her, would you say, roughly?

14 A I believe so.

15 Q Who all lived in the home?

16 A At the time, it was myself, Jane, the two children,
17 and her parents.

18 Q Okay. How about Jacob Hughes? What is his relation
19 to the family?

20 A He's Jane's brother. And he lived there when I moved
21 in. And he moved out afterwards to live with his
22 girlfriend.

23 Q Would he stay there sometimes?

24 A Yes, sir.

25 Q Okay. Jane Hughes' children, what were their names?

1 A They haven't been spoken of heretofore in this
2 courtroom, shall I?

3 Q Yes.

4 A Okay. Samantha and Charles.

5 Q Okay. And how old were they back when this incident
6 was taking place?

7 A Five and three.

8 Q Okay. Now, which bedroom -- did you and Jane stay in
9 the same bedroom?

10 A We did.

11 Q Okay. And where would that be in the house?

12 A The last bedroom, end of the hall, the back of the
13 house.

14 Q On the right or left?

15 A Right as you're going down the hallway.

16 Q Where did the children stay?

17 A Either in the grandparents' room or later, Samantha
18 inherited what was Jacob's room further down the hallway.

19 Q And Samantha stayed there. Where would Charlie stay?

20 A Usually in the grandparents' room.

21 Q Okay. When Jacob would stay over, where would he
22 stay?

23 A In his old room.

24 Q Samantha would stay in a different room at that time?

25 A Correct.

1 Q Now, when -- just to make sure we're absolutely clear
2 on identity. Are -- the two people you mentioned, Jane
3 Hughes and Jacob Hughes, are they here in the courtroom?

4 A Yes, sir.

5 Q And they're the two individuals who are on trial here
6 in this case?

7 A Yes, sir.

8 Q All right. Now, did you know John Ferrell?

9 A No, sir.

10 Q Had you -- other than seeing him maybe during some of
11 the visitation times, had you ever met him?

12 A No, sir.

13 Q So you just saw him on occasion?

14 A Yes, sir.

15 Q Okay. Now, did you take any role in the lives of the
16 children?

17 A I interacted with them. I helped them with homework,
18 and the feedings, and, you know, that kind of thing, yes.

19 Q Okay. So you did -- you spent some time with them,
20 played with them, that sort of thing?

21 A (Witness nodded.)

22 Q Did you and Jane have any plans for a relationship
23 once her divorce became final? Were there any stated
24 plans?

25 A I didn't realize she had an un finalized divorce. So

1 our plans at that point, I can't say.

2 Q Okay. So when you moved in, you didn't know she was
3 still married?

4 A No.

5 Q When did you find out?

6 A The end of that year, I want to say November. But I
7 can't really remember for sure.

8 Q Was it -- are you talking about 2014?

9 A Yes, sir.

10 Q So a few months before the incident happened and John
11 Ferrell was shot?

12 A (Witness nodded.)

13 Q Okay. Now, you were -- were you aware of the Family
14 Court proceedings that were ongoing regarding the custody
15 of the children?

16 A I was aware there was a custody dispute, yes.

17 Q Was the family pleased with the way the court
18 proceedings were going?

19 A It did not seem to me.

20 Q What led you to believe that?

21 A They were very anxious, very agitated.

22 Q And all -- when you say "they," are you talking about
23 all of them?

24 A Yes, sir.

25 Q Did you ever have any interaction with Jacob Hughes

1 about that matter?

2 A Probably not specifically.

3 Q Okay. But as far as the people living there in the
4 home --

5 A Correct.

6 Q -- John, and Margaret, and Jane?

7 A Yes, sir.

8 Q Did you ever go to any of the court proceedings?

9 A No, sir.

10 Q Okay. Do you recall when there were proceedings,
11 though, and they would go?

12 A Not specifically. I wasn't given a whole lot of
13 detailed information on that.

14 Q Okay. Did you ever go to any of the visitations?

15 A I went to all of the ones that I recall the children
16 being at, yes.

17 Q Okay. And did you meet John?

18 A No. I didn't go and meet -- I went as emotional
19 support, but was far away. I wasn't in the -- in the
20 restaurant.

21 Q Okay. Now, did Jane, specifically, show any concern
22 about the way the proceedings were going?

23 A She was concerned that -- I think her goal was to not
24 let unsupervised visitations occur. That was her fear.

25 Q So she was not happy and did not want John Ferrell to

1 have unsupervised visitation?

2 MR. JOHNSON: Your Honor, I have an objection. He
3 said, "I think." It calls for speculation.

4 MS. TAYLOR: I would join in that objection, Your
5 Honor.

6 THE COURT: Okay. Sustained.

7 BY MR. MOYER:

8 Q Well, let me ask you if you know or not. Did Jane
9 voice any concerns about John Ferrell having unsupervised
10 visitation?

11 A Yes.

12 Q She did voice those concerns?

13 A Yes.

14 Q Now, were you aware of a hearing that was set for the
15 coming Tuesday?

16 A Yes, sir.

17 Q And how were you made aware of that?

18 A Vocally.

19 Q By --

20 A It was the subject of much of their conversation.

21 Q Okay. So there was a lot of talk about that hearing
22 coming up?

23 A (Witness nodded.)

24 Q And talk among Margaret, Jane, and John?

25 A Yes, sir.

1 Q And tell me about the conversations that took place
2 between them about that hearing.

3 A There was displeasure. Again, the goal was to not
4 let John Ferrell have unsupervised supervision -- or
5 visitation.

6 Q Was there worrying concern that he would get it at
7 that hearing?

8 A It sounded like so.

9 Q Okay. Let me take you to the night then of
10 January the 24th of 2015. Were you at [REDACTED] Drive
11 at the home that night?

12 A Yes, sir.

13 Q Now, at any point prior to the incident that evening,
14 were you made aware that John Ferrell may be coming over
15 to the house?

16 A Yes, sir.

17 Q Okay. And how did -- how were you made aware of
18 that?

19 A John Hughes told me that he was trying to arrange for
20 them to meet.

21 Q Arrange for who to meet?

22 A For Ferrell to meet with them about the custody case
23 to work it out outside of court.

24 Q And meet where?

25 A At the house.

1 Q Okay. Where were you when you were told this, and
2 around what time were you told?

3 A The first time I was made aware it was a possibility,
4 I was in the backyard and it was afternoon or evening.

5 Q And what were you doing that -- that day there at the
6 house?

7 A That day, I was working on my motorcycle, being off
8 work.

9 Q And that was during the day?

10 A Yes, sir.

11 Q This was a Saturday; right?

12 A Correct. I believe so.

13 Q Okay. And were you told where to be, or what to do?

14 A Out of sight, so as not to be a detriment to the
15 custody case.

16 Q So did John Ferrell know about your relationship with
17 Jane?

18 A I didn't know that...

19 Q So were you aware that being Jane's paramour in a
20 custody dispute could be detrimental to the case?

21 A I did.

22 Q So did you stay outside that evening?

23 A I did.

24 Q Where were you, and what were you doing?

25 A I was in the backyard smoking, playing on my phone,

1 listening to music.

2 Q Did you have headphones on, or anything like that?

3 A (Witness nodded.)

4 Q You did?

5 A (Witnesses nodded.)

6 Q You have to answer.

7 A Yes, sir. I'm sorry.

8 Q And so tell me about that backyard. What is back
9 there? Were you sitting? Were you standing? What were
10 you doing during that time?

11 A From the furthest away to the house to closest, there
12 were some sheds, some play equipment, and a little patio
13 and fire pit. And I just wandered the area.

14 Q Okay. So how close were you to the house that
15 evening?

16 A Anywhere from the patio right there at the back
17 sliding glass door to the sheds at the far end of the
18 yard.

19 Q So your access to that backyard, was it from a -- was
20 it from the front door, or was there another access to the
21 backyard?

22 A You could access the backyard from the sliding glass
23 door in the living room.

24 Q In living room?

25 A Correct.

1 Q And that's the room that is right adjacent to the
2 kitchen; is that right?

3 A Correct.

4 Q Okay. Now, while you were outside playing with your
5 phone, smoking, and so forth, as you described, did
6 anything happen that got your attention?

7 A What did get my attention and lead me into the house
8 was I heard a loud crash. I had taken out my earbuds
9 there on the patio and heard a loud crash. And I opened
10 the door to investigate. I didn't know what -- what it
11 was.

12 Q Okay. Is -- can you describe the crash at all?

13 A Not in any way that matters.

14 Q Okay. So just a loud crash. So what door did you
15 enter?

16 A The sliding glass door.

17 Q And that goes into the living room?

18 A Correct.

19 Q Tell the jury what you saw, and what happened when
20 you entered into the house.

21 A When I entered the sliding glass door, I saw framed
22 in the kitchen entryway, Jane with a hammer, John Michael
23 Hughes with a gun, John Ferrell on his knees bleeding, and
24 Jacob Hughes behind him.

25 Q Okay.

1 A In the kitchen with an overturned table.

2 Q And tell me about the -- what do you mean by
3 "overturned table"?

4 A The kitchen table was upside down.

5 Q Like, actually, upside down?

6 A Yes, sir.

7 Q Okay. I'm going to ask you, if you would, to
8 demonstrate what you have just described on the diagram of
9 the house.

10 A Okay.

11 Q So if you would, just step down.

12 A (Witness complied.)

13 Q And if -- can you show the jury the area -- the
14 sliding glass door that you entered?

15 A This is the sliding glass door on the back of the
16 living room and the backyard --

17 THE COURT: Make sure you speak up so the court
18 reporter can hear you.

19 THE WITNESS: I'm sorry.

20 This is the sliding glass door that goes into the
21 backyard from the living room.

22 BY MR. MOYER:

23 Q So you entered back through this --

24 A Correct.

25 Q -- area?

1 A Yes, sir.

2 Q Where were the people that you just mentioned?

3 A Okay. Jane, John Michael Hughes, John Ferrell, Jacob
4 Hughes, and the overturned table.

5 Q Okay. Was Margaret Hughes in there?

6 A I did not see her upon that.

7 Q At that time. Okay. And where was John Ferrell?

8 A He was in the center.

9 Q And what direction was he facing, if you recall?

10 A He was facing about that way.

11 Q Sort of towards you?

12 A (Witness nodded.)

13 Q Okay. You can have a seat, please.

14 A (Witness complied.)

15 Q Now, tell me, you said John Ferrell was on his -- on
16 his -- on his knees?

17 A Yes, sir.

18 Q And what did you notice, if anything, about his
19 appearance?

20 A He had his hands around his face and seemed to be
21 bleeding from the head.

22 Q And was Jane Hughes close to him?

23 A Yes, sir, welding a hammer.

24 Q Welding a hammer?

25 A (Witness nodded.)

1 Q Like swinging the hammer?

2 A Yes.

3 Q Okay. And John Hughes was holding what?

4 A He was holding a pistol covering John Ferrell.

5 Q Okay. And what do you mean by "covering"?

6 A He was in a crouched position with a pistol pointed
7 right at him.

8 Q So, like, when you say "crouched," like, his knees
9 were bent?

10 A Correct.

11 Q And he was holding the pistol, pointing it toward
12 John Ferrell?

13 A Correct.

14 Q Okay. And, at that time, could you see what, if
15 anything, Jacob Hughes was holding or doing?

16 A No, sir, not at that moment.

17 Q All right. So when you saw this scene in the
18 kitchen, what did you do?

19 A I began -- I approached Jane from behind, and, again,
20 pulling her back from that immediate scene in an attempt
21 to get her to get on the phone with the police.

22 Q So what was going through your mind at about --

23 A The police need to be here.

24 Q Okay. And so did you -- so you, actually, physically
25 grabbed her?

1 A I pulled her shirt, yes.

2 Q Okay. And you pulled her away?

3 A A few steps back into that hallway-foyer area, yes,
4 sir.

5 Q Okay. And was she -- the hammer you described --

6 A I snatched it out of her hand and threw it down on
7 the floor so that I didn't get hit, and so she could call
8 the police.

9 Q And did she do so?

10 A She did.

11 Q Did she have a phone on her, or did you --

12 A I think it was in her right-hand pants pocket.

13 Q And what did you see taking place with John Hughes
14 and Jacob Hughes in the kitchen after you grabbed Jane?

15 A As I was pulling her back and trying to get her on
16 the phone, Jacob began trying to tase Ferrell there in the
17 room. And after that, Ferrell tried to make his escape
18 through the window.

19 Q And what do you mean by "trying to tase" him?

20 A I heard the taser going off. And I saw the two of
21 them struggling there, so.

22 Q Now, during this, was anyone speaking, either John
23 Ferrell, or John Hughes, or any of the others?

24 A I recall Ferrell saying to John Hughes that he was
25 prepared to die, go ahead and shoot.

1 Q He said --

2 A I don't understand that. But that's what I remember
3 hearing. And I, of course, remember hearing Jane
4 beginning the phone call with 911 dispatch.

5 Q Okay. And what did John Ferrell do?

6 A He tried to make it -- eventually, tried to make an
7 escape through that kitchen window.

8 Q Describe what he did and how he tried to make this
9 escape?

10 A He struggled to stand and bolted in that direction is
11 all I could possibly say I saw.

12 Q And then what happened as he moved towards that
13 window?

14 A John Hughes ran outside the house through the front
15 door. And Jacob and Renee Hughes tried to keep Ferrell
16 from going out the window.

17 Q And when you say "Renee," are you talking about
18 Margaret Renee?

19 A Correct.

20 Q Jane and Jacob's mother?

21 A Correct.

22 Q So what did they do to try to keep him from --

23 A I didn't watch. I didn't stand to observe. They
24 both had hands on him trying to keep him from going out
25 the window. And that's all I saw.

1 Q Okay. And by "the window," are you talking about the
2 window above the sink?

3 A Correct.

4 Q And did he make it out of the window?

5 A I believe he did.

6 Q What makes you believe he did?

7 A Because he didn't go out the front door. And they
8 found him outside on the side of the house. He didn't
9 pass me going out of the house.

10 Q So you saw him going to the window. You saw Jacob
11 and Margaret trying to keep him from going. And then you
12 lost sight of him?

13 A Correct.

14 Q Then what -- you said John Hughes went outside. What
15 door did John Hughes --

16 A He used the front door of the house.

17 Q Did anyone else go outside?

18 A At different points during the evening, both Jacob
19 and Renee went outside as well.

20 Q So when did Jacob go outside?

21 A Jacob went outside before the police got there, I
22 believe, if I recall that correctly. And I think Renee
23 had gone outside and was outside when the police got
24 there.

25 Q Now, when you saw -- after you saw John Hughes go

1 outside and you saw John Ferrell go through the window,
2 what, if anything, did you hear taking place outside?

3 A I heard John Ferrell beg for his life. And I heard
4 him get shot to death.

5 Q You heard shots?

6 A I did.

7 Q Can -- do you know how many shots?

8 A I cannot tell you a for sure count or cadence, but
9 there were several.

10 Q There was several shots?

11 A Yes, sir.

12 Q Do you remember words coming -- you said him begging
13 for his life. Do you remember any actual words?

14 A Help, God, help. Don't kill me, perhaps. But I
15 don't remember very specifically.

16 Q Okay. And then you heard the shots after that?

17 A I did.

18 Q And then did you hear any -- did you hear any other
19 voices?

20 A No, sir.

21 Q Did you hear John Hughes' voice?

22 A Not from outside.

23 Q And you said Jacob went outside?

24 A Yes.

25 Q What did -- so after Jacob went outside, what did

1 Margaret Hughes do? Did she -- or if anything --

2 A The only thing I saw her doing inside the house was
3 cleaning up.

4 Q What do you mean by "cleaning up"?

5 A She had cleaning supplies in her hand and a rag, or a
6 sponge, or something, kind of puttering around the
7 kitchen. I mean, I didn't investigate. I didn't watch to
8 supervise, or anything like that. But that's what I saw
9 her doing.

10 Q Okay. Did you see Jacob? What he did when he came
11 back inside the house?

12 A He went -- he spent a little bit of time in the
13 kitchen helping to clean, or surveying, or whatever. I
14 was sitting on that front bench. He went in the back of
15 the house, I think, to the bathroom.

16 Q Okay. But he, initially, started helping with the
17 cleaning with Margaret?

18 A Yes, sir.

19 Q Then he went to the back of the house?

20 A Yes, sir.

21 Q But you don't know where he went when he went back
22 there?

23 A No, sir.

24 Q So you went to the foyer?

25 A Yes, sir. I stayed seated on that bench in the foyer

1 for the rest of the time until we were told to leave.

2 Q You sat there with Jane?

3 A She was in the hall with me, yes.

4 Q Okay. And you say you remember Margaret going
5 outside at one point, also?

6 A Yes.

7 Q Now, did Jane say anything to you about why she did
8 what she did with the hammer?

9 A I don't recall, at that point, her saying anything to
10 me, specifically, at all.

11 Q Okay. At another point, did she?

12 A She did.

13 Q And when and where was that?

14 A I think we were at the hotel in Greenville, two days
15 after, by the time I got a verbal response to that
16 question.

17 Q And what did she tell you?

18 A She said she did it because her dad hesitated. And
19 that she did what she had to do to protect her family.

20 Q All right. Did you go with Jane to the hospital that
21 night?

22 A I did.

23 Q Okay. And what was her complaint?

24 A Her wrist or arm was hurt.

25 Q Okay. Did you see any visible signs of injury?

1 A No, sir.

2 Q And then -- and was that the arm that she had the
3 hammer in?

4 A Yes, sir.

5 Q Do you remember the officers coming and taking her
6 clothes?

7 A I do.

8 Q You didn't spend the night there at the hospital;
9 right?

10 A No.

11 Q Several hours?

12 A There was -- yeah. There was just a space of time.
13 And we were, to the best of my recollection, only ever in
14 one observation room.

15 Q And then you were taken back --

16 A Back --

17 Q -- to the residence?

18 A -- to the residence. And then from the residence to
19 the police station.

20 Q Okay. Now, let me ask you about the stun gun that
21 you saw in Jacob's hand. Had you ever seen it before that
22 night?

23 A I had seen it or one just like it.

24 Q Where had you seen it?

25 A In the house. John Hughes was showing it off as a

1 new acquisition --

2 Q Okay.

3 A -- at some point.

4 Q Do you know where it was kept, or what he did with
5 it?

6 A I don't know for sure. But I would assume it was
7 kept in the bag where he kept his pistols and all, all
8 those things.

9 Q Okay. And so did you ever see John Hughes with a
10 weapon before that night?

11 A I was aware he possessed weapons. But I had never
12 seen the pistol in question.

13 Q Okay. But you know he had a bag?

14 A Yes.

15 Q A gun bag?

16 A Yes.

17 Q And did you see him carry it around sometimes?

18 A Yes.

19 Q Did Jacob, at any point, ever talk about the stun gun
20 and what may have happened to it?

21 A I overheard the -- it was either the following day or
22 the Wednesday, in the house, I overheard him saying that
23 he had broken it up and flushed it.

24 Q Okay. Do you know -- did he specify --

25 A. It sounded like he had done so at that residence

1 there, but I can't say that for sure.

2 Q Okay. So it could have been wherever he was living,
3 or it could have been there at the residence, you don't
4 know?

5 A Yes, sir.

6 Q But he said he had broken it up and flushed it down
7 the toilet?

8 A Yes, sir.

9 Q Had you seen the hammer before that was used?

10 A Yes, sir.

11 Q And where had you seen it?

12 A It was normally kept in a -- it was part of a
13 specific set of tools that Jane kept in her closet in the
14 back bedroom. I had probably, more than likely, used that
15 hammer at several points prior myself to hang pictures, or
16 do things like that.

17 Q Okay. But it was kept in the room where you and Jane
18 stayed?

19 A Correct.

20 Q Now, after -- you say you left the hospital, you went
21 back to the house -- went to the police station for a bit,
22 then came back to the house. I guess that would have been
23 early Sunday morning?

24 A Yes, sir.

25 Q It was getting light probably around that time?

1 A I think it was starting to get light probably when we
2 were all brought back to the residence after being at the
3 police station.

4 Q And who all was at the house then?

5 A I recall they were in the process, apparently, of
6 cutting John Hughes free of his restraints. And there
7 were first responder official type personnel. And I -- I
8 recall -- I think Jane, Margaret, and myself were all
9 driven from the police station back to the house together.

10 Q Okay. And did law enforcement leave and leave you
11 all there at the house by yourselves?

12 A At the end of that process, yes.

13 Q And was Jacob there then, too?

14 A I don't recall how Jacob left.

15 Q Okay. So you don't know if he was there when you got
16 back?

17 A I believe he was, but I --

18 Q Couldn't say for sure?

19 A Couldn't say for sure.

20 Q Was there a discussion about what had happened
21 amongst the family?

22 A The only thing I heard was John Hughes emphasizing
23 that the authorities couldn't know what went on inside the
24 house. And if they didn't know what went on inside the
25 house, then nobody would be in trouble.

1 Q Did he say anything about what his -- what he was --
2 what his version of what had taken place outside was?

3 A He did not say. He did not speak of any of that to
4 me, no.

5 Q Did he say -- okay. Now, in the time leading up to
6 this event, did John Hughes ever talk about self-defense
7 and/or something called the Castle Doctrine to the family?

8 A Regularly.

9 Q Okay. And what sort of things would he say?

10 A Reaffirming, you know, the rights and/or
11 responsibilities of those involved in self-defense or --
12 or shootings, or anything like that, things about the
13 responsibility to defend your home or retreat, those kind
14 of things.

15 Q Now, did you stay there at the house over the next
16 few days, or did you and Jane do anything or go anywhere?

17 A We left.

18 Q Where did you go?

19 A Initially, to -- apparently, a family friend to stay
20 the first night after that there at their house. And then
21 that same family friend put Jane and I up in a hotel.

22 Q And you stayed there for a couple of days?

23 A We stayed there until I was arrested.

24 Q And you were arrested that Wednesday?

25 A Correct.

1 Q So did you go back to the house that Wednesday before
2 you went to the law enforcement center?

3 A I did.

4 Q So that would have been January 28th, I guess?

5 A I suppose so.

6 Q Did you -- do you remember if anyone was there at the
7 house when you went -- when you went there before you went
8 to the law -- to the police station?

9 A I remember seeing when I, initially, arrived some of
10 the people from the church who kind of cared about the
11 children. And I believe that John Hughes and Renee Hughes
12 were there. Jacob was there at some point. I don't know
13 if he was there or if he showed up after I did.

14 Q Okay. And was -- and so you were, purportedly, going
15 to the Simpsonville Police Department to give -- to talk
16 to the police about what had happened; right?

17 A Yes, sir.

18 Q Did you make that known to the others in the house
19 what you were doing?

20 A Yes, sir.

21 Q And was there more discussion about what you should
22 or should not say?

23 A John Hughes reiterated a couple of times that the
24 police, in his opinion, can't know or didn't know what
25 went on inside the house.

1 Q And you took that as sort of an instruction to you
2 about what --

3 A A veiled threat.

4 Q -- to reveal?

5 A A veiled threat, perhaps.

6 Q Did -- prior to the incident, did Jane Hughes speak
7 about John Ferrell very frequently to you or to family
8 members in front of you?

9 A I don't know about frequently.

10 Q Okay.

11 A But it was a subject of conversation, yes.

12 Q And was it positive or negative things that she had
13 to say about him?

14 A Negative.

15 Q Negative. Did she ever make any comments about what
16 she would like to see happen to him, or anything of that
17 nature?

18 A I gathered that she felt her life and the children's
19 lives would be better and easier if he weren't in the
20 picture.

21 Q She made comments like that?

22 A Yeah.

23 MR. MOYER: One moment, please.

24 (Pause.)

