

VOLUME I OF II

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LEONARD GOODWIN,

APPELLANT

APPELLATE CASE NO. 2011-193507

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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) INDICTMENT NO.: 2010-GS-10-0738

THE STATE OF SOUTH CAROLINA)
VS.)
LEONARD GOODWIN,)
DEFENDANT.)

JURY TRIAL

VOLUME 1 OF 4

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on May 31, 2011, Commencing at 11:06 a.m.

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PROCEEDINGS

THE CLERK OF COURT: If I call your name, if you'll just please raise your hand so we know you're here.

[Roll call of the jury panel by the clerk of court]

THE COURT: Thank you. All fifty jurors are present; is that correct, Mr. Clerk?

THE CLERK OF COURT: [Indicates affirmatively]

THE COURT: All fifty jurors are present.

[Off the record momentarily]

MR. KIDD: Sorry to interrupt you. Can we approach --

THE COURT: You may.

[Whereupon, an off-the-record bench conference is held]

THE COURT: Ms. Winslow, your client requests formal arraignment; is that correct?

MS. WINSLOW: Yes, Your Honor.

THE CLERK OF COURT: Case number 2010-GS-10-738, the State of South Carolina versus Leonard Bernard Goodwin, indictment for murder.

If you answer to that name, please raise your right hand.

[Whereupon, Mr. Goodwin complies]

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1 THE CLERK OF COURT: You may put it down.

2 You stand indicted by the name Leonard Bernard
3 Goodwin. In a Court of General Sessions, convened
4 January 11th, 2010, the grand jurors of Charleston
5 County present upon their oath that in Charleston
6 County, on or about April 3, 2006, with malice
7 aforethought, Leonard Bernard Goodwin did kill and
8 murder Eric Robinson by means of shooting the victim
9 and that Eric Robinson did die in Charleston County as
10 a proximate result thereof, on April 3rd, 2006, in
11 violation of Section 16-3-10 of the South Carolina Code
12 of Laws, 1976, as amended.

13 How say ye? Are you guilty or not guilty?

14 MR. GOODWIN: Not guilty.

15 THE CLERK OF COURT: How will you be tried?

16 MR. GOODWIN: By God and my country.

17 THE CLERK OF COURT: May they send you a true
18 deliverance.

19 Are you ready for trial?

20 MR. GOODWIN: Yes, sir.

21 THE CLERK OF COURT: Thank you. Be seated.

22 THE COURT: Is the State ready to proceed?

23 MR. KIDD: We are, Your Honor.

24 THE COURT: Defendant ready to proceed?

25 MS. WINSLOW: Yes, Your Honor.

JURY VOIR DIRE

THE COURT: Good morning again, ladies and gentlemen.

The case that we are about to begin is the case of the State versus Leonard Bernard Goodwin. This is case number 2010-GS-10-738. Ladies and gentlemen, the State alleges that in Charleston County on or about April 3rd, 2006, with malice aforethought, Leonard Bernard Goodwin did kill and murder Eric Robinson by means of shooting the victim and that Eric Robinson did die in Charleston County as a proximate result thereof on April the 3rd, 2006, in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

Ladies and gentlemen, is there any member of the jury panel that knows anything about this case, other than what I have just read to you? If so, please stand.

[Whereupon, there is no response]

THE COURT: Thank you. There are none.

Ms. Winslow, if you would please stand, introduce yourself, your client, and any persons who will be assisting you throughout the trial.

MS. WINSLOW: My name is Cassandra Winslow. This is Leonard Goodwin, Beattie Butler, and Jonathan Edwards, who's a law clerk. We work at the public

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1 been selected and are seated.

2 THE COURT: Thank you.

3 Any motions or matters pertaining to the jury as
4 selected? From the State?

5 MR. KIDD: No, Your Honor.

6 THE COURT: From the defendant?

7 MS. WINSLOW: No, Your Honor.

8 THE COURT: Ladies and gentlemen, you have been
9 selected as the jury in this case. The bailiffs are
10 going to escort you to your jury deliberation room.
11 We'll receive you back in the courtroom in just a few
12 moments. Thank you.

13 [Whereupon, the jury exits the courtroom at
14 12:04 p.m.]

15 THE COURT: Thank you. Be seated.

16 Outside the presence of the jury, any motions or
17 matters pertaining to the jury as selected? Mr. Kidd?

18 MR. KIDD: None from the State, Your Honor.

19 THE COURT: Ms. Winslow?

20 MS. WINSLOW: No, Your Honor.

21 THE COURT: All right. Thank you.

22 Ladies and gentlemen of the jury panel, you were
23 not selected as jurors in this case. As you recall,
24 your subpoena for jury service is for the week so I am
25 going to release you for the afternoon and place you on

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JACKSON V. DENNO HEARING

1
2 THE COURT: And that leaves us with the -- the
3 defendant made two statements, one to Armstead and one
4 to Glover; is that correct?

5 MR. KIDD: That's correct, Your Honor.

6 THE COURT: And you are --

7 MR. KIDD: Those are the two we are seeking to
8 admit.

9 THE COURT: All right. And you are seeking to
10 suppress both of those statements in total, or just
11 parts of the statements?

12 MS. WINSLOW: I think I'm entitled to a hearing
13 on all statements, Your Honor. I am going to move to
14 suppress the statement to Glover, I don't believe Mr.
15 Armstead, Your Honor.

16 THE COURT: All right. Thank you.

17 But you wish to have a hearing as to Armstead?

18 MS. WINSLOW: Correct, Your Honor.

19 THE COURT: All right.

20 MR. KIDD: The State calls Doug Armstead.

21 [Whereupon, Mr. Armstead comes forward]

22 THE CLERK OF COURT: Place your left hand here
23 and raise your right hand.

24 [Whereupon, Mr. Armstead is duly sworn by the
25 clerk of court as follows: do you swear or affirm that

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1 the testimony you shall give the Court touching now on
2 the matters now before the Court shall be the truth,
3 the whole truth, and nothing but the truth, so help you
4 God]

5 THE WITNESS: Yes, sir, I do.

6 THE CLERK OF COURT: Please take your seat.

7 [Whereupon, Mr. Armstead takes the witness
8 stand]

9 THE CLERK OF COURT: Please state your first and
10 last name, spelling your last for the record.

11 THE WITNESS: My name is Arthur Armstead.
12 That's A-R-M-S-T-E-A-D.

13 MR. KIDD: Good afternoon, Officer Armstead.
14 Are you doing all right today?

15 THE WITNESS: Yes, sir. I'm doing well.

16 - - - - -
17 ARTHUR ARMSTEAD,

18 Having Been First Duly Sworn,
19 was Examined and Testified as Follows:

20 DIRECT EXAMINATION

21 BY MR. KIDD:

22 Q. Could you tell the Court where you work?

23 A. I work for the City of North Charleston Police
24 Department.

25 Q. How long have you been there?

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1 A. Seven going on eight years, sir.

2 Q. And what is your title at North Charleston
3 Police Department?

4 A. I'm a detective with North Charleston's
5 narcotics division.

6 Q. Do you remember getting involved in this case
7 back on April 3rd, 2006?

8 A. Yes, sir, I do.

9 Q. How did you become involved in this case?

10 A. I was flagged down.

11 I was on regular patrol at the time and I was
12 flagged down by I believe the victim's girlfriend. She
13 was stating that she was on the phone with the victim and
14 said that they were -- she heard an argument ongoing with
15 Mr. Goodwin and the phone went dead. So --

16 Q. Was she -- what was she scared had happened?
17 Did she tell you?

18 A. Yeah.

19 She said that she was afraid that her boyfriend
20 had gotten killed.

21 Q. And what did you do when you got that
22 information?

23 A. I went to the residence, knocked on the door,
24 made contact with Mr. Goodwin and his wife. They were in
25 the living room. I spoke with them. Everything seemed to

1 be well. I didn't see anything out of the ordinary,
2 nothing out of the ordinary in the residence, and I --

3 Q. Did you look around the residence?

4 A. Yes, I did.

5 I went through the residence. Mr. Goodwin stood
6 in the middle of the residence while I checked the area.

7 Q. Did you ask Mr. Goodwin what had happened
8 between him and the victim, Eric Robinson?

9 A. Yes, I did.

10 He said that there was a -- they had been
11 engaged in an argument and that he had left with a girl.

12 Q. Did he appear to be intoxicated at all?

13 A. No, sir.

14 Q. Was he under arrest at the time?

15 A. No, sir.

16 Q. Was he in handcuffs?

17 A. No, sir.

18 Q. Did you threaten him to make those statements?

19 A. No, sir.

20 Q. Where were you when he -- when he made those
21 statements?

22 A. We were standing inside the living room in the
23 residence.

24 Q. In front [phonetic] of his residence?

25 A. Yes.

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1 Q. Had you read the Miranda at that point?

2 A. No, sir.

3 Q. Did you arrest him that night?

4 A. No, sir.

5 MR. KIDD: No further questions, Your Honor.

6 THE COURT: Ms. Winslow.

7 MS. WINSLOW: Briefly, Your Honor.

8 Good morning, how are you doing?

9 THE WITNESS: Good morning, ma'am.

10 CROSS-EXAMINATION

11 BY MS. WINSLOW:

12 Q. When you went to Mr. Goodwin's that evening, you
13 told the State that you had asked questions about what had
14 happened?

15 A. Yes. And whether --

16 Q. And what did Mr. Goodwin tell you?

17 A. He said that they had gotten engaged in an
18 argument and that he had left with a girl.

19 Q. Did he say what type of argument?

20 A. No, ma'am.

21 Q. What the argument was over?

22 A. No, ma'am. I don't recall.

23 Q. And this was just a verbal argument, not a
24 physical argument?

25 A. Correct.

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1 Q. Did you ask where he had gone?

2 A. I asked if they knew where he had went and I got
3 no answer at all. The only thing I recall is that he said
4 she had -- he had left with a female.

5 Q. And did you make a report of this?

6 A. No, ma'am.

7 I didn't see anything out of the ordinary at the
8 time. Like I said, I checked the residence, walked around
9 it and everything. I didn't see anything so --

10 Q. Did you search for Eric at that time?

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

12 MR. KIDD: Objection, Your Honor. Outside the
13 scope.

14 A. I just walked around the residence --

15 THE COURT: Hold on one second.

16 THE WITNESS: I'm sorry.

17 MS. WINSLOW: I'll withdraw it, Your Honor.

18 THE COURT: All right. Thank you.

19 MS. WINSLOW: Court's indulgence.

20 [Whereupon, Ms. Winslow and Mr. Butler confer]

21 MS. WINSLOW: No further questions.

22 THE COURT: Redirect?

23 MR. KIDD: None, Your Honor.

24 THE COURT: Thank you. You may step down.

25 Thank you.

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1 [Whereupon, Mr. Armstead is excused and exits
2 the witness stand]

3 THE COURT: Does he need further instructions as
4 to when to -- to remain?

5 MR. KIDD: He'll remain.

6 THE COURT: All right. Thank you. Call your
7 next witness.

8 MR. KIDD: As to that specific statement, Your
9 Honor, that's all we have if you would like to proceed
10 to the next one now.

11 THE COURT: All right. Thank you.

12 MR. KIDD: The State calls Officer Glover.

13 [Whereupon, Mr. Glover comes forward]

14 THE CLERK OF COURT: Place your left hand here
15 and raise your right hand.

16 [Whereupon, Mr. Glover is duly sworn by the
17 clerk of court as follows: do you swear or affirm that
18 the testimony you shall give the Court touching on the
19 matters now before the Court shall be the truth, the
20 whole truth, and nothing but the truth, so help you
21 God]

22 THE WITNESS: I do.

23 THE CLERK OF COURT: Please take your seat.

24 [Whereupon, Mr. Glover takes the witness stand]

25 THE CLERK OF COURT: Please state your first and

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1 last name, spelling your last for the record.

2 THE WITNESS: Andrew Glover. G-L-O-V-E-R.

3 THE COURT: Mr. Kidd.

4 MR. KIDD: Thank you, Your Honor.

5 Good afternoon, Officer Glover

6 - - - - -

7 ANDREW GLOVER,

8 Having Been First Duly Sworn,

9 was Examined and Testified as Follows:

10 DIRECT EXAMINATION

11 BY MR. KIDD:

12 Q. Could you tell the Court where -- where do you
13 work?

14 A. North Charleston Police Department.

15 Q. And how long have you been there?

16 A. Since October of 2006.

17 Q. Do you recall placing the defendant in this case
18 under arrest in I believe September of 2009?

19 A. I remember putting him in mechanical restraints,
20 yes.

21 Q. Okay. When you -- how did you become involved
22 in putting him in those restraints? How did you get
23 involved in the case?

24 A. Dispatchers were -- received a phone call
25 that somebody saw Mr. Goodwin and recognized him as

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1 Mr. Goodwin.

2 Q. Were there outstanding warrants for --

3 A. Yes.

4 Q. -- Mr. Goodwin at that time?

5 A. Yes, there was.

6 Q. And you responded to that location?

7 A. Yes, sir.

8 Q. Did you see someone matching that description?

9 A. Yes, sir.

10 Q. And what did you do when you saw a subject
11 matching that description?

12 A. What did I do or --

13 Q. What did you do.

14 A. I attempted to get up with him.

15 Q. And what did he do in response?

16 A. He rode his bike through the parking lot,
17 through the Torkenson Apartments, through a little
18 entryway to where I couldn't get to him and then I had
19 to go back around and locate him on Larry Street.

20 Q. Did it appear to you that he was trying to evade
21 you?

22 A. Yes, sir.

23 Q. Did you finally catch up to him?

24 A. Yes, sir.

25 Q. And when you caught up to him, did you stop him?

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1 A. Yes, sir.

2 Q. And when you stopped him, what did -- what did
3 you ask him when you stopped him?

4 A. If I recall correctly, I asked to speak with him
5 and I asked him his name.

6 Q. Did you ask for his ID?

7 A. Yes, sir.

8 Q. Did he provide you one?

9 A. Yes, he did provide an ID.

10 Q. Did it have Leonard Goodwin's name on it?

11 A. No, sir.

12 Q. Were you suspicious of his identification?

13 A. Absolutely.

14 Q. And what made you suspicious?

15 A. In our -- all of our municipal buildings through
16 the years, we have a top-ten most-wanted posters on the
17 wall and I frequently looked at that. And I frequently
18 looked at the OAK System, which is a computer monitor in
19 our squad bay that puts information up that we can look
20 at, and Mr. Goodwin's photo was on it every single day.

21 Q. And did you know for sure it was him, or did you
22 have a suspicion at that point?

23 A. I was pretty sure it was him.

24 Q. And based on that suspicion, what did you do?

25 A. I called for a supervisor.

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1 Q. And did your supervisor show up?

2 A. Yes, sir.

3 Q. Did you make a decision about what to do with
4 Mr. Goodwin at that point?

5 A. Yes, sir.

6 Q. And what did you do?

7 A. We decided to place him under investigative
8 detention to get him fingerprinted because of our
9 suspicion that he was not who he was saying he was.

10 Q. Did you place him in handcuffs?

11 A. Yes, sir.

12 Q. And did you have a conversation with him at that
13 point?

14 A. I did.

15 Q. And this was while he was in handcuffs?

16 A. Yes, sir.

17 Q. Did you tell him that he was going to be
18 fingerprinted at this point?

19 A. Yes, sir.

20 Q. And what else did you tell him?

21 A. I told him that he was going to be fingerprinted
22 and that it would look extremely bad that if he was taken
23 there and he was found to be who we thought he was and it
24 would look better on him if he was honest and told us who
25 we thought he was without -- tell us who we thought he

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1 was, prior to getting the fingerprints.

2 Q. And what did he do after you said that to him?

3 A. He put his head down and started crying and
4 admitted that he was, in fact, Leonard Bernard Goodwin.

5 Q. After he admitted he was Mr. Goodwin, did y'all
6 continue to have a conversation?

7 A. No, sir.

8 Q. Did you ask him any other questions?

9 A. Absolutely not.

10 Q. Did he make any other statements to you?

11 A. Not to me, sir, no.

12 Q. Did he mention about -- anything about New
13 Jersey?

14 A. That was prior to that.

15 Q. That was before that?

16 A. Yes, sir.

17 Q. What -- how did that come about?

18 A. He -- once we advised him of who we thought he
19 was, that we thought he was somebody else, he said that he
20 had been in New Jersey for about a year.

21 Q. And was that while he was in handcuffs or before
22 he was in handcuffs?

23 A. I couldn't recall.

24 Q. But it was before he admitted he was Leonard
25 Goodwin?

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1 A. Yes, sir.

2 Q. Did he at some point mention that -- after he
3 told -- after he admitted who he was, did he tell you that
4 he knew he was wanted?

5 A. I --

6 Q. Would it help if you refer to your report to
7 refresh your recollection?

8 MR. KIDD: May I approach the witness, Your
9 Honor?

10 THE COURT: You may.

11 Q. [Mr. Kidd] If you'll refer about three quarters
12 of the way down, right in that section there.

13 [Whereupon, the witness reviews documents]

14 A. Yes.

15 Q. [Mr. Kidd] Do you remember that or how that
16 played out?

17 A. How --

18 Q. I believe in your statement it says that he
19 admitted that he was Leonard Goodwin, who was wanted for
20 murder?

21 A. Yes.

22 Q. Is that what Mr. Goodwin said?

23 A. If that's what I put in the report.

24 I'm not trying to be smart, but, yes, that's --
25 it was two years ago. But if I put in here, then, yes,

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1 that's what I said.

2 Q. Then that's what he stated to you?

3 A. Yes, sir.

4 Q. So that -- and as you wrote up your report,
5 then, that would mean that he knew that he was wanted for
6 murder at that point?

7 A. Yes, sir.

8 Q. And that would have been a statement he made to
9 you? When he admitted who he was he said, you're right --
10 when he put his head down crying, you're right, I'm
11 Leonard Goodwin who's wanted for murder?

12 A. Yes, sir.

13 Q. Did he appear to be intoxicated?

14 A. No, sir.

15 Q. You say he was in handcuffs. Was he under
16 arrest?

17 A. At that time, no.

18 I advised him he's under investigative
19 detention.

20 Q. Once he told you who he was, was he under
21 arrest?

22 A. Yes, sir. I read him his rights from the card.

23 Q. That admission about his name and knowing that
24 he was wanted for murder, was that before or after his
25 Miranda rights were read to him?

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1 A. That was before.

2 Q. And do you know about -- and I know it was a
3 long time ago. But do you recall about how long he was in
4 investigative detention before he made that admission?

5 A. Ten to fifteen minutes.

6 Q. Ten to fifteen minutes.

7 Did he say that he had to urinate?

8 A. He did.

9 Q. Did you allow him that opportunity at that
10 point?

11 A. After he said that, it was very shortly after
12 that he admitted to who he was and then his necessity to
13 urinate disappeared.

14 Q. Did you make any threats to him?

15 A. Absolutely not. I believe we had an extremely
16 cordial conversation on the side of the street.

17 Q. Did he appear to be cognizant of what he was
18 saying and what he was doing?

19 A. Yes, sir.

20 MR. KIDD: No further questions.

21 THE COURT: Ms. Winslow? Mr. Butler?

22 MR. BUTLER: Good afternoon, Detective.

23 THE WITNESS: How are you doing, sir?

24 MR. BUTLER: Fine.

25

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CROSS-EXAMINATION

BY MR. BUTLER:

Q. You've got your report with you?

A. Yes, sir.

Q. Okay. I want you to help me so we can get the sequence of events. And refer to your statement, if you would, please. But let's -- at no time -- all of the statements that you've testified to, if I understand, are prior to you reading his Miranda rights?

A. Yes, sir.

Q. Okay. So when he said, I was in New Jersey, that was prior to being -- having his rights read?

A. Yes, sir.

Q. When he says, I'm Leonard Goodwin, the person you're looking for -- I'm paraphrasing -- that was before his rights were read?

A. Yes, sir.

Q. And when he says words to the effect that he knew he was wanted, that was all before his Miranda rights were read?

A. Yes, sir.

Q. Okay. The only thing that you were unclear about, if I'm correct, on direct was whether or not he had been placed in investigative detention -- put in handcuffs. That's what you mean by that; right?

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1 A. Yes, sir.

2 Q. -- put in handcuffs was the statement about New
3 Jersey; right?

4 A. [No response]

5 Q. I'm going to refer to your report. I'm just --
6 on direct you said you weren't sure if that was before or
7 after.

8 A. Okay.

9 Q. Okay? I want you to look about -- do you
10 mind if I point it out to you? Starting with, I requested
11 a supervisor -- I mean, I'm sorry -- requested from
12 Sargent Johnson to place the individual in investigative
13 detention --

14 A. Correct.

15 Q. -- right?

16 So at that point he's in handcuffs; right? He's
17 not free to leave?

18 A. Correct.

19 Q. Right?

20 And that was because you were sure that the ID
21 that was presented was not the male that you were speaking
22 to; right?

23 A. Correct.

24 Q. Sargent Johnson made the appropriate
25 notifications and while she was doing so: I spoke with

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1 the male consensually and he told me at one point that he
2 had recently spent about a year in New Jersey.

3 A. Correct.

4 Q. Okay. So based on your report, the statement
5 about New Jersey would have been after he was placed in
6 handcuffs and not free to leave?

7 A. Where is the New Jersey sentence?

8 Q. I'm sorry. Right there.

9 A. Yes. Correct.

10 Q. Okay. So based on that, the New Jersey
11 statement would have been after he was handcuffed and not
12 -- no longer free to leave?

13 A. Correct.

14 Q. Okay. And he would have been in those handcuffs
15 you said about fifteen minutes?

16 A. That's just a vague shot in the dark.

17 Q. But there's no doubt he's not allowed to leave
18 at that point? That's what the handcuffs are for?

19 A. Correct.

20 Q. And at one point he said he needed to use the
21 bathroom, but you didn't allow him to. But at some point
22 it no longer became necessary because he was then under
23 arrest and taken to headquarters?

24 A. He was detained, yes.

25 Q. Detained.

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1 MR. BUTLER: Beg the Court's indulgence.

2 [Whereupon, Mr. Butler reviews documents]

3 Q. [Mr. Butler] The statements that you make to
4 him, you say to him, look, we're going to find out who you
5 are anyway -- right -- we're going to fingerprint you,
6 we're going to find out if you're Leonard Goodwin or not,
7 and it's going to look real bad if you're trying to
8 deceive me through false identification; right?

9 A. Correct.

10 Q. You're telling him these things. And I think
11 even in your report you said, man-to-man; right?

12 A. Right.

13 Q. I mean, you're wanting him to own up to who he
14 is; right?

15 A. [Indicates affirmatively]

16 Q. Okay. So was it any surprise to you when you
17 got that response?

18 A. No.

19 I kind of knew it was him. I just wanted him to
20 be able to tell me --

21 Q. Okay. So you wanted him to tell you --

22 A. -- to help himself out if he could, if that was
23 possible.

24 MR. BUTLER: Beg the Court's indulgence.

25 THE COURT: Yes, sir.

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1 [Whereupon, Mr. Butler and Ms. Winslow confer]

2 MR. BUTLER: I don't have any further questions
3 of this witness.

4 THE COURT: Mr. Kidd?

5 MR. KIDD: No redirect.

6 THE COURT: All right. Just so I'm clear, what
7 statement is it that you want to introduce from this
8 witness?

9 MR. KIDD: There are two statements. One is
10 that when he was arrested, that he knew that he was
11 wanted for murder because he was -- the defendant was
12 basically on the run for three years after this murder.

13 So, basically, the knowledge that he was wanted
14 for murder for those three years and him making that
15 statement to Officer Glover is the first statement I
16 wanted.

17 The second statement -- I guess that would be
18 the second statement. The first statement I wanted was
19 the fact that he was in New Jersey, or had told Officer
20 Glover that he was in New Jersey, for approximately a
21 year.

22 THE COURT: All right. No further questions of
23 this witness, Mr. Kidd?

24 MR. KIDD: No, ma'am.

25 THE COURT: Nothing further based upon my

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1 question to Mr. Kidd, Mr. Butler?

2 MR. BUTLER: I would only have one follow up, if
3 it please the Court.

4 THE COURT: All right.

5 MR. BUTLER: I'm sorry.

6 CONTINUED CROSS-EXAMINATION

7 BY MR. BUTLER:

8 Q. Detective, do you have your report information
9 in front of you still?

10 A. Yes, sir.

11 Q. [Reading] It was through speaking with him
12 consensually -- I spoke with the male consensually and he
13 told me at one point that he had recently spent about a
14 year in New Jersey?

15 A. Yes, sir.

16 Q. Okay. So y'all were -- he didn't just -- when
17 he was placed in handcuffs, he didn't just say that?
18 Y'all were talking?

19 A. I couldn't give you the exact dialect of how it
20 came out.

21 Q. Okay. But y'all were speaking at that point?

22 A. Yes, sir.

23 Q. Okay. And this would have been part of the same
24 conversation we're going to find out who you are anyway,
25 you might as well man up --

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1 A. I can't --

2 Q. -- more or less?

3 A. I can't say that, either.

4 It happened until the time I got up with him
5 until the time him and I left. I couldn't give you the
6 exact.

7 MR. BUTLER: The only thing we would ask, Judge,
8 is that a copy of the report be made part of the
9 record, if we could, please.

10 THE COURT: Any objection? Court's 1?

11 MR. KIDD: None, Your Honor.

12 If I could have one follow-up question, as well?

13 THE COURT: Any additional questions, Mr.

14 Butler?

15 MR. BUTLER: No, ma'am.

16 [Whereupon, Court's Exhibit Number 1 is marked
17 by the court reporter].

18 THE COURT: Mr. Kidd?

19 REDIRECT EXAMINATION

20 BY MR. KIDD:

21 Q. Officer Glover, just when you said y'all were
22 talking voluntarily, did he ever ask for an attorney?

23 A. No, sir.

24 THE COURT: And based upon that, Mr. Butler, do
25 you have any questions?

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1 MR. BUTLER: No, ma'am. We have argument,
2 though.

3 THE COURT: All right. You may step down.
4 Thank you.

5 [Whereupon, the witness is excused and exits the
6 witness stand]

7 THE COURT: Mr. Kidd, Officer Glover has the
8 instructions on where to go and --

9 MR. KIDD: We don't need him today, but he's
10 still under subpoena.

11 THE COURT: All right. You are still under
12 subpoena, Officer.

13 All right. Who's arguing?

14 MR. BUTLER: If it please the Court, I would
15 like to be heard.

16 THE COURT: All right.

17 MR. BUTLER: Well, it's the State's burden, so
18 I'll respond.

19 MR. KIDD: Thank you, Your Honor.

20 As to -- I guess I'll address Mr. Armstead's or
21 Officer Armstead's -- the Denno hearing regarding him
22 first.

23 MR. BUTLER: We don't have an argument on that.
24 I'm sorry. Just to make it easier, Your Honor, we
25 agree that that comes in.

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1 THE COURT: All right. Thank you.

2 MR. KIDD: As to Officer Glover, I don't believe
3 Miranda is required. He wasn't subject to any
4 interrogation. This isn't like an interrogation where
5 officers are grilling him, asking him questions,
6 bringing him back to the station. This is
7 investigative detention. Granted, I will agree that he
8 -- his mobility was restrained. He wasn't free to
9 leave. With that being said, he wasn't subjected to
10 any questioning, other than that which would be at a
11 routine stop such as, who are you, what's your name.
12 The officer obviously didn't believe him. When
13 further, you know, we're going to find out who you are,
14 own up to it, he owns up to it and then he makes these
15 voluntary statements.

16 So I don't think Miranda is required at that
17 point. He's not subject to any interrogation. I think
18 the officer said the length of the detention was
19 approximately fifteen minutes. It wasn't a long period
20 of time, it was on the side of the road, didn't appear
21 to be intoxicated.

22 I think with all these factors considered
23 together, you have it as a voluntary statement in a
24 conversation, as Officer Glover stated, was, you know,
25 a good conversation, a cordial conversation. It wasn't

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1 -- there's no threats, there's no anything like that
2 other than, you know, we're going to find out who you
3 are anyway, just own up to it. But he said that they
4 were having a cordial conversation between the two of
5 them and that these were the statements that the
6 defendant made at that time. So they would be, in our
7 opinion, voluntary -- voluntary in nature.

8 THE COURT: Mr. Butler, I'm sorry. Did you have
9 any witnesses?

10 MR. BUTLER: No. No, ma'am. No, ma'am.

11 THE COURT: Thank you.

12 MR. BUTLER: No, ma'am.

13 THE COURT: All right. I'll be happy to hear
14 your response.

15 MR. BUTLER: Thank you.

16 Every once in a while, law school pays off. I
17 love it when this works out just perfectly.

18 Brewer vs. Williams, United States Supreme Court
19 case, 97 S.C. 1232. It's a sixth amendment violation
20 case but the issue is what constitutes interrogation.