25 MR. MOYER: Okay. Please answer any questions the

1 Defense may have.

2 THE COURT: Ms. Taylor.

3 MS. TAYLOR: Thank you, Your Honor.

4 May it please the Court.

5 CROSS-EXAMINATION

6 BY MS. TAYLOR:

7 Q All right, Mr. Martin. So as it stands today, you
8 are charged with murder and conspiracy as well; is that
9 correct?

10 A I am charged with murder --

11 Q I apologize --

12 A -- and possession of a deadly weapon during the --

13 Q Commission of a violent crime. All right. So that
14 charge is still pending; correct?

15 A Yes, ma'am.

16 Q All right. So you gave several statements to law
17 enforcement throughout the course of this case; correct?

18 A Yes, ma'am.

19 Q Okay. And the first two statements that you gave,
20 you don't say anything about Jane with a hammer, or John
21 with a gun, or Jacob with a taser. In fact, you don't
22 really say much of anything, other than you heard a noise
23 and walked in?

24 A Yes, ma'am.

25 Q And then, at some point, you -- something happened

1 and, all of a sudden, your recollection became much more
2 clear; is that correct?

3 A My understanding of it did, yes.

4 Q And so just for a timeline. The first interview that
5 you gave was, I believe, the night of the incident; is
6 that correct, January 25th?

7 A I believe so.

8 Q And then the second interview that you gave was
9 approximately three days after that, January 28th. Does
10 that sound right?

11 A It does.

12 Q Okay. Now, when -- you were -- when were you
13 arrested?

14 A That Wednesday.

15 Q January 28th. Okay. Now, as part of the arrest, you
16 were arraigned and then, were you given a bond?

17 A I was not.

18 Q You were given a no bond; correct?

19 A Correct.

20 Q Okay. Which means that even if Warren Buffet walked
21 in the room and offered to get you out, there wouldn't be
22 a price that he could pay because there was no price to
23 pay to release you at that point; is that correct?

24 A Correct.

25 Q Okay. Now, let's follow along on the chain of events

1 here. So the last interview or, I guess, the third
2 interview -- excuse me -- that you gave to the police was
3 March 20th; is that correct?

4 A I believe so.

5 Q Okay. And then pretty soon after that interview,
6 some things started to move with some fluidity and you got
7 some bond reduction; is that correct?

8 A I was given a bond, yes.

9 Q Okay. And then you were subsequently -- you paid the
10 bond and you were released?

11 A Yes, ma'am.

12 Q And you haven't been back in jail since March 20th of
13 2015; is that correct?

14 A That is correct.

15 Q So as all of these proceeding have gone on, this
16 entire time, you have been a free man?

17 A I've been out on bond.

18 Q Out on bond. Okay. But you haven't had to check in
19 with anyone? You've just been --

20 A I am subject to check in weekly with my bondsman and
21 at roll call at this facility -- this building any time
22 they send me a postcard.

23 Q Okay. But you don't spend any nights in jail; right?

24 A No.

25 Q You don't have to eat jail food?

1 A Not anymore.

2 Q So you go home and sleep in your bed at the end of
3 the day?

4 A (Witness nodded.)

5 Q Just make sure you answer so the court reporter can
6 take down --

7 A Yes.

8 Q Okay. Thank you.

9 All right. So you mentioned that you were aware that
10 your relationship with Jane might be problematic in her
11 custody battle; is that correct?

12 A I found that out after beginning the relationship,
13 yes.

14 Q Okay. But at the beginning, you said you didn't know
15 that she was married?

16 A Correct.

17 Q Okay. So it wasn't until later that you found out
18 that you were, essentially, a paramour; is that right?

19 A Correct.

20 Q All right. And then once you found out that Jane was
21 married, you didn't end the relationship, did you?

22 A I did not.

23 Q Okay. And you've described your relationship with
24 Jane as a romantic one, that you guys were dating for
25 about a year; is that correct?

1 A That is correct.

2 Q All right. How did it make you feel when you were in
3 the hospital with Jane and she introduced you to everyone
4 as just her close friend?

5 A I don't recall any specific feelings about that at
6 all.

7 Q Did she ever refer to you as her boyfriend in public,
8 or to friends, or family?

9 A Yes.

10 Q Okay. But on this specific instance, did she say any
11 reason why she wouldn't call you her boyfriend?

12 A I didn't ask.

13 Q Okay. But you weren't bothered by her calling you a
14 friend to the investigators?

15 A It made a whole lot less difference to me than all
16 the other things I saw that night.

17 Q All right. So now, let's get back into kind of where
18 we are with the custody battle. So the Solicitor asked
19 you -- and I'm going to ask you to describe a little bit
20 more in depth. Can you tell me what your interaction was
21 on a daily basis with the two children?

22 A The -- in the afternoons when I would get home from
23 work, I would either help with homework, help with dinner,
24 whatever children activities, playing out in the backyard,
25 those kind of things.

1 Q Would you consider yourself like a surrogate father
2 to these children?

3 A Maybe a male role model. I wasn't trying to be a
4 father.

5 Q Did you feed them?

6 A Did I help prepare the dinner? Yeah.

7 Q Did you bathe them?

8 A Charlie some.

9 Q Did you clothe them, get them dressed?

10 A I helped with that.

11 Q Did you put them to bed?

12 A Yes.

13 Q Did you get them ready for school in the morning?

14 A No. I was already gone to work by that time.

15 Q All right. So throughout this case, you're a big
16 help to Jane in caring for these kids; right?

17 A Yes, ma'am.

18 Q Okay. And you're a big help to her family in caring
19 for these kids?

20 A I'd like to think so.

21 Q All right. At any point during this time, did you
22 have any suspicion about the possibility of Jane's
23 faithfulness to you?

24 A From time to time, I did have concerns.

25 Q Okay. What would cause you to have concern?

1 A Her lack of accountability, and her activities, and
2 location during the day.

3 Q Okay. You weren't really sure, though, until you
4 gathered some information subsequently as to whether or
5 not she was, actually, stepping out on you, though; is
6 that right?

7 A I'm not sure to this day.

8 Q Okay. But you were informed by a family member after
9 you had been in jail for about three months that she was
10 having a relationship or, at least, phone calls with a man
11 named Jeff Lockaby [phonetic]?

12 A Okay.

13 Q You were informed of that?

14 A I was informed, yes.

15 Q And the nature of these phone calls was very loving
16 and romantic; correct?

17 A That's what I was told.

18 Q Okay. And how did that make you feel?

19 A It confirmed suspicions, perhaps, in my head. And it
20 wasn't great.

21 Q And, at this time, how old were you?

22 A What year was it?

23 Q This would have been 2015.

24 A So, 37, 38.

25 Q 38. And you've been married and divorced before;

1 correct?

2 A Correct.

3 Q So you're 38. You've spent three months in prison at
4 this point. And you just found out that the woman that
5 you're in prison for is cheating on you with Mr. Lockaby;
6 correct?

7 A I was informed of what you just said I was informed
8 of.

9 Q Okay.

10 A They were on the phone.

11 Q And then pretty quickly after you got that
12 information -- or, at least, information that the phone
13 calls were taking place, you reached out to the police
14 department and you gave your third statement on
15 March 20th; correct?

16 A I continued to reach out to the police department
17 both before and after I --

18 Q Okay. But you were very specific that you would be
19 helpful to them now that you have this information;
20 correct?

21 A I have been -- I have taken that posture the entire
22 time from the moment handcuffs were put on me in the
23 Simpsonville Police Department.

24 Q So it's your testimony that you have been truthful,
25 and honest, and given them every detail you knew from the

1 very first interview --

2 A No.

3 Q -- to the very last interview?

4 A That's not what I said.

5 Q Okay. Well, clarify, please.

6 A From the moment that they put cuffs on me, I said I
7 don't know how to help you any more, but I'll do what I
8 can.

9 Q So, basically, the moment you, actually, sat in a
10 physical jail, that's when you decided you were going to
11 be cooperative and tell the truth?

12 A I don't know how to answer that question.

13 Q Okay. Well, the first two statements, you weren't in
14 jail?

15 A Okay.

16 Q January 25th and 28th. And by your own admission,
17 you were not completely honest during those first two
18 statements about all the knowledge you had of the events?

19 A I didn't understand, correct.

20 Q Okay. But then after about two or three months in
21 jail, you suddenly had a clarity -- a moment of clarity,
22 and you did understand. And you gave a much more detailed
23 and different statement than the first two previous
24 ones --

25 A I did give a much more detailed statement, yes.

1 Q All right. Do you think you belong in jail?

2 A No.

3 Q Because you didn't shoot anyone; right?

4 A Correct.

5 Q Do you have your concealed weapons permit?

6 A I do not.

7 Q Are you familiar with weapons?

8 A I am.

9 MS. TAYLOR: I have no further questions, Your Honor.

10 THE COURT: Mr. Johnson.

11 MR. JOHNSON: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. JOHNSON:

14 Q Mr. Martin, I'm Brian Johnson.

15 A Hello, sir.

16 Q All right. I represent Jacob Hughes.

17 And how long have you known Jacob?

18 A Probably a few months shorter time than I've known
19 his sister, Jane.

20 Q All right. So you were charged with murder. So you
21 have a lawyer; right?

22 A I do.

23 Q Is it court-appointed, or you hired him?

24 A I have a private attorney.

25 Q "Private," you mean you paid money for this attorney?

1 A He has taken my case on.

2 Q Is he -- what's his name?

3 A Clifford Gaddy.

4 Q Do you have -- is he your first attorney?

5 A No, sir.

6 Q Who was your other attorney?

7 A Rodney Richey was the public defender assigned to me,
8 initially.

9 Q And you had conversations with your attorney?

10 A Yes, sir.

11 Q Did y'all file for the motions for discovery?

12 A I believe that's part of the process, yes.

13 Q Okay. Did you get the police reports and everything
14 from the police?

15 A I did get some information, yes.

16 Q And you went over them with your attorney?

17 A Some of that information, yes.

18 Q Now, first -- one of the first things you said is
19 that you haven't been promised anything today?

20 A Correct.

21 Q All right. Are you hoping that your charges are
22 dismissed?

23 A Yes.

24 Q Okay. That's what you want; right?

25 A Absolutely.

1 Q All right. Now, have you been told of the likelihood
2 of whether or not your charges will be dismissed?

3 A No, sir.

4 Q Now, you and your attorney, you know, y'all got a
5 right to privilege; right?

6 A Correct.

7 Q All right. You know you can waive that right?

8 A I believe you can waive any right.

9 Q Would you like to waive that right today and tell me
10 what --

11 A The last time I waived any rights, I got in serious
12 trouble. So I'm going to elect not to.

13 Q So you're not going to tell us what you and your
14 attorney talk about?

15 MR. MOYER: Your Honor, I object to this.

16 THE WITNESS: I'm confused myself.

17 MR. JOHNSON: He said he wasn't promised anything,
18 Judge. I'm just trying to get into --

19 THE COURT: That's his privilege and he didn't --

20 MR. JOHNSON: He didn't waive it --

21 THE COURT: -- waive the right.

22 MR. JOHNSON: Yes, sir.

23 THE COURT: So I -- I'm going to sustain the
24 objection.

25 MR. JOHNSON: Yes, sir, Your Honor.

1 BY MR. JOHNSON:

2 Q Now, Mr. Martin, Ms. Taylor asked you about your
3 statements. Now, I'm going to get into some specifics.

4 A Okay.

5 Q Now, the first statement that you gave, you,
6 actually, gave a written statement.

7 MR. JOHNSON: Your Honor, permission to approach the
8 witness?

9 THE COURT: Yes.

10 BY MR. JOHNSON:

11 Q You, actually, gave a written statement. Is that it?

12 A It looks like it.

13 Q And there was, also, an interview; correct?

14 A Yes, sir.

15 Q Were you aware that you were videotaped?

16 A I believe I was told.

17 Q Okay. You were told that?

18 A I think so.

19 Q And there was a transcript of that videotape; is that
20 correct?

21 A (Witness nodded.)

22 Q Now, on January 25th, your statement is short;
23 correct?

24 A Yes, sir.

25 Q It's four lines?

1 A Uh-huh.

2 Q Now, you testified a great deal today. And,
3 obviously, you admit that that's a great deal -- a great
4 deal lengthier than what it is that you told them,
5 initially?

6 A Correct.

7 Q All right. And you said that you were outside
8 smoking a cigar, heard screams, ran inside; is that
9 correct? Does that sound correct to you?

10 A It sounds -- you're reading it off the paper.

11 Q You saw an altercation in the kitchen and went
12 towards the children?

13 A Correct.

14 Q So in this statement, you're saying that when you saw
15 something going on in the kitchen, you, actually, didn't
16 go towards the kitchen, you went towards the children; is
17 that correct?

18 A They both would be in the same direction from where I
19 was coming from.

20 Q Okay. But when you go towards the children, are the
21 children in a room?

22 A To the best of my knowledge, they were in the back
23 bedroom at the end of the hall.

24 Q But, I guess, it doesn't matter because you weren't
25 telling the truth anyway. So it don't matter where you

1 was going.

2 A Okay.

3 Q Now, it says that, At some point, I heard shots and
4 barricaded the kids door; is that correct?

5 A I was between the children, where they were, and
6 where the adults were acting foolish, yes.

7 Q So you barricaded the door?

8 A I was between --

9 Q Wait a minute. Now, is this true, or what you said
10 today true? Because I'm trying to get this straight. So
11 did you barricade the kids door, or did you go in the
12 kitchen?

13 A Did I barricade the kids door, or go in the kitchen?

14 Q That's right.

15 A I, like I said, went, pulled Jane back, got her to
16 get the police there, and then was in the foyer the entire
17 time.

18 Q The foyer. Wait a minute. So the foyer -- hold on.
19 I want to try to make sure I put this the right way.

20 All right. Can you step down for me?

21 A (Witness complied.)

22 Q All right. So where is the outside?

23 A This is the front yard.

24 Q Okay.

25 A This is the backyard.

1 Q And you were in the backyard?

2 A Correct.

3 Q And where is the door to the backyard?

4 A That sliding glass door I mentioned is there.

5 Q And that's the door you came in?

6 A It is.

7 Q All right. And you stated that you came into the
8 living room. All right. You saw an altercation. Okay.
9 You didn't go towards the altercation -- or you did go
10 towards the altercation?

11 A Well, I mean, that's the same direction.

12 Q The same direction?

13 A Correct.

14 Q Where are the children at?

15 A They're here. For me to get to them, I have to go to
16 this area. And that's where I'm talking about.

17 Q All right. So you came in here. Did you stop here?

18 A Yeah.

19 Q Okay. You stopped here and then you went to the --

20 A I pulled Jane back into this area to get her on the
21 phone with 911.

22 Q Okay.

23 A And that's where I stayed the rest of the time.

24 Q So you didn't go to barricade the children's bedroom?

25 A I didn't go down that hallway and stay back here, no.

1 Q You didn't -- okay. So you didn't do that. That's a
2 lie?

3 A (There was no response.)

4 Q Is that correct? That's a lie; right?

5 A No, sir.

6 Q I heard shots and I barricaded the kids door. Would
7 the kids door be attached to the bedroom?

8 A Yes.

9 Q Okay. But you just stated you didn't go down there.

10 A I was between them and the disturbance I heard.

11 That's what I meant to communicate.

12 Q But barricading the kids door didn't happen?

13 A No.

14 Q It says, Police arrived. I was handed this paper.

15 And "this paper," you're talking about this-sheet?

16 A Correct.

17 Q And you wrote this down?

18 A Correct.

19 Q This is your own handwriting?

20 A Uh-huh.

21 Q Now, that's what you wrote down. But then you, also,
22 talked to Officer Morecraft and Officer Manley; is that
23 correct?

24 A I believe so.

25 Q You believe so, or did you do it?

1 A If those are the names of the officers on that paper,
2 then that's who it was. I don't recall their names right
3 now, no.

4 Q In that instance, do you recall giving them more
5 details about the altercation?

6 A I'm sorry. I didn't understand.

7 Q In that instance, do you recall giving them -- the
8 police more details about the altercation?

9 A No, sir.

10 Q You don't recall that?

11 A No, sir.

12 Q Okay. Would you believe that you did?

13 A I'm sorry. I don't understand.

14 Q Would you believe that you did give them more details
15 about the altercation?

16 A Would I believe that?

17 Q Yes.

18 A If you showed me documentation of it, you mean?

19 Q So would you believe that you told -- that you told
20 the police that you saw them scrapping in the kitchen?

21 A Yes. I do remember, actually, saying that.

22 Q Do you remember saying that you didn't pay enough
23 attention to say for sure what was going on in the
24 kitchen?

25 A I did not understand what was going on in the kitchen

1 at that time.

2 Q Do you recall saying that you didn't see Jacob in the
3 kitchen?

4 A I don't recall.

5 Q You don't recall saying that?

6 A (Witness shook his head.)

7 Q Do you believe you said that? "Yes" or "no."

8 A I don't recall.

9 Q Okay. If I show you a transcript of your interview,
10 would that refresh your recollection?

11 A It, certainly, would.

12 THE COURT: What's the date of this?

13 MR. JOHNSON: This is January 25th, 2015, Judge.

14 THE COURT: All right.

15 BY MR. JOHNSON:

16 Q All right. I'm going to ask you --

17 MR. JOHNSON: May I approach?

18 THE COURT: Yes.

19 BY MR. JOHNSON:

20 Q I'm going to ask you to read from this, Line 25 on
21 Page 4 down to -- just make sure -- let's just take you
22 back down to Line 6 there.

23 A Yes. I'm going to read from --

24 Q Read that to yourself. And then I'm going to ask you
25 a question.

1 A Okay.

2 Q Let me know when you're finished.

3 A Okay.

4 Q Okay. What did you tell them?

5 A That I saw a fight and tried to stay in between the
6 kids and where the adults were acting foolish. That Jane
7 was on the phone with 911. And that I talked to
8 Lieutenant Murphy.

9 Q Okay. Did you tell them Jacob was in the room?

10 A I didn't see -- I did not -- I said I did not see him
11 in the kitchen at that time.

12 Q So in this instance, you told them you didn't see him
13 in the kitchen?

14 A Correct. Apparently, I didn't.

15 Q You say "apparently"?

16 A (There was no response.)

17 Q This is January 25th; correct? This is the same
18 night of incident?

19 A Yes, sir.

20 Q Okay. When did you get a lawyer? Do you remember?

21 A I was assigned a public defender once I was
22 incarcerated.

23 Q All right. So, obviously, on January 28th, that's
24 the second time you gave a recorded interview; is that
25 correct?

1 A That would be the Wednesday?

2 Q That's right.

3 A Yes, sir.

4 Q And the same officers; correct?

5 A I believe so.

6 Q Okay. And they, again, questioned you about the
7 incident?

8 A They did.

9 Q Did the officers indicate to you whether or not they
10 believed your first statement?

11 MR. MOYER: I object.

12 THE COURT: Sustained.

13 BY MR. JOHNSON:

14 Q On January 28th, again, I'm talking about you say
15 you -- again, you saw a scuffle in the kitchen; is that
16 right? Does that sound right to you?

17 A It does.

18 Q You said that you walked by it pretty quickly?

19 A I did not want to be involved in it.

20 Q But you stated you walked by the scuffle pretty
21 quickly?

22 A (Witness nodded.)

23 Q Is that correct?

24 A Yes, sir.

25 Q Okay. You stated that you didn't see Jacob in the

1 kitchen; is that correct?

2 A If it's on the paper, it is.

3 Q Do you believe that that's correct?

4 A It's not correct.

5 Q It's not correct. You lied again?

6 A Misspoke, lied, whatever you want to say.

7 Q You misspoke?

8 A I didn't have a good understanding of what had gone
9 on in there, correct.

10 Q How big is Jacob?

11 A Big.

12 Q How big?

13 A Over six feet.

14 Q Over six feet. 6'5"?

15 A I guess.

16 Q Is he 300 pounds?

17 A Could be.

18 Q But you didn't see him in the kitchen?

19 A That -- that answer I gave, I -- that's what I said.

20 Q Okay. That's what you said and you lied to the
21 police. Is that a "yes" or "no"?

22 A I was confused, and I was afraid. And that's what I
23 said to the police at that point.

24 Q Now, there was a third statement, it appears, on
25 March 20th of 2015; is that correct?

1 A Yes, sir.

2 Q And Ms. Taylor kind of questioned you about that; is
3 that right?

4 A Correct.

5 Q And, in this instance, when you -- you were, again,
6 interviewed. Was it by the same officers again?

7 A I believe it was.

8 Q And was the Solicitor, also, there?

9 A No, sir.

10 Q Okay. Was your lawyer there?

11 A Yes, sir.

12 Q Which lawyer was this?

13 A I believe that was still Rodney Richey.

14 Q Still Rodney Richey at this point?

15 A I believe so.

16 Q Now, before you gave this interview, did you go over
17 what you were going to say with the attorney?

18 A I believe I had to hand him the transcript of it
19 before -- before arrangements were made for me to leave
20 the law enforcement center -- detention center.

21 Q You mean the transcript of the interview?

22 A The transcript of my statement.

23 Q Of your statement?

24 A (Witness nodded.)

25 Q All right. In this instance, you're far more

1 detailed than you are previously; is that correct?

2 A Correct. Yes, sir.

3 Q And this is -- in this instance, this is the first
4 you talk about a stun gun; is that right?

5 A I believe so.

6 Q Okay. So this is your third statement. And this is
7 the first time you're talking about a stun gun?

8 A Yes, sir.

9 Q And this is the first time that Jacob is in the
10 kitchen?

11 A It may be the first time that I mentioned his
12 presence -- or potential presence in the kitchen.
13 Although, it may be the second. I think my first
14 statement may have eluded to that.

15 Q Okay. And when you gave -- when you were talking to
16 the police, you, also, had a written statement prepared as
17 well; is that correct?

18 A That's what I'm talking about when I said I had to
19 give that to my attorney.

20 Q So you had a written statement. And then you were,
21 also, answering questions from the police?

22 A Yes, sir.

23 Q At this point in time, you had been incarcerated
24 since when?

25 A January 28th.

1 Q Had you been incarcerated continuously since that
2 time?

3 A I had been, yes.

4 Q All right. Now, when you talked to them during the
5 interview, did you ask them if they were going to provide
6 you with a bond?

7 A I don't recall, specifically.

8 Q You didn't say how soon can I know if I can get out
9 of this?

10 A I'm sure that I asked a question towards that end,
11 yes.

12 Q Okay. That's what you were hoping to happen; is that
13 correct?

14 A Sure.

15 Q When did you bond out of jail?

16 A I don't recall. I think it was September.

17 Q September of what year?

18 A Of 2015.

19 Q Of 2015. When were you provided a bond?

20 A I don't recall the month in which it came down.

21 Q All right. Is this a copy of the statement that you
22 wrote?

23 A It appears so.

24 Q Well, look through it and make sure that's what it
25 is.

1 A (Witness complied.)

2 Q Is that it?

3 A It seems so.

4 Q It seems so. All right. You prepared this in
5 anticipation of your meeting with the police?

6 A I did.

7 Q Okay. I want you to read the last sentence of your
8 statement. Read it. Read it out loud.

9 MR. MOYER: I object to that. I don't mind him being
10 asked to read it to refresh his memory. But there's no
11 foundation laid for it to be read into the record.

12 THE COURT: I'm going to allow him to do it.

13 Overruled.

14 THE WITNESS: So you want me to read this out loud?

15 BY MR. JOHNSON:

16 Q Read the last sentence out loud.

17 A I hope and pray that God and the State see fit to
18 honor my honesty with my freedom. And that I can very
19 soon start rebuilding my life having been a victim of the
20 Hughes family myself.

21 Q Okay. Now, you were, eventually, given your freedom;
22 is that correct?

23 A I am out on bond.

24 Q And you talked about it a great deal in your -- when
25 you were talking to the police, too; is that correct?

1 A Talked about what?

2 Q You getting out.

3 A I don't recall the --

4 Q You don't recall?

5 A The percentage of the conversation that was about
6 that, no, sir.

7 Q Now, I'm not asking you specifics about what was
8 said. But in your second interview with police, was it
9 discussed with you what they thought happened?

10 A To a degree, I believe so.

11 Q Okay. So they kind of gave you an indication of what
12 it is they thought really happened at the house?

13 A Sure.

14 Q Okay. And they told you that?

15 A Sure.

16 Q Now, when you talked to the police on 3/20, you made
17 several interesting comments. And I'm going to approach
18 you again, if I can find it.

19 MR. JOHNSON: I beg the Court's indulgence, Judge.

20 THE COURT: Okay.

21 (Pause.)

22 BY MR. JOHNSON:

23 Q So I'm here, again, with the transcript. And this is
24 from March of 2015. Now, I want you to read the last two
25 lines to yourself. Let me know when you've read it, Lines

1 24 and 25, Page 7.

2 A Uh-huh.

3 Q You read that. Okay. So before you gave your
4 interview on March 20th, had you seen the evidence that
5 the State had provided to you and your attorney?

6 A I had seen some, I'm pretty sure, by that point.

7 Q And you stated -- you, actually, said in this
8 interview, I'm willing to say, you know, this story, my
9 story matches the evidence; is that correct?

10 A I did.

11 Q That's what you said?

12 A Uh-huh.

13 Q So, at this point in time, you had seen what it is
14 that they were prepared to use against you, considering
15 you were charged as well?

16 A Sure.

17 Q All right. Is that the last of the interviews you
18 gave to the police?

19 A I believe so.

20 Q Okay. Now, you, also -- it appears in our discovery,
21 you did some sort of affidavit. Do you remember this?

22 A Not yet.

23 Q Take a look at it.

24 A Okay.

25 Q Is that yours?

1 A I believe so. I believe that my second attorney kind
2 of prepared that in preparation for taking over and
3 handling my case.

4 Q Your second attorney. You're talking about the
5 attorney you have now?

6 A Correct.

7 Q Now, in that -- that's what we would call an
8 affidavit; is that correct?

9 A It says "affidavit" on there.

10 Q All right. But it's a statement that you signed?

11 A Uh-huh.

12 Q And I'm sorry. You have to say "yes" or "no" for the
13 court reporter.

14 A Yes.

15 Q And it was notarized?

16 A Yes.

17 Q And in that statement, you very, specifically, deny
18 having a conversation with any person concerning the
19 killing of Ferrell; is that correct?

20 A What statement are you saying?

21 Q It's in the statement. Just read it.

22 A Okay. Number eight is what you're talking about?

23 Q Yes.

24 A Correct.

25 Q You seem surprised. Do you remember saying that?

1 A No. Actually, I don't remember saying that that way.

2 Q Okay.

3 A But that's the way my attorney put it in the
4 paperwork.

5 Q Oh, he wrote that for you?

6 A I believe so.

7 Q And you signed it?

8 A I believe so.

9 Q Now, what's the date of that?

10 A The 16th of March -- no. The 6th day of May, 2015.

11 Q So this is after the March meeting?

12 A Correct.

13 Q Okay. Now, you testified today and, otherwise, that
14 you did have a conversation with the people about this
15 incident. You're aware of that; right?

16 A Okay.

17 Q And you're aware that that's inconsistent?

18 A It seems so, doesn't it?

19 Q Look at paragraph 11 for me. Just take a look at it.

20 A Okay. Correct.

21 Q Now, that indicates that, once again, you've looked
22 at the evidence in the case; is that correct?

23 A Yes, sir.

24 Q Okay. Now, I want to go back to some of your
25 testimony today. When you talked about the Hughes -- or

1 you talked about the family, you liked to say "they"?

2 A Uh-huh.

3 Q When you talk about "they," who are you primarily
4 talking about?

5 A John, Renee, Jane, and Jacob.

6 Q So John, Renee, Jane, and Jacob all together?

7 A Correct.

8 Q Now, Jacob and Mr. Ferrell, were you aware of whether
9 or not they had a relationship?

10 A I was.

11 Q Was it a friendly relationship?

12 A It seemed the friendliest out of anybody else in that
13 family.

14 Q They sometimes worked together?

15 A Apparently.

16 Q They sometimes hung out together?

17 A Apparently.

18 Q And you stated that you went to the visitations for
19 John Ferrell when he got visitations?

20 A I did.

21 Q To clarify. When you talked about the family when
22 they discussed the custodial situation or whatever it
23 might be, was Jacob in those conversations?

24 A Some of them.

25 Q Some of them?

1 A Correct.

2 Q All right. And Jacob was the one who knew Ferrell?

3 A Yes, sir.

4 Q Okay. And the whole family knew him?

5 A I believe so, yeah.

6 Q But you believed he was friends with him?

7 A I believed so.

8 Q Was Jane friends with him?

9 A It didn't seem so to me.

10 Q What about John?

11 A I never saw anything approaching kindness.

12 MR. JOHNSON: I beg the Court's indulgence. I think

13 I'm done.

14 THE COURT: Okay.

15 (Pause.)

16 MR. JOHNSON: That's all I have, Judge.

17 THE COURT: All right. Any redirect?

18 MR. MOYER: No, Your Honor.

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

20 MR. MOYER: Your Honor, if it please the Court, we

21 just need a brief break.

22 THE COURT: To set up?

23 MR. MOYER: To set up the computer.

24 THE COURT: Ladies and gentlemen, I'm going to ask

25 you to step back to your jury room for just a few minutes.

1 Don't discuss the case. And we'll bring you right back
2 out.

3 (WHEREUPON, the jury was excused from open court at
4 approximately 4:16 p.m.)

5 THE COURT: We'll be in recess.

6 (WHEREUPON, a break was taken.)

7 THE COURT: Are we ready for the jury? Is the State
8 ready?

9 MR. MOYER: Yes. We are, Judge.

10 THE COURT: Is the Defense ready?

11 MS. TAYLOR: Yes, Your Honor.

12 MR. JOHNSON: Yes, Judge.

13 THE COURT: Bring the jury in.

14 (WHEREUPON, the jury came into open court at
15 approximately 4:27 p.m.)

16 THE COURT: All right. Mr. Moyer.

17 MR. MOYER: Thank you, Your Honor.

18 May it please the Court.

19 The State calls James Fulcher.

20 THE CLERK: Please place your left hand on the Bible
21 and raise your right hand.

22 WHEREUPON,

23 JAMES WILLIAM FULCHER, M.D.,

24 after first having been duly sworn, testified as follows:

25 THE CLERK: Thank you.

1 Please take a seat.

2 And state your name for the record.

3 THE WITNESS: Dr. James William Fulcher.

4 DIRECT EXAMINATION

5 BY MR. MOYER:

6 Q Where are you employed?

7 A I'm a pathologist with Pathology Associates of
8 Greenville, South Carolina.

9 Q Please tell the jury what a pathologist is, and what
10 you do with Pathology Associates.

11 A Sure. I'm a physician, just like a pediatrician or a
12 surgeon. I went to medical school at the Medical College
13 of Virginia. I then did specialized training in anatomic,
14 clinical, and forensic pathology for a total of -- let's
15 see -- five years after medical school, two residencies,
16 and one fellowship. We do autopsies for the State of
17 South Carolina, in this case, Greenville County.

18 Q Okay. How long have you held this position with
19 Greenville County?

20 A This is my first job out of fellowship. I've been
21 here nine years.

22 Q How many medical examiners do we have in Greenville?

23 A Two.

24 Q So do you have -- tell the jury about your
25 residencies, your medical license, and your

1 certifications.

2 A Sure. So I'm from Virginia. So I went to medical
3 school at the Medical College of Virginia, VCU School of
4 Medicine. I did my residency there and then my fellowship
5 at the chief medical examiner's office in Richmond,
6 Virginia. I'm triple board certified in anatomic
7 pathology, clinical pathology, and as it relates to this
8 case, forensic pathology.

9 My practice here and my practice for my entire
10 existence has been forensic pathology. I do approximately
11 300 autopsies a year for this area. I service this
12 county, Pickens County, Laurens County, Greenville
13 Hospital System. And we do autopsies on occasion for
14 Anderson, Oconee, Newberry, Greenwood, and Spartanburg.

15 Q And what are you looking for, and what are you doing
16 when you do an autopsy?

17 A An autopsy is an overall external examination of the
18 body. And then we, actually, do an evisceration, where we
19 remove all the organs and identify wounds inside the body
20 to determine why a person died.

21 Q And do you testify in courts of record about that?

22 A We do, yes, sir.

23 Q You've done it before?

24 A Yes, approximately 35 times.

25 Q Okay. And what all courts?

1 A Pickens County, Laurens County, Greenwood County,
2 this county. I think that's all.

3 MR. MOYER: Your Honor, at this time, I move to have
4 Dr. James Fulcher qualified as an expert in forensic
5 pathology.

6 THE COURT: All right. Any objection or additional
7 questions?

8 MS. TAYLOR: No objection from me, Your Honor.

9 MR. JOHNSON: No objection, Your Honor.

10 THE COURT: All right. Then he's so qualified in
11 forensic pathology.

12 And, ladies and gentlemen, as I told you this
13 before -- I have to say this every time somebody is
14 qualified as an expert. He has been qualified as an
15 expert in forensic pathology, which means he can testify
16 about his opinions and conclusions in those areas. But
17 you're to give it the weight that you feel is appropriate.

18 BY MR. MOYER:

19 Q Dr. Fulcher, did you perform an autopsy for this
20 case?

21 A I did, yes, sir.

22 Q And on whom?

23 A John Michael Ferrell.

24 Q When was that done?

25 A January 26th, 2015, at 9:00 a.m.

1 Q Where was that done?

2 A The Greenville County morgue, which is shared with
3 Greenville Hospital System. It's in the basement of the
4 hospital.

5 Q Okay. Now, in beginning your autopsy, do you take
6 note of how an individual is dressed? And, if so, did you
7 do so in this case?

8 A I did, yes, sir. And, in this case, the body was
9 received in a jacket, jeans, boxer shorts, socks, shoes.
10 I made a special note here that the jeans are received at
11 the ankles. And per report, the decedent was found at the
12 scene that way.

13 Q Okay. Did you note any -- regarding the jacket
14 itself, were there any deformities or defects in that that
15 had significance in the case?

16 A There were. There were several defects in the
17 jacket, which are consistent with bullet holes, a bullet
18 passing through the jacket. And interestingly, there were
19 no holes in the pants, despite the fact that the decedent
20 had been shot in the leg.

21 Q Okay. And we'll get to that in a little bit, also.
22 But did you note any apparent blood on the jacket?

23 A Yes. There was blood present on the jacket, yes,
24 significant bleeding.

25 Q Now, were there any weapons on the victim,

1 Mr. Ferrell?

2 A There were not. There was a cell phone, a
3 five-dollar bill, credit cards, a California driver's
4 license, three quarters, and one penny.

5 Q How old was Mr. Ferrell?

6 A I'll have to look.

7 He was 51 at the time of the autopsy.

8 Q Did you measure and weigh the body?

9 A I did. Yes, sir. He was a large man, 286 pounds,
10 and 67 inches in length.

11 Q 5'7"?

12 A 5'7", shorter.

13 Q Would that be considered obese?

14 A Oh, yes, definitely.

15 Q Now, did your examination include his entire body,
16 even organs that were not affected by the trauma?

17 A Yes, sir.

18 Q And what did you learn from examination of his lungs?

19 A Examination of the lungs showed he had emphysema in
20 the tissue of his lungs, both grossly and microscopically.
21 When I say grossly, I mean with the naked eye. Because I
22 look at things under the microscope, too. So gross means
23 just with my eye, which you can see when you're cutting
24 through the organ with a knife. And then I take things
25 under the microscope and look at them.

1 And he has emphysema, which is damage to lung tissue,
2 usually, in this country, from smoking.

3 Q What about his cardiovascular health?

4 A He had a large heart. His heart weighed 500 grams.
5 It should weigh under 350 for his height. He had coronary
6 artery disease, which is narrowing of the vessels, which
7 is what they do bypass surgery on or put stents in for.

8 So he had about a 50 percent -- or 30 to 50 percent
9 stenosis of one of those coronaries, the right. So he had
10 a fairly sick heart and sick lungs.

11 Q And what about his liver?

12 A His liver showed -- it was enlarged and, also, showed
13 steatosis, or fatty deposition. In this case, that fatty
14 deposition could have been from either two things, alcohol
15 use or obesity.

16 Q Now, what were -- these conditions of his heart,
17 liver, and lungs, how did that affect his overall health?

18 A Mr. Ferrell would have been in fairly poor health.
19 His ability to exercise significantly would have been
20 likely reduced due to his pulmonary capacity and the
21 heart.

22 Q Now, from your examination of Mr. Ferrell's body,
23 were you able to form an opinion as to the cause of
24 Mr. Ferrell's death?

25 A Yes, I was, sir.

1 Q And what was the opinion?

2 A Mr. Ferrell died from gunshot wounds, plural,
3 multiple gunshot wounds to the torso.

4 Q In addition to the gunshot wounds, without going into
5 detail at this time, did you note any other signs of
6 trauma?

7 A Yes. There's blunt force trauma to the head.

8 Q Okay. Let's begin with the gunshot wounds. How many
9 did you find?

10 A There are six in total, four in the torso, one in the
11 head, and one in the right thigh.

12 Q Okay. And we'll talk about this, especially when we
13 show the diagram. But the one in the thigh, is it
14 possible that it could have been connected to one of the
15 others in his upper body?

16 A It is possible, yes.

17 Q Based on the trajectory?

18 A Absolutely.

19 Q Did you number those gunshot wounds?

20 A Yes. They are numbered one through six. There could
21 be five, of course. But those numbers do not indicate
22 chronology. That is to say, I don't know that one
23 occurred before two or occurred before three. I just do
24 that to keep them straight on the document.

25 Q Let's begin with what you noted as gunshot wound

1 number one.

2 A Sure.

3 Q Would you, please, describe the location of it on
4 Mr. Ferrell's body?

5 A Sure. Gunshot wound number one was a perforating --
6 meaning it exits the body -- gunshot wound to the head.
7 It enters on the right temple and, basically, damages the
8 bone and, actually, exits through the right eye. At no
9 point in that gunshot wound does that projectile enter
10 into the cranial vault or significantly damage the brain.
11 It would have been survivable, although painful and
12 debilitating, of course.

13 Q So it would not be one that you would consider a
14 mortal wound, or a wound that would cause death?

15 A It would not, no, sir.

16 Q Now, were you able to determine directionality of
17 that shot?

18 A Yes.. It came from left -- I'm sorry, from right to
19 left and slightly back to front.

20 Q Okay. And are you ever -- in your examinations ever
21 able to make a determination as to distance of the
22 gunshot?

23 A I can. In this case, I saw no soot or stipple on the
24 skin's surface. And given that he wasn't wearing a mask
25 on this area covering up his eye or near his eye, I can

1 say that this wound came from a distance, meaning it was
2 over several feet given -- I assume this was a handgun.

3 When you shoot a weapon, soot comes out. It's not
4 just the bullet. The gunpowder comes out, too. And it
5 comes out as soot or stipple. And depending on how close
6 you are to the end of the barrel, that will, also, be
7 deposited on your skin. In this case, there was none of
8 that, meaning that the gunshot wound -- that gunshot wound
9 to the head came from several feet away.

10 Q So from several feet to -- once you get beyond that,
11 you can't say?

12 A I can't tell you. At that point, it's just a piece
13 of lead flying through the air. It just leaves a hole.
14 There's no mark on the skin that can tell me three versus
15 five feet.

16 Q Okay. Let's talk about gunshot wound number two.
17 Where did the bullet enter Mr. Ferrell's body, and what
18 direction did it go?

19 A Gunshot wound number two is a distant range gunshot
20 wound to the torso. It, actually, enters in the back
21 and -- the back of the neck. But it's angled very hardly
22 downward, and ends up penetrating through the left lung
23 and ends up in the bladder, actually.

24 So it goes all the way through the body,
25 perforates -- let me refer to my notes. Number two

1 perforates the left lung, diaphragm, stomach, soft tissue,
2 several loops of small bowel, and ends up in the bladder.

3 Q Okay. Would that be considered a mortal wound?

4 A With the wounding to the lungs, you potentially could
5 have bled out from that. So, technically, yes, although
6 there are more severe wounds to come.

7 Q Now, did you collect the projectile?

8 A We do, yes. If we find a bullet in the body, we will
9 recover it for law enforcement. In this case, a minimally
10 deformed hollow point large caliber jacketed projectile
11 bullet was found near the bladder and recovered and
12 received to law enforcement.

13 Q Let's talk about gunshot wound number three.

14 A Sure.

15 Q Where did that enter Mr. Ferrell's body?

16 A Gunshot wound number three is the anterior right
17 shoulder. It is interesting. This one, actually, enters
18 the arm, exits briefly, and then tunnels back in his --
19 let's call it his breast. He was not a real muscular guy,
20 kind of fat around his chest. It goes through that fat,
21 comes out again, and then grazes his abdomen. So it,
22 actually, enters, exits, reenters, and exits. And that's
23 the one we, also, think hit the leg.

24 The reason I say that -- if I can stand. If you can
25 imagine being shot at a hard angle and it's just grazing

1 the skin's surface. If you have your leg slightly bent,
2 it could easily hit that.

3 Q And the one in the leg, that's the one you refer to
4 as gunshot wound number six?

5 A I do. Although, it could be the same injury.

6 Q So four and six very well could be the same based on
7 the --

8 A Three and six.

9 Q I'm sorry. Three and six.

10 A Three and six could be the same. They line up very
11 nicely.

12 Q Okay. Would that be considered a mortal wound?

13 A No. That's merely a flesh wound.

14 Q And where did that -- now, referring to gunshot wound
15 number six, did that lodge in his body?

16 A Yes. It ends up in the leg, actually.

17 Q Where in the leg?

18 A The right leg and the thigh near the knee. It is a
19 large caliber -- once again, a large caliber hollow point
20 deformed -- minimally deformed jacketed projectile.

21 Q And you collected that projectile and gave it to law
22 enforcement?

23 A Yes, sir.

24 Q Okay. Now, let's talk about gunshot wound number
25 four.

1 A Gunshot wound number four is on the anterior left
2 shoulder near the clavicle, the collar bone. And it
3 enters -- of all the ones -- all the wounds more deeply in
4 the chest cavity and creates a large wound through the two
5 large vessels coming out of the heart, the pulmonary
6 artery and the aorta.

7 These are very large vessels, quite literally the
8 size of a garden hose, several centimeters across. It
9 damages them significantly and then rips a hole through
10 the left atria of the heart, which is, also, a critical
11 portion of the heart, which holds blood and helps pump
12 blood. And the actual bullet comes to rest inside the
13 sac, the pericardial sac that contains the heart.

14 So, in this case, we have severe wounding to large
15 vessels and the heart itself.

16 Q Okay. And that would be considered a mortal wound?

17 A Yes. Of all the wounds, this is the most mortal.

18 Q So you would, certainly, expect that wound to kill
19 Mr. Ferrell?

20 A Yes. And, also, we found 300 cc's of blood in the
21 sac around his heart, plus an additional 1,000 cc's of
22 blood in his left-sided chest cavity. A man his size,
23 that represents maybe one-fifth of his blood volume. So
24 it's a lot of blood loss, plus, what was on the scene, of
25 course.

1 Q Okay. And gunshot wound number five.

2 A Finally, gunshot number five is to the posterior
3 right shoulder. It enters on the posterior right shoulder
4 and, actually, it just is a flesh wound. It exits
5 anteriorly and really doesn't injure that much, just skin
6 and subcutaneous tissue.

7 Q What was the direction of that shot?

8 A That one is from back to front and downward.

9 Q Okay. And, now, rather than have you describe it too
10 much more. Did you get together with one of the forensics
11 officers for the purposes of having a diagram done to --
12 to give a better picture of these gunshot wounds for a
13 jury?

14 A I did, yes, sir.

15 Q Okay. And let me ask you now, if you would, step
16 down to the computer so you can show that to the jury, and
17 further explain the directionality of the shots.

18 A Everyone, please, excuse my driving of this program.

19 So this is number one, the red. You can see it
20 enters at the face, eye, and then, basically, comes in at
21 the temple and just blows out the right eye. And it exits
22 right then.

23 Gunshot wound two -- I'm sorry. Gunshot wound number
24 two is that one to the back that enters in the bladder.

25 So we have to spin around here. There we go. That's

1 number two straight into the back, kind of up near the
2 neck and goes out. And I think I can show you where it
3 ends up if I go -- there it goes. So it ends up down here
4 at the pelvis in the bladder, right in that area there.
5 This is the pubic ramus.

6 All right. So then we're on to number three, which
7 is the one that skips along the outside surface of the
8 body, as you recall. And it's right here. This yellow
9 line -- hold on. There we go. There we are. It enters,
10 exits. And we couldn't quite get it to nip the model. He
11 was less obese than our victim. But this is larger on
12 him, this fatty tissue around his breast. It, actually,
13 goes in here, comes out, then enters the fat at the
14 breast, and then ends up in the leg.

15 Q Okay. And then down at the bottom --

16 A Yeah. It ends up down -- that's where we recovered
17 it.

18 Q That's what we talked about as six?

19 A Correct, yes. It says three and six.

20 Q Three and six?

21 A Yeah, three and six.

22 And then four is that most fatal one of all, which
23 comes in here and enters right above the clavicle. Let me
24 see if I can get closer to it. It's right at the collar
25 bone and just goes straight into the heart. There you go.

1 It's almost straight down, a very dramatic downward
2 trajectory.

3 One thing I would point out is all these arrows are
4 largely pointing downward. So we can assume that -- well,
5 we can't assume anything. But these are all going
6 downward.

7 And then, finally, number five was to the back and
8 just went straight out. There it is, that little red guy
9 there is number five. And it's just a flesh wound. I
10 know that's not a good view of it. It's just soft tissue.

11 And I think I can come around and show more of the
12 vital organs. I think there's one of these. That's the
13 heart. This is the heart right here. There's the heart
14 and these big red vessels. This red one represents the
15 aorta, the large vessel that takes blood to the rest of
16 the body, and this pulmonary artery is in blue. It's blue
17 because it's oxygenated blood. So this is what goes to
18 the lungs.

19 So your heart beats, blood goes to this big tube,
20 gets to the lungs, picks up oxygen, and comes back and
21 then gets pumped out of the aorta. In this case, both
22 these guys and the left atria are destroyed by that one
23 bullet. And that was number four -- yes, four.

24 Otherwise, I think that's -- is that sufficient of an
25 explanation?

1 Q Yes.

2 A Here's a nice view of the skull and the area that was
3 wounded on the skull. You can see it's more just the
4 zygomatic arch. This is the outside portion of the skull
5 right there.

6 Q Okay. Thank you.

7 Please take a seat again.

8 A (Witness complied.)

9 Q Okay. Now, you briefly touched on earlier some other
10 signs of trauma to Mr. Ferrell's upper body. I would like
11 you to describe in more detail --

12 A Sure.

13 Q -- kind of for the jury what it was that you found.

14 A The superior vertex of the head, more on the right
15 side than the left, there are a grouping of injuries that
16 really have two discrete patterns. One of them is more of
17 a curve, a linear one-half inch kind of -- not oval, but
18 half circle abrasion with an underlying contusion.

19 And the other one is more impressive. It is paired
20 elongate rectilinear lacerations, each measuring a certain
21 distance, 5/16th by 1/16ths. And between -- they are
22 paired. So there's two in each group. And between them,
23 there is a 3/16th-inch sparing. And that sparing
24 continues across all these groups. So in groups of two,
25 all the same size with the exact same distance in between.