21 You might recall from criminal procedure it
22 wasn't called Brewer vs. Williams. We always referred
23 to it as the Christian Burial Speech case. In that
24 case law enforcement was transporting the defendant
25 from one place to another. They didn't interrogate

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1 him. His sixth amendment right to counsel had already
2 attached. They didn't interrogate him, but the two
3 officers in the car had a discussion in the defendant's
4 presence saying -- let me back up.

5 The girl was missing. The victim was missing.
6 They could not find her body. And the discussion
7 between the officers in the defendant's presence was,
8 oh, it sure will be terrible if they can't -- if that
9 girl's family can't give her a Christian burial; it
10 will be awful for all of these reasons. They didn't
11 pose a single question to him. And when the defendant
12 hears this he says, okay, let me tell you; I know where
13 the body is buried.

14 Well, our Supreme Court said that constitutes
15 interrogation. It doesn't matter that it's not a
16 formal question-and-answer setting. Although I think
17 you actually had that in this case, from the
18 detective's testimony. But the Supreme Court said --

19 I have one copy only. I'm sorry I didn't get
20 any farther than one.

21 But there can be no serious doubt, either, that
22 Detective Lemon deliberately and designedly set out to
23 elicit information from Williams just as surely as, and
24 perhaps more effectively than, if he had formally
25 interrogated him. That's at 437. I'm using the

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1 Supreme Court cite. I'm sorry. At 1240. 97 S.C.
2 1240.

3 So it doesn't matter that they're not sitting
4 across the table from one another and that he's asking
5 him questions. Once he is detained and not free to
6 leave, they have to Mirandize him if they want to get
7 any incriminating information from him. When he says,
8 look, we're going to find out who you are anyway, you
9 might as well own up to it, it doesn't matter that
10 there's not a question mark at the end of that
11 sentence. It's designed to elicit that information.
12 The detective admitted as much. Said, you know, I knew
13 he was, I wasn't surprise when he told me that,
14 speaking to him man-to-man. He's trying to get him to
15 say that. All of it fine, but he should have
16 Mirandized him first.

17 So all the statements that he makes after he is
18 placed in detention, handcuffed, no longer free to
19 leave, and not necessarily in response to questioning
20 but in response to this discussion that they're having,
21 that they're conversing he says consensually, all of
22 that should have been subject to a Miranda warning
23 beforehand and without it it should be not admissible.

24 THE COURT: Mr. Kidd, your response?

25 MR. KIDD: Only that even if the statement was

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1 made in violation of Miranda, that doesn't
2 automatically make it inadmissible. I mean, all
3 statements in violation of Miranda aren't necessarily
4 inadmissible. It could still -- if it's still a
5 voluntary statement not subject to interrogation, it
6 can still be admissible if it's in violation of
7 Miranda. And I think that's exactly what we have here.
8 We don't have any undue influence, we don't have the
9 officer interrogating him. We have an officer asking
10 simple questions regarding the defendant's identity, on
11 the side of the road, in a matter of minutes after he's
12 stopped, where he admits, I'm Leonard Goodwin, I've
13 been in -- I know I'm wanted for murder and I've been
14 living in New Jersey. I think those are voluntary
15 statements and I think really the existence of Miranda
16 is immaterial.

17 THE COURT: All right. Are there any other
18 pretrial motions that we need to address?

19 MS. WINSLOW: Not at this time, Your Honor.

20 THE COURT: Mr. Kidd?

21 MR. KIDD: No, ma'am.

22 THE COURT: All right. We're going to take our
23 lunch break. Please be back at 2:20 and I'll have my
24 ruling. We'll begin opening statements.

25 And you have witnesses to call this afternoon?

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1 MR. KIDD: Yeah. I'll keep us busy until you're
2 ready to stop.

3 THE COURT: All right. Thank you. All right.
4 We're at ease. Thank you.

5 [Whereupon, State's Exhibit Numbers 1 through 41
6 are marked by the court reporter]

7 [Whereupon, a recess is taken from 12:47 p.m. to
8 2:27 p.m.]

9 THE COURT: All right. Mr. Kidd, anything
10 regarding the Jackson v. Denno hearing?

11 MR. KIDD: You know, other than what we've
12 already argued, it's just that, you know, for you to
13 find it involuntary, you'll have to make a
14 determination that that was custodial interrogation at
15 that time and that that would be what would make
16 Miranda applicable.

17 THE COURT: All right. Mr. Butler?

18 MR. BUTLER: Nothing further.

19 THE COURT: All right. Based upon the testimony
20 of Officers Armstead and Glover, based upon my review
21 of the factors to consider, the length of the
22 interrogation, even if I assume that it is an
23 interrogation, I am denying the defendant's request to
24 suppress the statement to Officer Glover.

25 The officer testified that the contact took less

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1 than fifteen minutes, he allowed him to go to the
2 restroom, the officer stated that there was some
3 confusion, the defendant indicated that -- he first of
4 all gave the incorrect name and then he admitted that
5 he had been in New Jersey for a year.

6 I do not find that anything of the -- any of the
7 officer's actions were coercive and do find that the
8 statement was voluntarily given.

9 Note your exception for the record. It has been
10 marked as Court's 1 for purposes --

11 Anything before we bring in the jury? They are
12 all here.

13 MR. KIDD: Nothing before openings, Your Honor.
14 I do know with my first witness we do have some
15 photographs that the defense is objecting to. I don't
16 know if you want to take those up now or --

17 THE COURT: Let's try to take as many as we can.
18 Let me see the photographs.

19 What's the basis of the objection, Ms. Winslow?

20 MR. KIDD: May I approach your court reporter?

21 THE COURT: You may.

22 MS. WINSLOW: Your Honor, the photographs --
23 we're not arguing the identity of the body under the
24 house -- the photographs are more prejudicial than
25 probative -- and the relevance of the one photograph,

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OPENING STATEMENT

1
2 MR. YOUNG: Ladies and gentlemen of the jury,
3 April the 3rd, 2006, is a date that Mary Ann Robinson
4 and Latarshia Washington will never forget. It's the
5 day that their lives were changed forever. They didn't
6 know it until three weeks later. It's the day that a
7 mother lost her son and two little boys lost a dad.
8 This is the day that Eric Robinson was murdered.
9 Eric's life was cut short by a man who was selfish and
10 full of hate. That man is in the courtroom with us
11 today, ladies and gentlemen. That man is the
12 defendant. He is guilty of killing Eric Robinson.

13 Now, murder -- I told you this is a murder case.
14 What is murder? The judge is going to talk to you
15 about the law. But I want to talk to you about what it
16 is. Murder is simply, in South Carolina, killing
17 another person with malice aforethought. Now, the word
18 -- malice aforethought. And listen to the jury on the
19 law. But malice is just having ill will, a wicked
20 heart. That's all that is. Keep that in mind
21 throughout this trial.

22 I'm going to go ahead and talk to you about the
23 facts now. It's lengthy so I ask you to just bear with
24 me. Okay? This event happened on April the 3rd, 2006.
25 Eric Robinson, our victim, was on the phone with his

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1 girlfriend, Latarshia Washington. Eric was having an
2 argument with the defendant. They were arguing about
3 what appears to be a phone call that was taking too
4 long. Something as simple as that. At this point,
5 Mr. Goodwin pulls out a pistol and shoots Eric one time
6 in the head. His stepson. Mr. Goodwin, the defendant,
7 was his stepdad. Eric was the stepson. This one shot
8 kills Eric.

9 Again, we have Latarshia on the phone during
10 this whole interaction. She's going to get up here and
11 talk to you guys about what happened, about what she
12 heard. She described it as a loud crash and then the
13 phone goes dead. Obviously, her being concerned, she
14 calls back multiple times trying to get ahold of Eric
15 and figure out what was happening. At this point,
16 finally the defendant answers the phone. He says,
17 Eric's gone out.

18 Well, obviously this alerts Latarshia. She
19 calls Eric's cousins, Jessie and Michael. You're going
20 to hear from them. They're going to take the stand.
21 They're going to talk to you about what they did.
22 Latarshia said, we need to go to Eric's house; I need
23 to figure out what happened; I heard a loud crash, and
24 there was arguing and that was it. They make their way
25 to the house. Jessie and Michael pick up Latarshia.

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1 They go to the house. At this point the first thing
2 Latarshia is going to say, though, is she sees the
3 defendant riding a bike and he's got on a shirt with
4 what she describes as blood spots on it. She's going
5 to tell you this. Listen to what she says. They look
6 for Eric. They don't find him. He's nowhere to be
7 found.

8 At this point enters Mary Ann Robinson, the
9 victim's mom. That's Eric's mom. She comes home from
10 work. Like any mom, she's obviously wanting to know
11 what's going on and why is everybody at the house.
12 She's upset. Latarshia tells her that Eric -- she
13 can't find Eric.

14 At this point, Latarshia, being the good
15 girlfriend that she is, she flags down officers driving
16 by, asks the officers to check out the house, figure
17 out if Eric's in there or where he's at.

18 The officer -- you're going to hear from Doug
19 Armstead. He goes and does a sweep of the house,
20 doesn't find anything. At this point, Armstead leaves.
21 Latarshia and Mary Ann are at a loss. They don't know
22 really know what to do. They can't find Eric. They
23 can't get ahold of him. So the case just kind of sits.
24 A few days later, a missing persons report is filed for
25 Eric. They still haven't found him. That was back on

1 April 3rd, 2006.

2 I want to fast forward you now to April 27th,
3 2006, approximately three weeks later. Obviously, Mary
4 Ann and Latarshia are upset. They can't find Eric
5 still. It's been three weeks and still Eric is not
6 around. At this point, Mary Ann wakes up and she
7 smells an odor, a stench at her house, which she's
8 never smelled before. And this smell was bad enough
9 that she calls the police, says, there is something
10 that is smelling up my entire house, I've never smelled
11 this. Listen to what she says on the stand.

12 Officer Davis: this is where he comes into
13 play. You're going to hear from him. He's going to
14 get up there and talk to you. He's going to tell you
15 how he went into the house, did another sweep of the
16 house, couldn't find anything. But he's going to tell
17 you how he's smelled that smell before.

18 At this point, Officer Davis has the wherewithal
19 to go search the crawl space under the house. This is
20 where the body of Eric Robinson is stuffed, in the back
21 corner, mere feet from where his mom slept every night,
22 murdered, mutilated, covered with lime to help cover up
23 decomp. For three weeks the body is laying there,
24 sleeping right beside his mom sleeping right beside the
25 body. Think about that. Let that set in for a second.

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1 At this point, after the officer finds the body,
2 he immediately orders other police officers. They
3 secure the scene. They all come over there. We're
4 going to have crime scene talking to you. They're
5 going to tell you what they did and what they saw.

6 Like any officers, once you have a murder and a
7 body, you start forming leads and you want to find a
8 suspect. They found suspect number one, this man right
9 here [phonetic]. So of course they're going to go talk
10 to him, right, on April 27th, the day they found the
11 body. He's gone. He's fled. Left Charleston for
12 three years the day the body was found. They can't
13 find him.

14 As chance would have it, three years later, in
15 September of '09, somebody sees him riding a bike in
16 Charleston. They phone the cops, say, hey, I think
17 we've got the defendant in this murder case. The cops
18 respond. You're going to hear from those officers.
19 They're going to talk to you about what they did.
20 Officer -- I think it's Officer Davis is going to get
21 up here and talk to you about it -- Officer Glover,
22 rather. He's going to talk to you about what happened
23 when he stopped the defendant and you're going to hear
24 that testimony. So I actually encourage you to listen
25 to that. At this point, they inform the defendant that

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1 he's got a -- he's got a warrant for murder and they
2 arrest him.

3 So today is yours and my day to make this
4 defendant take responsibility for what he did back on
5 April 3rd, 2006. But it's not only for that. It's
6 also for Mary Ann Robinson, his mom, Eric's mom,
7 Latarshia Washington, the girlfriend of Eric. It's for
8 them to bring closure to their lives, as well. That's
9 also why we're here.

10 Now, in this case I'm going to -- and I know
11 you've heard it before -- proving our case -- we have
12 the burden to prove our case beyond a reasonable doubt.
13 Again, we're going to talk to you about the law more at
14 the end. And the judge is going to tell you what the
15 law is. Beyond a reasonable doubt, firmly convinced.
16 Those are the words you need to be kind of thinking
17 about. We have to firmly convince you of this
18 defendant's guilt.

19 How are we going to do that? How am I going to
20 prove this case to you, the State and Mr. Kidd and I?
21 We're going to do it through testimonial evidence.
22 You're going to hear people get up on that witness
23 stand. Again, Latarshia is going to get up there, Mary
24 Ann is going to get up there, Jessie and Michael are
25 going -- they're going to get up there and they're

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1 going to tell you about the details of what happened
2 that night, about the argument, about the crash, about
3 the blood spots. They're going to talk to you about
4 that, and I ask you to listen to what they say.

5 You're also going to hear from the mom about the
6 relationship of stepfather and stepson, how it wasn't
7 good. Listen to that testimony. Use your common sense
8 about this stuff. Think about it.

9 You're also going to hear, like I said, North
10 Charleston Police Department, South Carolina Law
11 Enforcement Division, all those officers. There's
12 going to be a lot of them. I ask you to sit tight and
13 listen to them. It's important.

14 How else are we going to prove this case to you?
15 There's going to be circumstantial evidence. That can
16 and will be used to convict. Circumstantial evidence
17 is evidence -- little pieces together. We're painting
18 a picture for you. Okay? That's the circumstantial
19 evidence. This is indirect evidence that you're going
20 to deduce a fact from. And I ask you -- and I know
21 it's a little bit -- but I ask you to stay with me here
22 for one more moment before I sit down.

23 This is a case where you're not going to see a
24 confession, you're not going to see a video of the
25 events, you don't have a smoking gun, you don't have an

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1 eyewitness saying, yeah, yeah, I saw him do it. We
2 don't have that. We have evidence, though, that proves
3 his guilt, evidence such as the defendant didn't have a
4 car so the body couldn't be transported to be disposed
5 of, it's under the house; evidence such as DNA on a
6 liquor bottle found beside the victim's body under that
7 house; evidence such as the defendant, the day the body
8 is found, goes on the run for three years. That's
9 where I'm going to ask you to use your common sense and
10 common experiences in thinking about this stuff. And
11 it always leads to one conclusion: that's that the
12 defendant is guilty of murder.

13 So in closing, I ask you again to listen to that
14 testimony, view the evidence that we put up to you, and
15 you will be firmly convinced. Think about what's
16 reasonable, what makes sense in this case, and at the
17 end of this trial Mr. Kidd or I are going to get back
18 up here and talk to you and ask you to find a verdict
19 that the truth dictates and justice demands in this
20 case, and that is a verdict of guilty of murder. Thank
21 you.

22 THE COURT: Ms. Winslow?

23 MS. WINSLOW: Thank you, Your Honor.

24 - - -

25 - - -

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OPENING STATEMENT

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MS. WINSLOW: Leonard Goodwin is not guilty of murder. North Charleston Police Department failed to take this case seriously and have arrested the wrong man. The State has left too many questions unanswered. There is no murder weapon, no witnesses, and no suspect list. Too many questions are left unanswered.

On April 3rd, 2006, Leonard Goodwin and Eric Robinson never got into an altercation. They never had a verbal altercation, they never had a physical altercation, and Leonard Goodwin never shot Eric Robinson in the head.

Now, this case is a tragedy. A family has lost a loved one. Emotions are going to run high during this case. But as juries -- as jury members, you took an oath to put your emotions aside and actually to listen to the evidence of this case, to listen to what has actually happened, or lack of evidence.

What we do know is on April 3rd, 2006, the officers were flagged down. They went into the Goodwin's residence. Mr. Goodwin was at the home and he helped the officers look throughout the home for Eric or any kinds of struggle. The officer did not see anything out of the ordinary. They looked inside the home; they looked outside. They didn't see anything

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1 out of the ordinary. They didn't even write a report
2 about this incident. So on April 3rd, 2006, no police
3 report was ever written, and they left the scene.

4 Now, what the State wants you to believe is that
5 all because of a phone call that Mr. Goodwin, without
6 any motivation, took a gun, shot his stepson in the
7 head, cleaned up all signs of blood, all signs of any
8 struggle in the home, then dragged his body outside,
9 around the house, towards the front of the yard,
10 uncovered a crawl-space door, then maneuvered this body
11 into a crawl-space door, closes the crawl-space door,
12 then comes outside, doesn't change his clothes, and
13 decides to ride to the store, all in a very short
14 period of time. When he rides to the store, he's
15 supposed to have been in the same clothes, as well.
16 Too many questions are left unanswered.

17 What we do know is that Mr. Goodwin was at his
18 home the night of April 3rd, 2006, when the officers
19 came. He helped the officer search the home. What we
20 do know is Mr. Goodwin continued to live at his home
21 for the next three weeks. He continued to have the
22 same work schedule. He continued to stay at his own
23 home with his wife for three weeks.

24 The evidence will show that on April 27th, 2006,
25 Mr. Goodwin left North Charleston and went downtown to

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1 pay a house bill. On his way back, he was riding the
2 bus and he learned that a body was found under his
3 house and he was a suspect in the crime. The evidence
4 will show he got off his bus stop; walked to the end of
5 his street, and saw the commotion. He panicked. He
6 did not know what to do. He does not want to go to
7 jail for a crime he did not commit.

8 What do we have in this case? Well, the State
9 has not recovered a murder weapon whatsoever in this
10 case. No gun was ever recovered in this case.

11 What we also have here, ladies and gentlemen of
12 the jury, is North Charleston Police Department failed
13 to investigate this case. On April 3rd, 2006, no
14 report was ever written of the incident. On April
15 10th, 2006, when a missing persons report was filed,
16 North Charleston Police Department still failed to
17 compile a suspect list of people that may have wished
18 ill upon Eric. Then April 27th, 2006, three weeks
19 later rolls around, and they find the body of Leonard
20 Goodwin [sic]. Leonard Goodwin did not come home that
21 evening so North Charleston Police Department used him
22 as their scapegoat to hide behind their failure.

23 Leonard Goodwin sits at this table as an
24 innocent man. The presumption of innocence is so
25 important. It's a very important constitutional right.

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1 It's human nature to assume that just because someone
2 has been arrested, that they automatically did it.
3 That presumption is not in this courtroom. How I like
4 to think about: if my mom is sitting at that table, I
5 would say she didn't do anything wrong. Unless someone
6 can prove to me otherwise, they remain innocent.

7 The police don't presume innocence, the State
8 doesn't presume innocence. It starts with the jury.
9 It's important because you do not want to convict an
10 innocent man and have an innocent man suffer the
11 consequences. There are too many questions left
12 unanswered in this case.

13 What we do know here is that Eric Robinson was
14 shot in the head. But who did it? Why did they do it?
15 There is no murder weapon. There are absolutely no
16 eyewitnesses to the shooting. There are no
17 eyewitnesses to dragging the body under the home. And
18 you'll learn during the course of this trial no one can
19 testify as to how long that body was even under the
20 home.

21 Leonard Goodwin has always maintained that he is
22 innocent. You heard him say that he is not guilty of
23 this crime. Ladies and gentlemen, at the end of this
24 case you will see that North Charleston is just using
25 Leonard Goodwin as their scapegoat for their failure to

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1 investigate this case correctly. At the end of this
2 trial, you will see that Leonard Goodwin is not guilty.

3 THE COURT: Call your first witness.

4 MR. KIDD: Thank you, Your Honor.

5 The State calls Latarshia Washington.

6 [Whereupon, Ms. Washington comes forward]

7 THE CLERK OF COURT: Place your left hand right
8 here and raise your right hand.

9 [Whereupon, Ms. Washington is duly sworn by the
10 clerk of court as follows: do you swear or affirm that
11 the testimony you shall give the Court and the jury in
12 the trial of this case shall be the truth, the whole
13 truth, and nothing but the truth, so help you God]

14 THE WITNESS: I do.

15 THE CLERK OF COURT: Please take your seat.

16 [Whereupon, Ms. Washington takes the witness
17 stand]

18 THE CLERK OF COURT: If you could state your
19 first and last name, spelling your last for the record.

20 THE WITNESS: Latarshia Washington.

21 THE COURT: Please spell your last name, Ms.
22 Washington.

23 THE WITNESS: W-A-S-H-I-N-G-T-O-N.

24 THE COURT: Thank you.

25 Mr. Kidd?

1 MR. KIDD: Thank you, Your Honor.

2 Ms. Washington, if you would pull that
3 microphone just a little bit closer to you, I would
4 appreciate it. Speak up as best you can.

5

6

LATARSHIA WASHINGTON,

7

Having Been First Duly Sworn,

8

was Examined and Testified as Follows:

9

DIRECT EXAMINATION

10

BY MR. KIDD:

11

Q. Ms. Washington, can you tell the jury where
12 you're originally from?

13

A. Charleston, South Carolina.

14

Q. And how old are you?

15

A. Twenty-eight.

16

Q. Twenty-eight.

17

Do you know Eric Robinson?

18

A. Yes.

19

Q. How did you know Eric Robinson?

20

A. That's the father of my two children.

21

Q. When did you first meet him?

22

A. Back in high school.

23

Q. And what high school was that?

24

A. Burke High School.

25

Q. And where is Burke High School located?

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1 A. Downtown Charleston.

2 Q. When did you begin to have a relationship with

3 Eric Robinson?

4 A. When I was sixteen.

5 Q. When you were sixteen.

6 And how long did that relationship last?

7 A. Nine years.

8 Q. Nine years.

9 And you said you had two children with Eric.

10 What are their names?

11 A. Child 1 Child 2

12 Q. Child 1 and Child 2 ?

13 A. Uh-huh.

14 Q. How old are they?

15 A. One's six and one's eight.

16 Q. That's how old they are now?

17 A. Yes.

18 Q. How old were they when Eric Robinson died?

19 A. One was three, one was sixteen months.

20 Q. When was the last time Eric Robinson saw his

21 children?

22 A. April 3rd, 2006.

23 Q. You remember that day well?

24 A. Yes.

25 Q. I want to ask you a little more background

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1 information.

2 Do you know Eric Robinson's mother?

3 A. Yes.

4 Q. What's her name?

5 A. Mary Ann.

6 Q. And do you know the defendant, Leonard Goodwin?

7 A. Yes.

8 Q. What kind of relationship did Mr. Goodwin and
9 Eric have?

10 A. A very rocky relationship.

11 Q. What was the source of their troubles?

12 A. Eric was always upset because Leonard was
13 mooching off of his mom.

14 Q. Do you know if Mr. Goodwin had a -- Leonard, the
15 defendant, had a -- did he have a job?

16 A. Not to my knowledge.

17 Q. Do you know what he did for money?

18 A. Cut grass.

19 Q. Did -- Mary Ann: did she have a job?

20 A. Yes.

21 Q. Did she work a lot?

22 A. Yes.

23 Q. What was Eric and Mary Ann's relationship like?

24 A. They had a good relationship.

25 Q. And where was -- in April of 2006, where was

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1 Eric living?

2 A. Off Target Street.

3 Q. Do you remember who all was living in that
4 house?

5 A. Mary Ann and Leonard Goodwin.

6 Q. And Eric, as well?

7 A. Yes, Eric, as well.

8 Q. Was there anyone else living in that house at
9 the time?

10 A. No.

11 Q. What kind of person was Eric?

12 A. Sweet person. He was very kind and loving.

13 Q. Did he have a good relationship with his kids?

14 A. Yes.

15 Q. I want to take you to April 3rd, 2006. What's
16 the first thing you remember about that day?

17 A. I rented a car from the Enterprise center.

18 Q. And why did you rent a car?

19 A. Just to have transportation.

20 Q. And did you work that day?

21 A. Yes.

22 Q. When was the first -- or when did you see Eric
23 that day?

24 A. I saw Eric that afternoon when I took him to
25 Wendy's.

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1 Q. And where was that?

2 A. On Target Street.

3 Q. On Target Street? And that's at his house?

4 A. Yes.

5 Q. You took him to -- do you remember about what
6 time of the day that was?

7 A. It was 6:00, around 6:00. It was like after
8 5:00 when I got off from work.

9 Q. A little after 5:00 in the afternoon?

10 A. Uh-huh.

11 Q. When you took him down to Wendy's, who all was
12 at that residence?

13 A. Mr. Goodwin.

14 Q. And anyone else?

15 A. No. And Eric.

16 Q. And Eric.

17 Where was the defendant when you took Eric down
18 to Wendy's?

19 A. Sitting on the couch.

20 Q. And where did -- where was Eric?

21 A. Eric was in his bedroom but he let me in the
22 door.

23 Q. He let you in the front door?

24 A. Yes.

25 Q. And then where did y'all go?

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1 A. To his room.

2 Q. And did you stay there long?

3 A. No.

4 Q. Tell the jury what happened. Where did y'all
5 go? What happened then?

6 A. We went to Eric's bedroom. We only stayed there
7 like five minutes. I gave him the food and he thanked me.

8 Q. And then did you leave? Or what happened next?

9 A. After that, I told Eric I had to leave because I
10 had the kids in the car and I had my best friend, Jessica,
11 in the car.

12 Q. So you had two other people in the car with you?

13 A. Yes.

14 Q. And did they come inside?

15 A. No.

16 Q. And then when you told him that, did you go back
17 to the car?

18 A. Yes. Eric walked me out, back to the car.

19 Q. And then what happened?

20 A. He played with his son for a while, and he
21 kissed him.

22 Q. And then what did you do?

23 A. And then I hugged him, I kissed him, and I left.

24 Q. Did you ever see Eric again?

25 A. No.

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1 Q. Do you remember what he was wearing that day?

2 A. A white tee-shirt, a reversible black-and-white
3 pants, two necklaces. One had a cross and one had a
4 dollar sign and chain on it.

5 Q. When you say pants, were they like short pants
6 or long pants?

7 A. Shorts.

8 Q. They were shorts?

9 When you left the residence, where did you go?

10 A. I went back home.

11 Q. And where were you living at the time?

12 A. Success Street.

13 Q. About how far away is that from Target Street?
14 How long does it take to get there?

15 A. Maybe like ten to fifteen minutes.

16 Q. And is that in North Charleston, as well?

17 A. Yes.

18 Q. What did you do when you got home?

19 A. I ate my Wendy's and laid down to try to get
20 some sleep.

21 Q. And what's the next thing you remember?

22 A. I couldn't sleep so I called Eric.

23 Q. Do you remember about what time it was?

24 A. 8:30 to nine o'clock.

25 Q. And that's at night?

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1 A. Yes.

2 Q. So you were having a conversation with Eric?

3 A. Yes.

4 Q. Now, I want you to go slow. I want you to tell
5 the jury everything you can remember about that phone
6 conversation.

7 A. I was talking to Eric. And we talked for a
8 while. We had a good conversation going. And Eric told
9 me he overheard Mr. Goodwin saying earlier that day he was
10 going to whip someone's ass. I told Eric don't follow it
11 up. I made a joke about the situation. And then the next
12 thing I know, I heard someone picking up the phone. Eric
13 told me to hold on. And he was like --

14 Q. Okay. Let me slow you down just one second.
15 Are we on cell phones or a land line?

16 A. House phones.

17 Q. On a house phone?

18 A. Yeah.

19 Q. So when you say you heard someone picking up the
20 phone, like -- like someone clicking in like another phone
21 in the house?

22 A. Yeah, it was like it was another phone in the
23 house.

24 Q. Okay. I'm sorry. Go ahead.

25 A. So Eric heard it, as well, and Eric told me to

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1 hold on. And when Eric told me to hold on he was like,
2 get the fuck off the phone. And he was like -- he was
3 like, get the fuck off the phone. And --

4 Q. Did you hear a response to that?

5 A. I heard the word no.

6 And Eric was like he's talking -- he was like,
7 I'm talking to my family. And he was like, you're always
8 on the phone with your family. And the next thing you
9 know, it was an argument going on.

10 Q. What do you mean an argument? What are you --
11 what are you hearing?

12 A. I'm hearing just fussing, just carrying on.

13 Q. Are you still talking to Eric at this point?

14 A. Yes.

15 And Eric was like back and forth to the phone.

16 Q. Do you -- what else do you hear?

17 A. I heard Eric say, you need to pack your bags,
18 you need to leave, because you're not paying any bills up
19 in here and if my brother was out of jail I would have
20 hurt -- he would have hurt you a long time ago.

21 Q. Did you hear any other struggling, or noises, or
22 anything else?

23 A. I heard Mr. Goodwin say, bullshit, bullshit.
24 And next thing you know, the last thing I heard was, I
25 will put you on ice. Eric comes back to the phone for the

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1 last time.

2 Q. About how long is this argument, this
3 conversation, all these things going -- how long is this
4 all lasting?

5 A. It's lasting a good thirty minutes or so.

6 Q. What did you hear next?

7 A. I heard a crash, like glass breaking.

8 Q. Was it loud?

9 A. Yes. And the phone went dead.

10 Q. When the phone went dead, what are you thinking?

11 A. Something happened.

12 Q. And then what did you do next?

13 A. I went to my mom and I was like, Eric and
14 Leonard, they were arguing and the phone just went dead.
15 And she said, call back. And I kept calling back.