1 Q And what is that consistent with?

2 A Additionally -- I should have elaborated, that same
3 rectilinear injury is, also, continued in the skull. So
4 it's, actually, chipped into the bone, too, so it's not
5 just on the skin. That injury is consistent with being
6 hit by a carpentry claw hammer. The curvilinear part is
7 the head of the hammer.

8 But if you're hitting someone with a hammer, human
9 nature is to try the claw. And because those two claws
10 are fixed in space and cannot move, they leave that gap
11 the same every time it hits.

12 Q Okay. Now, how many blows to the head were there
13 that were significant enough for you to make note of?

14 A Quite a few. I looked at my pictures earlier today.
15 Unfortunately, there's quite a few of them and they
16 overlap. So it's very difficult to tell exactly how many
17 there are.

18 But there's, at least -- that curvilinear, that one,
19 that one. There's probably a solid five or six, for sure.
20 It could be more. I know there's, at least -- and there's
21 some on the jaw. The jaw is, also, broken as well, which
22 is all secondary to that trauma.

23 Q Okay. I was going to ask you about that next. If
24 you could describe any injuries to the face.

25 A Yeah. The right angle to the jaw, which is right

1 here, is, actually, fractured in half. And that has an
2 associated injury, likely, from the hammer.

3 In that particular case, I would argue that -- no,
4 no, looks like the claw did that one, too. It wasn't the
5 head. So the claw got the angle of the jaw.

6 Q So that, actually, broke his jaw?

7 A Yes, sir.

8 Q Okay. Can you -- are you able to say how many blows
9 there were to the face, or could it be just one, or could
10 it be several?

11 A Oh, it's definitely several. So we've got a solid --
12 a very, very characteristic claw mark to the top of the
13 head, a characteristic claw mark to the top of the head.
14 At least, a claw mark to the angle of the jaw, plus
15 another interesting abraded thing, which might be a
16 deflected claw or part of the hammer.

17 So that would be, like I said, four -- it'd probably
18 be four to five in total, at least. But there are other
19 smaller abrasions that overlap.

20 Q Okay. Now, did you -- did you also -- is it standard
21 procedure to do a toxicology --

22 A Yes, sir.

23 Q -- on a victim in this case?

24 And you did so in this case?

25 A Yes, sir.

1 Q What does that mean, toxicology?

2 A Toxicology is the removal of specimens from the body
3 and then the analysis of them by a laboratory to evaluate
4 toxins. This specimen would have been sent to National
5 Medical Services Laboratory. And I believe I requested my
6 expansive panel. And the only thing they found was
7 alcohol.

8 Q Okay. How much alcohol?

9 A .16 -- I'm sorry .116 grams per hundred milliliters,
10 which is the equivalent that you would hear on a DUI. So
11 a .08 is a DUI, legal limit. He is at .116, so above
12 that.

13 Q Okay. Now, when we talk about blood alcohol levels
14 in a person, can the same level have different effects on
15 different people, depending on different factors?

16 A Certainly, it can. It depends on how accustomed they
17 are to drinking alcohol. The more you drink, the more it
18 would require to get the same disorientation in another
19 person that's a naive user, that does not drink.

20 Q Okay. So .116, as this victim had --

21 A Yes.

22 Q -- could have a profound effect on a nondrinker, and
23 much less of an effect on someone who's used to drinking
24 alcohol?

25 A That's correct.

1 Q Now, so based on the fatty tissue you saw to
2 Mr. Ferrell's liver, you expect him to have been a
3 drinker?

4 A I would expect so, yes. Like I said, you can have
5 fat in your liver for multiple reasons, but, certainly,
6 alcohol is a very common one in this country.

7 Q Did you have the toxicology -- did you request -- you
8 said it was expansive. Did you request all different
9 drugs, both legal and not legal?

10 A Yes. Let me find the requisition to see exactly what
11 box I checked. It is a -- that, basically, means we're
12 going to cover every drug abuse, methamphetamine,
13 amphetamine, certain sedative drugs that are prescription,
14 OxyContin, Oxycodone, methadone, methadone metabolite,
15 cocaine, heroin, all the more common stuff.

16 This would miss really weird, off the -- kind of, you
17 know, the unusual fentanyl derivatives that we're seeing
18 now. To be honest, in 2015, we really weren't seeing them
19 anyway.

20 Q And that was all negative?

21 A Yeah. Everything else was negative, yes, sir.

22 Q So just the alcohol?

23 A Just the alcohol.

24 Q Did you collect a blood standard from Mr. Ferrell for
25 law enforcement?

1 A Yes, we do. It is protocol and, actually, required
2 by state law for me to collect a blood sample, which is a
3 piece of filter paper with dried blood that I personally
4 place on the card.

5 Q And you know that was provided to law enforcement for
6 DNA testing purposes?

7 A Yes.

8 MR. MOYER: One moment.

9 (Pause.)

10 MR. MOYER: Please answer any questions the Defense
11 may have.

12 THE COURT: Ms. Taylor.

13 MS. TAYLOR: Just briefly.

14 CROSS-EXAMINATION

15 BY MS. TAYLOR:

16 Q Dr. Fulcher.

17 A Yes, ma'am.

18 Q You stated that the deceased, Mr. Ferrell, had
19 emphysema; is that correct?

20 A Yes, sir -- or yes, ma'am. I'm sorry.

21 Q That's okay. Seems to be a common theme today.

22 He, also, has an enlarged heart; is that correct?

23 A Yes, ma'am.

24 Q He, also, has stenosis or partial blockage in his
25 heart; correct?

1 A That's correct. Yes, ma'am.

2 Q And he has a fatty and enlarged liver, which may or
3 may not be from alcoholism?

4 A Uh-huh.

5 Q And then just to clarify. The deceased did have an
6 alcohol blood toxicology at .116. And you stated the
7 legal limit in this state is .08?

8 A That's correct. Yes, ma'am.

9 Q And last question. The mortal shot that killed
10 Mr. Ferrell was gunshot number four; is that correct?

11 A Yes, ma'am. That's correct.

12 MS. TAYLOR: Thank you.

13 No further questions.

14 THE WITNESS: You're welcome.

15 MR. JOHNSON: I don't have any questions, Your Honor.

16 THE COURT: Any redirect?

17 MR. MOYER: No redirect, Your Honor.

18 THE COURT: Thank you.

19 You may step down.

20 THE WITNESS: Thank you.

21 THE COURT: All right. I kept it in the 5:00 rule.

22 All right. Ladies and gentlemen, we're going to

23 break for the day. So, again, don't discuss the case.

24 Don't do any of your own research on the case. Do not pay

25 any attention to any media coverage, if there is any. And

1 if you're contacted by anybody, let the -- contact the
2 clerk's office and let them know.

3 Other than that, I'll see you at 9:30 in the morning.
4 All right. 9:30.

5 (WHEREUPON, the jury was excused from open court at
6 approximately 4:56 p.m.)

7 THE COURT: All right. Anything else from the State
8 before we break for the day?

9 MR. MOYER: No, Your Honor.

10 THE COURT: From Defendant Jane Hughes?

11 MS. TAYLOR: No, Your Honor.

12 THE COURT: From Defendant Jacob Hughes?

13 MR. JOHNSON: No, sir, Your Honor.

14 Although at some point, I would like to, I guess, at
15 the appropriate time go over particular jury charges so I
16 can formulate an argument.

17 THE COURT: Right. If y'all have any jury charges,
18 y'all need to get them to me.

19 MR. JOHNSON: Okay.

20 THE COURT: And, usually, what I do is we kind of
21 work up a jury charge. And then I'll sit down with y'all
22 in chambers and go over everything. And then I'll let you
23 put anything on the record if you disagree on anything
24 that we put in.

25 MR. JOHNSON: Yes, sir, Your Honor.

1 MR. MOYER: May it please the Court.

2 I think we're going to have probably a couple hours
3 of testimony tomorrow from the State. So depending on
4 what they do, I think we should be able to have a
5 conference with Your Honor about jury charges before lunch
6 and then do closings after lunch.

7 THE COURT: Yeah. That's what I was looking at. It
8 depends on what all is going on. But, yeah, that's where
9 it looks like we're headed. But we've all been wrong
10 before.

11 All right. See everybody in the morning at 9:30.
12 And, like I say, if you have any jury charges, you can
13 send those to my law clerk.

14 (WHEREUPON, the proceedings were concluded at
15 approximately 4:57 p.m., to be reconvened on
16 Wednesday, April 4, 2018.)

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25

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2015-GS-23-03343
	)	2017-GS-23-04938A
	)	
	)	2015-GS-23-03345
	)	2017-GS-23-04937A
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JANE KATHERINE HUGHES,	)	VOLUME II
JACOB CODY HUGHES,	)	
DEFENDANTS.	)	

April 4, 2018
Greenville, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE; and a jury.

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Circuit Court Reporter

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(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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P R O C E E D I N G S

1 THE COURT: Any housekeeping matters?

2 MR. MOYER: Not that I know of.

3 THE COURT: Suggestions? Complaints?

4 (WHEREUPON, there was no response.)

5 THE COURT: Are we ready for the jury?

6 MS. TAYLOR: Yes, sir.

7 THE COURT: Is the Defense ready?

8 MR. JOHNSON: Yes, sir.

9 THE COURT: If they're ready, bring them in.

10 Did y'all -- do y'all want to put in any jury
11 charges?
12

13 MR. MOYER: I have a couple now, Judge, that I will
14 pass up to the Court. I guess it depends on -- I'll
15 reserve my right to give more, depending on where we --

16 THE COURT: Oh, that's fine.

17 MS. TAYLOR: I don't have mine typed up because I
18 thought we were doing that after lunch. I just have one
19 additional. I was going to request an ABHAN.

20 THE COURT: Okay. What I was thinking is during
21 lunch -- that way, we can be looking at them.

22 MS. TAYLOR: Okay.

23 THE COURT: I'll have him come up with ABHAN, and we
24 can discuss that.

25 MR. MOYER: I just realized I didn't sign that,

1 Judge. I apologize.

2 THE COURT: I don't think you need to.

3 MR. MOYER: Okay.

4 THE COURT: I mean, I've had some scribbled on a
5 piece of paper. I don't think they really have to be that
6 formal.

7 MR. MOYER: Okay. Mr. Johnson said he would get me a
8 copy. I haven't seen his. I mean, the clerk can make a
9 copy of it.

10 THE COURT: I think they're probably what we already
11 have. If they are, then I'll just -- you can have those
12 copies.

13 MR. MOYER: Okay.

14 THE COURT: Are we ready for the jury?

15 MR. MOYER: Yes, sir.

16 THE COURT: Bring them in.

17 (WHEREUPON, the jury came into open court at
18 approximately 9:33 a.m.)

19 THE COURT: Good morning. I hope everybody had a
20 good evening.

21 We are ready to start day three of the trial. The
22 State is still in their case.

23 So, Mr. Moyer, if you would call your next witness.

24 MR. MOYER: Thank you, Your Honor.

25 May it please the Court.

1 The State calls Mike Rainey.

2 THE CLERK: Please place your left hand on the Bible
3 and raise your right hand.

4 WHEREUPON,

5 MICHAEL RAINEY,

6 after first having been duly sworn, testified as follows:

7 THE CLERK: Take a seat.

8 And please state your name for the record.

9 THE WITNESS: Michael Rainey.

10 DIRECT EXAMINATION

11 BY MR. MOYER:

12 Q Where are you employed?

13 A The Greenville County Sheriff's Office.

14 Q How long have you been in law enforcement?

15 A About 23 and a half years.

16 Q Okay. Has that all been with the sheriff's office?

17 A Yes, sir.

18 Q What is your position now with the sheriff's office?

19 A I am currently the sergeant over our computer crimes
20 and our tech division.

21 Q How long have you been in the computer crimes
22 section?

23 A Since 2010 -- or, I'm sorry, since 2007.

24 Q How long have you been captain?

25 A I've been sergeant --

1 Q I'm sorry, sergeant. I apologize.

2 A I've been sergeant in the unit for a little over a
3 year.

4 Q A little over a year. Okay. So what all do you do
5 in the computer crimes section?

6 A We do computer -- computer forensic analysis on
7 computers, laptops, DVR's, cell phones, basically, any
8 kind of electronic media.

9 Q So that does include cell phone analysis?

10 A Yes.

11 Q And when you analyze a cell phone, are you able to
12 get data recovery from a phone?

13 A Yes, sir.

14 Q Okay. And have you been trained on that?

15 A Yes, sir. I've been trained in multiple platforms --
16 or multiple programs.

17 Q What do we mean by cell phone data recovery, and how
18 is it done?

19 A There are different companies that perform that,
20 Cellebrite, Black Mag Technologies, which is mobilized.
21 Basically, if you take the cell phone and plug it into a
22 forensic device, which makes the cell phone read only -- I
23 can't change any data. I can only extract data from the
24 device. It pulls the data out from the computer -- or
25 from the cell phone, puts it into a read only format, and

1 generates a report that we can read from the device.

2 Q What do you mean by "read only"?

3 A I can't make any changes to the data or to the phone.
4 It connects through a software. And I can't manipulate
5 it. I can't change anything. It is locked.

6 Q So what sort of information are you retrieving when
7 you do data recovery from cell phones?

8 A Call logs, text messages, SMS messages, which are
9 picture messages, MMS messages, pictures, videos.
10 Depending on the make and model of the phone, we can get
11 the information, the geo location information off the
12 phone, where it was at.

13 Q Did you do a cell phone data recovery on a phone in
14 this case?

15 A Yes, sir, I did.

16 Q And was that phone brought to you by investigators
17 with the Simpsonville Police Department?

18 A Yes, it was.

19 Q Okay. I'm going to hand you State's Exhibit No. 82.
20 And if you will take a look at that and see if that's the
21 cell phone that you were asked to do data recovery from.

22 A Yes, sir, it is.

23 Q Okay. And when you did the data recovery of that
24 phone, did you preserve your -- the results of that on a
25 disk, on a CD?

1 A Yes.

2 Q Okay. And did you give that to investigators with
3 the Simpsonville Police Department when you -- when they
4 came back to get the phone from you?

5 A Yes, sir.

6 Q Okay. I'm going to hand you State's Exhibit No. 83.
7 Can you take a look at that?

8 A Yes, sir.

9 Q Okay. And do you recognize that?

10 A Yes, sir.

11 Q And how do you recognize it, and what is it?

12 A This is a copy of the disk, which I opened and
13 verified that it was -- it was my report. And it has the
14 date and the initials on it.

15 Q Okay. And that's the report that you did on that
16 phone that is before you?

17 A Yes.

18 Q Okay. Now, I'm not going to go into the contents of
19 your report at this time. But I'm going to ask you a
20 couple of questions about it.

21 MR. MOYER: Before I do, Your Honor, I would ask to
22 have State's Exhibit No. 83 entered into evidence.

23 MS. TAYLOR: Your Honor, I have no objection to the
24 disk, it's contents. However, being --

25 THE COURT: Okay.

1 MR. MOYER: Well --

2 THE COURT: Do you want to just do it for ID for now?
3 What's your objection?

4 MS. TAYLOR: Your Honor, it might be better to handle
5 it outside the presence of the jury.

6 THE COURT: Is this something we need to address now,
7 or do you need to go --

8 Well, let me ask y'all to step back in your jury
9 room. So this gives you a little exercise early. Do not
10 discuss the case. And we'll bring you back in just a
11 minute.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 9:39 a.m.)

14 THE COURT: All right. The jury is secure.

15 MS. TAYLOR: Your Honor, I believe that my issue is
16 going to be -- and I'm not sure if it necessarily is going
17 to come in through this witness, or if he's just going to
18 testify to the actual time stamp.

19 But my issue is we can't get an accurate picture of
20 the content of this conversation because it doesn't
21 include the entire conversation. It cuts off at a
22 predetermined specific amount that was determined by law
23 enforcement. Therefore, there could have been additional
24 text messages that might provide some insight or
25 explanation that the jury is not going to be able to see.

1 THE COURT: Okay. So this is just a copy of the text
2 messages themselves?

3 MR. MOYER: Well, it has all the content of the
4 phone. And it wasn't just cut off. This is the entire
5 contents of the phone.

6 So, actually -- I mean, first off, even if that were
7 an accurate portrayal of what we have, that would go to
8 the -- that would go to the weight of the evidence, not
9 the admissibility. But as the officer testified, he just
10 did a -- a dump of all the contents of the phone that --
11 and it went up until when the phone was retrieved by law
12 enforcement that night, as has been testified to.

13 MS. TAYLOR: Your Honor, additionally --

14 THE COURT: Mr. Johnson, I don't want to cut you out.

15 MR. JOHNSON: Absolutely, Your Honor.

16 THE COURT: And I didn't mean to cut you off either,
17 Ms. Taylor.

18 MS. TAYLOR: That's fine.

19 MR. JOHNSON: Yes, sir, Your Honor.

20 From my point of view, I don't know -- I did want
21 permission to voir dire Sergeant Rainey about the contents
22 of the disk, and make sure that he was aware of what was
23 on it. If he can do that, I don't know that I have an
24 objection to that portion.

25 Now, at the point in time of the text messages, I

1 guess, being entered into evidence, I'll have an objection
2 depending upon the type of testimony they elicit. So I
3 don't necessarily have an objection now as long as I can
4 voir dire the witness and he can answer my questions in a
5 manner that shows he has knowledge of what's on it.

6 THE COURT: Well, I think if they put them in now,
7 that's what we're doing.

8 MR. JOHNSON: Yes, sir.

9 MR. MOYER: Well, and the content -- obviously, he
10 had no role in this case. So as far as the significance
11 of what's in that phone, that's not up for him to
12 determine. That is up to the investigator. That's why
13 she is going to be the one who is -- we're going to,
14 actually, pull up the contents and talk about what is on
15 it at the time. But it's just -- as far as the
16 admissibility of the document, we're doing that through
17 him.

18 THE COURT: And this is everything that was on that
19 phone, basically, at the time?

20 MR. MOYER: Yes, sir.

21 THE COURT: I mean, do we want -- I mean, I guess the
22 question is, do we want everything that is on that disk or
23 just the stuff that's relevant to this case?

24 MR. MOYER: Right. Just what's relevant to this
25 case. We're going to go into the testimony between John

1 Hughes on one end of the phone and Mr. Johnson's client on
2 the other end of the phone, and then just the call log of
3 calls between the two. That's all we're going to go into.

4 THE COURT: I mean, do we put the whole disk in,
5 though, in evidence?

6 MR. MOYER: I think as long as we make it clear.
7 And, in fact, I can restate the -- my introduction of the
8 evidence to confine it to that, to just those elements.
9 And then if the jury, at some point, needs to -- during
10 deliberations would like to look at that, we can control
11 what exactly they see when they're brought into the
12 courtroom. But I will limit it to the text messages and
13 the call log.

14 THE COURT: All right. And all of that -- I mean,
15 all of it is on the disk. And is there another disk that
16 had just the relevant stuff, or is everything on here and
17 you just go through that disk until you find what you need
18 put in?

19 MR. MOYER: It's pretty much everything here. But
20 it's just easily accessible.

21 THE COURT: Okay.

22 MR. MOYER: It's very quickly accessible.

23 THE COURT: All right.

24 MR. JOHNSON: And when it comes -- and, Your Honor,
25 to be clear, when it comes time, I suppose, to enter what

1 they believe are relevant text messages, I suppose we
2 could have an argument about what's relevant and what's
3 not. What we would want is the entirety of the
4 conversation, rather than a few text messages. So that
5 the jury would be able to see a picture of what's --

6 MR. MOYER: We're going to show everything that was
7 going back and forth.

8 THE COURT: I think my ruling is going to be
9 conditional that -- I guess for the purposes of this,
10 you've established the authenticity of this. And then --
11 so I guess it's going to be -- I mean, my ruling and what
12 I'm thinking here is it's going to be conditionally
13 admitted into evidence, subject to objections about
14 specific parts of it that -- and that you're only going to
15 put in relevant parts.

16 MR. MOYER: Yes, sir, Your Honor.

17 THE COURT: Is that clear?

18 MR. JOHNSON: And, Your Honor, if I may, when the
19 jury is back, voir dire him about if he's aware of the
20 contents that's on the disk. I think, for the record, I
21 need to do that.

22 THE COURT: I'm not sure. I assume that he's going
23 to say, yeah, this is the phone, this is the disk, I
24 connected it.

25 MR. MOYER: I think that's pretty much it, Your

1 Honor.

2 THE COURT: I mean, whatever you -- I'll let you have
3 it if you feel like there's some voir dire.

4 Are we all on the same page?

5 MR. JOHNSON: Yes, sir.

6 MS. TAYLOR: Yes, sir.

7 THE COURT: All right. Bring the jury in.

8 (WHEREUPON, the jury came into open court at
9 approximately 9:46 a.m.)

10 THE COURT: All right. Ladies and gentlemen, we're
11 now ready to proceed. Sometimes, it's a little bit
12 cleaner and more efficient if we discuss some of these
13 evidentiary issues outside your presence so that we
14 don't -- to make sure everything is before you and is
15 properly before you.

16 So, Mr. Moyer, you may proceed.

17 MR. MOYER: May it please the Court.

18 I would renew my offer of State's Exhibit No. 88 be
19 entered into evidence.

20 THE COURT: 88 or 82?

21 MR. MOYER: Okay. I think that is a three looking at
22 it again. Sorry.

23 THE COURT: All right.

24 MS. TAYLOR: Just previous objection.

25 THE COURT: All right. Did you want to ask some

1 questions?

2 MR. JOHNSON: Permission to voir dire the witness.

3 THE COURT: Yes.

4 VOIR DIRE EXAMINATION

5 BY MR. JOHNSON

6 Q Sergeant, this is your writing on the disk?

7 A That's my initials and date, yes. And it's a copy.

8 Q And the number and the writing -- and it says,
9 analysis result on John Hughes' cell phone, copy. Is that
10 all your writing?

11 A No, sir. That is a copy of the disk.

12 Q That's a copy of the disk. The original disk you
13 provided, I guess, to the Solicitor's Office?

14 A It is with Simpsonville.

15 Q Simpsonville Police Department. When you -- when you
16 download the results of the cell phone, do you take a look
17 at it to make sure everything downloaded properly, any
18 errors, or anything of that nature?

19 A I look at the program itself to make sure the program
20 itself is complete and the report is valid. But I do not
21 look at any of the evidence. I don't read text messages.
22 I don't look through the pictures. I just look at the
23 overall report and make sure everything is captured in the
24 report and the report is complete and documented.

25 Q The -- how -- is the report a short report? Is it a

1 long report?

2 A That depends on the data that's in the phone, sir.
3 It could be a very short report, or it could be multiple
4 pages, just depending on how much data is in that phone
5 and what is retrieved out of it.

6 Q What type of data does the report give?

7 A Everything that it pulls and generates out of the
8 phone, text messages, call logs, incoming, outgoing calls,
9 contacts, photos, videos. It pulls all of those.

10 Q Okay? And does it take everything from the phone?

11 A Everything that it can pull. There are certain --
12 there are certain -- each make and model of phone is
13 different and each program -- it might not be able to pull
14 it off of a certain phone because of the programming
15 inside that phone.

16 Q So once you run the program, are you able to tell how
17 far back the program was able to go?

18 A If it's on the phone and it pulled it, it will pull
19 all the data. Sometimes, it will pull deleted data,
20 sometimes it will not. If stuff is deleted off the phone,
21 then it depends on the make and model of the program if I
22 get the data that's been deleted or not.

23 Q Now, what I'm asking is do you know -- are you able
24 to tell from the report, or otherwise, whether or not it
25 was able to get deleted data?

1 A Yes, sir. It will show up on the report if it was
2 deleted -- if it recovered deleted data or not.

3 Q Is the report something you brought to court?

4 A No, sir. It's on the disk.

5 Q It's on the disk. So when you read the report, it
6 tells you what -- everything taken from the -- everything
7 taken from the disk. And it tells you whether it was able
8 to pull deleted data and things of that nature?

9 A Correct.

10 Q Is reading the report difficult?

11 A No, sir.

12 Q Is it pretty straightforward?

13 A Yes, sir.

14 Q Do you recall what the report said in this case?

15 A No, sir. I don't look at the report and read it. I
16 just make sure the report itself is generated.

17 Q Okay. And then you put the report on a disk?

18 A Correct.

19 Q Does -- the program that you run, does it ever
20 produce an error, or anything of that nature?

21 A It does. It will notify me if it has a connection
22 issue.

23 Q And when you're talking about identification
24 purposes, does it -- does it indicate -- for example, if I
25 have Sergeant Rainey in my phone, does it indicate that's

1 who that person is?

2 A If you programmed it into your phone under that
3 contact, yes.

4 MR. JOHNSON: I have no further questions, Judge.

5 THE COURT: All right. Any additional objections?

6 MS. TAYLOR: None from me, Your Honor.

7 THE COURT: Any additional objections, Mr. Johnson?

8 MR. JOHNSON: Your Honor, I do have concern that he's
9 not really aware of what's on the disk and he put it on
10 there. But, otherwise, that's my only objection.

11 THE COURT: And I'm going to allow it in evidence
12 conditioned upon additional proof of any relevant
13 information and other objections to actual specific
14 content at that time, so.

15 (WHEREUPON, State's Exhibit No. 83 was admitted into
16 evidence.)

17 MR. MOYER: Thank you, Your Honor.

18 May it please the Court.

19 CONTINUED DIRECT EXAMINATION

20 BY MR. MOYER:

21 Q So why don't you go through and analyze the contents
22 once you make a copy, or once you download it?

23 A Because I'm not familiar with the case. I'm not the
24 lead case agent on the matter. I'm there to extract the
25 data. The forensic program does not allow me to make any

1 changes to the data. So I do the download. I put the
2 information on a disk in a readable format for the
3 investigator. And the investigator goes through the
4 phone. I'm just there to extract the data and put it into
5 a readable format the investigator can look at.

6 Q So you didn't have any other role in this case, did
7 you?

8 A No, sir.

9 Q It was a Simpsonville case, actually?

10 A Correct.

11 Q So you didn't have any investigation or know all the
12 details about the case?

13 A No, sir.

14 Q And that is why.-- so you just simply gather the
15 information, give it to the investigator so the
16 investigator can look to see if there's anything or not?

17 A Correct.

18 Q Okay. I'm just going to ask you a couple of
19 questions, at this point, about the report, just for
20 clarification sake. First off, on the report, if you go
21 into device details, it does give the phone number for
22 that phone in there, does it not?

23 A Yes, sir.

24 Q Okay. Now, let me ask you a couple of questions
25 about text messages. When it lists the text messages that

1 have been done from that phone, it lists incoming and
2 outgoing calls --

3 A Correct.

4 Q -- I mean, messages.

5 A Messages, yes, sir.

6 Q And you're able to isolate messages from a particular
7 phone, like --

8 A Yes. You can go in and search criteria and pull a
9 certain -- a specific conversation from one party to
10 another.

11 Q Okay. So when we go into these records, we'll be
12 able to look at text messages that went back and forth
13 between this phone and one other individual phone; is that
14 right?

15 A That is correct.

16 Q Okay. And they're listed from most recent at the top
17 to least recent?

18 A Yes, sir.

19 Q Okay. In that particular order. Okay. Does it give
20 the date and the time?

21 A It does.

22 Q Okay. Now, what can you tell the jury to expect
23 about what will be displayed as to date and time?

24 A The date and time, it pulls it in Greenwich mean
25 time, which is absolute time. You have to subtract out

1 our time zone. So you look at the time and then subtract
2 back or forward, depending on the time zone you're in, to
3 get the correct time it was sent.

4 Q Okay. So let's take an example. If a phone call --
5 if the date stamp was January the 25th, 2015, and it shows
6 4:10 -- 4:10 a.m., we would subtract five hours from that
7 for the actual time that would be here?

8 A Yes, sir. It would show -- on the report, it would
9 show the time. And it would say minus four hours or minus
10 five hours, depending on which time zone or where you're
11 at at the specific time.

12 Q So it gives the date and the time, and then it says
13 minus 05:00?

14 A Correct.

15 Q So with that example I gave you, then, on 1/25/15 at
16 4:10 in the morning, if we subtract five hours, the actual
17 time then would be January 24th, at 11:10 p.m.?

18 A Yes.

19 Q If you do the math; is that right?

20 A Yes.

21 MR. MOYER: Okay. I have no further questions for
22 you at this time. Answer any questions the Defense has.

23 THE COURT: Cross-examination, Ms. Taylor.

24 MS. TAYLOR: No questions for this witness.

25 THE COURT: Mr. Johnson.

1 MR. JOHNSON: Yes, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. JOHNSON:

4 Q Sergeant Rainey, when you do these text messages or
5 you pull text messages -- well, let me go back. I
6 understand you didn't read the results in this case;
7 correct?

8 A I don't read the results in the case, no.

9 Q Okay. But have you seen the results in any case
10 before?

11 A Yes. If it's my case, yes.

12 Q If it's your specific case?

13 A Yes, sir.

14 Q And when you say you pull text messages, if somebody
15 has, like, a text signature or something of that nature,
16 would that show up, too?

17 A It will pull the conversation.

18 Q Okay. Do you know what a text signature is?

19 A Yeah. On the bottom of it, yes, sir.

20 Q Okay. On the bottom of it. And if I send you a
21 text, it always pops up; is that correct?

22 A Uh-huh.

23 Q You have to say "yes" or "no."

24 A Yes, sir.

25 Q Okay. And that pops up, also, in these types of

1 cases as well. So if you pull something from a cell
2 phone, the text signature would, also, show up?

3 A It should, yes, sir.

4 Q Is there any sort of acronym or other short version
5 that indicates that that's what that is?

6 A No, sir.

7 Q Okay. There's no like -- there's no specific -- does
8 it show up in quotations? Does it show up anything else?
9 Can you tell?

10 A No, sir.

11 Q Okay. You can't tell that at all?

12 A It doesn't show. It just pulls the information and
13 shows it on the bottom of the report.

14 Q Okay. So how can you tell it's a signature?

15 A It just shows it there at the bottom.

16 Q And it shows it there at the bottom of -- and let's
17 do it visually. It shows it there at the bottom of what?

18 A Of the text, of the data.

19 Q Okay. And when the data shows up, does it look
20 like -- does it look like -- like we would look at it on a
21 cell phone, or does it look differently?

22 A It shows it in a conversation view.

23 Q Okay. And does it show it, like, off to the right,
24 or off to the bottom, or off to the side? Or does it show
25 it in any specific type of way?

1 A No, sir, just your text view.

2 Q Okay. So my text view is the way it would look?

3 A Well, the text view it generates. It would have your
4 conversation, who it's from, the number, the conversation,
5 and it would dialogue back and forth. It just reads it
6 out. It's, basically, like text.

7 MR. JOHNSON: Okay. Thank you.

8 THE COURT: All right. Any redirect?

9 MR. MOYER: No, Your Honor.

10 THE COURT: Thank you.

11 You may step down.

12 MR. MOYER: The State calls Christine Boisher.

13 THE CLERK: Place your left hand on the Bible and
14 raise your right hand.

15 WHEREUPON,

16 CHRISTINE BOISHER,

17 after first having been duly sworn, testified as follows:

18 THE CLERK: Please take a seat.

19 And state your name for the record.

20 THE WITNESS: Christine Boisher.

21 DIRECT EXAMINATION

22 BY MR. MOYER:

23 Q Okay. Ms. Boisher, how old are you?

24 A 53.

25 Q 53 years old. Okay. Are you married? Children?

1 A I am married, and I have three children.

2 Q Okay. And you have grandchildren as well?

3 A I do. I have five.

4 Q Okay. Now, let me ask you about whether or not you
5 know the Defendants in this case, or whether you know the
6 Hughes family?

7 A Yes, I do.

8 Q Okay. You do. Do you know John Hughes?

9 A Yes, I do.

10 Q And Margaret Hughes, his wife?

11 A Yes, I do.

12 Q Do you know Jane and Jacob Hughes, who are in the
13 courtroom?

14 A Yes, I do.

15 Q Okay. You've met them all before?

16 A Yes.

17 Q And what -- how did you get to know them?

18 A Actually, it was through the church. I go to the
19 Church of Jesus Christ of Latter-day Saints. And the
20 Hughes are, also, members there. And our Bishop, at the
21 time, had called and asked me if I would be willing to
22 kind of, like, befriend the Hughes. Because they were
23 going through a custody issue. And we had went through a
24 custody issue previously with my grandson and my daughter.

25 Q You yourself had done so?

1 A Yeah.

2 Q You had been through one?

3 A Yeah, with my daughter and grandson. So we were kind
4 of familiar with the proceedings, and stuff, so.

5 Q And had you, actually, acted as a guardian ad litem
6 on occasions?

7 A Yes. I was a guardian ad litem for almost three
8 years.

9 Q When did you do that?

10 A In Greenville County.

11 Q Okay. Now, and you know about the incident that took
12 place in January of 2015; correct?

13 A Yes.

14 Q With John Ferrell. Did you know John Ferrell?

15 A No.

16 Q Had you ever met him, as far as you know?

17 A No, sir.

18 Q How -- prior to that incident, about how long was it
19 that you had known -- how long had you known the family
20 leading up to that incident, would you say?

21 A Actually, talking with them, probably maybe three
22 months, four months.

23 Q Okay. Did you know them before you started talking
24 to them?

25 A No, sir.

1 Q Okay. And so -- so did you tell your Bishop that
2 you'd be willing to talk to them?

3 A Yes, I agreed. And he asked if he could give
4 Mr. Hughes my phone number to contact me. And I said,
5 sure, that would be fine.

6 Q Okay. And did he do so?

7 A Yes, probably within an hour.

8 Q Okay. And did you ever go over to their house, and
9 meet with them, and talk to them about the procedure and
10 proceedings, and what was going on?

11 A Yeah. Yes, sir. My husband and I went over on a --
12 I think it was a Friday evening, probably around 7:00. It
13 was after dinner.

14 Q Okay. Are you talking about the first time you went
15 over there?

16 A Yes, sir.

17 Q And about how far -- about how long before the
18 incident was that, would you say? And I know you don't
19 know exact dates.

20 A I'm going to probably say, maybe about a month before
21 the actual incident.

22 Q And who all was there on that occasion?

23 A It was Mr. Hughes, his wife, Margaret Hughes, Jane
24 Hughes. Andrew was there for just a little bit. That's
25 the first time we met him. And then my husband and I.

1 Q Okay. And so Andrew was in on part of the meeting,
2 or all of the meeting?

3 A Towards the end.

4 Q Okay. Now, what were you asked to do while you were
5 there?

6 A Just -- we were just, basically, there, you know, to
7 offer comfort, you know, to just, you know, basically,
8 tell them -- we kind of went through our experiences with
9 the Family Court and what to expect. And that was mainly
10 the topic of conversation. And then, of course, there was
11 other things brought up about Mr. Ferrell and different
12 problems that they had been having with him.

13 Q Okay. So were they not pleased about Mr. Ferrell and
14 the fact that he may get access to the children, and have
15 the children?

16 MS. TAYLOR: Objection, Your Honor, leading.

17 THE COURT: Yeah. Please rephrase your question.

18 MR. JOHNSON: And I object to the hearsay, Judge.

19 MR. MOYER: Your Honor, this would be under the
20 co-conspirator exception to the hearsay rule.

21 THE COURT: All right. This may be something we need
22 to take up outside the presence of the jury.

23 See, you're going to get your exercise this morning.
24 At this point, if you'll step back in the jury room. And
25 do not discuss the case.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 10:02 a.m.)

3 MR. MOYER: Would you like me to proffer?

4 THE COURT: Yes. Let's proffer that and then
5 we'll...

6 DIRECT EXAMINATION

7 BY MR. MOYER:

8 Q Tell me, where did this conversation take place?

9 A In the kitchen.

10 Q And who all was there?

11 A It was my husband, Brad Boisher, me, Mr. Hughes,
12 Margaret Hughes, Jane Hughes. And then later on, Andrew
13 Martin came in and sat beside her.

14 Q Okay. And so they were all present there around the
15 table for the conversation?

16 A Yes, sir.

17 Q Okay. And this is when you were talking about the
18 guardian ad litem process, and the Family Court process,
19 and what to expect, and matters like that?

20 A Amongst other things, yes.

21 Q Okay. And was -- did they -- was it expressed to you
22 about their feelings about John Ferrell and about him
23 getting custody or more visitation rights with the
24 children?

25 A Yes.

1 Q Tell me about what was said.

2 A It became very kind of heated. The Hughes were very
3 angry at the guardian ad litem report. They wanted to
4 fire that guardian ad litem and hire a new one. They were
5 asking if that was possible. They were adamant that
6 Mr. Ferrell was not getting the children.

7 Q Okay. Now, do you remember, were they all voicing
8 these concerns, or was it just one person in particular?

9 A No. It was a group collection of -- I mean, it was
10 kind of confusing. Because Mr. Hughes did a lot of the
11 talking. So he kind of trumped over a lot -- but there
12 was a lot of excessive conversation on that.

13 Q Okay. Was there, also, conversation about something
14 called self-defense and Castle Doctrine?

15 A Yes.

16 Q And who brought that up?

17 A Mr. Hughes.

18 Q Were the others in the vicinity -- were they still
19 all in the kitchen?

20 A Yes, sir.

21 Q Okay. And so Mr. Hughes was mainly talking about the
22 Castle Doctrine and self-defense?

23 A Yes.

24 Q Okay. And what was he saying about it?

25 A He was just telling us that he had done a lot of

1 research on it. And he was naming different cases that he
2 had read about that people had gotten off because they
3 used the Castle Doctrine, stand your ground rule, or
4 whatever it was. And so that was a topic of conversation.
5 And then it was -- I mean, he did most of the talking on
6 that particular point.

7 Q Okay. But the others were present?

8 A Yes, sir.

9 Q Do you remember if the others had anything to say
10 about that topic or not?

11 A No. It was mostly Mr. Hughes and Margaret Hughes
12 that -- that discussed that with us.

13 Q Okay. Now, let me ask you then, you were, also,
14 there at the house the night before the actual incident;
15 right, that Friday night, January the 23rd?

16 A Yes, sir.

17 Q And how long were you there that night?

18 A We arrived probably at about 7:00, 7:30, and stayed
19 until almost 2:00 in the morning the following day.

20 Q Okay. Until 2:00 in the morning?

21 A Yeah.

22 Q And who all was present that time?

23 A Well, we were in the living room talking on that
24 conversation. And it was, once again, my husband, myself,
25 Mr. Hughes, Margaret Hughes, Jane Hughes, and Andrew

1 Martin.

2 Q Okay. And did you sit around the kitchen table
3 again?

4 A No. We were in the living room. Mr. Hughes had
5 started a fire. It was cold that evening. So we -- we
6 were in the living area.

7 Q Okay. Was it the same kind of discussion? Was it
8 the same topics, or were different topics brought up?

9 A It was the same type of topics, but more intense.

10 Q Okay.

11 A More anger behind them. That is when Mr. Hughes went
12 to the computer and pulled up some -- excuse me -- some
13 stand your ground, Castle Doctrine information on the
14 computer. And I went over and he was showing it to me and
15 reading it to me.

16 Q Okay. And, once again, Jane Hughes, and Margaret
17 Hughes, and Andrew Martin were present during this?

18 A Yes, sir.

19 Q And when you say it was more heated, and more angry,
20 and upset, was that on the part of everybody that was
21 there?

22 A Yes, sir.

23 Q And can you -- okay. And did all of the people
24 express those types of feelings about being angry and
25 upset about the upcoming matters?

1 A Yes, sir.

2 Q Did they bring up the court hearing that was to take
3 place on --

4 A Excessively, yes, sir.

5 MR. MOYER: Okay. Your Honor, that would be the
6 general nature of the testimony.

7 And before the Defense makes an argument, I would
8 just like to tell you what rules of evidence the State is
9 relying on for the introduction. And that would be Rule
10 801(d)(2), both B and E.

11 Of course, E is the statement of a co-conspirator or
12 party during the course and furtherance of the conspiracy.

13 B states that, you know, this is all about the
14 admission of a party opponent, that a statement of which
15 the party has manifested an adoption or belief and its
16 truth.

17 And so the fact that these matters were being brought
18 up in their presence with their consent and with their
19 approval would further bolster the State's argument that
20 these -- this evidence should be admitted.

21 And if it pleases the Court, I can go to -- and if
22 necessary, Your Honor, I have a case at my disposal that I
23 can find it, if the Court believes it necessary, that
24 talks about how silence -- even silence of a party in the
25 presence of another person who is making an assertion can

1 be considered under (d)(2)(B), a statement which the party
2 has manifested an adoption or belief and its truth.

3 So in any case, that is the type of testimony that
4 the State would seek to introduce under her.

5 THE COURT: Ms. Taylor and Mr. Johnson.

6 MS. TAYLOR: Your Honor, obviously, we can't
7 cross-examine John Michael Hughes. I -- there's,
8 obviously, a 403 argument here. It's prejudicial. She
9 hasn't made any statement that my client has acknowledged
10 any of it in their presence.

11 I would, also, like to object to any reference at all
12 to the guardian report. That's, clearly, hearsay, in my
13 opinion. I think she briefly said the word "report." But
14 as long as it doesn't go any further than that, I think we
15 should be okay.

16 THE COURT: Yes.

17 MR. JOHNSON: May I have permission to voir dire the
18 witness about the specifics of what was said?

19 There was a lot of speaking in generalities. And I
20 would like to question her about who said what.

21 THE COURT: Well, I mean, this is -- I'm not sure
22 voir dire would be -- I mean, he's proffered his
23 testimony. I guess you can cross-examine under this
24 proffered testimony.

25 So any objection to that? You're proffering. He has

1 a right to cross-examine her.

2 MR. MOYER: He has a right to proffer, yes, sir.

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q Ms. Boisher, you said you met with the Hughes on the
6 Friday evening about a month before, I guess, January
7 24th?

8 A Yes, sir.

9 Q And your testimony was that they were talking about
10 the child custody case?

11 A It was part of the discussion, yes.

12 Q All right. How long was the conversation?

13 A About that particular subject or the entire
14 conversation that we were there?

15 Q The entire conversation.

16 A We were there for probably about three to four hours.

17 Q Three or four hours. And during the course of the
18 conversation, I believe you stated the subject matter was,
19 one, I guess, the child custody case?

20 A It was discussed, yes.

21 Q And then what else was discussed?

22 A They talked about Mr. Ferrell driving by the house.
23 That was a topic of conversation. Then there was the
24 stand your ground, the Castle Doctrine. We talked about
25 some church issues, just some scriptures, and stuff.

1 And I think that was probably the bulk of the
2 conversation outside of some small talk. That is when,
3 you know, I met Jane, Ms. Hughes. That's when I met her
4 and Andrew, and stuff.

5 Q So you first met Andrew and Jane on that evening, on
6 that Friday evening?

7 A Yes, sir.

8 Q Had you known John Hughes and Margaret Hughes before
9 that?

10 A No, sir.

11 Q So that's the first time you met all of them?

12 A Yes, sir.

13 Q Okay. And you were at their home?

14 A Yes, sir.

15 Q Now, you say stand your ground, and things of that
16 nature. And you say John Hughes -- it was John Hughes
17 talking about that?

18 A Yeah.

19 Q What did he say, specifically?

20 A He was talking about -- he read about it. And then
21 he was talking -- he referred back to different cases. It
22 was on his phone. That conversation -- everything he
23 pulled was from his phone.

24 So there was some things on -- I mean, just general.
25 I didn't know the law. So he was just reading it and

1 forming -- I mean, that was -- that was the conversation
2 on that.

3 Q Now, did he relate -- did he relate what he was
4 saying about stand your ground to, for example, John
5 Ferrell?

6 A I don't remember really -- I know Mr. Ferrell was
7 discussed in that. But I don't -- at that point in time,
8 I don't recall if he --

9 Q Related the two issues?

10 A Related those, yeah.

11 Q And did Margaret Hughes and Jane Hughes say anything
12 about that?

13 A Margaret Hughes did. She was in on the conversation.
14 She had a notebook. So she was reading a lot from that
15 notebook, different things that they had learned about the
16 stand your ground, Castle Doctrine. But the main
17 conversation about that was with Mr. Hughes and Margaret
18 Hughes.

19 Q Now, were you involved in that conversation? I mean,
20 were you discussing those concepts yourself?

21 A No. I had no clue what he was talking about. I was
22 more on the listening end. I'm more of a listener than a
23 talker. So I was more listening and taking in. Because
24 this was our first meeting. I really didn't know what to
25 expect.

1 Q Okay. Now, the second meeting, we're talking about
2 the meeting the night before the 24th, that's the second
3 meeting; correct?

4 A Correct, in person.

5 Q Okay. And how long was that meeting?

6 A Like I said, we got there -- it was after dinner.
7 I'm going to say it was between 7:00 and maybe 7:30. And
8 we stayed talking until -- it was about 2:00 in the
9 morning.

10 Q And the subject matter was, I believe, you stated
11 stand your ground and the Castle Doctrine again?

12 A Yes.

13 Q And what else?

14 A It was mostly the custody things were said, you know,
15 I just assumed out of anger. I have no clue. I mean, I
16 just assumed that custody battles causes people to be very
17 angry. It's sensitive. It's a hard -- it's a hard -- you
18 know, custody is hard to deal with. So I just thought
19 maybe a lot of things were just said out of anger.

20 Q What was said out of anger?

21 A Well, the stand your ground. At that point in time,
22 I kind of sensed something was going on, but not a hundred
23 percent. But it was just anger towards Mr. Ferrell, how
24 Ms. Hughes said that she wanted him gone.

25 Q Which Hughes?

1 A Jane.

2 Q Okay.

3 A And she said that it would make things a whole lot
4 easier.

5 Q Now, when we're talking about the -- Andrew Martin,
6 did he say anything?

7 A I don't recall him saying anything to that particular
8 statement. Mr. Martin was pretty -- he was quiet. He
9 wasn't very vocal. He was just very quiet.

10 Q The -- the -- Margaret Hughes, was she saying
11 anything about that?

12 A She was -- Margaret Hughes was very vocal on wanting
13 him out of the picture. It would be better for the
14 grandchildren, just things of those [sic] nature.

15 Q And what about John Hughes?

16 A He was determined that those children were not going
17 to go to Mr. Ferrell. He said that he wasn't going to let
18 it happen. And I tried to explain to him, you know, you
19 don't have that ability. It's up to the Family Court to
20 make that decision.

21 And he -- he never really got angry with me, maybe
22 just angry at me. Because I was trying to explain to him
23 that, you know, he can't make those kind of choices in
24 court. That's going to be up to the Judge to make [sic]
25 the custody. And they did talk about grandparents rights,

1 and that kind of stuff. But he was -- he was adamant.

2 Q About the child custody situation?

3 A Yes.

4 Q Now, did they discuss meeting with Ferrell?

5 A Do you mean prior to --

6 Q No. I'm talking about when you met with them.

7 A No, sir.

8 MR. JOHNSON: Okay. That's all the questions I have,
9 Judge.

10 THE COURT: All right.

11 MR. MOYER: If I could --

12 THE COURT: Yes.

13 MR. MOYER: The case that I was relying on is -- that
14 I want the Court to consider. This is an issue about Rule
15 801(d)(2)(B). And that is State v. Max Knoten, which is
16 347 S.C. 296, from 2001. And there's language in there
17 that the Court has held that statements in the presence of
18 the accused by a third person are admissible as evidence
19 when such accused remains silent and does not deny such
20 statements.