16 Q. So you tried to call Eric back?

17 A. Yes.

18 Q. Did anyone answer?

19 A. No. I had to keep calling.

20 Q. How many times did you have to call back before
21 someone answered?

22 A. I called at least six times before someone
23 picked up.

24 Q. All right. You called -- you're calling, no one
25 answers, hanging up, and then calling right back or are

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1 you waiting a little bit of time in between each call?

2 A. Yeah, it was kind of calling, wait, call, wait.

3 Q. Someone finally answered?

4 A. Yes.

5 Q. Who answered the phone?

6 A. Mr. Goodwin.

7 Q. What did you say to him?

8 A. I asked him where is Eric and he said that Eric
9 jumped in the car going to Russellville looking for weed.
10 And then he changed the story again.

11 Q. Did you believe him when he said that?

12 A. No.

13 Q. Why not?

14 A. Because Eric won't just leave like that. He
15 wouldn't leave that quickly without saying anything to me.

16 Q. So what did you -- what did you say to Leonard
17 when he said that to you?

18 A. I asked him what was the loud noise and he said
19 it was he bumped the coffee table. And then he turned
20 around and he said he had a pot on the stove.

21 Q. Then what happened?

22 A. And then he hung up the phone on me.

23 Q. How are you feeling at this point?

24 A. I'm hurt.

25 Q. When he hangs up on you, what do you -- what do

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1 you think happened?

2 MS. WINSLOW: Objection, Your Honor.

3 Speculation.

4 THE COURT: I'm going to allow it, if she can
5 answer.

6 A. I was just thinking at that point something
7 happened.

8 Q. [Mr. Kidd] Are you upset?

9 A. Yes. My heart was racing.

10 Q. So what did you do next?

11 A. I contacted Eric's cousin to kind of let him
12 know what was going on.

13 Q. And who's Eric's cousin?

14 A. Mikey. Michael.

15 Q. Does he have any other cousins?

16 A. Yes. Jessie.

17 Q. And what is Michael and Jessie and Eric's
18 relationship like?

19 A. They have a good relationship. They're just
20 basically like his friend, but they are his relatives.

21 Q. Did he hang out with them a lot?

22 A. Yes.

23 Q. So you called them. What happens next?

24 A. I called Mikey first and Mikey called Jessie.

25 And I spoke with Jessie and I told him what was going on,

1 and Jessie came to pick me up.

2 Q. That night?

3 A. Yes.

4 Q. I mean, I know this is five years ago and it's
5 hard to remember specific details. But from the time that
6 you heard that crash that you described and the phone went
7 dead, to the time Jessie comes and picks you up, about how
8 much time has passed?

9 A. About an hour.

10 Q. About an hour.

11 So Jessie comes and picks you up. Where do you
12 go?

13 A. We go to -- we head to Eric's house.

14 Q. And that's on Target Street?

15 A. Yes.

16 Q. Who's in the car with you?

17 A. Me and Jessie.

18 Q. Now, earlier you said you had a rental car. Did
19 you still have the rental car at this point?

20 A. Yes.

21 Q. Why didn't you drive?

22 A. I was too upset.

23 Q. So Jessie picks you up and takes you over to
24 Eric's house. What do you see when you get there -- or on
25 your way there?

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1 A. We see Leonard riding on a bicycle.

2 Q. Is he close to the house?

3 A. He's away from the house on Rivers Avenue.

4 Q. About how far from the house is he?

5 A. About a minute away.

6 Q. Did you see anything that strikes your eye?

7 Well, before you answer that: did you -- do
8 y'all stop?

9 A. Yes.

10 Q. What happens?

11 A. Jessie speaks to him, asking him where Eric was.

12 Q. Does he -- what does he say?

13 A. He said Eric jumped in the car going over to
14 Russellville.

15 Q. Did you notice anything about Mr. Goodwin?

16 A. I saw a -- he had on a white tee-shirt, and I
17 saw some specs of blood at the bottom of the tee-shirt.

18 Q. Like where on the shirt?

19 A. The bottom.

20 Q. Like the shirttail?

21 A. The bottom stomach area.

22 Q. And excuse me. I'm going to get off track here
23 just one second. I want to back up to when you called
24 back and you had -- and Mr. Goodwin answered the phone.
25 Did you notice anything about his demeanor when you were

1 talking with him on the phone?

2 A. He was breathing hard.

3 Q. Now, let's go back to you're in the car and
4 you've just stopped Mr. Goodwin and spoken to him. Where
5 do you go from there?

6 A. After Jessie spoke to him, we ride on Target
7 Street.

8 Q. What do you do when you get there?

9 A. We just ride down to where Eric's house was but
10 we parked across the street. We didn't go in or anything.

11 Q. And were you just waiting there?

12 A. Yeah.

13 Q. How long were you waiting there?

14 A. We waited there for at least fifteen minutes.

15 Q. Who was the next person you saw?

16 A. The next person, we saw Leonard coming back. He
17 came back.

18 Q. How long from when you talked to him until when
19 he came back?

20 A. About five minutes.

21 Q. So he wasn't gone long?

22 A. No.

23 Q. And was he in a car? Or what was he using for
24 transportation?

25 A. A bicycle.

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1 Q. A bicycle? Did anyone else show up?

2 A. When me and Jessie went and parked across the
3 street, Mikey came.

4 Q. And that's Eric's other cousin?

5 A. Yes. Michael.

6 Q. What did you do next?

7 A. I told them -- we sat over there across the
8 street from Eric's house and I was telling them what was
9 going on.

10 Q. And where was Mr. Goodwin at this point?

11 A. He went back into the house.

12 Q. He was inside the house?

13 A. [Indicates affirmatively]

14 Q. What happens next?

15 A. We sat out there and I was telling them what was
16 going on, and Jessie suggested that we call the cops. And
17 I told them, no, I didn't want to make a scene. So we saw
18 an officer riding by earlier and we stopped him. I
19 flagged him down but he said he had another call he had to
20 go on, that he would come back.

21 Q. Did he come back?

22 A. Yes.

23 Q. About how long after you flagged him down did he
24 come back?

25 A. I'm looking at maybe twenty-five or thirty

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1 minutes.

2 Q. At that time, did you see Mary Ann?

3 A. Yes. She was getting off from work.

4 Q. Do you remember about what time of night this
5 is?

6 A. About 11:15.

7 Q. Did you speak with Mary Ann?

8 A. Yes.

9 Q. What did you tell her?

10 A. I told her what happened, that they were
11 arguing.

12 Q. And you said the officer came back?

13 A. Yes, he came back.

14 Q. And what did the officer do?

15 A. He just came back and he walked -- he walked
16 into the yard. We all were walking like kind of behind
17 him. He came in and he was flashing the flashlight inside
18 of the house. But Eric room door was locked.

19 Q. Was he able to get into Eric's room?

20 A. No.

21 Q. Was he able to look inside it?

22 A. No.

23 Q. Does he see anything that looked suspicious?

24 A. No.

25 Q. What happens next?

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1 A. Mr. Goodwin got up and he said, what's going on,
2 there's nothing going on. He came out and he upped Eric's
3 room window and the cop shined the light in there and he
4 didn't see anything.

5 Q. Did he eventually -- did the officer eventually
6 leave?

7 A. Yes.

8 Q. About what time did you leave?

9 A. Right after that officer left, we left. We was
10 kind of --

11 Q. Did you eventually file a missing persons report
12 in this case?

13 A. Yes.

14 Q. Do you remember when you did that?

15 A. April 10th.

16 Q. So about a week after all this happened?

17 A. Uh-huh.

18 Q. Did you ever hear from Eric again?

19 A. No.

20 Q. Take you to April 27th. Do you remember that
21 day?

22 A. Yes.

23 Q. What happened on that day?

24 A. Mary Ann called me.

25 Q. And what did you learn?

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1 A. She was smelling a foul odor.

2 Q. And did you find out what that was?

3 A. Yes.

4 Q. Did you talk to the police at that point?

5 A. Yes. They took me for a statement.

6 Q. And you gave them a statement?

7 A. Yes.

8 MR. KIDD: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 [Whereupon, Mr. Kidd reviews documents]

11 [Whereupon, Mr. Kidd and Mr. Young confer]

12 Q. [Mr. Kidd] Do you recognize Leonard Goodwin in
13 the courtroom today?

14 A. Yes.

15 Q. Can you point him out for me?

16 A. Right there [indicates].

17 Q. What's he wearing?

18 A. A white shirt and a burgundy tie.

19 MR. KIDD: State for the record that the witness
20 has identified the defendant.

21 THE COURT: It will reflect.

22 MR. KIDD: The Court's indulgence.

23 THE COURT: Yes, sir.

24 [Whereupon, Mr. Kidd and Mr. Young confer]

25 Q. [Mr. Kidd] Do you know what Mr. Goodwin, the

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1 defendant, and Mary Ann -- how were they related?

2 A. They were married.

3 Q. But Eric wasn't his son, was he?

4 A. No.

5 Q. Who's Eric's father?

6 A. Ronald Reid.

7 Q. Did they have a good relationship?

8 A. Yes.

9 Q. What have you told your sons about what happened
10 to Eric?

11 MS. WINSLOW: Objection, Your Honor. Relevance.

12 THE COURT: Counsel approach.

13 MR. KIDD: I'll withdraw that.

14 THE COURT: You withdraw? Thank you.

15 MR. KIDD: No further questions, Judge.

16 THE COURT: Your witness.

17 MS. WINSLOW: Yes, sir, Your Honor.

18 MR. KIDD: Your Honor, may I ask a few more
19 questions? I'm sorry. I got off track.

20 THE COURT: You may.

21 MR. KIDD: Do you mind?

22 Thank you, Your Honor.

23 THE COURT: Thank you for accommodating, Ms.
24 Winslow. Thank you.

25 MR. KIDD: I apologize. May I approach the

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1 witness, Your Honor?

2 THE COURT: You may.

3 Q. [Mr. Kidd] Latarshia, I'm going to show you
4 what's been marked, for identification purposes only, as
5 State's Exhibit Number 9. Do you recognize that?

6 A. Yes.

7 Q. What is that photograph?

8 A. Me and Eric.

9 MR. KIDD: Your Honor, at this time we would --
10 the State would offer State's Exhibit Number 9 into
11 evidence.

12 MS. WINSLOW: Your Honor, we object to that.

13 THE COURT: All right. State's 9 into evidence
14 over your objection.

15 MS. WINSLOW: Thank you, Your Honor.

16 [Whereupon, State's Exhibit Number 9 is admitted
17 into evidence by the Court].

18 Q. [Mr. Kidd] I'm going to direct your attention
19 to the screen behind you. Is that State's Exhibit Number
20 9 that I showed you?

21 A. Yes.

22 Q. And who's in that photograph?

23 A. Me and Eric.

24 Q. I'm going to show you what's been marked for
25 identification purposes as State's Exhibit Numbers 1, 2

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1 and 3. Do you recognize those photographs?

2 A. Yes.

3 Q. What are those photographs of?

4 A. Eric's house.

5 Q. Is that where you went that night with Jessie?

6 A. Yes.

7 Q. That's where you went to bring the Wendy's?

8 A. Yes.

9 MR. KIDD: The State offers 1, 2 and 3 into
10 evidence.

11 MS. WINSLOW: No objection.

12 THE COURT: States 1, 2 and 3 into evidence
13 without objection.

14 [Whereupon, State's Exhibit Number 1 is admitted
15 into evidence by the Court]

16 [Whereupon, State's Exhibit Number 2 is admitted
17 into evidence by the Court]

18 [Whereupon, State's Exhibit Number 3 is admitted
19 into evidence by the Court]

20 Q. [Mr. Kidd] Now, Latarshia, I'm going to show
21 you State's -- what's been marked and entered into
22 evidence as State's Exhibit Number 1. Do you recognize
23 that photo?

24 A. Yes.

25 Q. And what is that?

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1 A. Eric's house.

2 Q. And that's where he was living with his mom and
3 the defendant?

4 A. Yes.

5 Q. And what street is that on?

6 A. Target.

7 Q. I'm going to show you what's marked as State's
8 Exhibit Number 2. Do you recognize that?

9 A. Yes.

10 Q. Is that that same house?

11 A. Yes.

12 Q. And State's Exhibit Number 3.

13 A. Yes.

14 Q. Same house?

15 A. Yes.

16 Q. Latarshia, I'm going to show you what's been
17 marked for identification purposes as State's Exhibit
18 Number 4, 6 and 8. Tell me if you recognize those
19 photographs.

20 A. Yes. Yes. Yes.

21 Q. Let's start with State's Exhibit Number 4. What
22 is in that photograph?

23 A. The rope chain he was wearing.

24 Q. That was the one he was wearing on April 3rd,
25 2006?

1 A. Yes.

2 Q. On State's Number 6 and 8, do you recognize
3 those photographs?

4 A. Yes.

5 Q. And what are those photographs?

6 A. The reversible shorts he was wearing.

7 Q. And those are the shorts he was wearing on April
8 3rd, 2006?

9 A. Yes.

10 MR. KIDD: Your Honor, I would like to offer
11 State's Exhibits Number 4, 6 and 8 into evidence.

12 MS. WINSLOW: Without objection.

13 THE COURT: 4, 6 and 8 into evidence without
14 objection.

15 [Whereupon, State's Exhibit Number 4 is admitted
16 into evidence by the Court]

17 [Whereupon, State's Exhibit Number 6 is admitted
18 into evidence by the Court]

19 [Whereupon, State's Exhibit Number 8 is admitted
20 into evidence by the Court]

21 Q. [Mr. Kidd] And once again, Latarshia, if I
22 could direct your attention behind you. Could you tell
23 the jury what that is.

24 A. That's the chain he was wearing.

25 Q. State's Exhibit Number 8?

1 A. That's the shorts he was wearing. And that's
2 his underwear.

3 Q. And, now, it's really hard to see this
4 photograph. I don't know if I can get it to clear up.

5 [Off the record momentarily]

6 Q. [Mr. Kidd] State's Exhibit Number 6, do you see
7 the -- can you see that?

8 A. Somewhat.

9 Q. I want to see if you can see it better in the
10 picture itself. I'm going to show you again State's
11 Exhibit Number 6. Do you see that jewelry in between
12 those shorts and underwear?

13 A. Yes.

14 Q. Do you recognize those?

15 A. Yes.

16 Q. And what are those?

17 A. That's the dollar-sign chain he was wearing and
18 his bracelet and his ring.

19 Q. And he was wearing those on April 3rd, 2006?

20 A. Yes.

21 Q. And, finally, do you know of anyone who has bad
22 blood or a grudge with Eric?

23 A. No.

24 Q. Did you ever know him to have any enemies?

25 A. No.

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1 Q. Was he a drug dealer?

2 A. No.

3 Q. was he a violent person?

4 A. No.

5 Q. Does -- was he associated with those sort of
6 people?

7 A. No.

8 MR. KIDD: No further questions --

9 THE COURT: Ms. Winslow?

10 MS. WINSLOW: Thank you, Your Honor.

11 Good afternoon, Latarshia. Lartashia?

12 Latarshia?

13 THE WITNESS: Latarshia.

14 MS. WINSLOW: Latarshia.

15 CROSS-EXAMINATION

16 BY MS. WINSLOW:

17 Q. You were on the phone with Eric on April 3rd
18 around 8:30 or 9:00 the first time you called him?

19 A. Yes.

20 Q. And you talked for a while when you were on the
21 phone with him the first time?

22 A. Yes.

23 Q. You called him back about thirty minutes later?

24 A. Yes.

25 Q. And that's because he couldn't sleep; right?

MIA PERRON, CVR-CM

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1 A. Because I couldn't sleep.

2 Q. So this would be around 9:30-ish?

3 A. Yes.

4 Q. And you had a good conversation going at that
5 time?

6 A. Yes.

7 Q. Then Eric heard someone pick up the phone; is
8 that right?

9 A. Yes.

10 Q. He told you to hold on; correct?

11 A. Yes.

12 Q. And Eric put down the phone and began to argue
13 with someone; correct?

14 A. Yes.

15 Q. The other person never spoke on the phone;
16 correct?

17 A. Yes.

18 Q. The last time you heard Eric pick up the phone,
19 you just heard it crash?

20 A. Yes. Kind of like glass breaking.

21 Q. And then the phone went dead?

22 A. Yes.

23 Q. So Leonard, Mr. Goodwin, never identified
24 himself on the telephone?

25 A. No.

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1 Q. He never spoke into the phone?

2 A. He did when he said hang up the fucking phone.

3 Q. And the phone conversation you heard was Eric
4 yelling at someone and someone yelling in the background?

5 A. Yes.

6 Q. Eric put down the phone when he began to argue
7 with someone?

8 A. Yes.

9 Q. You told the officer you heard a crash that
10 evening?

11 A. No.

12 I told him that it was an argument that took
13 place.

14 Q. Did you just testify you heard something like
15 glass breaking?

16 A. Yes.

17 Q. You never told him you heard a gunshot?

18 A. No.

19 Q. And you never heard Eric say he saw a gun?

20 A. No.

21 Q. You never heard any mention of any weapon?

22 A. No.

23 Q. I'm trying to figure out just your timing a
24 little bit, so if you can bear with me. You testified
25 that you were on the phone around 8:30; right?

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- 1 A. Yes.
- 2 Q. And then at around 9:30 you called back?
- 3 A. Yes.
- 4 Q. And you said the argument took about thirty
5 minutes long?
- 6 A. Yes.
- 7 Q. So we're at ten o'clock now?
- 8 A. Yes.
- 9 Q. And you said it was about one hour before Jessie
10 even picked you up?
- 11 A. Yes.
- 12 Q. So now we're at eleven o'clock? Ten o'clock
13 plus an hour is eleven o'clock. Wouldn't you agree with
14 me?
- 15 A. Yes.
- 16 Q. And then you -- on your way over to Eric's home,
17 you ran into Mr. Goodwin on the street; is that correct?
- 18 A. Yes.
- 19 Q. He was riding his bicycle?
- 20 A. Yes.
- 21 Q. And it was dark that night?
- 22 A. Yes.
- 23 Q. You were sitting in the passenger's side of the
24 car?
- 25 A. Yes.

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1 Q. Jessie was driving?

2 A. Yes.

3 Q. Mr. Goodwin was on his bike on Jessie's side of
4 the car?

5 A. No, on my side of the car.

6 Q. On your side of the car.

7 Okay. And you testified that you saw specs on
8 his shirt?

9 A. Yes.

10 Q. You never saw anything else on his shirt; is
11 that correct?

12 A. Correct.

13 Q. You never saw any mud or anything on his shirt;
14 correct?

15 A. Correct.

16 MS. WINSLOW: Court's indulgence.

17 THE COURT: Yes, ma'am.

18 [Whereupon, Ms. Winslow reviews documents]

19 Q. [Ms. Winslow] After speaking with Mr. Goodwin,
20 you drove over to Eric's house; correct?

21 A. Jessie drove.

22 Q. Excuse me. Jessie drove over to Eric's house.
23 And you sat outside?

24 A. Yes, across the street.

25 Q. You sat in the car and just waited at the home

1 across the street?

2 A. Yes.

3 Q. And you were looking at the home?

4 A. Yes.

5 Q. You didn't see any strange movements outside
6 around the home?

7 A. No.

8 Q. And you waited there for at least fifteen
9 minutes?

10 A. Yes.

11 Q. Mr. Goodwin had come back to the home; correct?

12 A. Yes.

13 Q. If I can back up just a little bit. So we're at
14 about 11:15 when you're waiting outside the home?

15 A. Yes.

16 Q. If I can show you --

17 MS. WINSLOW: May I approach, Your Honor?

18 THE COURT: You may.

19 Q. [Ms. Winslow] I'm showing to you what's been
20 marked as State's Exhibit 1. That's the front of the
21 home; is that true?

22 A. Yes.

23 Q. And that's the view that you had when you were
24 waiting outside?

25 A. Yes, across the street.

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1 Q. And can you tell me what this is right here
2 where my finger is?

3 A. [No response]

4 Q. Show you what's been marked as State's Exhibit
5 2. It's a little bit closeup. It's a little darker. Can
6 you identify what this is where my --

7 A. No.

8 Q. But this is all visible from the front of the
9 street; correct?

10 A. This is the front part of the house.

11 Q. The front part of the side part?

12 A. Uh-huh.

13 Q. Is that correct?

14 A. Yes.

15 Q. When the police arrived that night, you waived
16 down the police officer; is that right?

17 A. Yes.

18 Q. And the police officer stopped and spoke to you?

19 A. Yes.

20 Q. And you told him what happened that evening?

21 A. Yes.

22 Q. And the police officer went into the home with
23 you?

24 A. [No response]

25 Q. The police officer went up to the home?

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1. A. Yes. Then he came back.
- 2 Q. And Leonard was inside the home at this point?
- 3 A. Yes.
- 4 Q. And you began to look around inside the home
- 5 with the police officer and Mr. Goodwin?
- 6 A. I was kind of standing behind. The police
- 7 officer was basically looking.
- 8 Q. Okay. And you didn't see any signs of struggle
- 9 in the home?
- 10 A. No.
- 11 Q. You didn't see any blood in the home?
- 12 A. No.
- 13 Q. You didn't see Eric in the home?
- 14 A. No.
- 15 Q. And you testified Eric's bedroom door was locked
- 16 that evening; is that correct?
- 17 A. Yes.
- 18 Q. So you went outside the home and looked into
- 19 Eric's bedroom from outside the home; is that correct?
- 20 A. The officer did.
- 21 Q. The officer did?
- 22 A. [Indicates affirmatively]
- 23 Q. And can you tell me looking at this picture
- 24 which bedroom is Eric's bedroom in this picture, if it's
- 25 in this picture?

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- 1 A. That's Eric's bedroom.
- 2 Q. The front? The front bedroom?
- 3 A. The front -- the second window.
- 4 Q. And which window did the officer shine his light
- 5 into, if you can -- if you remember?
- 6 A. That second window.
- 7 Q. This one right here?
- 8 A. Yeah.
- 9 Q. You didn't see anything suspicious in his
- 10 bedroom that evening?
- 11 A. No.
- 12 Q. Briefly, you testified today that after you
- 13 heard the crash, you called back to the home about six
- 14 times?
- 15 A. Yes.
- 16 Q. And do you remember giving a statement to the
- 17 officer that -- on April 27th, 2006, about the events that
- 18 had occurred?
- 19 A. Yes.
- 20 Q. And you told them everything that you knew?
- 21 A. Yes.
- 22 Q. And you wanted to be truthful with the officer?
- 23 A. Yes, ma'am.
- 24 Q. Give him as much detail as you possibly could?
- 25 A. Yes.

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1 Q. And on April 27th, 2006, you told the officer
2 you only called him back three times; is that right?

3 A. Yes, I remember telling him that.

4 Q. That you only called him three times that
5 evening?

6 A. Yes.

7 Q. And today you're testifying you called him six
8 times?

9 A. During that time I was very upset and --
10 MS. WINSLOW: Court's indulgence.

11 THE COURT: Yes, ma'am.

12 [Whereupon, Ms. Winslow and Mr. Butler confer]

13 MS. WINSLOW: No further questions.

14 THE COURT: Mr. Kidd?

15 MR. KIDD: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. KIDD:

18 Q. When you overheard the argument on the phone and
19 you heard Eric say, you need to pack your bags and leave
20 because you don't pay any bills or do anything for my
21 mother, do you know who he was talking to?

22 A. Yes.

23 Q. Do you know what he was talking about?

24 A. Yes.

25 Q. Who was that?

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1 A. Leonard.

2 Q. After hearing that argument on the phone, were
3 you worried?

4 A. Yes.

5 Q. Were you upset?

6 A. Very.

7 Q. And as far as your testimony here versus your
8 statement back in April of 2006, that was five years ago?

9 A. Yes.

10 Q. Is it hard to remember everything that happened
11 that long ago?

12 A. Somewhat, it's hard to remember.

13 Q. But a lot of it sticks out?

14 A. Yes.

15 MR. KIDD: No further questions.

16 MS. WINSLOW: No redirect [sic].

17 THE COURT: You may step down. Thank you.

18 Call your next witness.

19 You may step down. Thank you.

20 [Whereupon, the witness is excused and exits the
21 witness stand]

22 THE COURT: Call your next witness.

23 MR. KIDD: The State calls Jessie Owens.

24 [Whereupon, Mr. Owens comes forward]

25 THE CLERK OF COURT: Place your left hand right

1 here. Raise your right hand.

2 [Whereupon, Mr. Owens is duly sworn by the clerk
3 of court as follows: do you swear or affirm that the
4 testimony you shall give the Court and the jury in the
5 trial of this case shall be the truth, the whole truth,
6 and nothing but the truth, so help you God]

7 THE WITNESS: I do.

8 THE CLERK OF COURT: Please take your seat.

9 [Whereupon, Mr. Owens takes the witness stand]

10 THE CLERK OF COURT: Please state your first and
11 last name, spelling your last for the record.

12 THE WITNESS: Jessie Owens. O-W-E-N-S.

13 MR. KIDD: Good afternoon, Jessie.

14 - - - - -

15 JESSIE OWENS,

16 Having Been First Duly Sworn,

17 was Examined and Testified as Follows:

18 DIRECT EXAMINATION

19 BY MR. KIDD:

20 Q. Where are you from, Jessie?

21 A. Charleston, South Carolina.

22 Q. How long have you lived here?

23 A. All my life.

24 Q. All your life?

25 A. [No response]

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1 Q. Are you employed?

2 A. Yes, sir.

3 Q. Who do you work for?

4 A. Assistant manager at Daltry's.

5 Q. Did you know Eric Robinson?

6 A. Yes, sir.

7 Q. Were you related to him?

8 A. Yes, sir.

9 Q. How are you related to him?

10 A. First cousins.

11 Q. You were cousins.

12 Did you spend a lot of time with Eric?

13 A. Yeah, all the time. Yeah.

14 Q. All the time?

15 A. Yeah.

16 Q. Who all would hang out with Eric?

17 A. Me, Cousin Mikey, Cousin Raylo, my little
18 brother and that's pretty much it.

19 Q. Were y'all a pretty tight group?

20 A. Yes.

21 We all went through everything together when we
22 were little.

23 Q. Who was Eric's girlfriend?

24 A. Tarshia.

25 Q. Tarshia?

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1 A. Yeah.

2 Q. And how long had they been together?

3 A. Pretty long time. Probably about fifteen years
4 or something like that. It's been a while.

5 Q. What was their relationship like?

6 A. It was great.

7 Everything was good. You know, they had their
8 ups and downs. But, you know, that's just a relationship.

9 Q. Did they have any children together?

10 A. Two boys.

11 Q. Now, did you know Eric's mother?

12 A. Yes, sir.

13 Q. And who is that?

14 A. Mary Ann Goodwin.

15 Q. Did Eric and her have a good relationship?

16 A. Yes, sir.

17 Q. Did you know Leonard Goodwin?

18 A. Some of the time, yes, sir.

19 Q. Did you know Eric's natural father, Ronald Reid?

20 A. Yes, sir.

21 Q. What was Mr. Reid and Eric's relationship like?

22 A. Well, they had a great relationship, also.

23 Q. They did?

24 A. Yeah.

25 They never had no big problems or nothing. When

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1 Eric needed something, he would go to Ronald and Ronald
2 would provide it for him.

3 Q. Now, I want to talk to you a little bit about
4 April 3rd, 2006. Do you remember that day?

5 A. Like it was yesterday.

6 Q. So you remember it?

7 A. Yes, sir.

8 Q. You remember it like it was yesterday,
9 Do you remember getting a phone call from
10 Latarshia?

11 A. Yes, sir.

12 Q. And what do you call her? Is it -- do you call
13 her Latarshia or Tarshia?

14 A. Just call her Tarshia.

15 Q. Tarshia?

16 A. Yes.

17 Q. And without saying, you know, what she said to
18 you, did you learn something that happened?

19 A. Yes, sir.

20 Q. And what did you do based on that information
21 you got?

22 A. I checked on the information that she gave me to
23 see whether it was true or not.

24 Q. And how did you do that?

25 A. By making a telephone call.

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1 Q. Who did you call?

2 A. Called Eric's house.

3 Q. And did anyone answer?

4 A. No, sir.

5 Q. What did you do next?

6 A. Called my cousin Mikey and told him to call to
7 see if he got an answer. But he never got an answer;
8 either. The line was actually busy.

9 Q. And then what did you do?

10 A. I called Tarshia back and we sat and we talk and
11 I told her I would come pick her up and we would go around
12 there and check on him, see what was going on.

13 Q. And did you do that?

14 A. Yes, sir.

15 Q. On the way over to Eric's house -- and where is
16 Eric's house at?

17 A. It was on Target Street. I believe.

18 Q. And when you're going over to Target Street, did
19 you run into anyone on the way?

20 A. Actually saw Leonard.

21 Q. How close to the house were y'all when you ran
22 into him?

23 A. Well, we were coming down Rivers Avenue and he
24 was coming from like the opposite cul-de-sac that goes
25 around to get back on the other side of Rivers. He was

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1 coming that way and we met head-on with him.