21 So even if -- even if the individuals were silent,
22 Your Honor, the -- the statements could be admissible
23 against that person as non-hearsay. In this situation,
24 what we have is not only -- I mean, they weren't being
25 silent. They were, actually, joining in, participating,

1 agreeing. Jane Hughes was -- was chiming in with her
2 thoughts about -- about Mr. Ferrell.

3 So we would argue that this would all come in under
4 Rule 801(d).

5 MR. JOHNSON: And, Your Honor, my client wasn't
6 there. There's no silence to him. He wasn't present. So
7 I think that's very -- really, the argument I have.

8 Furthermore, this is -- this is statements of a
9 co-defendant. These people are charged. This is -- this
10 is something that we tried to guard against, I guess,
11 before we got started. But this is things that are said
12 by, I guess, John Hughes and now Margaret Hughes, who are
13 neither on trial. And that's an issue as it relates to
14 Bruton.

15 THE COURT: I'm looking up this case.

16 MR. MOYER: And, Your Honor, just to respond to that.
17 Whether these people are -- the others are
18 co-conspirators, or on trial, or not has nothing to do
19 with the analysis the Court gives. And, of course, Bruton
20 would have no issue in this as well under Rule 801(d).

21 THE COURT: All right. Let me look at this case here
22 first.

23 MS. TAYLOR: Just for the record, I would join
24 Mr. Johnson with the Bruton objection.

25 THE COURT: Okay.

1 (Pause.)

2 THE COURT: I'm looking at Knoten. I guess that's
3 how you pronounce it. It sounds a little different.
4 Because in that case, they're trying to determine if
5 somebody knew about it beforehand. I mean, that was the
6 thing there. And that was said in her presence.

7 But, I mean, this is a conversation between a
8 co-defendant and this person. And I'm just addressing
9 this -- I'm addressing just the argument on -- for
10 admission under D -- 801(d)(2)(B). But, I mean, there's
11 no indication that they adopted this or the question -- I
12 mean, this was just a conversation between John Hughes and
13 this individual.

14 And, you know, there's -- you know, there's no -- you
15 know, assent like, oh, you're right, aren't you -- aren't
16 we. They didn't say anything -- or there's not any claim
17 that they didn't know anything about it. I mean, I don't
18 think it gets in there.

19 And how -- now, let's address the co-conspirator
20 here. How is this in the furtherance -- I mean, I think,
21 you know, during the course -- but it's, also, in the
22 furtherance. I mean, you look at State v. Sims, for
23 instance, While mere conversation and narrative
24 declarations are not admissible, statements made to induce
25 enlistment, further participation, prompt further action,

1 allay fears, or keep co-conspirators abreast of ongoing
2 conspiracies are admissible.

3 In other words, it's got to be something that is
4 furthering that conspiracy, the way I read Sims. And how
5 is this in the furtherance of that conspiracy?

6 MR. MOYER: It is trying to come up with their plan
7 for how they're going to get away with this. They are
8 speaking to Ms. Boisher and attempting to get information
9 about the court system, and voicing their thoughts about
10 how they can get away with it through self-defense.

11 That would be -- the conspiracy here, Your Honor, I
12 think is abundantly clear is that they were conspiring to
13 kill Mr. Ferrell, and to make it look like self-defense.
14 Because he was a -- they did not want him to have the
15 children.

16 MS. TAYLOR: And, Your Honor --

17 MR. MOYER: So talking to Ms. Boisher -- the whole
18 reason for speaking to her was to gather and glean more
19 information about the Family Court process, and to further
20 hone their ability to try to get away with it. So for
21 those reasons, it would be a conspiracy.

22 And if I could just address the Court's other
23 remarks --

24 THE COURT: Yeah.

25 MR. MOYER: -- about the prior rule. In that case, I

1 cited Knoten. I guess that's how you pronounce it. In
2 that case, I believe it was the Defendant's mother made
3 some comments in front of the Defendant, and he just kind
4 of stayed silent. And it's, actually, not even a
5 co-conspiracy case. So this would be just sort of a
6 separate reason why these statements should come into
7 evidence. In that case, he simply remained silent.

8 What we have in the instant case, the Hughes case,
9 Your Honor, is all the people gathering for this
10 particular reason, all of them speaking about the Family
11 Court matter, all of them showing concern. All of them
12 showing that they are upset about how the case is
13 proceeding and their fear about how it may, actually, come
14 up in the upcoming -- in the upcoming event.

15 So not only were they not -- not remaining silent,
16 they were, actually, participating in the conversation.
17 So I would say --

18 THE COURT: Well, I guess that's not what I heard her
19 say. They were there, but, I mean -- and I did hear
20 something about Jane. Now, I did hear some information
21 about Jane.

22 But as far as all the -- you know, about her wanting
23 him to be gone, that's, basically, what she said there,
24 which I think is kind of a different -- I mean, it's
25 different than this. But as far as the Castle Doctrine,

1 that sounds like it was all John Hughes and talking to
2 her. And she didn't know anything about the Castle
3 Doctrine.

4 MS. TAYLOR: Your Honor, that was going to be my
5 point. She admitted that she had no idea what that was,
6 or any of the cases, or any of the legal implications of
7 that. So how could that conversation be a furtherance of
8 conspiracy like the Solicitor stated that they are
9 planning this crime, and how to better sharpen their
10 skills to get away with it. I mean, she had absolutely no
11 knowledge of what the crimes were at all.

12 And, furthermore, another party wasn't present that's
13 on trial today and wasn't even at any of these meetings.

14 MR. MOYER: And, once again, that wouldn't go into
15 the analysis about the -- there's no rule that all the
16 conspirators have to be together.

17 THE COURT: But that would definitely take it out of
18 his assent -- the statement had manifested and the
19 officers believed to be true. I mean, so -- I mean, I
20 don't see how this is a furtherance of the conspiracy, you
21 know.

22 My -- and we read Sims. I, obviously, looked at Sims
23 yesterday because we knew these type of issues would come
24 up. And I read Sims carefully, you know. If they had
25 said how -- can you give us any idea of how we need to do

1 the Castle Doctrine and give us some information, then I
2 think that gives us more of a furtherance of that
3 conspiracy. But based on what she's testified to up until
4 now, I don't believe that's admissible.

5 But, again, that does not go -- there was some
6 statements that, apparently, I think she said that -- on
7 his cross-examination that Jane said that is not part of
8 my ruling.

9 MR. MOYER: Okay. So that statement -- and, Your
10 Honor, also, the fact that she met with them and she did
11 say that they all were expressing -- they were all
12 expressing dislike towards Mr. Ferrell. That they were
13 all expressing concern about how the Family Court matter
14 was progressing.

15 So even if we can't get into the Castle Doctrine, I
16 would --

17 THE COURT: I think -- statements made by them
18 against their interest, if they're along those lines, I
19 mean, I think that that's a different analysis, but that
20 wouldn't be statements by John Hughes.

21 MR. MOYER: Okay.

22 THE COURT: So.

23 MR. MOYER: Okay.

24 THE COURT: All right. Anything --

25 MS. TAYLOR: I guess just to clarify. We're not

1 going to get into any further statements regarding the
2 Castle Doctrine that John Hughes made to Ms. Boisher?

3 THE COURT: That's right. I ruled that as
4 inadmissible.

5 So any other issues before I bring the jury back?

6 MR. MOYER: Not from the State.

7 THE COURT: You're just sitting here so patiently.
8 We're arguing about you, but we haven't forgotten about
9 you.

10 Are we ready for the jury from the State?

11 MR. MOYER: Yes, sir, Your Honor.

12 THE COURT: From the Defendants?

13 MS. TAYLOR: Yes, sir.

14 MR. JOHNSON: Yes, Judge.

15 THE COURT: You may bring the jury in.

16 (WHEREUPON, the jury came into open court at
17 approximately 10:28 a.m.)

18 THE COURT: All right. Mr. Moyer.

19 MR. MOYER: Thank you, Your Honor.

20 May it please the Court.

21 CONTINUED DIRECT EXAMINATION

22 BY MR. MOYER:

23 Q All right. Ms. Boisher, let me go back to the topic
24 we were discussing right before the break about -- the
25 first time you went over to the Hughes' residence. And

1 you already told us you were all seated around the kitchen
2 table. During -- during that time, did you and Jane have
3 conversation -- you and Jane Hughes have a conversation
4 about the -- how the Family Court proceedings were going
5 about, about the guardian ad litem report, and about her
6 feelings about John Ferrell?

7 A Yes, sir.

8 Q Okay. Would you, please, tell the jury what she
9 expressed about those topics?

10 A Ms. Jane Hughes, she was very upset. She was crying.
11 And she just wanted to know if she was going to lose her
12 kids. And I just explained to her that -- that only
13 Family Court can make that decision. She was very upset.

14 She talked about how she would take the kids to
15 school to make sure that Mr. Ferrell didn't try to take
16 them. She was just very distraught about losing the kids
17 to Mr. Ferrell. She said that she just couldn't -- she
18 just couldn't lose her children.

19 Q Okay. Do you remember about how long you were there
20 on that occasion at the house?

21 A The very first time?

22 Q The very first time.

23 A I would say maybe three hours, three and a half.

24 Q Okay. Now, were you there again on another occasion?

25 A Yes. The night before the incident.

1 Q The night before Mr. Ferrell was killed?

2 A Correct.

3 Q Okay. And what time frame were you over at the house
4 on that night?

5 A It had to be between 7:00 and 7:30. It was after
6 dinner.

7 Q When you got over there?

8 A When we got over there. They don't live that far
9 from us.

10 Q How long did you stay?

11 A Until -- it was about 2:00 in the morning.

12 Q And who all was there on that occasion?

13 A It was my husband, myself, Jane Hughes, Margaret
14 Hughes, Andrew Martin, and John Hughes.

15 Q Okay. And how -- how was Jane acting on that night?

16 A She wasn't -- I mean, she was upset, but she was more
17 angry this time. She was more vocal. The first time, she
18 was very kind of quiet. I don't know if it was just
19 because she had never met me before and she was being a
20 little guarded, or what.

21 But the second time, she was very angry. Because
22 they had told us that they were getting ready to go to
23 court on Tuesday.

24 Q Okay. So there was awareness about the Court hearing
25 coming up on Tuesday?

1 A Yes, sir.

2 Q And did Jane Hughes express any concern about losing
3 the children at that hearing?

4 A Yes. She was adamant that Mr. Ferrell not get these
5 children. I mean, she really didn't give any good solid
6 reasons why. She just didn't want him to have the kids.

7 Q And what sort of comments did she make about John
8 Ferrell, and about whether or not he would get the
9 children?

10 A Well, I was sitting right beside her. And, actually,
11 she was sitting on the floor and I was sitting up on the
12 couch. And she said, I wish he was just gone. Things
13 would be so much easier if he was just gone. And
14 everybody chuckled.

15 Q Okay. Now, how was it that you ended up speaking to
16 law enforcement about this?

17 A I can't remember what I was doing. But my daughter
18 had called and said that Mr. Hughes -- John Hughes was on
19 TV talking about the incident that had happened. And so
20 when I got home, I watched it on the news. And everything
21 he had told the news --

22 Q Wait. Let's not talk about what --

23 A Okay.

24 Q Is that when you found out about Mr. Ferrell having
25 died?

1 A No, sir.

2 Q Okay. You had already heard about him having died?

3 A Yes, sir.

4 Q So as a result of what you saw of John Hughes on the
5 news talking about what happened, as a result of that,
6 what did you do?

7 A That's when I contacted the Simpsonville Police
8 Department.

9 Q Okay. And do you remember what day that was?

10 A It was the day that it -- that it aired. So I'm
11 going to say maybe the 29th or the 30th.

12 Q So it was several days after the incident?

13 A Yes, sir.

14 Q And that's when you realized that you had some
15 information that may be significant?

16 A Yes, sir.

17 Q So you went to -- do you remember who -- did you
18 speak to this officer, or one of the other officers?

19 A No, sir. It was a gentleman.

20 Q It was a gentleman that you spoke to?

21 A Yes, sir.

22 MR. MOYER: Okay. One moment, please.

23 (Pause.)

24 MR. MOYER: All right. Please answer any questions
25 the Defense may have.

1 THE COURT: Ms. Taylor.

2 MS. TAYLOR: No questions for this witness, Your
3 Honor.

4 THE COURT: Ms. Johnson -- Mr. Johnson.

5 MR. JOHNSON: Briefly.

6 CROSS-EXAMINATION

7 BY MR. JOHNSON:

8 Q Mr. Boisher, I want to be clear. So the meeting that
9 you had was a month before -- the month before the 24th;
10 is that correct?

11 A Yes, sir.

12 Q And the second meeting, I guess, the night before the
13 24th?

14 A Yes, sir.

15 Q My client wasn't there?

16 A No, sir.

17 MR. JOHNSON: All right. I have nothing further.

18 THE COURT: Any redirect?

19 MR. MOYER: No, Your Honor.

20 THE COURT: All right. Ms. Boisher, you may step
21 down.

22 Thank you.

23 MR. MOYER: At this time, the State calls Cheryl
24 Manley.

25 THE COURT: If you'll come forward.

1 THE CLERK: Place your left hand on the Bible and
2 raise your right hand.

3 WHEREUPON,

4 CHERYL MANLEY,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Please take a seat.

7 And state your name for the record.

8 THE WITNESS: Cheryl Manley.

9 DIRECT EXAMINATION

10 BY MR. MOYER:

11 Q Okay. Where do you work?

12 A The Simpsonville Police Department.

13 Q What is your position with the Simpsonville Police
14 Department now?

15 A I'm currently a captain.

16 Q Okay. And you are a captain over what?

17 A Investigations and school resource officers.

18 Q Okay. How long have you been doing that?

19 A Since July of last year.

20 Q How long have you been in law enforcement?

21 A 11 years.

22 Q Has it all been with the Simpsonville PD?

23 A No, sir. The first year was with the Greenville
24 County Sheriff's Office, the rest with Simpsonville,
25 though.

1 Q I'm so sorry. I didn't hear what you said.

2 A One year was with Greenville County. And 10 years
3 have been with Simpsonville.

4 Q Okay. Going back to January of 2015, what was your
5 position with the Simpsonville Police Department then?

6 A I was an investigator.

7 Q And did -- when you -- investigators in Simpsonville,
8 are you divided up by different types of crimes, or are
9 you an investigator over everything?

10 A We have our specialties that we normally specialize
11 in on a daily basis. But in major cases like this, we're
12 all out there working on the same thing.

13 Q Did you have any specialty at that time?

14 A I believe I was in white color at that time.

15 Q Okay. And you got called out to the scene then in
16 the early morning hours of January 25th, 2015?

17 A Yes, sir. I was the on-call investigator that
18 evening. And I received a phone call.

19 Q And were there other officers there when you arrived?

20 A Yes. Uniform patrol was already on the scene when I
21 got out there.

22 Q And did other investigators come out after you did as
23 well?

24 A Yes, sir. I contacted my lieutenant, Lieutenant
25 Donnelly, at the time. And he ended up contacting other

1 investigators to assist us.

2 Q Now, at this time, was John Hughes in detention?

3 A Yes.

4 Q And where was he when you saw him?

5 A I believe he was on the driveway already in
6 investigative detention by the road officers.

7 Q Okay. And did you -- all right. Now, we've heard
8 quite a bit of discussion about the victim in this case.
9 Did you -- was the victim still there at that time on the
10 ground?

11 A Yes, sir.

12 Q Did you approach him, and did you make observations
13 about him?

14 A Yes, sir, I did.

15 Q Was he in the position as he was in those photographs
16 that have been displayed the last few days?

17 A Yes, sir, he was.

18 Q Did you take any notation or any observations about
19 whether or not he had any weapons, or whether there were
20 any weapons around him or near him?

21 A I was not there when Mr. Ferrell was moved. However,
22 when I arrived on scene, there were no weapons around
23 Mr. Ferrell, or any that I could see.

24 Q Okay. Now, do you, also, recall there is -- in some
25 of the pictures, we can see a white line that kind of goes

1 around the top of his legs -- I'm sorry, a black line that
2 goes around. What was that?

3 A That was the bottom part of Mr. Ferrell's T-shirt.

4 Q Okay. So we, also, have a photograph that's been put
5 into evidence of his T-shirt itself that was taken, I
6 believe, at the autopsy where we could see where it's sort
7 of brought down. So is that that part of his shirt?

8 A Yes.

9 Q Okay. So it has been sort of stretched down to
10 his --

11 A It had been ripped off, the bottom portion of his
12 shirt, yes.

13 Q Okay. Now, you were able to locate the victim's
14 vehicle?

15 A Yes, I was.

16 Q Where was that?

17 A It was parked right out in front of the residence.

18 Q Okay. And what kind of vehicle was it?

19 A It was a white Town and Country, I believe, minivan.

20 Q All right.

21 A It was parked on the roadway at the end of the
22 driveway right in front of the residence.

23 Q So it was right in front of the residence?

24 A Yes, sir.

25 Q You saw the photographs of the white van when

1 Forensics Officer Parker testified. Was that the vehicle?

2 A Yes, sir.

3 Q Okay. Was it visible from the house?

4 A Yes, sir, it was.

5 Q Now, you got search warrants for the residence and
6 for the victim's vehicle?

7 A Yes, sir, I did.

8 Q Was anything of any evidentiary value found in the
9 victim's vehicle?

10 A Not in the vehicle, no, sir.

11 Q Okay. And, now, we've already heard about the inside
12 of the house that was done by another Investigator Parker,
13 another investigator. You didn't have a role in that?

14 A No, sir, I did not.

15 Q Okay. Now, while you were there at the scene, did
16 you -- were you advised about a 911 call having been made
17 from Jane Hughes?

18 A Yes, sir. Officer Randolph came to inform me of how
19 the call was given to him, and how the 911 call came in.

20 Q Okay. And when you heard about this, did you go
21 listen to the 911 call?

22 A Yes, sir.

23 Q Where did you have to go to listen to the 911 call?

24 A I went back to our dispatch room at the Simpsonville
25 Police Department to listen to the 911 call.

1 MR. MOYER: Your Honor, at this time, the State would
2 publish State's Exhibit No. 94 to the jury.

3 THE COURT: Okay.

4 MS. TAYLOR: Subject to my previous objection.

5 THE COURT: Yes. Subject to your objection.

6 (WHEREUPON, State's Exhibit No. 94 was played in
7 open court.)

8 BY MR. MOYER:

9 Q Okay. So was that the 911 call as you heard it that
10 night when you went back to the Simpsonville Police
11 Department?

12 A Yes, sir.

13 Q Okay. Now, let me take you to the next -- the
14 following day, January the 26th of 2015. You observed the
15 autopsy; is that correct?

16 A Yes, sir, I did.

17 Q Is that when -- were you present then when all the
18 injuries that Dr. Fulcher testified about yesterday -- was
19 that -- did you observe those injuries as well?

20 A Yes, sir.

21 Q Now, is that when you, also, made note of the shirt
22 that we talked about of the victim that was ripped?

23 A That was the second time I knew about it, yes.

24 Q Okay. You saw it, actually, on his person, but,
25 then, you saw it when Dr. Fulcher took it off?

1 A Yes.

2 Q How would you describe that rip in the shirt?

3 A It was probably, at least, halfway around the shirt.
4 Maybe one to two inches of the bottom of the material had
5 been pulled from the main part of the shirt.

6 Q Okay. Now, I'm going to ask you about several other
7 aspects of your investigation: Did your investigation
8 lead you to a Waffle House?

9 A Yes, sir, it did.

10 Q Did you go there to that Waffle House?

11 A I did.

12 Q When did you do so?

13 A If I can look at my notes.

14 I went there on January 27th, 2015.

15 Q And what was your reason for going there?

16 A In one of the interviews with Jacob Hughes, he had
17 mentioned that --

18 MR. JOHNSON: Objection, Your Honor.

19 THE COURT: Yeah.

20 MR. JOHNSON: I move to strike.

21 MR. MOYER: Well --

22 THE COURT: Is this something we need to take up
23 outside the presence --

24 MR. MOYER: I think we can -- I can --

25 THE COURT: Okay.

1 BY MR. MOYER:

2 Q Let me just ask you this.

3 THE COURT: Strike anything -- disregard any response
4 to the previous question.

5 BY MR. MOYER:

6 Q Had your investigation lead you to believe that Jacob
7 Hughes and/or John Ferrell may have been at that Waffle
8 House at some point during that night?

9 A Yes, sir, it did.

10 Q Where is that Waffle House located?

11 A 3845 Grandview Drive.

12 Q Okay. And based on your experience working and
13 living in Simpsonville, what is the relation in distance
14 from that Waffle House to [REDACTED] Road where the --

15 A It's approximately two miles.

16 Q Okay. Now, when you got to the Waffle House, were
17 you given access to the video equipment?

18 A I was.

19 Q And were you able to watch the video from the night
20 before?

21 A Yes. From the 24th, yes.

22 Q Yes, from the 24th. I'm sorry. And when you were
23 looking at the video, was there -- did you see anything or
24 anyone of significance on the video?

25 A Yes, sir, I did.

1 Q And what did you see?

2 A I saw a white Town and Country pull into the parking
3 lot outside. And I saw Mr. John Ferrell get out of the
4 driver's side of that vehicle, and Mr. Jacob Hughes get
5 out of the passenger side. And they both entered into the
6 Waffle House and sat at a table near the front door and
7 was there for approximately -- I believe it was
8 30 minutes.

9 Q Okay. And did you take note of the time that they
10 left?

11 A Yes, sir.

12 Q And what was that?

13 A The vehicle was pulling out of the parking lot of the
14 Waffle House at 11:21 and 43 seconds, and that was p.m.

15 Q And they arrived about 30 minutes prior, you said?

16 A Yes, sir. The vehicle is seen pulling up at
17 10:49 p.m.

18 Q And that vehicle, did that match the vehicle of John
19 Ferrell that was out in front of [REDACTED] Road during
20 the night of the incident?

21 A Yes, sir.

22 Q So they came and left in the same vehicle; is that
23 right?

24 A That's correct.

25 Q Does that video have audio?

1 A No.

2 Q So you can't hear what is being discussed in any way?

3 A No, I could not.

4 Q Now, was there anything of significance of them -- of
5 their actions either coming in, or while they were there,
6 or when they left?

7 A They seemed cordial. They seemed like they were
8 communicating. Obviously, I couldn't hear anything of
9 what was going on. But there was no issues, other than
10 just a friendly interaction with the two of them.

11 Q Okay. So there was no obvious displays of arguments,
12 or fights, or anything like that?

13 A No, sir.

14 Q Okay. Now, did you -- did you record parts of that
15 video on your phone?

16 A I did.

17 Q Okay. Did you record the entire video, or just parts
18 of it?

19 A I recorded parts of the video on my cell phone.

20 Q And what parts did you record?

21 A I believe I recorded them walking in the door,
22 leaving. And I believe it was either the vehicle coming
23 or going. I don't remember.

24 Q Did you then later get a copy of the video from the
25 Waffle House corporate office?

1 A Yes. I had to send a search warrant via e-mail to
2 obtain that from the corporate office.

3 Q And did it match what you saw when you were there
4 looking at Waffle House's surveillance?

5 A Yes, sir, it did.

6 Q Okay. So the -- the part of the video that you
7 recorded, did you save a copy for -- to the case file?

8 A Yes, I did.

9 Q What you recorded?

10 A Yes, I did.

11 Q I'm going to hand you State's Exhibit No. 91. If you
12 could take a look at State's Exhibit No. 91. And can you
13 recognize what that is?

14 A Yes, sir, I can.

15 Q What is it?

16 A It's a copy of the video that I recorded on my cell
17 phone from Waffle House.

18 Q Okay. And it shows what you described about them
19 arriving there, and them leaving, and it shows the times
20 they did so?

21 A Yes, sir.

22 Q Okay. And that's an accurate copy of what you
23 recorded off your phone?

24 A Yes, it is.

25 Q And what you saw on the video that night?

1 A Uh-huh.

2 MR. MOYER: Your Honor, at this time, I would move to
3 have State's Exhibit No. 91 entered into evidence.

4 THE COURT: Any objection?

5 MS. TAYLOR: No objection.

6 MR. JOHNSON: No objection, Your Honor.

7 THE COURT: All right. It's in without objection.

8 (WHEREUPON, State's Exhibit No. 91 was admitted into
9 evidence.)

10 MR. MOYER: At this time, we will publish it to the
11 jury.

12 BY MR. MOYER:

13 Q Okay. Again, if you will, once we start playing
14 this, can you -- can you see okay where you are, or do you
15 need to step down?

16 A Yeah. I can see.

17 (WHEREUPON, State's Exhibit No. 91 was played in
18 open court.)

19 BY MR. MOYER:

20 Q Just tell the jury what we're seeing.

21 A This is, actually, a still shot of him in the middle.
22 But towards the right, that would be Mr. Ferrell and Jacob
23 Hughes seated at one of the tables past the long bench.

24 Q Okay. I'm going to hand you a laser pointer and you
25 can use that. Just point it out to the jury.

1 A That would be Mr. Ferrell that's facing us. And that
2 would be Mr. Jacob Hughes that has his back to us in the
3 photo.

4 Q Okay. And that's inside the Waffle House?

5 A This is, again, just them sitting inside the Waffle
6 House. That's going to be Mr. John Ferrell facing us.
7 And the person with his back to us is Mr. Jacob Hughes.
8 And the time stamp is 22:50, so 10:50.

9 Oh, I'm sorry. That's, actually, Mr. Jacob Hughes
10 right there and Mr. John Ferrell. I apologize. That's
11 when they entered.

12 Q Okay. So let me back that up just a touch so you can
13 point that out again to the jury. Okay. So they -- they
14 end up coming in the doors here?

15 A Yes.

16 Q On the left hand side?

17 A That's Mr. Jacob Hughes and that's Mr. John Ferrell
18 as they enter. Again, that's at 22:50, 10:50 p.m.

19 Q And that's Mr. Jacob Hughes in the front, and
20 Mr. John Ferrell behind him?

21 A Yes. And that was when they were exiting. That's
22 Mr. Jacob Hughes, and behind him is John Ferrell. And
23 that's at 11:19 p.m.

24 Q Okay. What are we seeing -- what are we going to see
25 here?

1 A This right here is Mr. John Ferrell's Town and
2 Country. And I believe this is when they're exiting. So
3 you'll see both of them enter into the vehicle.

4 Q Okay. And can you see who goes in which --

5 A Yes, sir.

6 Q Who goes in which?

7 A Mr. John Ferrell is the driver. And Mr. Jacob Hughes
8 goes into the passenger seat.

9 Q Okay. And the time stamp, again, is what?

10 A 11:20 p.m. That's Mr. Jacob Hughes getting into the
11 passenger seat. And Mr. John Ferrell is already on the
12 driver's side at this point.

13 Q Okay. And then one final. And what are we going to
14 see here?

15 A This is just another angle of Mr. Ferrell's vehicle
16 leaving. And the time stamp is 11:21 p.m.

17 Q Okay. So we have them leaving there somewhere around
18 11 -- I'm sorry -- yes, 11:20 or 11:21 p.m.; right?

19 A Yes, sir.

20 Q And the 911 call comes in at about 11:54 p.m.; is
21 that right?

22 A I don't have that in front of me, but I believe so.

23 Q Did your investigation, also, lead you to another
24 business where you had learned they had been on that
25 night?

1 A Yes, sir, it did.

2 Q And where was that?

3 A That was at The Station. It's a bar on northeast
4 Main Street in Simpsonville.

5 Q Okay. And when did you go there?

6 A I went there on January 28th, 2015.

7 Q Okay. And did you, also, watch a video of that?

8 A Yes, sir, I did.

9 Q And did you learn -- did you see anything of
10 significance on the video from The Station bar?

11 A I saw both Mr. John Ferrell and Mr. Jacob Hughes
12 enter the bar. And they both were communicating with each
13 other. And they were there for a significant period of
14 time.

15 Q Roughly, how long a period of time were they there?

16 A Two and a half to three hours, give or take.

17 Q Okay. From about what time to what time?

18 A Their time stamps were off on the video. But I was
19 able to determine the accurate time was Mr. Ferrell walked
20 in at 10:07 p.m., and Mr. Ferrell then walks back out
21 at -- I'm sorry. 8:07 is when Mr. Ferrell walked in. He
22 then walks back out at 8:19 p.m. when he reenters the bar
23 with Mr. Jacob Hughes. And then they end up leaving at
24 approximately 10:35.

25 Q And then we have them at the Waffle House at 10:50;

1 correct?

2 A They walk -- they were driving into the parking lot
3 at 10:49.

4 Q Okay. And, once again, did that video have any
5 sound?

6 A No.

7 Q Or audio?

8 A No, it did not.

9 Q Once again, did they seem cordial, like they were
10 getting along?

11 A Yes.

12 Q No arguments or fights that you could tell from that?

13 A No.

14 Q Now, you were -- you served the arrest warrants on
15 the five people who were charged in this case; is that
16 right?

17 A Yes.

18 Q And that -- when was that? What date?

19 A It was that Wednesday, which I believe was the 28th,
20 if I'm not mistaken.

21 Q Okay. Did you collect anything from those people at
22 that time?

23 A I did. I collected DNA samples from all five
24 subjects.

25 Q Okay. And that was the buccal swab, as we heard

1 testified about through Chris [sic] Nafziger?

2 A That's correct.

3 Q And what did you do with the buccal swabs after you
4 collected them?

5 A They were placed into our property and evidence.

6 Q And then to be used later at the DNA lab as we heard
7 testified about?

8 A Correct.

9 Q Now, did you, on January the 29th of 2015, do
10 anything to get a standard from John Ferrell?

11 A Yes. I obtained a standard from the Greenville
12 County Coroner's Office.

13 Q Okay. And that would have been where Dr. Fulcher
14 works?

15 A It's their main office. Not at the morgue, but the
16 main office, yes.

17 Q All right. And what did you do with -- is that the
18 blood spot that was talked about?

19 A Yes, sir. And it was transported back to the
20 Simpsonville Police Department by myself and placed into
21 property and evidence.

22 Q Okay. Now, we heard some testimony about John
23 Hughes' cell phone. Did you ever get possession of that
24 cell phone?

25 A Yes, sir, I did.

1 Q From where did you get possession of the cell phone?

2 A Greenville County forensics obtained it. And I got
3 it from their property and evidence.

4 Q What did you do with it when you got it?

5 A A search warrant was obtained on the contents of the
6 phone. And then I brought the cell phone to
7 Investigator -- Sergeant Rainey, who spoke before, to
8 analyze the cell phone.

9 Q Okay. And did you get the -- the copy of his report
10 as he testified to earlier?

11 A Yes, I did.

12 Q Okay. And did you then -- after getting a copy of
13 it, did you look at it to look for anything of
14 significance?

15 A Yes, I did.

16 Q And what of significance did you find looking at the
17 cell phone?

18 A There were several text messages and phone calls.

19 Q Between who and who?

20 A Jacob and John Hughes.

21 Q Okay. And how is Jacob referred to in the actual --
22 how was he identified in the actual text messages? Was it
23 initials, or his phone number, or either, or both?

24 A His initials, JCH, are represented in the report.

25 Q Okay. So let's take a look at the records. I'm

1 going to ask you to point out what you just testified to
2 as being of significance about those records.

3 MR. MOYER: And to make -- to be specific, for the
4 record, we are going to look at the text messages that
5 Captain Manley just testified to between John Hughes and
6 Jacob Hughes starting with January the 23rd of 2015.

7 BY MR. MOYER:

8 Q Now, we heard testimony that this started with -- or
9 that the -- the most recent is at the top, to least recent
10 being towards the bottom. So can you point out to the
11 jury the significant text messages that you were talking
12 about that took place?

13 A Yes, sir.

14 Q Do I need to scroll up?

15 A This is where it starts right here. This is going to
16 be the most recent.

17 Q Okay.

18 A This one right here was sent -- it was outgoing from
19 Mr. John Hughes. And you can see up here that it was
20 being sent to JCH with the telephone number displayed
21 right here. That text message was sent on January 23rd.
22 It's displayed as 19:04, but minus the five hours, so
23 14:04, so 2:04 p.m. It says, Stop on way home, needs to
24 discuss dessert. And it's in quotations "revolution is
25 the solution." And that was an outgoing text message.

1 The next text message was sent to Mr. John Hughes and
2 it was received from Mr. -- JCH, Jacob Hughes. That was
3 on what's stated right here as January 25th at 3:00 p.m.
4 But that's, actually, January 24th at -- it was at 10:03
5 p.m. It says, Call when you're ready for pie.

6 Q And that was an incoming call to John Hughes?

7 A That was an incoming text message --

8 Q Text message. I'm sorry.

9 A -- to John Hughes.

10 Q Okay.

11 A The next response was from Mr. John Hughes to Jacob
12 Hughes. That was, also, time stamped on the 25th of
13 January, but minus the five hours, the 24th of January,
14 2015, at 10:04. And it says, Will do, in quotation marks,
15 "green dragons and elm trees."

16 Q Okay.

17 A The next one was approximately 37 minutes later. And
18 it says, Almost, and then "green dragons and elm trees" in
19 quotation marks.

20 Q And that's, also, outgoing from John Hughes to Jacob
21 Hughes?

22 A Correct.

23 Q Okay.

24 A This is another outgoing from John Hughes to Jacob
25 Hughes, time stamped approximately 14 minutes after the

1 last one on the 24th of January, 2015. It says, Just a
2 few more minutes. And in quotations "green dragons and
3 elm trees."

4 The next one was approximately eight minutes later at
5 11:03 p.m. on the 24th. It says, Call me, "green dragons
6 and elm trees." That's from John Hughes to Jacob Hughes.

7 The next was approximately six minutes later. It was
8 at 11:10 p.m. on the 24th of January. It says, Call me,
9 "green dragons and elm trees." That was from Mr. John
10 Hughes to Jacob Hughes.

11 Q Okay. Now, did you then look at the actual call log
12 to see if there had been any phone calls?

13 A I did.

14 Q And were there any phone calls either from John
15 Hughes or Jacob Hughes?

16 A Yes, there were.

17 Q And what kind of phone calls were they? I mean,
18 like, who called whom, and at what time?

19 A There was an outgoing phone call to Jacob Hughes.
20 And then there was an incoming phone call from Jacob
21 Hughes.

22 Q Okay. And if you're able to point those out. Do I
23 need to -- I think I need to scroll up. Okay. Are you
24 able to see those phone calls on this screen?

25 A I think you have to go up further.

1 Q Go up?

2 A Uh-huh. I'm sorry. Go down. It's actually -- due
3 to the five-hour time difference, it's listed as 1:25.

4 There you go.

5 This right here is the outgoing phone call to Jacob
6 Hughes. It's time stamped as the 25th of January, 2015,
7 at 4:27. So this would, actually, be January 24th at
8 11:27 p.m. And it lasted for 38 seconds.

9 The one before that was, actually, an incoming phone
10 call three minutes prior to that. That would have been
11 January 24th at 11:24 p.m. And that was an incoming call
12 from Jacob Hughes that lasted for a minute and eight
13 seconds.

14 Q Okay. And I think there's maybe one other call right
15 above that, too?

16 A Yes. That would have been 10:26 p.m. on January 24.
17 And that was an incoming call from Mr. Jacob Hughes that
18 lasted three minutes. And one above that as well from
19 Mr. Jacob Hughes, an incoming call. And that would have
20 been on January 24th at 9:47 p.m., I believe.

21 Q Okay. Thank you.

22 Now, did you go back to [REDACTED] Road on January
23 the 30th of 2015?

24 A Yes, sir, I did.

25 Q Okay. And you went with other investigators?

1 A That's correct.

2 Q Now, at that time, did you -- the Hughes family had
3 been arrested at that point; is that right?

4 A Yes, sir.

5 Q Okay. So the house was vacant or empty?

6 A Yes.

7 Q Did you do another search for anything at that time?

8 A We did.

9 Q Okay. And, at that time, did you find anything in
10 the bedroom that was of -- seemed of significance to the
11 case?

12 A Yes, sir. In the far back bedroom down the hallway
13 on right-hand side, there was a dresser. And I believe it
14 was in the bottom right drawer in the dresser, I found an
15 Ikea tool box where the mold of the hammer was present,
16 but the hammer was missing.

17 Q Okay. And was a photograph taken of that?

18 A Yes, sir.

19 Q Let me show you State's Exhibit No. 92. Is that a
20 photograph of what you just described?

21 A Yes, sir, it is.

22 Q Is that the way the tool box looked when you saw it
23 on that date?

24 A Yes, sir.

25 MR. MOYER: Okay. Thank you.

1 At this time, we would ask that State's Exhibit No.
2 92 be entered into evidence.

3 THE COURT: Any objection?

4 MS. TAYLOR: No objection.

5 MR. JOHNSON: No objection.

6 THE COURT: Okay. Neither Defendants objected. So
7 it will go into evidence without objection.

8 (WHEREUPON, State's Exhibit No. 92 was admitted into
9 evidence.)

10 BY MR. MOYER:

11 Q And there were measurements that were -- some
12 measurements were done to the residence at that time as
13 well; is that correct?

14 A Correct.

15 Q And that was done by Investigator Morecraft?

16 A That's correct.

17 Q I'll have him talk about that. So let me ask you
18 this, when did you get the results of the DNA -- DNA test
19 that Dr. Kandala did?

20 A The DNA results, I received those on 9/29/2015.

21 Q So September 29th of 2015?

22 A Correct.

23 Q When was it that you had your final interview with
24 Andrew Martin?

25 A That interview was conducted on March 20th, 2015.

1 Q Okay. And that's when he came in and told you,
2 essentially, what he testified to in court yesterday?

3 A Correct.

4 MR. MOYER: All right. Please answer any questions
5 the Defense has at this time.

6 MS. TAYLOR: Your Honor, could we take a brief
7 restroom break?

8 THE COURT: That's true. Y'all have taken a break,
9 but we haven't. I forgot about that.

10 So if y'all will go back to your jury room again.
11 Don't discuss the case. And we'll bring you out in just a
12 few minutes.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 11:16 a.m.)

15 THE COURT: All right. Officer Manley, you're in
16 what they call the trial bubble. So you can't discuss
17 your testimony with the attorneys or anyone else.

18 THE WITNESS: Yes.

19 THE COURT: You may step down.

20 All right. We'll be in recess for about 10 minutes.

21 (WHEREUPON, a break was taken.)

22 THE COURT: Anything before we bring the jury in from
23 the State?

24 MR. MOYER: No, Your Honor.

25 THE COURT: From the Defendants?

1 MS. TAYLOR: No, Your Honor.

2 MR. JOHNSON: No, sir.

3 THE COURT: All right. Bring them in, if they're
4 ready.

5 (WHEREUPON, the jury came into open court at
6 approximately 11:34 a.m.)

7 THE COURT: All right. Cross-examination.

8 MS. TAYLOR: Thank you, Your Honor.

9 May it please the Court.

10 CROSS-EXAMINATION

11 BY MS. TAYLOR:

12 Q Just briefly. Investigator Manley, in the course of
13 your investigation, were you able to determine if Jane
14 Hughes was present at the Waffle House?

15 A Not that I saw, no.

16 Q She wasn't present?

17 A Not that I saw, no.

18 Q Was she present at The Station, the bar you
19 mentioned?

20 A Not according to the video that I saw.

21 Q And she wasn't on the text message chain; right?

22 A Not according to that, correct.

23 Q It wasn't like a group message that had multiple
24 people, it was between two parties; correct?

25 A Correct.

1 Q And neither of those was Jane Hughes?

2 A That's correct.

3 MS. TAYLOR: No further questions.

4 THE COURT: Mr. Johnson.

5 MR. JOHNSON: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. JOHNSON:

8 Q Detective, you did a pretty extensive police --
9 series of police reports; correct?

10 A Correct.

11 Q And that's -- there's a whole lot of it?

12 A Yes, sir.

13 Q Because you had a whole lot that you did in the case;
14 is that correct?

15 A Correct.

16 Q So I want to clarify some things before I move
17 forward. You showed the video of the Waffle House. You
18 didn't show the video of The Station; is that correct?

19 A That's correct.

20 Q Do you have the video of The Station?

21 A I have copies of it, yes.

22 Q Okay. Now, I'd like to ask you about some of those
23 details. And let me know if you need to look at your
24 report, or whatever it might be.

25 A Okay.

1 Q So it appears that you stated that Mr. Ferrell got to
2 the bar at 8:07?

3 A Can I refer to my notes?

4 Q Yes, absolutely.

5 A My initial investigation, yes, was 8:07.

6 Q Okay. And then he reentered the bar with Jacob
7 Hughes at 8:19?

8 A That's correct.

9 Q And how long were they there?

10 A They left at approximately 10:35 p.m.

11 Q And then the next time you saw them was at the Waffle
12 House?

13 A That's correct.

14 Q And they got -- let's see. What time did they get to
15 the Waffle House?

16 A It was 10:49 p.m.

17 Q Okay. Can you see them arrive in the car?

18 A Yes.

19 Q And Jacob Hughes and John Ferrell arrived together?

20 A That's correct.

21 Q And then it looks like they were there and they left
22 at about 11:21:43 p.m.?

23 A It was 11:21 -- I have 11:21:38 p.m.

24 Q Okay. 11:21:38. Now, when you look at the phone
25 calls, I believe you went over three different calls.

1 There was a call at 9:47 p.m. for one minute and three
2 seconds; is that right?

3 A Yes, sir.

4 Q All right. And, basically, from your testimony
5 there, it appears that they would have been at The
6 Station. John Ferrell and Jacob Hughes would have been at
7 The Station; is that correct?

8 A Yes, sir.

9 Q Okay. And then there was one at 10:26 p.m.?

10 A That's correct.

11 Q And, again, that would have been at The Station?

12 A Yes.

13 Q And then there was one at 11:27 p.m.?

14 A 11:24 p.m., and then one at 11:27 p.m..

15 Q Okay. So 11:24 and 11:27. I didn't get that one.

16 And, at that point in time, Jacob Hughes and John Ferrell
17 would have been in the car together?

18 A Yes. That would have been after the Waffle House,
19 so, yes, sir.

20 Q Okay. Now, you were here for the testimony of Andrew
21 Martin; is that correct?

22 A I'm sorry. Can you repeat the question?

23 Q You were here for the testimony of Andrew Martin?

24 A Yes, sir.

25 Q I'm sorry to ask, but I know you were sitting there.

1 But you were here for that. And you were, also, present
2 for the various interviews that he gave?

3 A That's correct.

4 Q And it looks like the dates of his interviews was one
5 on the 25th, which it was, essentially, the night of the
6 incident?

7 A Yes, sir.

8 Q Early morning night?

9 A Uh-huh.

10 Q And he gave a written statement. And did he, also,
11 talk to you?

12 A Yes. I was present for that.

13 Q Okay. And then he gave another one on the 28th of
14 January?

15 A Yes, sir.

16 Q And, actually, at the end of that interview is when
17 he was arrested?

18 A That's correct.

19 Q And then he gave the one that we discussed on the
20 20th of March?

21 A Yes, sir.

22 Q How were you made aware that he was going to -- he
23 wanted to speak with you?

24 A Investigator Morecraft advised that he wished to
25 speak to us.

1 Q And when were you advised of this?

2 A I'm not certain when I was advised. It just says
3 that Investigator Morecraft advised me and we met with
4 Mr. Martin on the 20th of March.

5 Q Now, with regards to Mr. Martin as it relates to
6 Jacob Hughes, my client, in the statement on the 25th, he
7 said that my client wasn't involved in the scuffle in the
8 kitchen; is that correct?

9 A I'd have to go back and look at the actual interview
10 notes.

11 Q Let me know if you want a transcript, too. I can get
12 that for you. I'm not going to spend a lot of time on it.

13 A I'm sorry. I can't find it in my notes whether he
14 said he was present or not.

15 Q Are you talking about in your police report?

16 A Investigator Morecraft did the actual supplemental
17 for that interview with Mr. Martin.

18 Q You were there, though, you just don't have --

19 A I was.

20 Q You just don't have that specific information in your
21 notes?

22 A Correct.

23 Q Okay. Had you -- but you've seen the video of the --
24 of the interview?

25 A Of which interview?

1 Q Of the one on the 25th.

2 A I was present for that.

3 Q Okay. What about the 28th, do you have that in your
4 notes?

5 A Yes, sir, I do.

6 Q Okay. What did he say?

7 A In reference to your client?

8 Q Yes, ma'am.

9 A I have here that when he heard the gunshots go off,
10 he was not sure where your client, or John, or Margaret
11 were at that point because he was with Jane.

12 Q Did he say -- when he walked in from the backyard and
13 he saw the scuffle in the kitchen, did he say where Jacob
14 was?

15 A I have one sentence here that says, Martin said that
16 if Jacob were in the back bedroom, he would have come out
17 of the bedroom. Martin would have seen Jacob because he
18 would have had to walk right past him. And he does not
19 remember seeing Jacob pass in the hallway.

20 Q So, actually, the first time he mentions Jacob being
21 in, I guess, the fight in the kitchen was on March 20th;
22 is that correct?

23 A That's correct.

24 Q All right. Now, when y'all had discussions with
25 Martin, was it like an interrogation, or was he just

1 telling y'all what happened?

2 A I can't recall.

3 Q I mean, were you -- did you guys express to him
4 whether or not you believed what he was saying?

5 A There's a possibility.

6 Q A possibility?

7 MR. MOYER: Your Honor, I object to their subjective
8 beliefs or disbeliefs about what a witness says.

9 THE COURT: All right. What was your question again?

10 MR. JOHNSON: Your Honor, I asked if they expressed
11 whether or not they believed him as it relates to what he
12 was saying. What I'm trying to establish, Judge, is was
13 it a police interrogation.

14 THE COURT: You can ask her what she did, but I'm
15 not --

16 MR. JOHNSON: Yes, sir, Your Honor.

17 BY MR. JOHNSON:

18 Q Was that something that you did?

19 A I'm pretty sure that was told to Mr. Martin.

20 Q Okay. And did y'all give him any indication of what
21 you believed?

22 A I believe so at some point during the three
23 interviews.

24 Q Now, when we're talking about the text messages taken
25 from John Hughes' phone, you got -- there was certain

1 evidence presented today, but you got a whole lot of
2 information on that disk; is that correct?

3 A That's correct.

4 Q And you can see on the disk, it looks like when we're
5 talking about the text messages, there was -- we were on
6 one page, and there were about nine different pages of
7 them; is that right?

8 A I don't know how many pages there are, but there's a
9 lot of them, yes.

10 Q But there was a whole bunch of pages. All right.
11 And there was a whole bunch of pages as it relates to call
12 logs?

13 A That's correct.

14 Q All right.. And it looks like there was some voice
15 mails and things taken off of the phone as well?

16 A Quite possibly, yes. I don't remember all the
17 contents of the cell phone analysis.

18 Q Okay. But you looked at them; correct?

19 A That's correct.

20 Q And then what you've done is, obviously, I guess,
21 today, you've selected what you thought was pertinent?

22 A I went back to the actual incident date and went from
23 there backwards to see if there was anything of
24 significance.

25 Q And what you've presented today is what you thought

1 was significant?

2 A Correct.

3 Q Now, when we're talking about Jacob Hughes and John
4 Ferrell, did you ever learn whether or not Mr. Ferrell
5 intended to go over to the Hughes' home to talk about
6 child custody?