2 Q. I mean, was he like a mile from the house or --

3 A. I would --

4 Q. -- was it a block?

5 A. I would say probably approximately a block, less
6 -- probably less than that.

7 Q. So he was a block --

8 A. Yes.

9 Q. -- a block from --

10 A. Yeah.

11 Q. -- the house?

12 And did y'all stop and talk to him?

13 A. Yeah, for a few seconds.

14 Q. And what was said?

15 A. We asked him where Eric was at. He said Eric
16 had left the house.

17 Q. And did you notice anything strange about him?

18 A. He had a few stains on his shirt, but, I mean, I
19 didn't -- I didn't think nothing of it.

20 Q. Where did you go next?

21 A. We went straight to the house to meet up with my
22 other cousin that I called.

23 Q. And that -- who's that?

24 A. That's Michael Phillips.

25 Q. Okay. And what did y'all do when you got to the

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1 house?

2 A. When we got there we just sat outside and just
3 pretty much waited for Eric to, you know, pop up because,
4 you know, Leonard had said he had already left the house.
5 So we sat out there just probably about four or five hours
6 just sitting out there just waiting.

7 But then I would say about thirty minutes later
8 Leonard came back to the house and he went inside. But we
9 never said anything to him.

10 Q. At some point did Eric's mom show up?

11 A. Yeah.

12 She came -- when she got off at 11:00, she came
13 home.

14 Q. And did y'all run into any law enforcement that
15 night?

16 A. Yes, sir.

17 They had some kind of incident going on in the
18 neighborhood and we were trying to stop the police or
19 whatever, and they just kept on going. And we actually
20 got one to stop and told him what was going on or
21 whatever, and he went up to the house and let us -- well,
22 not let me in but let Michael in the house. Michael came
23 out and said that there was nothing, everything had looked
24 normal.

25 Q. And so Michael and the officer --

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1 A. Officer went in the house, yes, sir.

2 Q. They went into the house?

3 A. Yes, sir.

4 Q. And they didn't see anything?

5 A. No, sir.

6 Q. And what did y'all do next?

7 A. Pretty much just sat out there like four or five
8 hours, like I said, because like it happened about -- it
9 happened about nine o'clock.

10 I was going to a birthday party because my
11 birthday ran like that twelve o'clock on the fourth so --
12 and I was supposed to pick Eric up but I never got in
13 contact with him. I had to leave the party to come, you
14 know, see what was going on.

15 Q. And do you remember about what time maybe you
16 got to the house?

17 A. Yeah. It had to have been about 10:30.

18 Q. About 10:30?

19 A. Yeah.

20 Q. And so you left a number of hours after that?

21 A. Yeah, we had -- we left about 3:00 or something
22 like that.

23 Q. Did you ever hear from Eric again after that
24 night?

25 A. No, sir.

1 MR. KIDD: The Court's indulgence.

2 THE COURT: Yes, sir.

3 [Whereupon, Mr. Kidd and Mr. Young confer]

4 Q. [Mr. Kidd] Is this kind of an uncommon
5 occurrence for you to do something like this? For you to
6 leave a party, pick up Latarshia and go check on Eric?
7 Had something like that ever happened?

8 A. No, I never had to do that before.

9 Q. What was Latarshia's kind of demeanor like?

10 A. She was actually quite scared when she called
11 me. She said something about some kind of bang or
12 something, and she was pretty much terrified. She just
13 kept saying, something happened to him, something happened
14 to him.

15 MR. KIDD: No further questions, Your Honor.

16 THE COURT: Ms. Winslow?

17 MS. WINSLOW: Thank you, Your Honor.

18 Good afternoon, Jessie.

19 THE WITNESS: How are you doing, ma'am.

20 CROSS-EXAMINATION

21 BY MS. WINSLOW:

22 Q. You said that you ran into Mr. Goodwin on Rivers
23 Avenue around 10:30?

24 A. Yeah.

25 Q. 10:30. And you were driving your car?

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1 A. Yes, sir. Yes, ma'am.

2 Q. Mr. Goodwin was on his bicycle at the time?

3 A. Yes, ma'am.

4 Q. You stopped and spoke with him for a while?

5 A. Yes, ma'am.

6 Q. And you said you didn't notice anything about --
7 out of the ordinary about Mr. Goodwin? Maybe some stains?

8 A. Yeah, I saw some stains on his shirt but I, you
9 know --

10 Q. Not filthy dirty?

11 A. No. It was just spot -- spots, like.

12 Q. And after you left Mr. Goodwin on Rivers Avenue,
13 you went to Eric's home?

14 A. Yes, ma'am.

15 Q. You sat outside the home?

16 A. Yes, ma'am.

17 Q. You were looking at the house?

18 A. Yes, ma'am.

19 Q. And you saw Mr. Goodwin come home at some point?

20 A. Yes, ma'am.

21 Q. And you just remained in your car looking at the
22 home; is that correct?

23 A. Yes, ma'am.

24 Q. You never noticed any movement outside?

25 A. No, ma'am.

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1 Q. You and Latarshia flagged down a police officer
2 that night, as well?

3 A. Yes, ma'am.

4 Q. And that was about thirty minutes after you had
5 been there?

6 A. Thirty minutes to an hour.

7 Q. The police officer searched the home for Eric?

8 A. Well, from what I was told, they only went as
9 far as the bedroom.

10 Q. And after -- you testified that after the police
11 left that evening, you stayed outside for another -- until
12 3:00 in the morning; is that correct?

13 A. Yeah. All of us did, actually.

14 Q. You, Tarshia, and Michael stayed until 3:00 in
15 the morning?

16 A. Yes, ma'am.

17 Q. And you were watching the home?

18 A. Yes, ma'am.

19 Q. Looking to see if you could see Eric anywhere?

20 A. Well, we were actually just sitting out there to
21 see if he was going to pull up or, you know, see if he was
22 going to come back home because, like I said, Leonard said
23 he had left the house.

24 Q. And you never saw anything?

25 A. No, ma'am.

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1 Q. You didn't see anyone walk around in the side
2 yards or the back yard?

3 A. No, ma'am.

4 Q. The next day you also went back to Eric's home
5 with the police, didn't you?

6 A. No, ma'am. No, I didn't.

7 Q. No, you didn't? Okay. And I just wanted to
8 show you --

9 MS. WINSLOW: May I approach?

10 THE COURT: You may.

11 Q. [Ms. Winslow] I'm showing you what's been
12 marked as State's Exhibit 1. If you'll look behind you.
13 Is this the view that you had from the street when you
14 were waiting outside?

15 A. No, ma'am. It was straight.

16 Q. You were sitting straight on to the house?

17 A. Yes, ma'am.

18 Q. Looking right here?

19 A. Yeah.

20 Q. And straight on this way?

21 A. Yeah, straight.

22 Q. And can you identify Eric's bedroom in this
23 picture? Do you know?

24 A. His bedroom is right there.

25 Q. Thank you.

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1 MS. WINSLOW: Court's indulgence.

2 THE COURT: Yes, ma'am.

3 [Whereupon, Ms. Winslow and Mr. Butler confer]

4 MS. WINSLOW: No further questions.

5 THE COURT: Mr. Kidd?

6 MR. KIDD: I have no follow-up questions.

7 THE COURT: You may step down, Mr. Owens.

8 [Whereupon, the witness is excused and exits the
9 witness stand]

10 THE COURT: Call your next witness.

11 MR. KIDD: The State calls Michael Phillips.

12 [Whereupon, Mr. Phillips comes forward]

13 THE CLERK OF COURT: Sir, if you could place
14 your left hand right here and raise your right hand.

15 [Whereupon, Mr. Phillips is duly sworn by the
16 clerk of court as follows: do you swear or affirm that
17 the testimony you shall give the Court and the jury in
18 the trial of this case shall be the truth, the whole
19 truth, and nothing but the truth, so help you God]

20 THE WITNESS: Yes, sir.

21 THE CLERK OF COURT: Take your seat.

22 [Whereupon, Mr. Phillips takes the witness
23 stand]

24 THE CLERK OF COURT: Sir, if you would please
25 state your first and last name, spelling your last for

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1 the record.

2 THE WITNESS: Michael Phillips.

3 P-H-I-L-L-I-P-S.

4 MR. KIDD: Good afternoon, Michael.

5

6

MICHAEL PHILLIPS,

7

Having Been First Duly Sworn,

8

was Examined and Testified as Follows:

9

DIRECT EXAMINATION

10 BY MR. KIDD:

11 Q. Do you go by Mikey also?

12 A. Yes, sir.

13 Q. Okay. Where are you from, Michael?

14 A. Ladson, South Carolina.

15 Q. Have you lived in the Charleston area most of
16 your life?

17 A. Yes, sir.

18 Q. Do you know Eric Robinson?

19 A. Yes, sir.

20 Q. How do you know Eric?

21 A. My cousin.

22 Q. Are you also cousins with Jessie Owens?

23 A. Yes, sir.

24 Q. What was yours and Eric's relationship like?

25 A. Like brothers.

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- 1 Q. Did y'all spend a lot of time together?
- 2 A. Yeah.
- 3 Q. Did -- are you employed right now?
- 4 A. Yes, sir.
- 5 Q. Where do you work?
- 6 A. Marion Medical Systems.
- 7 Q. Where did you work in April of 2006?
- 8 A. Marion Medical Systems.
- 9 Q. Did Eric work there with you?
- 10 A. Yes, sir.
- 11 Q. Did you and Eric work the same shifts?
- 12 A. Yes, sir.
- 13 Q. And did you own a vehicle back then? A vehicle
- 14 in 2006?
- 15 A. Yes, sir.
- 16 Q. How would you and Eric get to work?
- 17 A. He would get to work by cab or a rental, but I
- 18 would take him home sometimes in the afternoon.
- 19 Q. You would take him home after work some?
- 20 A. Yeah.
- 21 Q. On that -- on April 3rd, did you go to work that
- 22 day?
- 23 A. Yes, sir.
- 24 Q. Did Eric go to work that day?
- 25 A. Yes, sir.

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1 Was that -- I can't remember exactly what date
2 that was. I don't know if it was a Monday or --

3 Q. That's understandable. It was a long time ago.

4 A. Yeah.

5 Q. Did you know -- did Eric have a girlfriend?

6 A. Yes, sir.

7 Q. Who was that?

8 A. Tarshia.

9 Q. Did they have any children?

10 A. Two.

11 Q. What was Eric and Tarshia's relationship like?

12 A. Any other relationship. I mean, boyfriend and
13 girlfriend. I mean, I don't know too much to say about
14 it.

15 Q. Did they fight a lot?

16 A. No.

17 Q. Was it a perfect relationship?

18 A. No.

19 Q. Did you know Eric's mother?

20 A. Yes, sir.

21 Q. Who was that?

22 A. Mary Ann.

23 Q. Did you know the defendant, Leonard Goodwin?

24 A. Yeah, from around there. I mean, other than
25 that, no.

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- 1 Q. But from --
- 2 A. Just being around the house.
- 3 Q. Just from being around the house.
- 4 Did you go to that house from time to time?
- 5 A. Yeah.
- 6 Q. Did you spend a lot of time over there?
- 7 A. A good bit. Not a lot, but a good bit.
- 8 Q. Did you know Eric's natural father?
- 9 A. Yes.
- 10 Q. And are you related to him?
- 11 A. Yes, sir.
- 12 Q. And who is that?
- 13 A. Ronald Reid.
- 14 Q. And did he and Eric have a good relationship?
- 15 A. Yes, sir.
- 16 Q. Now, I want to talk a little bit more about
- 17 April 3rd, 2006. Do you remember getting a phone call
- 18 from Latarshia that day?
- 19 A. Yes, sir.
- 20 Q. And without saying what she said, did you learn
- 21 -- based on what you learned from that conversation, what
- 22 did you do?
- 23 A. I -- from the conversation I had with Tarshia, I
- 24 put my clothes on and I went down there to see what was
- 25 going on. I took off in my car.

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- 1 Q. Went where?
- 2 A. To Target. Target Street.
- 3 Q. To the Target Street house?
- 4 A. Yeah.
- 5 Q. And is that where Eric lived?
- 6 A. Yes, sir.
- 7 Q. Who else lived in that house?
- 8 A. Mary Ann and Leonard.
- 9 Q. Did anyone else live in that house?
- 10 A. No, sir.
- 11 Q. So it was just the three of them?
- 12 A. Yes, sir.
- 13 Q. What did you see when you got there?
- 14 A. I didn't see too much of nothing because I got
- 15 there like kind of after the fact. Everybody was already
- 16 there. I mean, Tarshia and Jessie were already there, and
- 17 I came in.
- 18 Q. Okay. And where were Tarshia and Jessie when
- 19 you got there?
- 20 A. They were parked across the street from the
- 21 house.
- 22 Q. And did you go up to the house or did you go up
- 23 to them? What did you do?
- 24 A. I went up to them.
- 25 Q. You went up to them?

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1 A. Yeah.

2 Q. And was there a police officer there yet?

3 A. No, sir.

4 Q. Did you ever -- when did you first see a police
5 officer?

6 A. I don't remember exactly when, it's been a
7 while, because we were trying to flag police officers down
8 and they just kept riding.

9 Q. Did you finally get one, though?

10 A. Yeah, we finally got one.

11 Q. And what did y'all do?

12 A. Tarshia told him what was going on. You know,
13 the police officer went to the house.

14 Q. Did you follow him inside?

15 A. Yes, sir.

16 Q. What was the police officer doing?

17 A. Just looked. He just looked around. That's it.

18 Q. Did he talk to Leonard at all?

19 A. I don't quite remember all that.

20 Q. Did you walk through the house with the officer
21 or did you go inside with him?

22 A. I just went inside.

23 Q. Did you see anything out of place?

24 A. No, sir.

25 Q. What did you do after the police officer left?

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1 A. I don't remember. I don't remember --

2 We probably sat out there for a couple of hours
3 or an hour or two, something like that, waiting on Eric to
4 maybe come back or call or something.

5 Q. Did you ever hear from Eric again?

6 A. No, sir.

7 Q. Were you supposed to go to work the next day?

8 A. Yes, sir.

9 Q. Was Eric supposed to work the next day?

10 A. Yes, sir.

11 Q. Did you go to work the following day?

12 A. Yes, sir.

13 Q. Did Eric show up?

14 A. No, sir.

15 Q. Was it like Eric to miss work?

16 A. No, sir.

17 Q. Was he a pretty responsible person?

18 A. Yes, sir.

19 MS. WINSLOW: Objection, Your Honor. Character.

20 THE COURT: I'm going to allow it.

21 Q. [Mr. Kidd] What was your answer?

22 A. Yes, sir.

23 Q. How long had you and Eric worked for Marion?

24 A. Eric probably worked there for like four months.

25 Three or four months.

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1 Q. He had worked there for about three or four
2 months at that -- by April --

3 A. Yes --

4 Q. -- of 2006?

5 A. Yes, sir.

6 Q. And that three or four months he had worked
7 there, do you ever remember him kind of no-show, no-call
8 to work?

9 A. No, sir.

10 Q. And you still work for the same company?

11 A. Yes, sir.

12 Q. So you've been there for how long?

13 A. Five years now. Almost six.

14 MR. KIDD: The Court's indulgence.

15 THE COURT: Yes, sir.

16 [Whereupon, Mr. Kidd and Mr. Young confer]

17 MR. KIDD: Just one follow-up question.

18 Q. [Mr. Kidd] What was Latarshia's kind of
19 demeanor like when you got to that Target Street address?
20 Was she calm and collected or was she -- how was she
21 acting?

22 A. No, she wasn't calm.

23 She was -- she was I guess you could say irate.
24 I mean, she was upset. She was really upset. I mean, I
25 didn't know what exactly happened. I wasn't on the phone.

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1 I don't -- I don't know. But she was upset.

2 MR. KIDD: No further questions.

3 MS. WINSLOW: Good afternoon, Michael.

4 THE WITNESS: How are you doing?

5 MS. WINSLOW: I just have a few questions for
6 you.

7 CROSS-EXAMINATION

8 BY MS. WINSLOW:

9 Q. You went over to Eric's home around 10:30 that
10 evening?

11 A. I don't remember the exact time.

12 Q. And you waited for an officer to show up?

13 A. Yes, we did wait. Yeah.

14 Q. You went inside that home -- the home that
15 evening with the officer?

16 A. Yes.

17 Q. You didn't see anything out of the ordinary?

18 A. No, ma'am.

19 Q. You didn't see any blood?

20 A. No, ma'am.

21 Q. You didn't see Eric in the home?

22 A. No, ma'am.

23 Q. You looked into Eric's bedroom that evening?

24 A. Yes.

25 Q. And you didn't see anything in Eric's bedroom?

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1 A. No, ma'am.

2 Q. Nothing out of the ordinary?

3 A. No, ma'am.

4 Q. And you testified that after the officer left,
5 you stayed there for another few hours?

6 A. Yeah, it could have been a few hours. I'm not
7 sure how long it was after that.

8 Q. It wasn't -- you didn't leave immediately,
9 though?

10 A. I didn't -- no. I didn't leave immediately, no,
11 ma'am.

12 MS. WINSLOW: Court's indulgence.

13 THE COURT: Yes, ma'am.

14 [Whereupon, Ms. Winslow and Mr. Butler confer]

15 MS. WINSLOW: No further questions.

16 MR. KIDD: Nothing further, Your Honor.

17 THE COURT: You may step down, Mr. Phillips.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

20 THE COURT: Call your next witness.

21 MR. KIDD: The State calls Mary Ann Robinson.

22 MR. BUTLER: Your Honor, may we approach?

23 THE COURT: You may.

24 [Whereupon, an off-the-record bench conference
25 is held]

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1 THE WITNESS: Robinson. R-O-B-I-N-S-O-N. Mary
2 Ann.

3 MR. KIDD: Thank you, Your Honor.

4 Good afternoon, Ms. Robinson. I apologize. I
5 had called you Ms. Goodwin earlier. When did you
6 change your name back?

7 THE WITNESS: In February of last year.

8 - - - - -

9 MARY ANN ROBINSON,
10 Having Been First Duly Sworn,
11 was Examined and Testified as Follows:

12 DIRECT EXAMINATION

13 BY MR. KIDD:

14 Q. Ms. Robinson, where are you -- where are you
15 from?

16 A. I'm from Charleston.

17 Q. From the Charleston area?

18 A. Uh-huh.

19 Q. Do you have any children?

20 A. One living, one deceased.

21 Q. And what are your children's names?

22 A. Joshua Robinson, Eric Robinson.

23 Q. And who is their father?

24 A. Ronald Reid.

25 Q. And --

MIA PERRON, CVR-CM

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1 THE COURT: Ma'am, I'm going to ask you one more
2 time. I'm going to need you to -- you're probably just
3 going to have to lean right in that microphone. You're
4 very soft-spoken.

5 Q. [Mr. Kidd] After they were born, did you later
6 get married?

7 A. Yes.

8 Q. And who did you marry?

9 A. Leonard Goodwin.

10 Q. Do you see Mr. Goodwin in the courtroom today?

11 A. Yes.

12 Q. Can you point out to the jury who he is and can
13 you tell me what he's wearing?

14 A. A white shirt.

15 Q. When did you marry Leonard Goodwin?

16 A. January 13, '89, I believe.

17 Q. In 1989?

18 A. Yes.

19 Q. So that would mean in April of 2006, y'all had
20 been married for approximately seventeen years?

21 A. Yes.

22 Q. Is that about right?

23 A. Uh-huh.

24 Q. And back in April of 2006, where were you
25 living?

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- 1 A. Target Street. Target.
- 2 Q. And who was living in that house in April of
- 3 2006?
- 4 A. Me myself, and Leonard.
- 5 Q. Was Eric living there?
- 6 A. Eric was there, also.
- 7 Q. Was there anybody else besides you, Mr. Goodwin,
- 8 and Eric living in that house?
- 9 A. Just the three of us.
- 10 Q. Just the three of you?
- 11 A. Uh-huh.
- 12 Q. What was Eric and Leonard's relationship like?
- 13 A. It wasn't very good at all.
- 14 Q. What was the source of their disagreements or
- 15 their problems?
- 16 A. Well, he didn't like the things that Eric, you
- 17 know, did. And friends and cousins come over and he
- 18 always get like a bad attitude.
- 19 Q. So he didn't like people coming over to the
- 20 house?
- 21 A. Right.
- 22 Q. Did Eric have any problems with Leonard?
- 23 A. No.
- 24 Q. Did Leonard have a job back in April of 2006?
- 25 A. No. He was just cutting grass and maintenance.

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- 1 Q. Go ahead.
- 2 A. Fixed TVs and stuff like that.
- 3 Q. Fixed TVs as in working in a shop or --
- 4 A. No.
- 5 Just, you know, fixing people around, the
- 6 neighbors. Went around neighbors fixing TVs.
- 7 Q. Did he have a car?
- 8 A. No.
- 9 Q. Were you working back in April of 2006?
- 10 A. Yes.
- 11 Q. Where were you working?
- 12 A. I was working at the water treatment plant in
- 13 Hanahan.
- 14 Q. The water treatment plant?
- 15 A. Uh-huh.
- 16 Q. What kind of -- what kind of shifts would you
- 17 work there?
- 18 A. 2:00 to 10:00.
- 19 Q. 2:00 to ten o'clock at night?
- 20 A. Uh-huh.
- 21 Q. How would you get to and back from work?
- 22 A. Bus.
- 23 Q. You would take the bus?
- 24 A. Uh-huh.
- 25 Q. And then what about from the bus stop to the

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1 house? How would you get back and forth there?

2 A. You mean from the bus stop --

3 Q. Uh-huh.

4 A. -- to the house?

5 Q. Correct.

6 A. I'll take the bus, you know, and I'll get off
7 and I'll, you know, walk home.

8 Q. And then you walk --

9 A. It was just like five or ten minutes to walk
10 home.

11 Q. Okay. Did Leonard help pay any bills around the
12 house?

13 A. No.

14 Q. What about Eric?

15 A. Yeah.

16 Eric would give me -- you know, help me out
17 sometimes if he can.

18 Q. Did you own or rent that house?

19 A. Rent.

20 Q. You rented that house?

21 A. Uh-huh.

22 Q. So if something were to break or go wrong in the
23 house, whose responsibility would it be to fix it?

24 A. The landlord.

25 Q. The landlord?

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1 A. Uh-huh.

2 Q. When did Eric first move into that house with
3 you?

4 A. I think it was 2005.

5 Q. 2005. So, you know, what is that? Between 2005
6 and April of 2006 --

7 A. When he move in?

8 Q. Correct.

9 A. Uh-huh.

10 Q. Okay. How did Leonard feel about Eric moving
11 into the house?

12 A. He didn't feel satisfied.

13 Like I say, he always had a attitude when, you
14 know, he -- all he was -- every little thing that he do
15 or, you know, he get like an attitude and he -- he didn't
16 like it at all. Like he said, like he didn't wanted Eric
17 there.

18 Q. Did they argue a lot?

19 A. Yes, on occasion.

20 Q. Had you ever seen them get physical before? Did
21 they ever get into a fistfight or anything like that?

22 A. I have heard -- no. I have heard arguing --

23 Q. You heard --

24 A. Fussing.

25 Q. You heard fussing and arguing --

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1 A. Uh-huh.

2 Q. -- but you've never seen them actually
3 physically fighting?

4 A. Right.

5 Q. Now, I want to talk to you a little bit -- well,
6 actually, first, did you know Mr. Goodwin to drink any?

7 A. Yes.

8 Q. What was his drink of choice?

9 MR. BUTLER: I'm sorry. I would have to object
10 to the character evidence at this point.

11 MR. KIDD: May we approach?

12 THE COURT: You may.

13 [Whereupon, an off-the-record bench conference
14 is held]

15 THE COURT: You may answer.

16 A. Yes. He drank gin and vodka.

17 Q. [Mr. Kidd] Gin and vodka was his drink of
18 choice?

19 A. Uh-huh.

20 THE COURT: Ma'am, I'm going to need you to --
21 this is my court reporter. She is writing down
22 everything that you say and she can't --

23 THE WITNESS: Oh.

24 THE COURT: She needs for you to say yes or no.
25 Thank you.

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1 Q. [Mr. Kidd] Okay. I want to talk a little bit
2 about April 3rd, 2006. Do you remember that day?

3 A. Yes.

4 Q. Do you remember about -- did you go to work that
5 day?

6 A. Yes. I went to work at two o'clock that
7 afternoon.

8 Q. And do you remember about what time you got
9 home?

10 A. Around 11:00.

11 Q. About eleven o'clock that night?

12 A. Uh-huh.

13 Q. What was going on at your house when you got
14 home?

15 A. Well, when I got off the bus I could see my
16 doors open and I saw Leonard been watching TV. And
17 Tarshia and Jessie, they been waiting on me to come home
18 on the bus. And they said that --

19 MR. BUTLER: Objection. Hearsay.

20 THE COURT: Is there an exception?

21 A. She knocked on the door --

22 THE COURT: Hold on one second.

23 MR. KIDD: No, no exception.

24 THE COURT: All right.

25 MR. KIDD: Ms. Robinson, we just can't testify

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1 as to what someone else said. So just try to -- when
2 you do -- when you do talk, just try not to say what
3 someone else told you. We just need to talk about what
4 you saw and what you said and what you did. Okay?

5 THE WITNESS: Okay.

6 Q. [Mr. Kidd] So when you got home, you saw
7 Tarshia and Jessie there?

8 A. Yes.

9 Q. Did you learn that something had happened that
10 evening?

11 A. Well, I wasn't -- not at that time, no.

12 Q. Not at that time?

13 A. Uh-huh.

14 Q. What -- did you end up going into the house?

15 A. Sir?

16 Q. Did you end up going into the Target Street
17 house that night?

18 A. Yes, I went inside.

19 Q. And who was inside the house that night?

20 A. Leonard.

21 Q. And where was he in the house?

22 A. He was sitting on the couch watching TV.

23 Q. Was there anyone else there?

24 A. No.

25 Q. Just Tarshia and Jessie outside?

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1 A. Uh-huh.

2 Q. And did you see any law enforcement that night?

3 A. Yes.

4 Well, we -- I called the police because we
5 figured that, you know, Eric probably would have been in
6 his room. I called the police. They jumped the side
7 window to get in.

8 Q. To get into where?

9 A. Into Eric's room.

10 Q. So they looked --

11 A. On the side --

12 Q. -- went to the side window to look into Eric's
13 room?

14 A. Uh-huh.

15 Q. Did they see anything?

16 A. No.

17 Q. When you got home that night, did you kind of
18 see or smell anything out of the ordinary?

19 A. Well, when I got home that night, I, you know,
20 went into the bathroom and I smelled like bleach cleaning
21 stuff, cleaning things.

22 Q. And that was in your bathroom?

23 A. In the bathroom.

24 Q. Was that out of the ordinary?

25 A. No.

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1 Q. It's not out of the ordinary?

2 A. Huh? It's not -- I normally don't smell bleach
3 and cleaning things when I get home like --

4 Q. And you found that odd?

5 A. Uh-huh.

6 Q. Who normally did the cleaning around your house?

7 A. I normally do the cleaning.

8 Q. Did you ever hear from Eric again after that
9 night?

10 A. No.

11 Q. Did you and Eric have a pretty good
12 relationship.

13 A. Yes, a real good one.

14 Q. How was Leonard acting that night?

15 A. Well, he just sat there in front of the couch
16 and, you know, just as calm like nothing happened.

17 Q. How were your and Leonard's relationship?

18 A. It wasn't too good.

19 Q. It wasn't too good?

20 A. Huh-uh

21 Q. Over the next few weeks, when did you realize
22 something was wrong?

23 A. Because I haven't heard from Eric and, you know,
24 Eric didn't call or anything.

25 Q. Was that unusual?

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1 A. Huh?

2 Q. Was that unusual --

3 A. Yeah. I think -- yeah.

4 But sometimes, you know, I wouldn't hear from
5 Eric for about like a week or so.

6 Q. And then what was the next thing you noticed?

7 A. Then I noticed, you know, that day, that
8 morning, that smell.

9 Q. Did you talk to Leonard about it --

10 A. It was like an odor, you know.

11 Q. Had you ever smelled anything like that before?

12 A. No, never.

13 Q. Did you talk to Leonard about that smell?

14 A. Yes.

15 He was mowing the lawn next door to the
16 neighbors. And I asked him, I said, what's that smell,
17 and he pointed at the back of the yard and said it was a
18 dead cat.

19 Q. What did you do next?

20 A. So I called my sister and I said that, you know,
21 that smell, I hadn't smelled that smell before, so I said
22 I was going to call the police.

23 Q. Did you tell Leonard you were going to call the
24 police?

25 A. I think I did. I'm not sure.

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1 But when I -- when the policeman came, he wasn't
2 there.

3 Q. And he was cutting the grass next door --

4 A. Next door.

5 Q. -- earlier that day?

6 A. Uh-huh.

7 Q. And from the time you called the police, did you
8 ever see Leonard Goodwin again until today?

9 A. Until today, I haven't seen him since.

10 Q. Did you ever get a phone call from Leonard
11 Goodwin from April 27th, 2006, until today?

12 A. No.

13 Q. Did you ever get a letter?

14 A. No.

15 Q. Did he go to Eric's funeral?

16 A. No.

17 Q. And you were his wife of seventeen years at that
18 point?

19 A. Yes.

20 Q. And from the day your son's body was found,
21 until today, you've never seen Leonard Goodwin?

22 A. I've never -- I haven't seen him since, until
23 today.

24 Q. Now, when the police officer -- when you called
25 the police and the police showed up, what did the police

1 do when they got there? That first officer.

2 A. The first officer, I told him about the smell.
3 and he asked me if we had a opening under -- beside the
4 house. And I show him, you know, the side opening. And
5 he went underneath the house and he came back out and he
6 said there is something under there but he didn't tell me
7 what it was. So he tell me to step back inside the house.

8 Q. Did they ever talk to you -- or how did they
9 identify Eric's body?

10 A. Because of the -- well, a bunch of detectives
11 and policemen and I think Lieutenant John. And he finally
12 break down and he told me it -- he think -- he said it's
13 my son's body.

14 MR. KIDD: Court's indulgence.

15 THE COURT: Yes, sir.

16 Q. [Mr. Kidd] Did you know --

17 [Off the record momentarily]

18 MR. KIDD: Would you like some water? I'm
19 sorry. I know this is hard.

20 Q. [Mr. Kidd] Did Eric have any tattoos?

21 A. Yes.

22 Q. What were his tattoos?

23 A. It was the praying hand with his name --

24 Q. So he had a tattoo of his name?

25 A. Uh-huh. Praying hands.

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1 Q. Praying hands?

2 A. Uh-huh.

3 MR. KIDD: Court's indulgence.

4 THE COURT: Yes, sir.

5 [Whereupon, Mr. Kidd and Mr. Young confer]

6 Q. [Mr. Kidd] You said Leonard cut grass a lot and
7 did yard work; is that right?

8 A. Uh-huh.

9 Q. Where did he keep his tools and his equipment?

10 A. Behind our house. We had a back -- back of the
11 house.

12 Q. Back yard of that house?

13 A. Uh-huh.

14 Q. Did he ever keep any tools or equipment in your
15 City trash can?

16 A. Not that I've seen.

17 MR. KIDD: No further questions.

18 THE COURT: Mr. Butler?

19 MR. BUTLER: Good afternoon, Ms. Robinson.

20 I just have a few questions I have to ask you.

21 I'm sorry. It shouldn't be long.

22

23

24

25

- - -

- - -

- - -

CROSS-EXAMINATION

BY MR. BUTLER:

Q. You testified earlier that your son and your husband Leonard didn't always get along; right?

A. Yes.

Q. And I think it's -- just so we all understand. Leonard was not his natural father?

A. No.

Q. And but y'all had been married seventeen years; right?

A. Yes.

Q. And together how long before that?

A. Before seventeen years?

Q. Yes, ma'am.

A. We went together a couple of years.

Q. Okay. So Leonard has been in your life for twenty years?

A. [Indicates affirmatively]

Q. And I'm sure you understand that it's not always easy, the relationship between stepparents and stepchildren; right?

A. Right.

Q. And that, as is often the case, they didn't always see eye-to-eye about things?

A. Exactly.

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1 Q. But in those twenty years, it not once ever was
2 violent, was it?

3 A. Was violent?

4 Q. Violent.

5 A. [No response]

6 Q. Eric never raised a hand to Leonard, Leonard
7 never raised a hand to Eric; right?

8 A. No.

9 Q. There was never anything physical? There were
10 no punches thrown? There was nobody hit in twenty years;
11 correct?

12 A. Correct.

13 Q. I also want to ask you about Leonard's work
14 doing odd jobs around the neighborhood. Leonard had had a
15 history of back problems, didn't he?

16 A. Yes.

17 Q. He had gone to doctors for many years for his
18 back?

19 A. For many years?

20 Q. For some amount of time? For years?

21 A. Not that I know of.

22 Q. He took medication for it at the time? Let's
23 talk about in 2006. He had been to the doctors and was
24 taking medicine; is that right?

25 A. Well, he said he was going to see federal.

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1 Q. Okay. But he had --

2 A. But I never seen him about knowing that he take
3 medication.

4 Q. Okay. So you didn't know about that?

5 A. No.

6 Q. I want to talk to you about the evening of April
7 3rd, 2006. Okay?

8 A. Uh-huh.

9 Q. When you got off work, you took the bus home to
10 the corner of River and Target; correct?

11 A. Correct.

12 Q. And if I understand your question, Leonard was
13 not waiting for you at the bus stop but was at the house?

14 A. He was in the house, uh-huh.

15 Q. And he was acting calm?

16 A. [Indicates affirmatively]

17 Q. Nothing out of the ordinary; right?

18 A. [Indicates affirmatively]

19 Q. And you and I have never met or talked, have we?

20 A. No.

21 Q. Okay. But I'm betting that you keep a real
22 clean house, don't you?

23 A. Yes.

24 Q. And as you testified on direct, the cleaning
25 responsibilities were largely yours, completely yours; is

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1 that fair to say?

2 A. Yeah.

3 I cleaned and, you know, he cleaned, you know,
4 every now and then. But I do most of the cleaning.

5 Q. The house on -- look behind you, ma'am. That's
6 your house; right? Look behind you, please.

7 A. Yes.

8 Q. And that's your house on Rivers?

9 A. Uh-huh.

10 Q. You can turn back around.

11 You take pride in a clean house, do you not?

12 A. Yes.

13 Q. Okay. And when you came home that night, there
14 was nothing out of place, was there?

15 A. Everything seemed, you know, in place.

16 Q. Not a stick of furniture out of place; right?

17 A. No.

18 Q. Nothing broken that you --

19 A. No.

20 Q. -- could tell?

21 A. No. I hadn't --

22 Q. And you know that house well, don't you?

23 A. Uh-huh.

24 Q. And you certainly didn't see any blood; right?

25 A. No.

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1 Q. And everything in the house seemed normal; is
2 that right?

3 A. Uh-huh.

4 Q. And this isn't obviously the first opportunity
5 you've had to talk to people about that night; correct?

6 A. Yes.

7 Q. Do you remember talking to the police officers
8 on April 27th of 2006 and giving them a written statement?

9 A. When he came in. Uh-huh.

10 Q. And you wanted to help them as best you could;
11 right?

12 A. Right.

13 Q. And tell them everything that you knew; right?

14 A. Right.

15 Q. And of course the way we've been talking, it's
16 obvious that the inside of your house and how it appeared
17 and how it looked to you, that that was important; right?

18 A. Right.

19 Q. And that there was nothing out of the ordinary;
20 right?

21 A. Not that I could tell. He probably done cleaned
22 everything up.

23 Q. Yes, ma'am.

24 MR. BUTLER: May I approach?

25 THE COURT: You may.

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1 MR. BUTLER: Mark this just as a -- just as an
2 exhibit, not for -- not into evidence.

3 [Whereupon, Court's Exhibit Number 2 is marked
4 by the court reporter]

5 Q. [Mr. Butler] And, ma'am, as we've talked about,
6 you definitely would have noticed something out of the
7 ordinary if something had been different in your house;
8 right? That was your house; right?

9 A. Uh-huh.

10 Q. And as you testified today, you definitely would
11 have noticed if there had been a smell of bleach or other
12 cleaning products because that would have been out of the
13 ordinary; right?

14 A. Right.

15 Q. And you wouldn't have --

16 A. But I just smelled bleach cleaning, you know.

17 Q. Yes, ma'am. I understand.

18 A. Uh-huh.

19 Q. And you're not just remembering that today. You
20 would have known that back on the 6th in 2006? April the
21 6th; right?

22 A. Uh-huh.

23 Q. I want to show you what's been marked Court's 2
24 for identification and let me ask you if you recognize
25 that as the statement that you gave police back in April

1 of 2006. Take as much time as you want to look over that.

2 [Whereupon, the witness reviews documents]

3 A. Uh-huh.

4 Q. [Mr. Butler] Yes, ma'am. And look at the
5 second page, too. Take as much time as you need, please.

6 [Whereupon, the witness reviews documents]

7 Q. [Mr. Butler] Nowhere in that statement do you
8 say anything about noticing the smell of bleach, do you?

9 A. No, not at that time.

10 Q. And this was all in -- this was on the --

11 MR. BUTLER: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 Q. [Mr. Butler] This would have been on the 27th.
14 And so some three weeks later you didn't mention that;
15 correct?

16 A. Correct.

17 Q. But you also met with officers on the night of
18 the 6th; right?

19 A. Yes.

20 Q. And they would have wanted to know if there was
21 anything out of the ordinary. That's why they were there;
22 right?

23 A. Yes.

24 Q. You didn't tell them anything about smelling
25 bleach, did you?

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1 A. No, because at that time, you know, it didn't
2 came out. I just, you know --

3 Q. Yes, ma'am. I understand.

4 And you've met with Mr. Kidd several times in
5 preparation for today, have you not?

6 A. Uh-huh.

7 Q. How many times would you say you've gone to his
8 office, sat with him in his office, and discussed the
9 events surrounding this case?

10 A. None.

11 Q. You've --

12 A. With who?

13 Q. With Mr. Kidd or people from his office, from
14 the solicitor's office. How many times?

15 A. With this gentlemen right here?

16 Q. Yes, ma'am.

17 A. I haven't met him.

18 Q. Mr. Kidd? You've never met him before today?

19 A. You mean he been to my house?

20 Q. Or at his -- or come to your house.

21 A. My house.

22 Q. Yeah. Yeah.

23 A. My house.

24 Q. How many times?

25 A. I think three times.

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- 1 Q. Three times?
- 2 A. Uh-huh.
- 3 Q. Okay. You've never told him anything about
- 4 noticing the smell of bleach on the 6th, have you?
- 5 A. I smelled the bleach when I, you know, came
- 6 home.
- 7 Q. I understand that that's what your testimony is
- 8 today.
- 9 A. Uh-huh.
- 10 Q. Correct?
- 11 A. Yes.
- 12 Q. You've never told anybody else that, law
- 13 enforcement, members of the solicitor's office, before
- 14 today?
- 15 A. Yeah.
- 16 I -- I say that when I came home and that night
- 17 I washed my face and I smelled bleach and that was unusual
- 18 at that time of night.
- 19 Q. Yes, ma'am.
- 20 A. I did smell it.
- 21 Q. And when the police arrived, Leonard stayed
- 22 there, didn't he?
- 23 A. Yes, he did.
- 24 Q. Okay. And as a matter of fact, he's the one
- 25 that told you the police were out there, didn't he?

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1 A. No, not that -- huh-uh.

2 Q. And from the 6th until the 27th, Leonard stayed
3 at that house every day, did he not?

4 A. Yes.

5 Q. Spent the night in that same bedroom every
6 night?

7 A. No.

8 Q. Spent the night --

9 A. He spent -- he mostly sleep on the couch.

10 Q. On the couch. Okay.

11 But he stayed in the house at night like he had
12 been for however many days, months, years, up until the
13 27th; correct?

14 A. Uh-huh. Right.

15 Q. There was nothing out of the ordinary in the way
16 he was behaving in those days; correct?

17 A. He probably -- because he drinks and he smoked.

18 Q. I'm just asking you how he was behaving, ma'am.
19 I understand.

20 There was nothing different?

21 A. Not that I could see, because he was always
22 gone.

23 Q. And on the 27th when he left, he took a bus to
24 go pay the light bill?

25 A. He did?

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1 Q. I'm asking you.

2 A. Not that I know of.

3 Q. Okay. Do you recall, the day before, Eric
4 picking you up from work?

5 A. No.

6 Q. You had known Leonard for twenty years at the
7 time that this happened; right?

8 A. Yes.

9 Q. Okay. Lived with him for at least seventeen;
10 right?

11 A. Uh-huh. Yes.

12 Q. In your -- the house you shared with him on
13 Rivers; right? And that's a two-bedroom, one-bath house?

14 A. Yes.

15 Q. And you know that house like you know the back
16 of your own hand; right?

17 A. Yes.

18 Q. And I assume the home that you lived in before
19 that one, with Leonard, was the same way? That was your
20 home?

21 A. Yes.

22 Q. And in those twenty years you have never known
23 Leonard to own a pistol, have you?

24 A. I haven't seen a pistol.

25 Q. You've never seen a pistol in a house you shared

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1 with this man for twenty years not once?

2 A. I haven't seen it.

3 Q. Not a bullet; right?

4 A. But --

5 Q. I'm just asking you, ma'am, have you ever known
6 him to have bullets.

7 A. No.

8 Q. Not bullets, not a gun, not a holster, not a box
9 for bullets, not a box for a gun, not once ever in twenty
10 years, have you?

11 A. No, I haven't seen it.

12 MR. BUTLER: Beg the Court's indulgence.

13 [Whereupon, Mr. Butler and Ms. Winslow confer]

14 MR. BUTLER: Thank you, ma'am. That's all I
15 have.

16 THE COURT: Mr. Kidd?

17 MR. KIDD: Judge, may we approach real quick?

18 THE COURT: Real quick.

19 [Whereupon, an off-the-record bench conference
20 is held]

21 THE COURT: Ladies and gentlemen, we've reached
22 an appropriate time for us to break for the evening.

23 Do not begin your deliberations. Do not discuss
24 this case amongst yourselves. Please remember all of
25 my admonitions.

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1 Please be back in your jury room at 9:30 in the
2 morning.

3 Please rise for the jury. Thank you.

4 [Whereupon, the jury exits the courtroom at
5 4:57 p.m.]

6 THE COURT: Thank you. Please be seated.

7 Ms. Robinson, you may not discuss your
8 testimony. We're breaking for the evening, but you're
9 not done testifying. You may not discuss your
10 testimony with anyone. Do you understand that?

11 THE WITNESS: Yes.

12 THE COURT: All right. Any questions about what
13 discussing your testimony means?

14 THE WITNESS: No.

15 THE COURT: No? You understand?

16 THE WITNESS: I understand.

17 THE COURT: You can't talk to anybody from the
18 State or from the defense or anybody that's on that
19 witness list. Do you understand?

20 THE WITNESS: I understand.

21 THE COURT: All right. Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: Please be back in the courtroom at
24 9:25 in the morning.

25 THE WITNESS: Okay.

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1 was convicted for shooting someone.

2 THE COURT: Mr. Butler, no need -- I know which
3 case you're referring to so no need to e-mail that to
4 me.

5 We'll have my ruling -- I told you we're going
6 to need to end fairly close to 5:00. I'm going to
7 review that case and I'll have my ruling.

8 9:35 in the morning, gentlemen. Thank you. And
9 ladies.

10 MR. BUTLER: And, Judge, may I ask one question
11 for --

12 THE COURT: Yes.

13 MR. BUTLER: -- for tomorrow's purposes?

14 I hate arguing with the Court. I would like
15 tonight to think over my argument and I would like to
16 present that to you in the morning if I could.

17 THE COURT: 9:20. Thank you.

18 MR. BUTLER: Thank you.

19 MR. KIDD: Thank you, Judge.

20 [JURY TRIAL ADJOURNS AT 5:10 P.M.]

21

22

23

24

25

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) INDICTMENT NO.: 2010-GS-10-0738

THE STATE OF SOUTH CAROLINA)
)
VS.)
)
LEONARD GOODWIN,)
)
DEFENDANT.)

JURY TRIAL

VOLUME 2 OF 4

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Wednesday, June 1, 2011, Commencing at 9:25 a.m.

SUSAN "MIA" PERRON, CVR-CM
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PROCEEDINGS

MS. WINSLOW: Your Honor, Mr. Young has shown me some of the photographs. I am only objecting to one of them, if you want to deal with that.

MR. YOUNG: We're taking that one out --

MS. WINSLOW: Okay.

THE COURT: All right. Thank you.

MR. BUTLER: I hate to cut you short on time, but I also feel like I -- here he comes.

THE COURT: Good morning, Mr. Goodwin.

MR. GOODWIN: Good morning.

MR. BUTLER: May it please the Court?

THE COURT: Yes, sir.

MR. BUTLER: I asked for some time this morning because I was concerned yesterday that the brief discussion that we had, perhaps by my own fault, had gotten off track.

It seems to me that the appropriate issue is not whether my questions of Ms. Robinson were limited to guns in the house. I think the overall purpose of the cross and the context will show that that was the effect of the cross. And so the issue is not whether I asked questions limited to the house or whether the broad question, have you ever known him to have a gun.

I will -- for this -- for the purposes of this

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1 ahead.

2 All right. Ms. Robinson, you may step down and
3 you are free to remain in the courtroom with us. All
4 right?

5 THE WITNESS: Oh. Thank you, Your Honor.

6 THE COURT: All right. Thank you. Go ahead and
7 take your water with you, if you want. All right?

8 [Whereupon, Ms. Robinson is excused and exits
9 the witness stand]

10 THE COURT: Mr. Kidd, who are you going to call
11 next?

12 MR. KIDD: The State calls Doug Armstead.

13 MR. BUTLER: Your Honor, we're going to have a
14 brief issue with this witness, based upon the way he
15 testified in pretrial. He repeated a lot of hearsay
16 statements. I didn't object to them because it was
17 pretrial and outside the presence of the jury.

18 THE COURT: I'm going to assume -- if it becomes
19 an issue, we'll address it. But I'm going to assume
20 that because it was the Jackson v. Denno that the rules
21 were relaxed and that's what he was assuming, so we'll
22 assume that he's going to follow the rules. But if it
23 becomes an issue, we'll address it.

24 MR. BUTLER: Yes, ma'am. Thank you.

25 THE COURT: Thank you.

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1 [Whereupon, Mr. Armstead enters the courtroom]

2 THE COURT: If you want to wait right there and
3 you can -- so just have a seat behind Mr. Kidd and
4 you're going to be our next witness.

5 My bailiff has stepped out so it's a little hard
6 to get the jury coordinated.

7 All rise.

8 [Whereupon, the jury enters the courtroom at
9 10:13 a.m.]

10 THE COURT: Thank you. Please be seated.

11 Mr. Kidd, call your next witness.

12 MR. YOUNG: The State calls Doug Armstead.

13 [Whereupon, Mr. Armstead comes forward]

14 [Whereupon, Mr. Armstead is duly sworn by the
15 clerk of court as follows: do you swear or affirm the
16 testimony you shall give the Court and the jury in the
17 trial of this case shall be the truth, the whole truth,
18 and nothing but the truth, so help you God]

19 THE WITNESS: Yes, sir, I do.

20 THE CLERK OF COURT: Please take your seat.

21 [Whereupon, Mr. Armstead takes the witness
22 stand]

23 THE CLERK OF COURT: State your first and your
24 last name, spelling your last for the record.

25 THE WITNESS: My name is Arthur Douglas

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1 Armstead. That's A-R-M-S-T-E-A-D.

2 MR. YOUNG: Good morning, Officer Armstead. How
3 are you?

4 THE WITNESS: I'm well, sir.

5 - - - - -

6 ARTHUR D. ARMSTEAD,

7 Having Been First Duly Sworn,

8 was Examined and Testified as Follows:

9 DIRECT EXAMINATION

10 BY MR. YOUNG:

11 Q. Can you tell us where you work?

12 A. I work for the City of North Charleston Police
13 Department.

14 Q. And how long have you worked there?

15 A. Seven years, going on eight years.

16 Q. And what are your duties there?

17 A. I'm currently assigned to the North Charleston
18 Narcotics Bureau as a detective.

19 Q. As a detective?

20 A. Yes, sir.

21 Q. What were -- and what were your duties back in
22 April of '06?

23 A. I was assigned to uniform patrol.

24 Q. I'm going to take you back to the night of April
25 3rd, 2006. Do you remember that?

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1 A. Yes, sir, I do.

2 Q. And what were you doing that night? Do you
3 remember?

4 A. I was on routine patrol.

5 Q. Anything out of the ordinary going on?

6 A. No, sir.

7 Q. During this routine patrol, did you happen to go
8 near or around Target Street?

9 A. Yes, sir, I did.

10 Q. Tell us about that. Did you encounter anybody?

11 A. I encountered a female. She had flagged me
12 down.

13 Q. Were you responding to another call?

14 A. No, sir, I was not.

15 Q. Okay. She flagged you down. At that point did
16 you stop or did you -- what did you do?

17 A. I stopped, spoke with her, and she was -- she
18 had told me that --

19 MR. BUTLER: Objection. Hearsay.

20 MR. YOUNG: Without saying what she said.

21 THE COURT: Thank you.

22 Q. [Mr. Young] So she stopped you. Is that what
23 you said?

24 A. Correct.

25 Q. Okay. How did she appear?

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1 A. She was kind of shaken up but --

2 Q. A little upset?

3 A. Yes, sir.

4 Q. Did you -- did you go to a house at some point?

5 A. Yes, sir.

6 Q. Okay. Did she direct you there?

7 A. Yes, sir, she did.

8 Q. Was this house on Target Street, Officer

9 Armstead?

10 A. Yes, sir.

11 Q. I'm going to show you what's been marked and
12 admitted as State's 1. Do you recognize that house?

13 A. Yes, sir, I do.

14 Q. What is that?

15 A. It's the house on Target Street. It's like the
16 second house on the left.

17 Q. Is that the house that you went to that night on
18 April 3rd, 2006?

19 A. Yes, sir, it is..

20 Q. Now, when you got to the house, what did you
21 see?

22 A. We made contact with two persons inside the
23 house, a male and a female. Made contact with Mr.
24 Goodwin.

25 Q. Is Mr. Goodwin in the courtroom today?

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1 A. Yes, sir.

2 Q. Can you point -- can you --

3 A. He's sitting right there at the desk, glasses
4 on.

5 Q. When you got to the house and you spoke to Mr.
6 Goodwin, did you smell anything?

7 A. No, sir.

8 Q. Did you have an opportunity to speak to the
9 defendant?

10 A. Yes, sir, I did.

11 Q. And what did he tell you?

12 A. I advised him why I was there, and which was
13 from what the flag-down was for.

14 Q. And why were you there?

15 A. I was there because --

16 MR. BUTLER: Objection. It calls for hearsay.

17 THE COURT: Is there -- I'm going to allow it.
18 You may answer.

19 A. I was there because the female flagged me down
20 in reference to -- she stated, I was on the phone with
21 my --

22 Q. [Mr. Young] Without saying what she said, tell
23 us about what --

24 A. I was there because in reference to --

25 Q. During the course of your investigation, what

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1 did you learn? Why were you there?

2 A. I was there because someone was involved in an
3 argument and there was possibly a killing. That's why I
4 was there.

5 Q. Did -- you said you spoke to the defendant?

6 A. I spoke with him. Yes, sir, I did.

7 Q. Did he say anything about his stepson?

8 A. Yeah.

9 He said that they were involved in a verbal
10 argument and that he had left with a female.

11 Q. So the defendant said that they had had an
12 argument --

13 A. Yes.

14 Q. -- and that the victim had left with a girl?

15 A. Yes.

16 Q. Where was -- the girlfriend that flagged you
17 down, what was she doing the whole time?

18 A. She was outside --

19 Q. She was outside?

20 A. -- in the roadway.

21 Q. Okay. Did you have an opportunity to inspect
22 the house?

23 A. Yes, sir.

24 Q. Did you find anything?

25 A. No, sir, nothing out of the ordinary inside the

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1 residence.

2 Q. How did you inspect it? I mean, what did you
3 do?

4 A. Mr. Goodwin stood in the center of the residence
5 where I could see him, and I walked in and out of the
6 bedrooms. And there was a female. She was sitting on the
7 couch the whole time. I walked in and out the bedrooms,
8 checked the common areas, anywhere that a body could be, a
9 person could be laying.

10 Q. Did you see anything?

11 A. No, sir, didn't see anything out of the
12 ordinary.

13 Q. And you were just in the house?

14 A. Correct.

15 Q. Okay. At that point did you make any kind of an
16 arrest that night?

17 A. No, sir.

18 Q. Okay. What did you do? Is that the end of your
19 involvement?

20 A. Yes, sir.

21 I didn't see anything out of the ordinary so I
22 ruled he was a competent adult and didn't have any reason
23 not to believe what was told to me so --

24 Q. At that point you left?

25 A. Correct.

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1 MR. YOUNG: The Court's indulgence, Your Honor?

2 THE COURT: Yes, sir.

3 [Whereupon, Mr. Young and Mr. Kidd confer]

4 Q. [Mr. Young] Officer Armstead, the Target Street
5 address, is that in Charleston County?

6 A. Yes, sir.

7 MR. YOUNG: No further questions, Judge.

8 THE COURT: Any questions?

9 MR. BUTLER: Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 MR. BUTLER: Good morning.

12 THE WITNESS: Good morning, sir.

13 CROSS-EXAMINATION

14 BY MR. BUTLER:

15 Q. I always have to ask this question and I'm
16 embarrassed. Is it detective?

17 A. Yes, sir.

18 Q. I know -- because law enforcement you have
19 titles and I'm always afraid I'm going to call somebody
20 the wrong thing.

21 Detective, how long have you been in law
22 enforcement?

23 A. Seven years, going on eight years.

24 Q. And you started off as a patrol officer and then
25 you move up in the ranks and, congratulations, you're a

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1 detective; correct?

2 A. Correct.

3 Q. And you trained at the police academy in
4 Columbia?

5 A. Yes, sir.

6 Q. Okay. And so -- and how long has that been?

7 A. That's nine weeks when I went through. I
8 believe it's twelve weeks now, sir.

9 Q. And you have ongoing training as part of a
10 member of law enforcement; right?

11 A. Yes, sir.

12 Q. And in some ways, being a detective you're on-
13 the-job training all the time?

14 A. Yes, sir.

15 Q. Every different call you learn a little
16 something new; right?

17 A. Yes, sir.

18 Q. And you incorporate that into the body of
19 knowledge that you use to protect and serve; right?

20 A. Yes, sir.

21 Q. So through your years of experience and
22 training, you know how to observe a crime scene --

23 A. Yes, sir.

24 Q. -- right? To look for anything suspicious;
25 right?

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1 A. Yes, sir.

2 Q. Look for anything out of the ordinary; right?

3 A. [Indicates affirmatively]

4 Q. It's safe to say that when you are observing a
5 potential crime scene, you are in detective mode; right?

6 A. Yes, sir.

7 Q. You are looking; right? You're listening --

8 A. Yes, sir.

9 Q. -- to what people say and how they say it? You
10 could even smell things that might be suspicious; right?

11 A. Correct, sir.

12 Q. You've had to, at least in training, fire your
13 weapon --

14 A. Yes, sir.

15 Q. -- many times?

16 A. Yes, sir.

17 Q. You're familiar with the smell of -- I'm going
18 to assume, you can correct me -- gunpowder, whatever the
19 smell is after a handgun is fired, you're familiar with
20 that smell?

21 A. Yes, sir.

22 Q. It's a very distinct, strong smell?

23 A. Sometimes, yes, it is.

24 Q. And in an enclosed space it can linger for a
25 while?

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1 A. Yes, sir.

2 Q. You didn't smell that smell?

3 A. No, sir.

4 Q. Okay. Through your years of training, you know
5 how to observe whether someone is acting suspiciously;
6 correct?

7 A. Correct, sir.

8 Q. Whether by their mannerisms, their speech, their
9 body language, whether they're trying to conceal or
10 whether they're nervous?

11 A. Yes, sir.

12 Q. You didn't observe anything out of the ordinary
13 with Mr. Goodwin that night?

14 A. No, sir.

15 Q. Okay. And you didn't notice any strong smell of
16 chemical like someone trying to clean up a crime scene?

17 A. No, sir.

18 Q. None of that.

19 You also -- tell me if I'm right. I didn't hear
20 this on direct. One of the bedrooms was locked; is that
21 correct?

22 A. I don't recall that, sir.

23 Q. Do you remember whether you had to go outside
24 and try to go into the room?

25 A. I don't recall that, either.

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1 Q. That's fine. That's fine.

2 And because part of -- part of being a detective
3 is, as we've discussed, you observe things; right?

4 A. Yes, sir.

5 Q. And then another part of that is then you
6 document what you observe?

7 A. Yes, sir.

8 Q. In a report, usually?

9 A. Yes, sir, usually.

10 Q. You didn't file a report in this case because
11 there really wasn't anything out of the ordinary?

12 A. Correct, sir.

13 Q. Nothing to report?

14 A. Correct, sir.

15 MR. BUTLER: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 [Whereupon, Mr. Butler and Ms. Winslow confers]

18 MR. BUTLER: Thank you, Detective.

19 THE COURT: Redirect?

20 MR. YOUNG: Briefly, Judge.

21 REDIRECT EXAMINATION

22 BY MR. YOUNG:

23 Q. Detective Armstead, was it dark when you went
24 over there?

25 A. Yes, sir.

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1 Q. Did you have to use a flashlight?

2 A. Yes, sir.

3 Q. You talked about the smell of a weapon after it
4 was fired. Would that stay in the air for a long time or
5 would that go away immediately after a weapon is fired?