7 A On a specific day?

8 MR. MOYER: Your Honor, I object to this as calling
9 for hearsay.

10 THE COURT: Yes, Mr. Johnson.

11 MR. JOHNSON: One second, Judge.

12 (Pause.)

13 MR. JOHNSON: Judge, I think it goes to as far as
14 state of mind of the victim, whether or not he would --

15 THE COURT: But that was not made to them, so it's
16 double hearsay.

17 So sustained.

18 BY MR. JOHNSON:

19 Q Did you talk to any of John Ferrell's family?

20 A I believe so, yes.

21 Q Okay. Did they express to you whether or not --

22 MR. MOYER: Your Honor --

23 THE COURT: Again, sustained.

24 You can't talk about anything he said.

25 MR. JOHNSON: Yes, sir, Your Honor.

1 BY MR. JOHNSON:

2 Q Now, the -- my client, Jacob Hughes, and Jane Hughes,
3 they were charged with conspiracy; correct?

4 A Yes, sir.

5 Q Okay. Was Andrew Martin charged with conspiracy?

6 A I believe -- I don't remember, honestly. I'm not the
7 one that signed the warrants on them. It was Investigator
8 Morecraft.

9 Q You're the lead investigator, though?

10 A That's correct.

11 Q The charge of murder, what does that carry?

12 MR. MOYER: Your Honor, objection.

13 THE COURT: Sustained.

14 You know that's not proper, Mr. Johnson.

15 MR. JOHNSON: Yes, sir, Your Honor.

16 Nothing further.

17 THE COURT: Disregard the question in your
18 deliberations.

19 MR. JOHNSON: Nothing further, Your Honor.

20 MR. MOYER: Just a couple quick questions.

21 REDIRECT EXAMINATION

22 BY MR. MOYER:

23 Q You were asked about The Station -- the video from
24 the The Station, that bar?

25 A Correct.

1 Q And you did so?

2 A I did.

3 Q You put a copy in the Simpsonville --

4 A Property and evidence.

5 Q In property and evidence. It was kept in your file?

6 A Yes, sir.

7 Q It was provided to the Solicitor's Office and Defense
8 attorneys?

9 A It was provided to the solicitor's office, yes.

10 Q You're "CLM"?

11 A That's correct.

12 Q CLM-21, would that be a copy of the video of The
13 Station?

14 A Yes, sir.

15 Q That's the video that you got then from The Station?

16 A That's correct.

17 (WHEREUPON, State's Exhibit No. 97 was marked for
18 identification only.)

19 MR. MOYER: Your Honor, I would move to have State's
20 Exhibit No. 97, the video of The Station bar, moved into
21 evidence.

22 THE COURT: Any objection?

23 MR. JOHNSON: I have no objection, Your Honor.

24 THE COURT: Ms. Taylor?

25 MS. TAYLOR: Your Honor, I'm concerned that he hasn't

1 laid a foundation. I don't know what, actually, that
2 video depicts, if it's a true and accurate --

3 MR. MOYER: This is just in response to the Defense
4 making an issue of the fact -- i mean, she's already
5 testified about what, if anything, she saw in the video.
6 But -- so this isn't a question, Your Honor. We move to
7 admit it since the Defense made an issue of it.

8 MS. TAYLOR: I did not, Your Honor.

9 THE COURT: Right.

10 MR. MOYER: Well --

11 THE COURT: I don't believe that's proper to come in
12 through her. So I'm going to sustain your objection.

13 MS. TAYLOR: Thank you, Your Honor.

14 BY MR. MOYER:

15 Q But you did look through the video?

16 A I did.

17 Q And it's multiple hours long?

18 A Yes.

19 Q But, once again, there was no audio?

20 A Correct.

21 Q And watching through the hours of the video, did you
22 see anything on the video that had any significance to the
23 case, any fights, any arguments, anything of that type?

24 A There was no altercations. It was just Mr. Ferrell
25 and Mr. Jacob Hughes there for several hours communicating

1 with one another.

2 Q Okay. And, finally, just a couple questions about
3 Andrew Martin. So up until March the 20th of 2015 --
4 you've been asked multiple times about you had a couple of
5 interviews with him. And there was a whole lot he didn't
6 tell you, wasn't there?

7 A That's correct.

8 Q I mean, he pretty much -- up until March 20th when he
9 communicated to you, he pretty much was just kind of
10 playing dumb, I guess. He pretty much --

11 MR. JOHNSON: I'm going to object to the leading.

12 THE COURT: Yeah. Rephrase your question.

13 BY MR. MOYER:

14 Q Let me ask you about how he portrayed himself in the
15 first few interviews that you had with him.

16 A As if he didn't have any knowledge of anything that
17 happened in that house.

18 Q Okay. Kind of neutral, kind of trying to take a
19 neutral stance?

20 A Correct.

21 Q And based on the disinformation he gave, that's why
22 he got charged, isn't it?

23 A Correct.

24 MR. MOYER: Okay. I have nothing further.

25 Thank you.

1 THE COURT: You may step down.

2 MR. MOYER: The State calls Keith Morecraft.

3 THE CLERK: Please place your left hand on the Bible
4 and raise your right hand.

5 WHEREUPON,

6 KEITH MORECRAFT,

7 after first having been duly sworn, testified as follows:

8 THE CLERK: Please take a seat.

9 And state your name for the record.

10 THE WITNESS: Keith Morecraft.

11 DIRECT EXAMINATION

12 BY MR. MOYER:

13 Q Where are you employed?

14 A The Simpsonville Police Department.

15 Q And how long have you been working for the
16 Simpsonville Police Department?

17 A Since 2011.

18 Q How long have you been in law enforcement?

19 A Just shy of 25 years.

20 Q Where did you work before the Simpsonville Police
21 Department?

22 A The Greenville County Sheriff's Office and Anderson
23 County Sheriff's Office.

24 Q Okay. What is -- what was your position with the
25 Simpsonville Police Department -- well, tell us both now

1 and in January of 2015?

2 A The answer is the same to both, violent crimes
3 investigator.

4 Q So did you participate in the investigation of this
5 case, along with Captain Manley, throughout the process of
6 it?

7 A Yes, sir, I did.

8 Q Y'all two pretty much worked as a team?

9 A Yes, sir.

10 Q Rather than going over everything we just went over
11 with her, I just have a couple of questions for you about
12 this matter. So let me take you to January the 30th of
13 2015. Did you participate in that second search of the
14 residence that has been talked about?

15 A Yes, I did.

16 Q And what was the primary purpose of going over there
17 on that day?

18 A To obtain some measurements from the residence as far
19 as heights of windows and distances.

20 Q And can you tell us about the measurements that you
21 did find on that -- or that you did make on that day?

22 A Yes, sir. Our main concern was measuring distances
23 of the kitchen window outside of which the victim was
24 found. We wanted to see if it was even feasible for
25 someone to -- if they were trying to break into the house

1 to reach it and physically pull themselves up into it.

2 We found that the distance from the bottom of the
3 ground to the window sill of the kitchen window was 70-1/2
4 inches, so that would be five feet, 10 and a half inches.
5 The width of the kitchen window was 30 and three-quarters
6 inches. The height of the window when opened full was 15
7 and a quarter inches. And the diagonal measurement was 30
8 and a half inches.

9 Q Okay. And then did you, also, just take note of --
10 there was sort of an AC unit outside of that window?

11 A Yes, sir.

12 Q What did you note about that?

13 A The distance from the edge of the air conditioning
14 unit to the center of the window was 37 inches, so three
15 feet, one inch.

16 Q Okay. Now, what about the height of the other
17 windows that were on that side of the house?

18 A There was another window to the right of the kitchen
19 window that would enter into the living room. That was
20 considerably closer to the ground at 47 inches, so three
21 feet, 11 inches.

22 Q Okay. And just a couple of other questions about
23 what you found. Did you see anything in the trash can
24 that you took note of?

25 A I did. Outside of the residence on the right-hand

1 side, there was a large blue trash can. And there was an
2 empty bottle of bleach in it.

3 Q And inside the residence, did you see any signs of
4 Family Court documentation?

5 A There was a large assortment of documents and
6 paperwork located on a table in the kitchen that were all
7 spread out and placed in manila envelopes.

8 Q Okay. And you had a photograph of that taken?

9 A Yes, sir.

10 Q So it was all sort of laid out, actually, in the
11 home?

12 A It was very organized, yes, sir.

13 Q And so it was all, like, orders and just all kind of
14 Family Court documents?

15 A Yes, sir.

16 MR. MOYER: One moment, please.

17 (Pause.)

18 (WHEREUPON, State's Exhibit Nos. 98, 99, and 100 were
19 marked for identification only.)

20 BY MR. MOYER:

21 Q Investigator Morecraft, I'm going to start off by
22 handing you State's Exhibit Nos. 84 through 90. And just
23 take a moment to take a look through those and see if you
24 recognize what's depicted in those photographs.

25 A Yes, sir. I do recognize them.

1 Q Now, are they photographs of what you just described
2 seeing and doing there at the residence on January 30th of
3 2015, as far as measuring those windows, and the Court
4 documents, and the bottle of bleach that you talked about?

5 A Yes, sir.

6 Q Are they true and accurate representations of those?

7 A They are.

8 MR. MOYER: Your Honor, at this time, I move to have
9 those exhibits entered into evidence.

10 THE COURT: Any objection from Defendant Jane Hughes?

11 MS. TAYLOR: No objection, Your Honor.

12 MR. JOHNSON: No objection.

13 THE COURT: All right. They are in without
14 objection, State's Exhibit Nos. 84 through 90.

15 (WHEREUPON, State's Exhibit Nos. 84, 85, 86, 87, 88,
16 89, and 90 were admitted into evidence.)

17 BY MR. MOYER:

18 Q Is the laser pointer up there?

19 A (Witness indicated.)

20 Q Okay. I'm going to ask you, if you would, as we show
21 these pictures, if you could point out to the jury what it
22 is that we are seeing.

23 Okay. We're going to start with State's Exhibit
24 No. 84. And would you, please, tell the jury what it is
25 that we see in that photograph?

1 A This is the right-hand side of the residence. This
2 is the window that enters into the kitchen of the
3 residence. This here is the air conditioning unit that's
4 located to the left of the window.

5 Q So all the other pictures we saw of the residence
6 were taken at night. But that's that window that we saw
7 in those other photographs?

8 A Yes, sir.

9 Q State's Exhibit No. 85?

10 A Similar picture with a closer-up. Again, the air
11 conditioning unit located to the left of the window. And
12 this is the kitchen window.

13 Q And that's the window that you were talking about is
14 5'10-1/2" from the ground?

15 A That's correct.

16 Q Okay. And then State's Exhibit No. 86?

17 A This is Captain Manley just showing with a tape
18 measure the distance from the ground to the window.

19 Q And going back to State's Exhibit No. 85, that's the
20 AC unit that you said you measured as being three and a
21 half feet from the window?

22 A Yes, sir.

23 Q State's Exhibit No. 87?

24 A This is the window that is located to the right of
25 the kitchen window. And that's considerably lower and

1 closer to the ground. That's Investigator Timmy Williams
2 who's showing the measurement with a tape measure.

3 Q State's Exhibit No. 88?

4 A This is one of the investigators showing the
5 measurement width-wise of the kitchen window.

6 Q State's Exhibit No. 89?

7 A This is an empty Clorox bleach bottle that was
8 located in a trash can located on the right-hand side of
9 the residence.

10 Q State's Exhibit 90?

11 A This is a table that was located in the kitchen on
12 the far back end farthest away from the window. This is
13 as we found it the day of January 30th when we executed
14 the search warrant.

15 These papers and documents were all labeled as to the
16 contents. And most of them were documents of the family's
17 financial documents, Family Court documents, things of
18 that nature.

19 Q Now, is that that same area where the quilt was that
20 had the blood on it?

21 A Yes, sir.

22 Q So the quilt had been taken by law enforcement?

23 A That's correct.

24 Q So those were items that had been laid out there.

25 Now, I'm going to show you -- well, let me ask you

1 this. Was the kitchen table there?

2 A No. Not on the 30th, it was not.

3 Q It was not there on the 30th. Did you find it?

4 A I did.

5 Q Where did you find it?

6 A It was on the back porch.

7 Q Did you take photographs of it?

8 A I did.

9 Q What was the condition of it at that time?

10 A The legs were broken off of it.

11 Q So all the legs were removed. Were they all broken?

12 A I can't remember how many of them were, actually,
13 broken and how many were removed. But there was some
14 damage to it.

15 Q I'm going to hand you State's Exhibit Nos. 98, 99,
16 and 100. If you'll take a look at those and identify what
17 that is.

18 A Yes, sir. That's the kitchen table as I found it on
19 the back porch.

20 Q On January the 30th, 2015?

21 A Correct.

22 MR. MOYER: Your Honor, I'd move to have State's
23 Exhibit Nos. 98 through 100 entered into evidence.

24 THE COURT: Any objection from Defendant Jane Hughes?

25 MS. TAYLOR: No objection.

1 THE COURT: Jacob Hughes?

2 MR. JOHNSON: No objection.

3 THE COURT: State's Exhibit Nos. 98 through 100 is in
4 without objection.

5 (WHEREUPON, State's Exhibit Nos. 98, 99, and 100 were
6 admitted into evidence.)

7 BY MR. MOYER:

8 Q Okay. Let's start off with State's Exhibit No. 98.
9 Tell the jury what it is we see.

10 A That is the table that previously had been in the
11 kitchen on the night of the incident that's located --
12 sitting against the residence on the back porch.

13 Q So the damage to the table, it was on the underside
14 of it?

15 A Yes, sir. Right here in the corners are where the
16 legs of the table attached to. And there was damage to
17 the frame of the table there where they normally attach.

18 Q And State's Exhibit No. 100, what does that --

19 A That depicts the corner of the table where the leg is
20 supposed to have attached to the table.

21 Q And that's where it was broke off?

22 A Yes, sir.

23 Q Did you take a measurement in the kitchen from the
24 distance from that kitchen window to where that table was
25 where the quilt had been?

1 A Yes, sir. That distance was 19 feet.

2 MR. MOYER: Okay. Please answer any questions the
3 Defense has.

4 THE WITNESS: Yes, sir.

5 THE COURT: Cross-examination, Ms. Taylor.

6 MS. TAYLOR: Thank you.

7 May it please the Court.

8 CROSS-EXAMINATION

9 BY MS. TAYLOR:

10 Q Is it Investigator Morecraft?

11 A Morecraft, yes, ma'am.

12 Q Morecraft. But it's investigator?

13 A Or Keith.

14 Q Okay. Thank you.

15 A Yes, ma'am.

16 Q Just briefly. I don't want to mess anything up here
17 that the Solicitor has, but let's see. This is what the
18 State has marked as State's Exhibit -- this is a lot
19 harder than I thought it was. So this is what -- you said
20 that there was a quilt on this table where all of these
21 documents are laid out?

22 A The night of the incident, there had been a quilt
23 back in that area.

24 Q Okay. So you -- did you remove the quilt?

25 A No. I believe Greenville County forensics took it.

1 Q So someone took it off the table. So that means you
2 would have had to have taken all that stuff off the table
3 as well; is that right?

4 A Right. That stuff was not there that night.

5 Q Okay. Who placed it like that and stacked it like
6 that?

7 A I don't know.

8 Q It wasn't you?

9 A It wasn't law enforcement.

10 Q But that is not what it looked like when you entered
11 the house on January 25th?

12 A Correct.

13 MS. TAYLOR: Thank you.

14 I don't have any further questions.

15 MR. JOHNSON: Permission to question the witness,
16 Your Honor?

17 THE COURT: Yes.

18 CROSS-EXAMINATION

19 BY MR. JOHNSON:

20 Q Do you have your police report?

21 A Yes, sir. I have some of it.

22 Q All right. It looks like you've identified it kind
23 of at the top --

24 MR. JOHNSON: If I may approach, Your Honor.

25 THE COURT: Yes.

1 BY MR. JOHNSON:

2 Q You've identified it kind of at the top where it
3 says, I guess, your name, Keith Morecraft?

4 A Right.

5 Q And it says, date entered, change, and a new date.
6 So I want to get on the same page.

7 A Sure.

8 Q I'm looking at -- I'm on Page 2.

9 A Okay.

10 Q Of that review date, 1/27.

11 A Okay.

12 Q It looks like you have some stuff highlighted?

13 A Yes, sir.

14 Q I just want to ask you, I know Detective Manley
15 stated that you may have notes. And it appears that you
16 do as it relates to your interview with Andrew Martin?

17 A Yes, sir.

18 Q Now, when you talked to him on this date, on the
19 25th -- and I just want to confirm as it relates to Jacob.
20 All right.

21 A Okay.

22 Q You stated that Martin stated that he did not see
23 Jacob until after the police arrived?

24 A That's correct.

25 Q And he was talking about the scuffle or fight in the

1 kitchen?

2 A Yes, sir.

3 Q And I just want to confirm that. And you were the
4 one who actually -- you took out the warrants?

5 A Yes, sir.

6 Q All right. And did you take out the same warrants
7 for everyone?

8 A No, sir. The murder warrants, I signed on each
9 individual and, also, possession of a weapon during the
10 commission of the violent crime. The solicitor's office,
11 at a later date, did a direct indictment on the conspiracy
12 charge.

13 Q Are you aware of whether or not Andrew Martin was
14 charged with conspiracy?

15 A I don't believe he was, but I'm not a hundred percent
16 sure.

17 Q As it relates to Andrew Martin's bond, did y'all give
18 any sort of recommendations to the solicitor's office as
19 it relates to that?

20 A Not at all.

21 Q Did you have any dialogue about that at all?

22 A Not at all.

23 MR. JOHNSON: Nothing further, Your Honor.

24 THE COURT: Any redirect?

25 MR. MOYER: Just a couple of questions.

REDIRECT EXAMINATION

BY MR. MOYER:

Q So as far as the matter of the bond goes, you didn't tell the Court or make any sort of statement on Andrew Martin's behalf regarding a bond?

A Not at all.

Q But you did notify us he had given a statement; is that right?

A That's correct.

Q Now, going back to Andrew Martin. Before he came -- he contacted you about giving a statement?

A Which statement?

Q The final statement.

A Yes, sir. He had made several phone calls from the detention center and made it clear that he wanted to speak to me again.

Q All right. And that's when he told you, basically, what he testified to in court the other day?

A Right. We had a preliminary hearing. And then following that hearing, I met with his attorney. And then, I believe it was two days later, we met with Mr. Martin, along with his attorney.

Q Okay. So prior to that date -- and in addition to not telling you about Jacob Hughes, he didn't tell you about Jane Hughes having a hammer, did he?

1 A He did not.

2 Q Did he tell you about John Hughes holding the gun?

3 A He did not. .

4 Q Did he tell you about Margaret Hughes cleaning up the

5 floor?

6 A He did not.

7 Q Did he tell you about Jacob Hughes trying to pull --

8 Jacob and Margaret Hughes trying to pull John Ferrell from

9 out of the window -- from going through the window?

10 A No, he didn't.

11 Q Did he tell you about hearing gunshots?

12 A I believe he just heard a loud crash.

13 Q Okay. Did he tell you about seeing John Hughes run

14 outside with a gun right before he heard gunshots?

15 A No, sir.

16 Q So he was pretty much not telling you anything up

17 until that point?

18 A Not very much.

19 Q Just keeping his cards close to his vest?

20 A Yes.

21 MR. MOYER: Thank you.

22 Nothing else.

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

24 THE WITNESS: Thank you.

25 MR. JOHNSON: Your Honor, can I ask one --

1 THE COURT: Yes. Since he had a little bit of
2 latitude on that, I'll let you.

3 MR. JOHNSON: Thank you, Judge.

4 RECROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q You said you were contacted -- you had contact with
7 him at the prelim or after the prelim?

8 A Both.

9 Q So it was indicated to you by his attorney that he
10 might want to talk to you; is that right?

11 A Right. And he had, also, made phone calls from jail
12 indicating he'd talk to me.

13 Q Okay. Did y'all, actually, do a prelim?

14 A Yes, sir.

15 Q Okay. And a prelim is --

16 MR. MOYER: Your Honor, I object to --

17 THE COURT: Yeah. I don't think we need to get into
18 the prelim. It depends on what kind of question you're
19 going to ask him.

20 MR. JOHNSON: Your Honor --

21 MR. MOYER: Could we approach?

22 MR. JOHNSON: Your Honor, if I could approach?

23 THE COURT: Yeah.

24 (WHEREUPON, a bench conference was held.)

25 THE COURT: Any additional questions?

1 MR. JOHNSON: No, sir, Your Honor.

2 THE COURT: All right. Thank you.

3 You may step down.

4 THE WITNESS: Thank you.

5 MR. MOYER: Your Honor, at this time, the State
6 rests.

7 THE COURT: All right. Counsel, approach. Just let
8 me figure out some timing.

9 Just hang tight. We'll figure out how long we need
10 to give you for lunch.

11 (WHEREUPON, a bench conference was held.)

12 THE COURT: All right. The State has rested. So
13 that means that's the extent of the evidence they're going
14 to put in their case in chief. We have some things we
15 have to go over.

16 So I'm going to let y'all break, give you an hour and
17 a half. If you'll be back in your jury room at 1:45. And
18 then we'll see where we are. And I'll let you know what
19 we're going to be doing at that point.

20 Do not discuss the case. Do not do any type of
21 research. Don't pay any attention to any media coverage.
22 And if you're contacted by anybody, please, let the
23 bailiff know.

24 We'll see you back at 1:45. So that gives you an
25 hour and a half.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 12:13 p.m.)

3 THE COURT: All right. I guess we'll, at this point,
4 have motions.

5 MOTIONS

6 MS. TAYLOR: Your Honor, at this point, I would make
7 a motion to have the Court rule on the conspiracy charge.
8 I don't believe the State has met the burden, even in the
9 light most favorable to them, at this point.

10 THE COURT: All right. And I think there is enough
11 for this matter to go to the jury on the conspiracy
12 charge. So I'm going to deny your motion.

13 MR. JOHNSON: Your Honor, I ask for a directed
14 verdict on both issues -- both charges, both murder and
15 conspiracy. As it relates to the conspiracy, Your Honor,
16 I join in with counsel for Jane Hughes.

17 And I would elaborate, Judge. I know you ruled on
18 it. But to preserve the record, I would elaborate that
19 there is testimony from Andrew Martin, who is charged as a
20 co-defendant, and he doesn't make any remarks or make any
21 testimony as it relates to conspiracy. There's no
22 evidence that there was a plan to commit an illegal act.

23 Furthermore, as it relates to murder, as it relates
24 to Jacob Hughes, there's no testimony that he pulled the
25 trigger. And there's no testimony -- there's no competent

1 testimony that he participated in the fray.

2 So I ask you to consider that at this time. I, also,
3 renew any prior objections that I may have had.

4 THE COURT: And I kind of kept a tally just because I
5 knew it would be an important issue at this point. And I
6 believe that based on the -- all of the evidence when we
7 look at the phone calls, the evidence of the testimony,
8 evidence of Martin -- again, I'm not to determine whether
9 it's credible or not -- and all the evidence there, I
10 believe that this is enough for this matter to go to the
11 jury.

12 So I'm going to deny your motion.

13 MR. JOHNSON: Yes, sir, Your Honor.

14 THE COURT: Anything further?

15 MR. MOYER: No, Your Honor.

16 THE COURT: All right. Any additional charges?

17 If y'all will be back in here at 1:30, we'll discuss
18 jury charges. And any particular requests -- like I said,
19 if y'all know of any particular ones you want to request
20 at this point.

21 MR. JOHNSON: Well, Your Honor, I believe you have
22 the ones that I wanted you to consider.

23 THE COURT: Okay. And I believe he gave those back
24 to you. All right.

25 MR. JOHNSON: Yes, sir.