6 A. Sometimes it would, sometimes it wouldn't,
7 depending on the size of the caliber of the weapon, sir.

8 Q. If it was a small caliber, say a .22?

9 A. More than likely not.

10 Q. More than likely not stay in the air?

11 A. Correct, sir.

12 Q. So you wouldn't be able to smell it?

13 A. Correct, sir.

14 It depends on ventilation and all that, as well.

15 We fire inside and outside. If I fire a gun outside, it
16 doesn't not -- I don't smell it at all. Inside, it does
17 linger and leaves smoke. Stays for a while.

18 Q. But that night you didn't smell anything?

19 A. No, sir, I didn't see [phonetic] anything.

20 Q. And you didn't check under the house, did you?

21 A. No, sir, I did not.

22 MR. YOUNG: No further questions.

23 THE COURT: Recross?

24 MR. BUTLER: No, ma'am.

25 THE COURT: Detective, you may step down. Thank

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1 RAYFORD DAVIS,
2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MR. YOUNG:

6 Q. Can you tell the jury where you work now?

7 A. I'm not employed at this time.

8 Q. How long have you been unemployed?

9 A. It's been about three years.

10 Q. Can you tell the jury why that is?

11 A. I was a police officer with the City of North
12 Charleston and was directing traffic at a car accident and
13 got hit by a truck and injured my leg and was put on
14 disability retirement.

15 Q. Yes, sir.

16 You said you were a police officer. Were you
17 working as a police officer in 2006?

18 A. Yes, I was.

19 Q. And where was that? What police department

20 A. In the City of North Charleston.

21 Q. City of North Charleston.

22 How long -- how long did you work there before
23 you got injured?

24 A. It was about five years.

25 Q. What were your duties there?

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1 A. Most of the time there I was a patrol officer
2 responsible for responding to calls when you're
3 dispatched, patrolling neighborhoods, doing about
4 everything.

5 Q. About everything?

6 A. Everything you would expect a police officer to
7 do.

8 Q. Yes, sir.

9 Now, were you in the course of your duty on
10 April 27th, 2006, with the North Charleston Police
11 Department?

12 A. Yes.

13 Q. Did you respond to a residence at Target
14 Street in Charleston County?

15 A. Yes, I did.

16 Q. What was this in reference to?

17 A. I was dispatched. The dispatchers told me that
18 a woman was concerned that her son was missing and that
19 there was a bad odor in her house.

20 Q. Now, when you arrived at Target Street,
21 what did you do?

22 A. Went to the door. That's when I met Eric's
23 mother, Mary Ann, and spoke to her about why she had
24 called the police.

25 Q. Did you observe anything? I mean, what did you

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1 observe when you got to the house?

2 A. You know, like immediately when I walked in the
3 door I could smell a very strong odor of something
4 decomposing.

5 Q. How do you know that? Have you smelled
6 decomposing things before?

7 A. Sure.

8 You know, this -- it didn't smell like garbage.
9 This smelt like some type of body.

10 Q. A very pungent smell?

11 A. Yes. Yes, it was.

12 Q. Tell us about what you did. So at this point
13 did you go in the house?

14 A. Yes, I did.

15 Q. What did you do?

16 A. You know, I looked around their house --

17 Q. What were you looking for?

18 A. Trying to find the source of the smell. And I
19 could tell -- after walking around the house and just
20 trying to smell around with Ms. Robinson, I could tell
21 that it was underneath the house toward the back.

22 Q. So you didn't find anything in the house?

23 A. Nothing in the house, no.

24 Q. At this point did you make your way somewhere
25 else?

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1 A. I went outside, along with Ms. Robinson, around
2 to the side of the house where the access to underneath
3 the house is. There's a crawl space for the house,
4 probably two, two and a half feet off the ground.

5 Q. Okay. I'm going to show you what's been marked
6 as State's 28 -- I'm sorry. Show you what's been marked
7 as State's 28 --

8 MR. YOUNG: May I approach the witness, Judge?

9 THE COURT: You may.

10 Q. [Mr. Young] -- for ID purposes only. Do you
11 recognize that?

12 A. Yes. That's the crawl space for the house.

13 Q. Okay. Is that a fair and accurate --

14 A. The access -- the access door.

15 Q. The access door?

16 A. Yes.

17 Q. Is that a fair and accurate representation of
18 how it looked that day?

19 A. Yes. Yes, it was.

20 MR. YOUNG: At this point I ask to admit State's
21 28 into evidence.

22 THE COURT: Any objection?

23 MS. WINSLOW: No objection.

24 THE COURT: State's 28 into evidence without
25 objection.

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1 [Whereupon, State's Exhibit Number 28 is
2 admitted into evidence by the Court]

3 MR. YOUNG: Ask to publish to the jury, Judge.

4 THE COURT: You may.

5 Q. [Mr. Young] If you can see that, Officer, just
6 kind of describe to the jury what that is.

7 A. That's just the side of the house. Just have
8 the metal access door. It was in place over the crawl
9 space. That's a pretty tight crawl space.

10 Q. Did you end up removing that?

11 A. Yes, I did. Yes, I did.

12 Q. At some point did you make your way in the crawl
13 space?

14 A. Yes.

15 Well, first I -- you know, I looked around from
16 there, shined with my flashlight, all -- you know, from
17 what I could see from the house.

18 Q. Did you see anything?

19 A. I could see almost entirely under the house, and
20 it was clear. It was -- you know, there wasn't a lot of
21 trash or debris or obstruction. But when I got -- when I
22 was looking toward the back of the house, underneath,
23 corresponding with the back porch -- you can see this is
24 like a concrete foundation, there was an inside corner of
25 concrete and I could not see around to that. And so I

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1 didn't see any -- you know, I was looking right there
2 before I went underneath. I didn't see, you know, any
3 bodies. I didn't see, you know, a dead cat or a dead
4 possum or anything like that. But there was one part I
5 couldn't see, and that's when I began to crawl underneath.

6 Q. That's when you went in there?

7 A. Correct.

8 Q. Officer, I'm going to show you what's been
9 marked and admitted as State's 1. Tell me, do you
10 recognize that? Take a look at that for me.

11 A. Yes.

12 Q. Is that the house? Can you kind of point out
13 where that crawl space is --

14 A. That's the house and this is the crawl space
15 right here on the side. And so the only part I couldn't
16 see would be toward the back.

17 Q. That's toward -- just so we're clear -- beyond
18 the -- if we're looking at this 3D, the back, right? kind
19 of back right there; is that right?

20 A. Yes.

21 Q. The back, right under --

22 A. Yes.

23 Q. -- where you couldn't see?

24 A. Correct.

25 Q. Okay. At this point, did you decide to make

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1 your way under there?

2 A. Right. I crawled underneath and --

3 Q. Tell the jury about what you observed when you
4 got there.

5 A. When I crawled underneath and when I could
6 finally see around the side of that inside corner, that's
7 where I saw Eric's body. I could tell that it was
8 decomposing. His leg was sticking up and that's -- you
9 know, that's mainly what I saw.

10 There was a wire screen, a roll of screen, that
11 had been placed over the body, covering up most of it and
12 there was a lot of white powder that had been sprinkled.
13 It was on the body, it was on the screen, and around in
14 the area there.

15 Q. Was there any trash around there at all?

16 A. There was a little bit of trash.

17 There wasn't much trash, you know, anywhere
18 else. But next to the body there was a little bit of --
19 it was just like a bag of household garbage or some -- you
20 know, a small amount.

21 Q. Mr. Davis, I'm going to show you what's been
22 marked State's 29 for ID purposes. Do you recognize that?

23 A. Yes.

24 Q. What is that?

25 A. That's Eric's body.

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1 Q. Is that the way you saw it that day?

2 A. That's -- that's how I saw it.

3 Q. Is that a fair and accurate representation of
4 what it looked like that day?

5 A. Yes. Yes.

6 MR. YOUNG: At this point I would ask to move
7 State's 29 into evidence.

8 THE COURT: Any objection?

9 MS. WINSLOW: Without objection.

10 THE COURT: Thank you. 29 into evidence without
11 objection.

12 [Whereupon, State's Exhibit Number 29 is
13 admitted into evidence by the Court]

14 MR. YOUNG: Judge, I would ask to publish
15 State's 29.

16 THE COURT: You may.

17 Q. [Mr. Young] Officer Davis, kind of -- I know
18 this is tough, but could you kind of tell me when you came
19 -- when you went down into that crawl space, the angle you
20 came at and what we're looking at right here?

21 A. Okay. Well, first of all, that's -- you know,
22 that's what I saw. You can see it's a bit of the corner
23 and there's Eric's leg sticking up.

24 Q. That's his leg right there?

25 A. That's his leg, his knee, up to his foot right

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1 here. You can see his body folded up.

2 And then this is the wire, piece of wire mesh.
3 That's window screen pushed up right here. And you can
4 see the powder. The white spots are powder all over it.
5 It had been sprinkled over it.

6 Q. And so this would be his back area right here;
7 right?

8 A. Yes. Yes.

9 Q. Okay. With the legs folded right there?

10 A. Right.

11 Q. With the white powder on them?

12 A. Yes.

13 Q. Anything else you need to tell us about this
14 photo?

15 A. [No response]

16 Q. Can you tell us the angle that when you came in
17 there, what did -- what did -- did you come up to your
18 left, to the right? Where was -- where was the body
19 placed?

20 A. You know, it was -- it was -- I think it was
21 around to my right, if I recall correctly. I just
22 remember, you know, turning the corner to the last part
23 that I couldn't see underneath the house from the crawl
24 space and that's where I found --

25 Q. That's when you --

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1 A. -- Eric's body.

2 Q. At this point after you saw the body, what did
3 you do?

4 A. You know, I crawled back out from underneath the
5 house.

6 I was -- it was just me and Ms. Robinson there
7 at the time and, you know, I told her that there was
8 something underneath -- you know, underneath there that we
9 would have to check out. And that's when I made the
10 notifications to the dispatch that I had found a body and
11 they would notify my supervisor. I believe the detectives
12 were notified, and also a chaplain.

13 Q. Was crime scene notified, as well?

14 A. Yes. Yes.

15 Q. At that point, did everybody respond?

16 A. Correct. Correct.

17 And that's when I just stood by and waited for
18 them to respond.

19 Q. Was that pretty much the extent of your
20 involvement with this case?

21 A. Yes. Yes.

22 MR. YOUNG: Court's indulgence.

23 THE COURT: Yes, sir.

24 [Whereupon, Mr. Young reviews documents]

25 Q. [Mr. Young] Mr. Davis, so just so I'm clear,

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1 I'm going to show you State's 1 one more time. How far --
2 when you found that body -- was the body right beside the
3 crawl space? Or how far was it from the crawl space?

4 A. From the access?

5 Q. That's correct.

6 A. Well, you know, it's not that big of a house.
7 It kind of looks bigger than it is in the picture. You
8 know --

9 Q. And without -- you don't have to estimate in
10 feet unless you can do that. But as far as when you're
11 looking through that crawl space, was it right there?

12 A. No..

13 All I can say, I really don't recall, you know,
14 now, exactly where. But I do remember you could see
15 underneath most of the house from the access except for
16 where his body was. You had to crawl around and go back
17 and look in that corner to see it.

18 Q. Yes, sir.

19 Mr. Davis, did you eventually share with Mary
20 Ann what you observed? Did you talk to her about it?

21 A. Yes. Yes, I did.

22 Q. So you had to break the news?

23 A. Yes.

24 I told her we had found a body underneath the
25 house.

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1 Q. And that's -- is that what you finally deduced
2 was the smell?

3 A. [No response]

4 Q. Is that what you finally deduced was the smell
5 that was coming out of --

6 A. Yeah, that was -- that was what was causing the
7 odor.

8 MR. YOUNG: No more questions, Judge.

9 THE COURT: Ms. Winslow?

10 MS. WINSLOW: Good afternoon, Mr. Davis.

11 THE WITNESS: Hello.

12 CROSS-EXAMINATION

13 BY MS. WINSLOW:

14 Q. You received a dispatch call to go to the
15 Target Street?

16 A. That's correct.

17 Q. And when you arrived at Target Street, you
18 noticed the smell?

19 A. Yes, I did, once I got into the house.

20 MS. WINSLOW: May I approach?

21 THE COURT: You may.

22 Q. [Ms. Winslow] You didn't see anything that
23 smelled inside the home?

24 A. No, I did not.

25 Q. So you went outside of the home to look for

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1 anything that smelled?

2 A. You know, I remember going into the house and
3 looking for something that smelled and you could tell it
4 was coming from underneath the floorboards.

5 Q. When you went outside -- when you went outside
6 the home, there is only one access, basically, to get
7 underneath the home; is that correct?

8 A. I believe so. That's correct.

9 Q. And in this picture, which is State's Exhibit
10 Number 1 --

11 A. Yes.

12 Q. -- the one access hole to get under the home is
13 the crawl space right here; is that correct?

14 A. That's correct.

15 Q. And you can see the crawl-space door from the
16 street; is that correct?

17 A. Yes.

18 It's on the side of the house but, you know, I
19 mean, I'm sure this photograph is taken from pretty much
20 the street.

21 Q. And I want to show you a picture of State's
22 Exhibit Number 28. This is the crawl space that you
23 crawled through; is that correct?

24 A. Yes.

25 Q. And when you crawled through the crawl space,

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1 you had to actually crawl into the crawl space?

2 A. Yes.

3 Q. And get down on all fours?

4 A. Right.

5 I don't remember if I -- yeah, I think I was
6 like on all fours. It wasn't --

7 Q. And it's a small space; correct?

8 A. It's a tight fit.

9 Q. Could you estimate how small it is?

10 A. You know, I really don't recall.

11 Q. About three feet by one foot, something of that
12 nature?

13 A. Yeah. Yeah.

14 I mean, you know, I was in uniform and had my
15 duty belt on and everything and --

16 Q. You got through but it was a tight squeeze?

17 A. I was pretty much the size I am now and made it
18 through.

19 Q. When you arrived on scene, you had to remove the
20 door? The crawl-space door.

21 A. Yes. Yes.

22 The access door was -- for the crawl space was
23 in place.

24 Q. It wasn't locked?

25 A. There was no lock on it. There's a -- just a

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1 little hasp or a latch. I think you just turn it to the
2 side or whatever.

3 Q. And it didn't take a lot of force to get it --

4 A. No. No, you just -- you just open that and
5 it --

6 Q. It pops right off?

7 A. -- comes right off.

8 MS. WINSLOW: The Court's indulgence.

9 THE COURT: Yes, ma'am.

10 Q. [Ms. Winslow] When you looked around the home,
11 you didn't notice any missing window screen anywhere?

12 A. I don't -- I don't recall looking for a window
13 screen at the time.

14 MS. WINSLOW: Court's indulgence.

15 THE COURT: Yes, ma'am.

16 [Whereupon, Ms. Winslow and Mr. Butler confer]

17 MS. WINSLOW: No further questions.

18 THE COURT: Redirect?

19 MR. YOUNG: None, Your Honor.

20 THE COURT: You may step down. Thank you.

21 THE WITNESS: Okay.

22 [Whereupon, the witness is excused and exits the
23 witness stand]

24 THE COURT: Call your next witness.

25 MR. YOUNG: The State calls Angela Bunker.

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1 [Whereupon, Ms. Bunker comes forward]

2 THE CLERK OF COURT: Raise your right hand.

3 [Whereupon, Ms. Bunker is duly sworn by the
4 clerk of court as follows: do you swear or affirm that
5 the testimony you shall give the Court and the jury in
6 the trial of this case shall be the truth, the whole
7 truth, and nothing but the truth, so help you God]

8 THE WITNESS: Yes, sir.

9 [Whereupon, Ms. Bunker takes the witness stand]

10 THE CLERK OF COURT: Please state your first and
11 last name, spelling your last for the record.

12 THE WITNESS: Angela Bunker. B-U-N-K-E-R.

13 MR. YOUNG: Good morning, Officer Bunker. How
14 are you?

15 THE WITNESS: Good morning. Good.. Thank you.

16 - - - - -

17 ANGELA BUNKER,

18 Having Been First Duly Sworn,

19 was Examined and Testified as Follows:

20 DIRECT EXAMINATION

21 BY MR. YOUNG:

22 Q. Tell the jury where you work.

23 A. I work for the City of North Charleston, North
24 Charleston Police Department.

25 Q. And that's in North Charleston, South Carolina;

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1 right?

2 A. Yes.

3 Q. How long have you been employed by the NCPD?

4 A. Approximately eleven years.

5 Q. And what are your present duties with North
6 Charleston?

7 A. My present duties are patrol in the south
8 district, evening shift.

9 Q. Were you in the course of these duties on April
10 27th, '06, or were you doing something different?

11 A. I was doing something different. At that time I
12 was assigned to the North Charleston forensics unit.

13 Q. Is that commonly known as crime scene?

14 A. Yes.

15 Q. I'm going to take you to April 27th of '06.
16 You're doing -- you're in crime scene. Did you respond to
17 a scene at Target Street in North Charleston?

18 A. Yes, sir.

19 Q. Do you know approximately what time this was?

20 A. May I have a copy of my report, please?

21 [Whereupon, Mr. Young reviews documents]

22 MR. YOUNG: May I approach the witness, Your
23 Honor?

24 THE COURT: You may.

25 Q. [Mr. Young] This is your report, Officer

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1 Bunker. And the incident report might have the time on it
2 if your report does not. Was it in the afternoon?

3 A. Yes, sir.

4 Q. Okay.

5 A. I don't know the exact time.

6 Q. Do you want to -- may I have that report back if
7 you don't need it. Thank you.

8 Now, Officer Bunker, what was this in reference
9 to? Why were you responding to the scene at Target
10 Street?

11 A. It was in reference to a possible homicide.

12 Q. Can you tell the jury what you observed when you
13 arrived there?

14 A. Upon arrival, there was already several
15 forensics units on scene and also other police officers
16 that were evaluating the scene. I was notified that there
17 was a human body underneath the residence, which was
18 noticeable with a smell, and they were starting to do the
19 investigation at that time.

20 Q. Was Sargent Decker there at this point?

21 A. Yes.

22 Q. Did he ever notify you -- did he end up
23 notifying you of anything?

24 A. Yes, sir.

25 He notified me that they located some socks that

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1 appeared to have blood on them inside a garbage can, a
2 residential-dumpster garbage can, and the blood on those
3 socks tested presumptive for blood.

4 Q. Okay. And when a detective or somebody notifies
5 you, being on the crime scene, about a sock or about any
6 kind of evidence, what was the procedure? What do you do?

7 A. You photograph the evidence, and then you do
8 whatever kind of field-testing that you can on it, and
9 then it's taken back into evidence.

10 [Whereupon, State's Exhibit Number 60 is marked
11 by the court reporter]

12 MR. YOUNG: May I approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 Q. [Mr. Young] I'm going to show you what's been
16 marked State's 60. And there's a lot of bags. Take that
17 out. And inside there are some white bags. Can you tell
18 me, do you recognize what those are?

19 A. Yes, sir.

20 They appear to be socks that were located
21 inside the dumpster.

22 Q. So at this point when you got these socks, what
23 did you do with them?

24 A. I tested the spots on them, that we believed
25 they were blood, for presumptive -- presumptive blood

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1 testing.

2 Q. Officer Bunker, I want to show you what's been
3 pre-marked as State's 14 -- I'm sorry -- State's 10
4 through 14. Tell me if you recognize those photos.

5 A. Yes, sir.

6 This is the back of the residence, and the socks
7 that were located, and also the dumpster that they were
8 located in.

9 Q. So where were the socks located at?

10 A. Inside the garbage-can dumpster.

11 Q. Okay. Are these photos a fair and accurate
12 representation of how they looked that day?

13 A. Yes, sir.

14 MR. YOUNG: We would ask to move State's 10
15 through 14 into evidence.

16 THE COURT: 10 through 14? Any objection?

17 MS. WINSLOW: No objection, Your Honor.

18 THE COURT: State's 10, 11, 12, 13 and 14 into
19 evidence without objection.

20 And you may publish.

21 MR. YOUNG: Thank you, Judge.

22 [Whereupon, State's Exhibit Numbers 10 through
23 14 are admitted into evidence by the Court]

24 Q. [Mr. Young] I'm going to show you State's 10,
25 Officer Bunker. What's that? Tell the jury what that is.

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1 A. That is the residential dumpster that the socks
2 were located in.

3 Q. So that's where you found the socks; is that
4 right?

5 A. Yes, sir.

6 Q. Okay. Did you secure those socks?

7 A. Yes, sir.

8 Q. Okay. Show you what's been marked as State's

9 11. What's that, Officer Bunker?

10 A. That's just a closeup of the same dumpster.

11 Q. The same dumpster where the socks were found
12 with blood on them?

13 A. Yes, sir.

14 Q. Okay. Show you what's been marked as State's

15 12. What's that?

16 A. Those are the socks that were located in the
17 dumpster.

18 Q. What is -- what's this right here? Can you tell
19 what that is?

20 A. That was what we thought was -- that we thought
21 was blood and did presumptably [phonetic] test for blood.

22 Q. It did test for blood?

23 A. Yes.

24 Q. Show you State's 13. Same socks?

25 A. Yes, sir.

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1 Q. Is that the same that you were talking about
2 there with blood on them?

3 A. Yes, sir.

4 Q. And when you collected those -- or Officer
5 Bunker, when you collected those socks, did you package
6 them up?

7 A. Yes, sir.

8 They were packaged up in paper -- a paper bag.

9 Q. Collected for evidence?

10 A. Yes, sir.

11 Q. Were you wearing gloves?

12 A. Yes, sir.

13 Q. Did you ever tamper with them at all?

14 A. No.

15 Q. Now, a little bit further on during the day
16 while crime scene was there, did you get notified from
17 Sargent Wally about anything?

18 A. May I see my report?

19 Q. You sure may.

20 A. Thank you.

21 MR. YOUNG: May I approach, Judge? Thank you.

22 [Whereupon, Mr. Young proffers documents to the
23 witness]

24 A. Yes, sir. I was notified of a sheet.

25 Q. [Mr. Young] A what, now? I'm sorry.

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1 A. Of a sheet.

2 Q. What is -- I'm sorry. Are you saying a sheet?

3 A. Yes, sir. A burgundy sheet.

4 Q. A sheet.

5 A. And, also, he -- I'm sorry. He also notified me
6 of some dark spots that he located on the back of the
7 kitchen door.

8 Q. Okay. I want to take your attention back. I'm
9 going to show you what's been marked as State's 15 through
10 25. Would you take a look at those photos and tell me if
11 you recognize them.

12 A. Yes, sir.

13 Q. What are those photos of?

14 A. Each of those photos is either the door, or the
15 cement steps that lead to the back door, that have
16 presumptive blood after amido black.

17 Q. Is this where you were called over to next?

18 A. Yes, sir.

19 Q. Is this the way it looked that day, Angie?

20 A. Yes, sir.

21 MR. YOUNG: Judge, at this point, I ask to move
22 State's 15 through 25 into evidence.

23 THE COURT: Any objection?

24 MS. WINSLOW: One moment, Your Honor.

25 [Whereupon, Ms. Winslow and Mr. Butler confer]

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1 MS. WINSLOW: No objection.

2 MR. YOUNG: I would ask to publish them, Your
3 Honor.

4 THE COURT: 15 through 25 into evidence without
5 objection.

6 You may publish.

7 [Whereupon, State's Exhibit Numbers 15 through
8 25 are admitted into evidence by the Court]

9 Q. [Mr. Young] Officer Bunker, tell me what that
10 is.

11 A. That's the back door of the residence.

12 Q. Now, if you can kind of see, is that door
13 opening up to the inside of the residence or to the
14 outside?

15 A. I believe it opens to the inside.

16 Q. And the screen door opens up to the outside?

17 A. Yes, sir.

18 Q. Okay. Officer Bunker, can you tell us what that
19 -- it's tough to see. Can you tell us what that is?

20 A. Up in this area right here is presumptive for
21 blood.

22 Q. Blood splatter?

23 A. Yes, sir.

24 Q. Is that what's on the door? Is this the same
25 door?

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1 A. Yes, sir.

2 Q. Show you what's been marked as States, and
3 admitted, as 17. What is that?

4 A. It's the same thing. Those markings right here
5 in this corner are presumptive blood.

6 Q. Blood?

7 A. Uh-huh.

8 Q. Show you what's been marked and admitted as
9 State's 18. Do you recognize what that is?

10 A. Yes, sir.

11 It's off to the doorframe area. It's just
12 calculating how high the blood markings go up to.

13 Q. So is this yellow ruler something you guys put
14 on there?

15 A. Yes, sir.

16 Q. And what does it do, now? Can you explain it to
17 the jury?

18 A. It's just measuring the door and how high up the
19 actual blood marks go.

20 Q. On the door?

21 A. Yes, sir.

22 Q. Okay. And could you tell about how high it was
23 on this door?

24 A. It went around two or three feet.

25 Q. Show you what's been marked and admitted as

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1 State's 19. Is that a closeup of what we just saw?

2 A. Yes, sir.

3 Q. These spots right here, what are those spots?

4 A. Presumptive blood markings.

5 Q. Show you what's been marked and admitted as

6 State's 20. Tell us what that is.

7 A. That's just a far-away shot, of what we was just
8 looking at, from the doorhandle down.

9 Q. And that's a ruler you guys put down there;
10 right?

11 A. Yes, sir.

12 Q. Officer Bunker, what is that?

13 A. This is the cement stairwell that goes up
14 towards the rear door.

15 Q. And is this the same screen door we were looking
16 at?

17 A. Yes, sir.

18 Q. And then the back door would be right through
19 there; right?

20 A. Yes, sir.

21 Q. The screen door opens out?

22 A. It opens to the outside.

23 Q. To the outside?

24 A. Uh-huh.

25 Q. And the inside door opens to the inside?

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1 A. Yes, sir.

2 Q. I'm going to show you what's been marked and
3 admitted as State's 22. What is that?

4 A. That's also the stairwell, the complete
5 stairwell, that goes up to the rear door.

6 Q. Okay. Show you what's been marked and admitted
7 as State's 23. Can you see what that is?

8 A. Yes, sir. It's a blood drop on the cement.

9 Q. Is that the same cement as behind the door --

10 A. Yes.

11 Q. -- the back door --

12 A. Yes, sir.

13 Q. -- on that porch we just looked at?

14 A. Yes, sir.

15 Q. Did you guys put those rulers there?

16 A. Yes, the rulers were placed by us.

17 Q. I'm going to show you what's been marked and
18 admitted as State's 24. Do you recognize that?

19 A. Yes, sir.

20 It's also a blood -- presumptive blood-drop
21 ruler placed by us.

22 Q. That's on the back porch there?

23 A. Yes, sir.

24 Q. State's 25.

25 A. That's another presumptive blood spot that was

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1 measured and photographed by us on the back porch.

2 Q. Now, Angie -- or Officer Bunker, sorry, you told
3 us that it tested presumptive for blood?

4 A. Yes, sir.

5 Q. Tell us about -- so you did test that and test
6 it presumptive for blood?

7 A. It's a fallacy -- I'm sorry. I'm not good with
8 this -- failious [phonetic] saline, and pretty much all it
9 is is a container about that big and you pop it, the
10 chemical comes out, and then you swab it and it will -- if
11 it turns pink, it's presumptive for blood. Of course,
12 then we do swabs and send them to SLED to do a better test
13 on it. The test that we do is a field test.

14 Q. Did you swab blood that day?

15 A. Yes, sir.

16 [Whereupon, State's Exhibit Number 58 is marked
17 by the court reporter]

18 MR. YOUNG: May I approach the witness?

19 THE COURT: You may.

20 Q. [Mr. Young] I'm going to show you what's been
21 marked as State's 58. Do you recognize this package? Is
22 that -- you can kind of read your initials on there.

23 A. Yes, sir.

24 This is swabs that were signed over to Sargent
25 Hallman after I swabbed them on-scene.

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1 Q. So those are the swabs that you had taken of the
2 blood that was on the porch?

3 A. Yes, sir.

4 MR. YOUNG: Judge, at this point I would ask to
5 move State's 58 into evidence.

6 THE COURT: State's 58 into evidence without
7 objection.

8 [Whereupon, State's Exhibit Number 58 is
9 admitted into evidence by the Court]

10 Q. [Mr. Young] Officer Bunker, what is amido
11 black?

12 A. Amido black is a chemical, a three-part process,
13 that identifies blood, presumptive blood.

14 Q. Okay. Is that the testing you used?

15 A. That's the testing that we used on the back
16 door, and also on the porch, to make the blood spots pop
17 where we could photograph them.

18 Q. And when you're using amido black --

19 Just so I'm clear: A-M-I-D-O?

20 A. Yes.

21 Q. Okay.

22 -- amido black testing, do you photograph the
23 spot, the blood spot, and then do you put it on there
24 afterwards? Is that the -- then you photograph it again;
25 is that correct?

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1 A. What we did is we photographed the entire scene
2 the way it was prior to us arriving, and then we
3 photograph it again after any kind of chemicals or any of
4 our processing is completed.

5 Q. Showing State's 25 here. Is that where it looks
6 a little I guess you would say black? Is that the amido
7 black on there?

8 A. Yes, sir.

9 Q. Okay. Now, you said you photo first without the
10 amido black and you photo it after. Why do you do that?

11 A. That way they know that we did not mess with the
12 scene in any way until it was documented. That way the
13 scene was documented prior to anything being done.

14 Q. And with those swabs -- you never tampered with
15 those, did you?

16 A. No, sir.

17 Q. Okay. Now, the kitchen floor in that house, do
18 you know what kind of floor that was in the back-porch
19 area, specifically?

20 A. The back porch was cement.

21 The actual flooring in the kitchen I believe was
22 a laminate flooring.

23 Q. Some kind of laminate?

24 A. Yes, sir.

25 Q. At some point after you used the cotton swabs on

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1 the door on the blood, you secured those. Did you get
2 notified about anything else that was going on at the
3 scene?

4 A. Of some containers of bags of lime.

5 Q. Bags of lime?

6 A. Yes, sir.

7 Q. I'm going to show you what's been marked as
8 State's 26 and 27. Do you recognize what that is?

9 A. Yes, sir..

10 These are where the actual bags of lime was
11 located. There was two bags in the bag: one was open and
12 one was not.

13 Q. And this is a fair and accurate representation
14 of how it looked that day?

15 A. Yes, sir.

16 MR. YOUNG: Judge, I ask to move State's 26 and
17 27 into evidence.

18 THE COURT: Any objection?

19 MS. WINSLOW: No objection.

20 THE COURT: State's 26 and 27 into evidence
21 without objection.

22 [Whereupon, State's Exhibit Number 26 is
23 admitted into evidence by the Court]

24 [State's Exhibit Number 27 is admitted into
25 evidence by the Court]

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1 THE COURT: You may publish.

2 MR. YOUNG: Thank you, Judge.

3 Q. [Mr. Young] Officer Bunker, tell us what we're
4 looking at here.

5 A. The True Value bag had two bags of lime in it,
6 one that was opened and one that was still factory sealed.

7 Q. This is the True Value bag?

8 A. Yes, sir.

9 Q. It's got the lime bags in the plastic bag?

10 A. Yes, sir.

11 Q. Is this -- what is all this other stuff?

12 A. Lawnmowers, gas cans.

13 Q. Okay. Is that covered up with something?

14 A. I believe a tarp.

15 Q. I'm going to show you what's been marked and
16 admitted as State's 27. Tell us what that is.

17 A. That's pretty much the same thing. You just go
18 a little farther back, showing the identification of where
19 it was on the scene.

20 Q. Okay. Was that stuff all in the back yard
21 there?

22 A. Yes, sir.

23 Q. The back yard at Target Street; right?

24 A. Yes, sir.

25 Q. Now, when you got the lime out, you said you got

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1 it out of the bag. And then you tested lime --

2 Do you test for lime? How do you do that?

3 A. We physically cannot test for lime in North
4 Charleston. We don't have that kind of thing. So what we
5 did was take a controlled substance from the actual opened
6 bag and sent it to SLED and they confirmed.

7 Q. Do you --

8 [Whereupon, State's Exhibit Number 59 is marked
9 by the court reporter]

10 MR. YOUNG: If I may approach the witness, Your
11 Honor?

12 THE COURT: You may.

13 Q. [Mr. Young] Officer Bunker, do you recognize
14 this?

15 A. Yes, sir. That's the container that I put the
16 controlled substance in.

17 Q. The controlled --

18 A. The control -- yes. Lime.

19 Q. Lime? And this is the same one you collected
20 that day?

21 A. Yes, sir.

22 Q. Same condition?

23 A. But the side wasn't dented.

24 Q. Okay. And you didn't tamper with it at all?

25 A. No, sir.

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1 MR. YOUNG: Judge, at this point I would ask to
2 move State's 59 into evidence.

3 THE COURT: Any objection?

4 MS. WINSLOW: No objection, Your Honor.

5 THE COURT: State's 59 into evidence without
6 objection.

7 Q. [Mr. Young] Officer Bunker, did you do any kind
8 of testing on that lime at the scene or did you do
9 something back at the station?

10 A. We took them back to the station.

11 Q. What is -- tell the jury -- I mean, what is
12 menhydrine? Explain that process, please.

13 A. Menhydrine is a chemical that assists
14 fingerprints to pop on paper, and those -- that's the same
15 chemical that we used on the lime bags to see if we could
16 identify any fingerprints on those bags.

17 Q. So you tested the lime bags for fingerprints?

18 A. Yes, sir.

19 Q. Okay. Did you get any results on those bags?

20 A. No, sir. We were unable to get any results.

21 Q. Okay. What did you do with the lime bags after
22 you were done with them?

23 A. They were disposed of and the bags were -- the
24 lime itself was disposed of and the bags themselves were
25 placed into evidence.

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1 Q. At this point did you have any further
2 involvement with this case?

3 A. No.

4 MR. YOUNG: Court's indulgence.

5 THE COURT: Yes, sir.

6 [Whereupon, Mr. Young and Mr. Kidd confer]

7 Q. [Mr. Young] Officer Bunker, did you give that
8 evidence that you collected -- what did you do with it?

9 A. All the evidence went to Sargent Hallman because
10 he was the forensic case agent on this case.

11 Q. Does he work in North Charleston?

12 A. Yes, sir.

13 Q. Is he also in the crime scene division?

14 A. Yes, sir.

15 MR. YOUNG: No further questions, Judge.

16 MS. WINSLOW: Thank you, Your Honor.

17 THE COURT: Ms. Winslow?

18 MR. KIDD: Judge, may we approach real fast?

19 [Whereupon, an off-the-record bench conference
20 is held]

21 THE COURT: Do y'all need that comfort break for
22 the mid morning?

23 THE FOREPERSON: Yes.

24 THE COURT: All right. Do not begin your
25 deliberations. Do not discuss this case amongst

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1 THE BAILIFF: All jurors seated.

2 THE COURT: Thank you. Please be seated. Ms.
3 Winslow, your witness.

4 MS. WINSLOW: Good morning, Officer Bunker.

5 THE WITNESS: Good morning, ma'am.

6 CROSS-EXAMINATION

7 BY MS. WINSLOW:

8 Q. In direct examination, I might have -- how long
9 have you been a police officer for?

10 A. I've been a police officer almost ten years.

11 Q. Ten years.

12 And you've gone through a lot of training to be
13 a police officer?

14 A. Nine weeks at the academy, yes, ma'am.

15 Q. And as a police officer, you write reports?

16 A. Yes, ma'am.

17 Q. And you want to be as complete as possible in
18 your reports because you may rely on them later?

19 A. Yes, ma'am.

20 Q. As you've relied on your reports today?

21 A. Yes, ma'am.

22 Q. In this case in particular, it's from 2006, so
23 your reports are extremely important?

24 A. Yes, ma'am..

25 Q. In your -- on direct examination I believe you

MIA PERRON, CVR-CM

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1 testified that the socks were found in the garbage can?

2 A. Yes, ma'am.

3 Q. And do you remember which garbage can?

4 A. It was a dumpster, residential dumpster like. I
5 believe it was on the side of the residence.

6 Q. And it was found in the front of the garbage
7 can; is that correct?

8 A. I cannot recall exactly where the garbage can
9 was but -- I mean, it was on the resident's property.

10 Q. If you referred to your report, can that help?

11 A. Possibly, ma'am.

12 MS. WINSLOW: May I approach?

13 THE COURT: You may.

14 [Whereupon, Ms. Winslow proffers documents to
15 the witness]

16 MS. WINSLOW: Thank you.

17 THE WITNESS: You're welcome.

18 A. According to my report it says in the front
19 exterior garbage can.

20 Q. [Ms. Winslow] I'm going to bring your attention
21 to what's been marked as State's Exhibit Number 1. This
22 is a garbage can in the front yard; is that correct?

23 A. Yes, ma'am.

24 Q. And I'm going to refer to you to what's been
25 marked as State's Exhibit Number 10. This is the garbage

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1 can that's in the back yard; is that correct?

2 A. It appears to be, yes, ma'am.

3 Q. Okay. And there are no pictures of the socks
4 found in the garbage can?

5 A. No, ma'am.

6 Q. The only picture you have is on -- of the socks
7 outside of the garbage can?

8 A. Yes, ma'am.

9 Q. And in your report it says that the socks were
10 found at the front of the garbage can?

11 A. Yes, ma'am.

12 Q. And there are no pictures of the front garbage
13 can open; is that correct?

14 A. It does not appear to have, no, ma'am.

15 Q. So the socks, then, were not found in this
16 garbage can?

17 A. I don't recall.

18 Q. While you were at Target Street, you
19 searched the inside of the house?

20 A. I did not necessarily do any of the searching,
21 no, ma'am.

22 Q. You found a burgundy-colored sheet inside the
23 home?

24 A. Corporal Wyant notified me of one.

25 Q. And what did you do with the sheet?

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1 A. I tested the sheet for blood that was negative
2 results.

3 Q. So you didn't find any sign of blood inside the
4 home; is that correct?

5 A. I don't --

6 Q. To your knowledge?

7 A. I don't recall, no.

8 Q. On the back side of the door, you tested it and
9 it was presumptive for blood?

10 A. Yes, ma'am.

11 Q. And you used the amido black test for that --

12 A. Yes.

13 Q. -- as well?

14 The amido black test cannot tell you how long
15 the blood has been there; is that correct?

16 A. Correct.

17 Q. And the testing -- the blood that you found was
18 on the outside of the back door; is that correct?

19 A. Yes, ma'am.

20 MS. WINSLOW: May I approach?

21 THE COURT: You may.

22 Q. [Ms. Winslow] Showing you what's been marked as
23 State's Exhibit 20. That's the outside of the door; is
24 that correct?

25 A. Yes, ma'am. The exterior.

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1 Q. And that's from the porch, not -- that picture
2 is taken from the porch; is that correct?

3 A. Yes, ma'am.

4 Q. And not taken from the inside of the home?

5 A. Correct.

6 Q. Officer Bunker, I also want to discuss with you
7 the lime that you found on the scene.?

8 A. Yes, ma'am.

9 Q. And you testified that you found it in the back
10 yard?

11 A. Yes, ma'am, I believe so.

12 Q. And this is a picture, State's Exhibit Number
13 27; is that --

14 There is a tarp over the lawnmowers; is that
15 correct?

16 A. Yes, ma'am.

17 Q. And the tarp is also covering the gasoline?

18 A. Yes, ma'am.

19 Q. And also the True Value bag which has the lime
20 in it?

21 A. Yes, ma'am.

22 Q. And lime is a common ingredient -- or a common
23 supply used in lawn maintenance?

24 A. I have no clue, ma'am.

25 Q. Okay. But this is right in the back yard? It's

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1 not hidden underneath the home?

2 A. No.

3 Q. It is right in view of everyone?

4 A. Yes, ma'am.

5 MS. WINSLOW: Court's indulgence.

6 [Whereupon, Ms. Winslow and Mr. Butler confer]

7 THE COURT: Yes, ma'am.

8 MS. WINSLOW: No further questions.

9 THE COURT: Redirect? Mr. Young?

10 MR. YOUNG: Yes. Sorry, Judge. Briefly.

11 REDIRECT EXAMINATION

12 BY MR. YOUNG:

13 Q. Officer Bunker, the sheet in the house that you
14 tested, that was inside the -- it was in the bedroom?

15 A. It says bathroom closet.

16 Q. Bathroom closet.

17 So that wasn't under the house; right?

18 A. No, sir.

19 Q. That back door that I spoke to you about earlier
20 that we talked about, does that back door open in?

21 A. It opens to the inside. So the exterior of the
22 door would actually be in the kitchen area when it was
23 open.

24 Q. And this was in April; right?

25 A. Yes.

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1 Q. In Charleston County; right?

2 A. Yes.

3 Q. Is it nice out -- is it nice in April?

4 MS. WINSLOW: Objection, Your Honor.

5 THE COURT: Basis?

6 MS. WINSLOW: Based on personal knowledge.

7 THE COURT: Sustained.

8 MS. WINSLOW: Speculation.

9 THE COURT: Sustained.

10 Q. [Mr. Young] So that back door opens in?

11 A. Yes.

12 MR. YOUNG: Nothing further, Judge.

13 THE COURT: Recross?

14 MS. WINSLOW: No, Your Honor.

15 THE COURT: Officer Bunker, you may step down.

16 Thank you.

17 THE WITNESS: Thank you.

18 [Whereupon, the witness is excused and exits the

19 witness stand]

20 THE COURT: Call your next witness.

21 MR. KIDD: The State calls William Palmer.

22 [Whereupon, Mr. Palmer comes forward]

23 THE CLERK OF COURT: Place your left hand here

24 and raise your right hand.

25 [Whereupon, Mr. Palmer is duly sworn by the

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1 clerk of court as follows: do you swear or affirm that
2 the testimony you shall give the Court and the jury in
3 the trial of this case shall be the truth, the whole
4 truth, and nothing but the truth, so help you God]

5 THE WITNESS: Yes.

6 THE CLERK OF COURT: Please take your seat.

7 [Whereupon, Mr. Palmer takes the witness stand]

8 THE CLERK OF COURT: Sir, if you will please
9 state your first and last name, spelling your last for
10 the record.

11 THE WITNESS: William Palmer. Palmer,
12 P-A-L-M-E-R.

13 MR. KIDD: I was going to say good morning but
14 it's about afternoon. Good afternoon, Mr. Palmer.

15 THE WITNESS: Good afternoon.

16

17 WILLIAM PALMER,

18 Having Been First Duly Sworn,

19 was Examined and Testified as Follows:

20 DIRECT EXAMINATION

21 BY MR. KIDD:

22 Q. Can you tell the jury where you're employed?

23 A. in Hanahan. Blackwell
24 Building Supply.

25 Q. And does it go by any other name?

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1 A. It's True Value. True Value Hardware.

2 Q. True Value Hardware?

3 A. Yes.

4 Q. Are you still employed there today?

5 A. Yes.

6 Q. How old were you when you started working at
7 True Value?

8 A. Ten-and-a-half.

9 Q. Ten-and-a-half years old?

10 A. Been there since elementary school.

11 Q. How long have you been working there?

12 A. I'm fifty-two now.

13 Q. You're fifty-two now, so --

14 A. Yes.

15 Q. -- forty-two years?

16 A. Forty-two years.

17 Q. And is that -- what kind of -- what kind of
18 store is True Value? What sort of things do y'all sell
19 there?

20 A. It's a hardware store. We sell any kind of like
21 home improvement, lumber, hardware, building materials.

22 Q. Is it a big place like Lowe's, or is it small,
23 or --

24 A. No. It's a little community store.

25 Q. Community store.

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1 Do you get to -- kind of get to know your
2 customers?

3 A. Get to know just about all my customers.

4 Q. And you've been there for forty-two years;
5 right?

6 A. Yes.

7 Q. Do you remember a police officer coming to see
8 you in April of 2006?

9 A. Yes.

10 Q. I would like to --

11 [Whereupon, State's Exhibit Number 61 is marked
12 by the court reporter]

13 MR. KIDD: May I approach the witness, Your
14 Honor?

15 THE COURT: You may.

16 Q. [Mr. Kidd] -- show you what's been marked as
17 State's Exhibit Number 61. Do you recognize that
18 photograph?

19 A. Yes.

20 Q. Is that the photograph that police officer
21 showed you in April of 2006?

22 A. I think he showed me one, and he also showed me
23 he had his head was clean.

24 Q. His hair was shorter --

25 A. Yeah.

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1 Q. -- in that photograph?

2 Is that the same person in this photograph,
3 though?

4 A. Yeah. That's the same person there, yeah.

5 Q. When that officer showed you that photograph,
6 did you recognize that person?

7 A. Yes, I did.

8 Q. How did you recognize him?

9 A. Well, he used to ride a -- I think he ride a
10 bike. So we had a -- at the time, we had windows on the
11 side of the store. We can tell when you ride up. And we
12 used to see him ride up on a bike and particularly one day
13 come in and asked for some lime.

14 Q. And in what relation to when the officer showed
15 you that photograph did the person in that photograph come
16 to the store? I mean, was it right before? weeks before?

17 A. No.

18 This been like -- when he talked to me, it's
19 been like a year. It's been a while.

20 Q. Well, I know. I know he talked to you back in
21 April of 2006.

22 A. Yeah.

23 Q. I guess I'm asking my question in a confusing
24 manner and I apologize.

25 I'm trying to say when did you see the person in

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1 that photograph come into your store in relation to when
2 the officer showed you that photograph.

3 A. Well, it's been a while.

4 Q. It had been a long time?

5 A. No, it wasn't a long time but it's been a while,
6 you know, since I seen the guy and when the officer come
7 in and started asking questions.

8 Q. Like a long time? Weeks or --

9 A. I would say way -- way over a week.

10 Q. Over a week?

11 A. Yeah.

12 Q. Okay. Mr. Palmer --

13 [Whereupon, State's Exhibit Number 57 is marked
14 by the court reporter]

15 MR. KIDD: May I approach the witness, Your
16 Honor?

17 THE COURT: You may.

18 Q. [Mr. Kidd] -- I'm going to show you what's been
19 marked for ID as State's Exhibit Number 57. Do you
20 recognize that? Or what is that? I'm sorry. It's kind
21 of zoomed out, too.

22 A. It's a map.

23 Q. It's a map?

24 A. [No response]

25 Q. Does that map show where your store that you

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1 work at is located?

2 [Whereupon, the witness reviews documents]

3 A. I see Yeamans Hall Road here.

4 Q. [Mr. Kidd] Do you know what intersection True
5 Value and Yeamans Hall Road is close to?

6 A. With Remount. Just off of Remount.

7 Q. Close to Remount? Can you --

8 A. In fact, if you look at it right here, that's
9 Caroline Street. Caroline run into Yeamans Hall, and we
10 right here on the right-hand side right at the corner at
11 the traffic light.

12 Q. So you're at the corner of Caroline and Yeamans
13 Hall?

14 A. Caroline and Yeamans Hall and Loftis -- this is
15 all ran into -- running together.

16 MR. KIDD: Your Honor, at this time the State
17 would like to introduce State's Exhibit Number 57 into
18 evidence.

19 MS. WINSLOW: No objection.

20 THE COURT: State's 57 into evidence without
21 objection.

22 [Whereupon, State's Exhibit Number 57 is
23 admitted into evidence by the Court]

24 MR. KIDD: Well, this isn't doing me much good
25 here.

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1 Q. [Mr. Kidd] Tell you what I'm going to have you
2 do. Can I get you to put an X on this map where you said
3 your store is -- and I'll let you use my pen -- because I
4 don't think we're going to be able to read the names of
5 the streets on that overhead.

6 A. [Witness complies]

7 Like right there should be the hardware store
8 right there.

9 Q. Can you make that X just a little bigger so all
10 the jurors are going to be able to see it when you --

11 A. [Witness complies]

12 Q. Thank you, sir.

13 I'm going to show you again, on the screen
14 behind you, this enlarged State's Exhibit Number 57. It's
15 still kind of hard to see. But is that the X you just put
16 there?

17 A. Yes.

18 Q. And that's where your True Value store is
19 located on the corner of Yeamans Hall and Caroline Street?

20 A. Yeamans Hall and Caroline. It run right into
21 Loftis Road.

22 Q. Okay. Thank you, sir.

23 And once again, the State's Exhibit Number 61
24 that I showed you before, this is a photograph of the same
25 person that the officer showed you? It's not the same

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1 photograph, but that's the same person the officer --

2 A. Same person.

3 Q. -- showed you the photograph of?

4 MR. KIDD: Your Honor, at this time we would
5 like to introduce State's Exhibit Number 61 into
6 evidence.

7 MS. WINSLOW: Without objection.

8 THE COURT: State's 61 into evidence without
9 objection.

10 [Whereupon, State's Exhibit Number 61 is
11 admitted into evidence by the Court]

12 Q. [Mr. Kidd] And that person in that photograph
13 came to your store to buy lime?

14 MR. BUTLER: Object to --

15 A. Yes.

16 MR. BUTLER: -- leading at this point.

17 THE COURT: Rephrase your question.

18 Q. [Mr. Kidd] What did the person in that
19 photograph do?

20 A. Came in the hardware store and asked for some
21 lime.

22 And I point it out to him the first time he came
23 in.

24 Q. Did he come in more than once?

25 A. Sometime he come in once, sometimes twice, a

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1 week.

2 Q. Over how long a period?

3 A. It's been a while.

4 But every time he come in I would probably
5 laugh, say, well, I guess he know where he going, he going
6 to get his lime. He would grab his lime and jump back on
7 his bike and ride away.

8 Q. And this period of time which he would come in
9 to buy lime, was this -- would he come in every week for a
10 year, or --

11 A. As I remember -- it's been a while. Because
12 every time --

13 Q. Right. I understand. It was five years ago.

14 A. I know. It's been a while. But every time he
15 come in -- maybe once or twice a week he would come in but
16 he would come -- since I showed him the first time, you
17 know, where the lime was at in the store. And he ride a
18 bike. And he would put his bike on the side of the store
19 and you could see him through the window that he come in,
20 go to the lime, buy the lime, jump back on his bike, and
21 go riding back off toward Remount Road side.

22 Q. Can you just tell the jury about how long of a
23 period of time you think he was coming in to buy lime?
24 Are we talking a year, six months, a month?

25 A. I would say probably like six months.

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1 Q. About six months?

2 A. Yeah.

3 MR. KIDD: Approach one more time, Your Honor?

4 THE COURT: You may.

5 MR. KIDD: The Court's indulgence one moment.

6 [Whereupon, Mr. Kidd reviews documents]

7 Q. [Mr. Kidd] I'm going to show you what's been
8 marked and entered into evidence as State's Exhibit Number
9 26. Do you recognize that or the bag and the item?

10 A. The True Value -- the True Value bag and the bag
11 of hydraulic [phonetic] lime inside the bag.

12 Q. Is that the same sort of lime that you sell at
13 your store?

14 A. Yes.

15 Q. And I'm just going to -- just for the jury,
16 Mr. Palmer, if I could direct your attention behind you.
17 You recognize -- and, once again, it's a little -- not as
18 easy to see on this overhead as it is in the picture. I
19 don't know if I'll be able to make it where you can
20 actually see it as well in the picture. But can you tell
21 what brand of lime is in that bag?

22 A. It's a Tiger -- it's a Tiger brand.

23 Q. Tiger brand?

24 A. Tiger brand, yeah.

25 Q. And that's a brand you sell in your store?

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1 A. Yes.

2 MR. KIDD: I have no further questions, Your
3 Honor.

4 THE COURT: Mr. Butler?

5 MR. BUTLER: Good morning, Mr. Palmer. How are
6 you?

7 THE WITNESS: Good morning. All right.

8 MR. BUTLER: I just have a few quick questions
9 for you.

10 CROSS-EXAMINATION

11 BY MR. BUTLER:

12 Q. I take it that you're proud of the work that you
13 do at True Value; right?

14 A. Yes, I am.

15 Q. And you take pride in knowing your clientele?

16 A. Yes.

17 Q. Knowing them on a personal basis; right?

18 A. There's a whole lot of them I do, yeah.

19 Q. It's not like one of the big corporate stores
20 like Lowe's or Home Depot? It's a small community store?
21 A neighborhood store?

22 A. Yeah.

23 Q. All right. And if a person comes in there more
24 than a few times you get to know them at least by face;
25 right?

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1 A. Yeah.

2 Q. And if I understand your testimony, the person
3 that was depicted in the photograph, you knew him as
4 somebody that came in there once or twice a week for a
5 period of six months; right?

6 A. Yes.

7 Q. And bought lime?

8 And that's something that you sell as part of
9 your lawn-maintenance department?

10 A. Yes.

11 Q. Okay. Because people use that to put on their
12 lawns -- tell me if I'm right or wrong -- to improve the
13 pH level in their soil or something like that?

14 A. Most people come in they get -- they're either
15 trying to hold down odor.

16 Q. Are trying to -- okay.

17 But it's a common product for lawn maintenance
18 and that's why y'all sell it?

19 A. Yeah.

20 Q. Okay. And so over a six-month period you had
21 seen the person photographed, State's 61 that you were
22 shown, dozens of times?

23 A. Yes.

24 Q. Correct?

25 And each time that he would come in, would he

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1 buy one bag or two bags or three bags?

2 A. When I was up front and saw him when he come in,
3 he always just grab one bag.

4 Q. Always one bag. Okay.

5 So over a period of six months he would have
6 boughten dozens of -- he would have bought dozens of bags?

7 A. I couldn't say that. I mean --

8 Q. Okay.

9 A. I can't.

10 Q. Do you remember -- you said that when the
11 officer came and spoke to you, and I know it's been some
12 time, that when the officer came and spoke to you -- that
13 only happened once; right? A detective came and talked to
14 you only one time and showed you the photograph?

15 A. Yes.

16 Q. And when he showed you that photograph, the last
17 time you had seen the person in the photograph would have
18 been about a week before?

19 A. No.

20 Q. How long before?

21 A. It's been a while.

22 Q. It would have been longer than that?

23 A. Yeah.

24 Q. Okay. And do you recall telling the detective
25 that you recall the person coming into the store but you

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1 couldn't remember what he purchased?

2 A. No, sir, I don't.

3 Q. You don't remember telling him that?

4 A. No.

5 MR. BUTLER: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 [Whereupon, Mr. Butler and Ms. Winslow confer]

8 MR. BUTLER: Thank you, Mr. Palmer.

9 THE COURT: Redirect?

10 MR. KIDD: Court's indulgence.

11 THE COURT: Yes, sir.

12 [Whereupon, Mr. Kidd and Mr. Young confer]

13 MR. KIDD: No further questions, Your Honor.

14 THE COURT: Mr. Palmer, you may step down.

15 Thank you.

16 THE WITNESS: Okay.

17 [Whereupon, the witness is excused and exits the
18 witness stand]

19 THE COURT: Call your next witness.

20 MR. KIDD: The State calls Investigator Wyant.

21 [Whereupon, Mr. Wyant comes forward]

22 THE CLERK OF COURT: Place your left hand right
23 here and raise your right hand.

24 [Whereupon, Mr. Wyant is duly sworn by the clerk
25 of court as follows: do you swear or affirm that the

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1 testimony you shall give the Court and the jury in the
2 trial of this case shall be the truth, the whole truth,
3 and nothing but the truth, so help you God]

4 THE WITNESS: I do.

5 THE CLERK OF COURT: Please take your seat.

6 [Whereupon, Mr. Wyant takes the witness stand]

7 THE CLERK OF COURT: Sir, if you would state
8 your first and last name, spelling your last for the
9 record.

10 THE WITNESS: Scott Wyant. W-Y-A-N-T.

11 MR. KIDD: Good afternoon. And much like Mr.
12 Butler, I sometimes get confused on your titles.

13 - - - - -

14 SCOTT WYANT,

15 Having Been First Duly Sworn,
16 was Examined and Testified as Follows:

17 DIRECT EXAMINATION

18 BY MR. KIDD:

19 Q. Where are you employed, first of all?

20 A. City of North Charleston Police Department.

21 Q. Do you have a title with the North Charleston
22 Police Department?

23 A. I guess I'm a master patrol officer now.

24 Q. How long have you worked for North Charleston?

25 A. For seventeen years.

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1 Q. What were you doing with North Charleston back
2 in April of 2006?

3 A. I was a crime scene investigator.

4 Q. You were a crime scene investigator?

5 A. Yes, sir.

6 Q. As a crime scene investigator, what -- generally
7 speaking, what are your duties as a crime scene
8 investigator?

9 A. I respond to all major crime scenes such as
10 rapes, armed robberies, murders, high-dollar burglaries.
11 I photograph, to document the scene; try to take
12 fingerprints, DNA; collect evidence and send evidence, as
13 appropriate, to SLED for further examination.

14 Q. On April 27th, 2006, do you recall getting
15 involved in a homicide investigation on Target Street?

16 A. Yes, I did.

17 Q. What were your duties or what were you supposed
18 to be doing as a part of that -- response to that?

19 A. I basically responded out to the scene to assist
20 Sargent Hallman at the time, who was at the scene in
21 reference to a homicide scene.

22 Q. Did you have a camera out there?

23 A. Yes, sir, I did.

24 Q. Did you take some photographs of the scene?

25 A. Yes, I did.

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1 Q. I'm going to show you what's been marked, for
2 identification only, as State's Exhibit Number 31 through
3 37. So that will be 31, 32, 33, 34, 35, 36 and 37. Could
4 you take a moment to kind of flip through those and tell
5 me if you recognize those photographs?

6 [Whereupon, the witness reviews documents]

7 A. Okay.

8 Q. [Mr. Kidd] Do you recognize those photographs?

9 A. Yes, sir, I do.

10 Q. Generally speaking, what are those photographs
11 of?

12 A. Generally speaking, the back patio, the back
13 porch, of the residence.

14 Q. Did you take those photographs?

15 A. Some of them I did, some of them I did not.

16 Q. Do you recognize all of them?

17 A. Yes, I do.

18 Q. Do they all accurately represent how the back
19 porch looked that day?

20 A. That's correct. It does.

21 MR. KIDD: Your Honor, at this time the State
22 would offer to move State's Exhibit Numbers 31 through
23 37 into evidence.

24 MS. WINSLOW: Without objection.

25 THE COURT: State's 31 through 37 into evidence

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1 without objection.

2 You may publish.

3 MR. KIDD: Thank you, Your Honor.

4 [Whereupon, State's Exhibit Number 31 through
5 State's Exhibit Number 37 are admitted into evidence by
6 the Court]

7 Q. [Mr. Kidd] First I'm going to show you what's
8 been marked and entered into evidence as State's Exhibit
9 Number 36.

10 [Off the record momentarily]

11 Q. [Mr. Kidd] All right. So this is State's
12 Exhibit Number 36. Where on the house is that photograph?

13 A. That's hanging on a hook on the back patio.

14 Q. And can you tell the jury what is that hanging
15 on the hook?

16 A. It's a headlamp with a -- you strap it on your
17 head and it's got a -- like a flashlight on it.

18 Q. And what's the blue object?

19 A. A blue-in-color flashlight.

20 Q. Show you what's been marked as State's Exhibit
21 Number 37. Do you recognize that?

22 A. It's the same thing. Just a closer photo of the
23 blue flashlight and headlamp.

24 Q. And that's right there on the back porch of that
25 residence?

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1 A. That's correct.

2 Q. And that's at that Target Street?

3 A. Yes, sir.

4 Q. When -- what all did you do around that back-
5 porch area? Did you do any sort of forensic work back
6 there?

7 A. I assisted the other investigators there. We
8 had treated the back porch with a chemical called amido
9 black, which stains blood evidence on there. I took some
10 photographs back there. And we stained the back-porch
11 area and the back-door area with amido black in search of
12 blood.

13 Q. And I want to just try to make it a little
14 clearer to the jury about the amido black process. Can
15 you tell the jury about how that process takes place? Is
16 it just one chemical you spray on there, or how does it
17 work?

18 A. No.

19 It's -- I believe it's like three different
20 chemicals. You have the actual amido-black stain, which
21 is like a purple stain that goes on there, and then you
22 have a rinse which is -- has a chemical in it that's part
23 of the amido black. You rinse it down and it washes away
24 a lot of the amido black stuff so that the amido black
25 will only cling to the blood that you find and then

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1 there's a final rinse that you rinse it with, like
2 distilled water, to rinse off any final residue other than
3 the -- so that way the stain will adhere to just blood.

4 Q. And would that make the blood more apparent or I
5 guess more visible?

6 A. Yes, it does.

7 The blood will show up as a darker purple stain
8 than you would normally see.

9 Q. And does that -- a text like that would mean
10 that a the hundred percent that whatever it's stuck to is
11 blood? Or is it a presumptive test, or --

12 A. I believe it's a -- I believe you can have a
13 false positive with it, but for the most part it just
14 adheres to blood.

15 Q. Adheres to blood?

16 A. Yeah.

17 Q. I'm going to show you what's been marked and
18 entered into evidence as State's Exhibit Number 32. The
19 lighting for some reason doesn't seem to work real well.
20 Do you recognize that photograph?

21 A. Yes, I do.

22 Q. I want to show it to you in person first. I
23 think you might be able to tell a little better what I'm
24 talking about, State's Exhibit Number 32. Did you --
25 first of all, what's in that photograph?

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1 A. It's a doorknob to the back door of the house.

2 Q. Was that tested with amido black?

3 A. Yes, it was.

4 Q. Was there a positive test for blood on that
5 doorknob?

6 A. Yes. It's stained with the amido black.

7 Q. And do you see that stain in that photograph?

8 A. Yes, I do.

9 Q. And where is that?

10 A. On the doorknob right there.

11 Q. On what? On the top? bottom?

12 A. On the top of the doorknob, the one- and two-
13 o'clock position of the doorknob.

14 MR. KIDD: And I'm going to give you this little
15 laser pointer right there. This top button right here
16 shoots the laser.

17 THE WITNESS: Okay.

18 Q. [Mr. Kidd] And maybe you can show to the jury,
19 since it doesn't come up too clear on the photograph --
20 that's that State's Exhibit Number 32 that I just showed
21 you a minute ago. Can you point to the jury where that
22 stain or where the amido black tested?

23 A. Right in this area here, and here.

24 Q. And that's darkened from the amido black
25 processing?

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1 A. That's correct.

2 The amido black will actually leave a faint
3 stain, at times, on the object that you spray it on.
4 That's why you're rinsing it off, to try to rinse away the
5 lighter stuff and it -- when it detects blood, it shows up
6 as a dark purple stain.

7 Q. So when you do the rinse, it rinses away all of
8 the amido black except for the part that's adhered to the
9 blood?

10 A. That's correct.

11 Q. I'm going to show you State's Exhibit Number 31.
12 Is that that same doorknob?

13 A. I believe so, yeah.

14 Q. Do you see -- let me show it to you in person
15 again. I apologize.

16 MR. KIDD: May I approach, Your Honor?

17 THE WITNESS: It's a little hard to see.

18 THE COURT: You may.

19 MR. KIDD: It's just hard to see in the lighting
20 from that overhead.

21 Q. [Mr. Kidd] But do you see kind of an additional
22 stain on that photograph?

23 A. Yes, I do.

24 Q. While we're using the clock sequence -- or I'll
25 just let you point on the picture, actually. Where on

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1 that doorknob is that additional amido black stain?

2 A. It's a little hard to tell from the photograph
3 but you can see the light-purple stain here, as I
4 described, that washes away for the most part. But there
5 is a dark-purple stain right in this area which kind of --

6 Q. In the crease where the metals are?

7 A. Yeah, where the knobs meet with the locking-
8 mechanism portion.

9 Q. I'm going to show you what's been marked as
10 State's Exhibit Number 35. Do you recognize that?

11 A. Yes, I do.

12 Q. What is -- what are we looking at?

13 A. This is the screen door to the back -- on the
14 back of the house there was a screen and --

15 Q. I'm sorry. I probably should have shown you a
16 different photo. I'm going to show you State's Exhibit
17 Number 33 first. That might give you a clearer idea of
18 what we're looking at. Is that that same door?

19 A. Yes, sir, it is.

20 Q. And what are you holding -- and what's the ruler
21 being held on there for?

22 A. It's a photography scale to give perspective to
23 the photographs.

24 Q. And what are you giving scale to?

25 A. I'm sorry?

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1 Q. What are you giving scale to?

2 A. This stain right in this area. This darker
3 stain right in this area.

4 Q. And is that what State's Exhibit Number 35 is
5 depicting?

6 A. Yes, sir, the same stain here.

7 Q. And what is that stain?

8 A. It's indicative of blood on the door with amido
9 black stain.

10 Q. And State's Exhibit Number 34, that's also that
11 stain?

12 A. Yes, sir, that's the same stain.

13 Q. Thank you.

14 After processing that back-porch area, what else
15 did you do at the scene that day?

16 A. Sargent Hallman had gone to the house and I, you
17 know, assisted him by lending him my camera so he could
18 take photographs under there.

19 One other -- one of the detectives out there,
20 Bob Joiner, he had located some lawnmowers in back covered
21 up with a tarp and he lifted up the tarp and found two
22 bags of lime under there that I went and photographed.

23 Q. And let me show you what's been entered into
24 evidence as State's Numbers 26 and 27. First I'll show
25 you Number 27. Do you recognize that?

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1 A. Yes, sir, I do.

2 Q. Did you take that photograph?

3 A. Yes, I did.

4 Q. Were you with Investigator Joiner when you found
5 those bags?

6 A. Yeah.

7 He actually found them and, you know, he
8 searched around the exterior, the yard and stuff, and he
9 had pulled the tarp back and found that and he came and
10 got me and asked me to photograph it.

11 Q. So they were covered by that tarp?

12 A. Yes, sir.

13 Q. And State's Exhibit Number 26 is the same --
14 that same lime or that same --

15 A. Yes.

16 Q. -- closer up of that same photograph?

17 A. Yes, sir.

18 Q. Did you do anything else with those lime bags?

19 A. I know that they were collected.

20 Q. That's fine if you did not.

21 A. I believe I collected it.

22 Q. Did you ever have an opportunity to go into the
23 crawl space of that residence?

24 A. Yeah, later on after the victim's body was
25 removed.

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1 Q. What were you doing in the crawl space?

2 A. One of the detectives had said --

3 MR. BUTLER: Objection. May we approach?

4 THE COURT: You may.

5 [Whereupon, an off-the-record bench conference
6 is held]

7 THE COURT: Ladies and gentlemen, it's an
8 appropriate time for us to break for lunch.

9 Do not begin your deliberations. Do not discuss
10 this case amongst yourselves.

11 Please be back in your jury room. We will begin
12 promptly at 1:15. Thank you.

13 Please rise for the jury.

14 [Whereupon, the jury exits the courtroom at
15 11:50 a.m.]

16 THE COURT: Thank you. Please be seated.

17 Officer, the State needs to talk to you about
18 one thing that was contained in your report. Other than
19 that, you may not discuss your testimony with anyone.
20 Do you understand what that means?

21 THE WITNESS: Yes, ma'am.

22 THE COURT: All right. You may step down. I'll
23 need you back here at 1:10. Thank you.

24 THE WITNESS: Okay.

25 THE COURT: Thank you.

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1 MR. KIDD: Judge, can I just do it right here in
2 the open and settle it all?

3 THE COURT: That would be great. Thank you, Mr.
4 Kidd.

5 MR. KIDD: Officer, when we talk to you about
6 going in the crawl space, you just can't testify that
7 Detective Joiner told you that he heard that someone
8 kept a gun under there. You can testify that you're
9 searching for a gun but not that you heard --

10 THE WITNESS: I understand.

11 MR. KIDD: -- that the defendant kept a gun in
12 the crawl space.

13 THE WITNESS: I understand.

14 THE COURT: Any questions about that?

15 THE WITNESS: No, ma'am. I understand.

16 THE COURT: All right. Now, you may not
17 discuss the case any further with the State or with the
18 defendant or any other witnesses. Do you understand,
19 sir?

20 THE WITNESS: Yes, ma'am, I do.

21 THE COURT: Have a nice lunch. I'll see you
22 back at 1:10.

23 MR. KIDD: Thank you, Your Honor.

24 THE COURT: Thank you.

25 [Whereupon, a recess is taken from 11:52 a.m. to

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1 1:16 p.m.]

2 [Whereupon, Mr. Wyant retakes the witness stand]

3 THE COURT: I remind you that you're still under
4 oath. Thank you.

5 All right. Mr. Kidd, this is your witness;
6 correct?

7 MR. KIDD: Yes. Yes, Your Honor.

8 THE COURT: All right. Please rise for the
9 jury.

10 [Whereupon, the jury enters the courtroom at
11 1:16 p.m.]

12 THE BAILIFF: The jury is seated, Your Honor.

13 THE COURT: Thank you. Please be seated.

14 Mr. Kidd, your witness.

15 MR. KIDD: Thank you, Your Honor. Please the
16 Court.

17 Officer Wyant, just got a couple of last
18 questions.

19 Q. [Mr. Kidd] I believe where we left off, we were
20 kind of right towards the end of what you did over there
21 on Target Street. Do you remember going underneath the
22 house at Target Street?

23 A. Yes, I do.

24 Q. Was the body still under there or had it been
25 removed at that point?

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1 A. It had been removed at that point.

2 Q. And what were you searching for?

3 A. Any sort of weapons, handguns, knives, anything
4 like that. Specifically guns.

5 Q. Did you search the crawlspace of that house?

6 A. Yes, sir, I did.

7 Q. Did you find any weapons of any sort?

8 A. No, sir, I did not.

9 MR. KIDD: The Court's indulgence.

10 THE COURT: Yes, sir.

11 [Whereupon, Mr. Kidd and Mr. Young confer]

12 MR. KIDD: No further questions.

13 THE COURT: Mr. Butler?

14 MR. BUTLER: Good afternoon, Corporal.

15 THE WITNESS: How are you doing, sir?

16 MR. BUTLER: Fine, thank you.

17 CROSS-EXAMINATION

18 BY MR. BUTLER:

19 Q. I just have a few questions. I want to start
20 asking you about the -- the amido black?

21 A. Amido black, yes, sir.

22 Q. And like many things in forensics, you are a
23 crime scene investigator?

24 A. That's correct.

25 Q. We're all familiar with the term CSI from

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1 television.

2 A. Yes, sir.

3 Q. You probably get annoyed with questions about
4 that; right?

5 A. Yeah, occasionally.

6 Q. All right. But that's what you do, you use
7 forensic science to detect sometimes very minute pieces of
8 physical evidence?

9 A. Yeah. We try.

10 Q. And with advances in technology, fortunately for
11 all of us, that becomes easier and easier with time?

12 A. Yeah.

13 It becomes more specific. There's more things
14 you can do now, yes.

15 Q. For example, the spots of blood that you were
16 able to test, they were very small; correct?

17 A. Some of them, yes.

18 Q. Now, tell me if I'm wrong about this. The
19 process that you used, will it not also detect the
20 presence of blood where there's been an attempt to clean
21 the area?

22 A. Yes. Yes.

23 Q. Okay. You found no such evidence of that in
24 this case?

25 A. Where it was clean or --

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1 Q. Right.

2 A. -- where an attempt was made where it was
3 cleaned?

4 Q. Right.

5 A. Not that I know of.

6 Q. And I want to talk a little bit about the
7 evidence from the doorhandle. You collected and
8 photographed all of this on April 27th, 2006; correct?

9 A. I believe that was the date, yeah.

10 Q. And do you have your report?

11 A. Yes, sir, I do.

12 Q. Your report says the 28th --

13 A. Yeah.

14 Q. -- so it could be the 28th. Could it be the
15 28th, the date you were --

16 A. Yes. The report says the 28th, yeah.

17 Q. Okay. The date that you were out there and you
18 made these photographs and observations and collected the
19 evidence the 28th. Okay.

20 A. [No response]

21 Q. Processing things like door handles, and things
22 that people touch, for forensic evidence can at times
23 prove to be difficult; right?

24 A. They can, yes.

25 Q. And that's because sometimes a lot of people

1 touch those substances -- I mean, those objects and
2 surfaces?

3 A. That's correct, yes.

4 Q. All right. And although it may be contrary to
5 what we ordinarily think, sometimes the more times that
6 someone touches something, the less likely it is you're
7 able to process that object or surface for evidence?

8 A. That's correct.

9 Q. Okay. But in this case the blood was still
10 present on the doorknob on April 28th?

11 A. That's correct.

12 Q. And you got your report with you?

13 A. Yes, sir --

14 Q. Take a --

15 A. -- I do.

16 Q. Take a second to review it, please, then I'm
17 going to ask you a question.

18 [Whereupon, the witness reviews documents]

19 [Whereupon, Mr. Butler and Ms. Winslow confer]

20 MR. BUTLER: Just take your time, Corporal, and
21 let me know when you've had a chance to review that.

22 [Whereupon, the witness reviews documents]

23 THE WITNESS: Okay.

24 Q. [Mr. Butler] Report-writing is just part of
25 being a cop; right?

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1 A. That's correct.

2 Q. You go out and you observe. You then go back
3 and document the things you've observed; right?

4 A. Yes.

5 Q. Either through reports or photographs; right?
6 And you did --

7 A. That's correct.

8 Q. -- that in this case?

9 And, you know, I note that your report contained
10 most of what you testified to today; right? The blood,
11 the socks, the lime, all of that is in your report;
12 correct?

13 A. That's correct.

14 Q. But there's nothing in your report about that
15 flashlight that was in State's 36 and 37, unless I missed
16 it. Is that in there?

17 A. No, I don't see it in my report.

18 Q. And that item was not processed for
19 fingerprints; is that correct?

20 A. As far as I know, it was not.

21 MR. BUTLER: Beg the Court's indulgence.

22 THE COURT: Yes, sir.

23 [Whereupon, Mr. Butler and Ms. Winslow confer]

24 MR. BUTLER: Thank you, Corporal.

25 THE WITNESS: Thank you.

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1 MR. KIDD: Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. KIDD:

4 Q. The question Mr. Butler just asked you was when
5 someone tries to clean up a blood spot, you can still test
6 for it and still positively identify a blood spot that's
7 been -- an attempt has been made to clean it up?

8 A. That's correct.

9 Q. What if they use certain chemicals to try to
10 clean it up? Can they clean it up to an extent that makes
11 it to where you can't discover it?

12 A. Yes, they can.

13 Q. What sort of chemicals could you use I guess to
14 mask the presence of blood?

15 A. You can clean up with peroxide, you can clean it
16 up with bleach and water. That's usually what we --

17 Q. And would that make it impossible for you to
18 detect the presence of blood if that process had been used
19 to clean it up?

20 A. It can, yes.

21 Q. What sort of surface would be more conducive to
22 a cleaning process that would make it hard for you to
23 detect the presence of blood?

24 A. Can you rephrase -- can you repeat the question?

25 Q. I guess -- I'm sorry. It was a pretty compound

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1 question.

2 I guess when you have -- would it be easier to
3 clean blood off of a smooth surface or a porous surface?

4 A. A smooth surface.

5 Q. So like if it was wood, that would be a more
6 difficult surface to clean blood off of?

7 A. Versus a smooth surface like glass or linoleum.

8 Q. Or like a linoleum floor?

9 A. That's correct, yeah.

10 Q. Now, had a suspect been generated at the time
11 you were at Target Street?

12 A. Yes, they had a suspect in mind. Yes.

13 Q. And who was that?

14 A. The defendant.

15 Q. And --

16 MR. BUTLER: I'm going to have to object to
17 beyond the scope of my cross at this point.

18 THE COURT: Overruled.

19 Q. [Mr. Kidd] And with that in mind, would it be
20 common to find fingerprints or evidence of the defendant's
21 presence at the scene at the house where he lives?

22 A. Yes, it would.

23 Q. And so why would you not I guess in this case
24 test a hanging flashlight over a porch for fingerprints?

25 A. Because you would expect to find the -- in this

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1 case the defendant lived in that residence and you would
2 expect to find his fingerprints on items at that
3 residence, so it wouldn't prove or disprove anything.

4 MR. KIDD: The Court's indulgence.

5 THE COURT: Yes, sir.

6 [Whereupon, Mr. Kidd and Mr. Young confer]

7 MR. KIDD: Nothing further.

8 MR. BUTLER: Just briefly, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. BUTLER:

11 Q. On that last point, the presence of his
12 fingerprints might not prove anything. Because he lives
13 there, you would expect that; right?

14 A. That's correct.

15 Q. But the absence of his fingerprints would be
16 meaningful, wouldn't it?

17 A. Not necessarily.

18 It depends on if the -- if the items was hanging
19 there for an extended period of time, you may not find his
20 fingerprints, especially if it's out in the weather.

21 Q. Yeah. Okay. I mean, you don't always get
22 results. But I mean, I guess I understand the point that,
23 look, something that is in my house, you would expect my
24 fingerprints to be on it. But the absence of my
25 fingerprints on an object in the house would at least

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1 allow for the inference that I hadn't touched it; right?

2 A. It --

3 Q. It wouldn't necessarily mean that, but it could
4 mean that?

5 A. It could mean that, yes.

6 Q. All right. And as to the question about there
7 are some steps a person can take to make sure that no
8 process can detect the presence of blood and the question
9 put to you by the prosecution was would that make it
10 impossible and your answer was it can be. I mean, I'm
11 struggling with there's something that a person could do
12 that could -- can possibly make it impossible for you to
13 collect the presence of blood; is that right?

14 A. That's correct.

15 Q. Okay. Now, that could depend upon the surface,
16 whether it was smooth like glass, you said?

17 A. That's correct, yes.

18 Q. But I -- tell me if this is right. A porous
19 surface like fibers and carpet, that would be more
20 difficult to get blood out of; correct?

21 A. That is correct, yes.

22 Q. And, also, if you use something like bleach or
23 peroxide on dyed fibers, you would expect that to alter
24 the fiber; right?

25 A. That's correct, yeah.

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1 Q. All right. And you would see the pool of bleach
2 or peroxide had bleached out or whited out the colored
3 fiber in the carpet; right?

4 A. I know bleach would. I don't what effect
5 peroxide would have on a carpet.

6 Q. And I will admit I watch too much Forensic Files
7 and --

8 A. Yeah.

9 Q. -- I don't want to pretend that I know more than
10 you. But is this -- amido black?

11 A. Amido black.

12 Q. Amido black.

13 A. Yes, sir.

14 Q. Does it function much like luminal?

15 A. No.

16 Luminal will floress when it comes in contact
17 with blood, and this is more of a stain. This actually
18 adheres to the enzymes in the blood stains.

19 Q. But it functions in the same way?

20 A. It's a -- it helps you locate blood when you
21 can't see it with your --

22 Q. When you can't --

23 A. -- with the naked eye.

24 Q. -- see it with the naked eye.

25 A. That's correct.

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1 Q. Even if somebody has taken extreme measure to
2 clean it up; right?

3 A. We can still have false positive with that, but,
4 yes, I --

5 Q. All right. You can have false positives where
6 you could find the presence of blood that wasn't there.
7 I'm not asking you about that. You didn't find any
8 evidence of blood that had been made -- there had been an
9 attempt to clean it up in this house?

10 A. That's correct. I didn't find any blood.

11 MR. BUTLER: That's all I have. Thank you.

12 THE COURT: You may step down. Thank you.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15 THE COURT: Call your next witness.

16 MR. YOUNG: The State calls Officer Coker.

17 [Whereupon, Mr. Coker comes forward]

18 THE CLERK OF COURT: Place your left hand here
19 and raise your right hand.

20 [Whereupon, Mr. Coker is duly sworn by the clerk
21 of court as follows: do you swear or affirm that the
22 testimony you shall give the Court and the jury in the
23 trial of this case shall be the truth, the whole truth,
24 and nothing but the truth, so help you God]

25 THE WITNESS: Yes, I do.

1 THE CLERK OF COURT: Please take your seat.

2 [Whereupon, Mr. Coker takes the witness stand]

3 THE CLERK OF COURT: Please state your first and
4 last name, spelling your last for the record.

5 THE WITNESS: First name is Robert. Last name
6 is Coker, C-O-K-E-R.

7 MR. YOUNG: Good afternoon, Officer Coker.

8 THE WITNESS: Good afternoon.

9 - - - - -

10 ROBERT COKER,

11 Having Been First Duly Sworn,

12 was Examined and Testified as Follows:

13 DIRECT EXAMINATION

14 BY MR. YOUNG:

15 Q. Tell the jury where you work.

16 A. I work for the North Charleston Police
17 Department.

18 Q. That's in North Charleston, South Carolina?

19 A. Yes, in North Charleston, South Carolina.

20 Q. How long have you been employed by them?

21 A. I've been employed with the North Charleston
22 Police Department for twenty years.

23 Q. What are your present duties with the --
24 officer?

25 A. I'm assigned to the forensic unit.

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1 My duties include latent fingerprint examination
2 and crime scene investigation and examination.

3 Q. And were you in the course of these duties on
4 April 27th, 2006?

5 A. Yes, I was.

6 Q. Can you kind of explain to the jury -- I know
7 you've touched on it -- what does crime scene mean again,
8 and, again, what do you do in crime scene?

9 A. In the crime scene unit or in the forensic unit
10 we respond to scenes of alleged crimes and conduct
11 investigations, to try to determine how the incident
12 occurred, by identifying -- collecting evidence, process
13 any evidence as necessary, photographing and/or
14 videotaping any scenes.

15 Q. And did you respond to a scene at Target
16 Street in North Charleston on April 27th of '06?

17 A. Yes, I did.

18 Q. Approximately what time was it? Do you
19 remember?

20 A. I do not recall exactly what time it was.

21 Q. Let you look at your report.

22 MR. YOUNG: Can I approach the witness, Your
23 Honor?

24 Q. [Mr. Young] Refresh your memory.

25 A. Documented at 1410 hours, which is 2:10 in the

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1 afternoon.

2 Q. What was this in reference to?

3 A. In reference to the death investigation possibly
4 related to a homicide.

5 Q. Tell the jury what you observed when you
6 arrived.

7 A. When I arrived there were multiple detectives on
8 the scene, as well as several other investigators in the
9 forensic unit, and they were in the process of starting to
10 serve a search warrant on the location.

11 Q. Did you have an opportunity to search the back
12 yard for any kind of evidence?

13 A. Yes.

14 I was accompanied by Detective Joiner at the
15 time.

16 Q. Show you what's been marked --

17 MR. YOUNG: May I approach the witness, Your
18 Honor?

19 THE COURT: You may.

20 Q. [Mr. Young] -- State's 38, 39, 40 and 41. Tell
21 me if you recognize what those four photos are.

22 A. Yes. These are several items that were found in
23 the back yard during our search.

24 Q. Is that the way they looked that day?

25 A. Yes. These were photographed as we located

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1 them.

2 Q. It's a fair and accurate representation of how
3 they looked?

4 A. Yes.

5 MR. YOUNG: At this point I would ask to admit
6 State's 38, 39, 40 and 41 into evidence.

7 THE COURT: 38, 39, 40 and 41, Mr. Young?

8 MR. YOUNG: Yes, Your Honor.

9 MS. WINSLOW: No objection.

10 THE COURT: State's 38, 39, 40 and 41 into
11 evidence without objection. You may publish.

12 [Whereupon, State's Exhibit Numbers 38, 39, 40
13 and 41 are admitted into evidence by the Court]

14 MR. YOUNG: May I publish those, Judge?

15 THE COURT: You may.

16 Q. [Mr. Young] Officer Coker, I'm going to get you
17 to look at these photos.

18 A. Certainly.

19 Q. This is stuff -- some of the stuff that you
20 reviewed, photographed, that day; is that right?

21 A. Yes, sir.

22 Q. Tell the jury, if you can see, what's -- what we
23 are looking at right here.

24 A. This -- in particular, the item on the left
25 right here is a Febreeze can, and a bottle of cleaner on

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1 the right --

2 Q. Can you tell us -- is this -- what that is right
3 there?

4 A. That is a ruberized or Rubermade-style
5 container.

6 Q. Container?

7 A. Yes.

8 Q. I'm going to show you what's been marked and
9 admitted as State's 39. What is that?

10 A. A bottle of Odor Ban that was also found in the
11 container.

12 Q. What are Odor Ban and Febreeze used for?

13 A. Usually for masking odors.

14 Q. I'm going to show you what's been marked as
15 State's 40. Don't know if you can see in this overhead.
16 What is that?

17 A. That's a photo of the same items but it's zoomed
18 out.

19 Q. And this right here that I'm pointing at is
20 what?

21 A. The Febreeze can.

22 Q. And what is that?

23 A. That is the Odor Ban bottle.

24 Q. Show you what's been marked and admitted as
25 State's 41. Do you recognize that?

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1 A. Yes.

2 That is a shopping bag that contained a bag of
3 lime.

4 Q. A bag of lime --

5 A. Yes.

6 Q. -- you said?

7 A. Yes.

8 Q. So along with the Febreeze and Odor Ban, you
9 spoke about a bag of lime. Was that also -- what that
10 also located in the back yard?

11 A. That was located nearby, yes, sir.

12 Q. Do you remember who you were with when you found
13 that?

14 A. I was with Detective Joiner.

15 Q. After the lime and odor block and stuff, did you
16 find anything else?

17 A. In the back yard?

18 Q. Yes.

19 A. Those items we just located underneath a tarp,
20 and several yard tools.

21 Q. So as far as back yard, did you do anything
22 else?

23 A. No. I just assisted some other investigators
24 with what processes they were going through.

25 MR. YOUNG: Court's indulgence, Judge.

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1 THE COURT: Yes, sir.

2 [Whereupon, Mr. Young and Mr. Kidd confer]

3 MR. YOUNG: No further questions, Judge.

4 THE COURT: Mr. Butler?

5 MR. BUTLER: Good afternoon, Corporal.

6 THE WITNESS: Afternoon.

7 MR. BUTLER: I just have a few quick questions.

8 CROSS-EXAMINATION

9 BY MR. BUTLER:

10 Q. The date that those photographs were taken,
11 that's on April 27th, 2006?

12 A. It was the date the incident occurred. I'm --

13 Q. Well --

14 A. -- going to have to refer to the report.

15 Q. I'm sorry. It's an open question.

16 A. Yes.

17 Q. The date you went out there is the date that the
18 photographs were taken?

19 A. Correct. That's correct, yes.

20 Q. Do you not have your report?

21 A. I do not have a copy in front of -- I do have
22 one with me but I -- if you wish me to use yours --

23 MR. BUTLER: May I approach the witness?

24 THE COURT: You may.

25 Q. [Mr. Butler] See if you recognize this and if

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1 it refreshes your recollection.

2 A. Yes, sir. This is a different report.

3 Q. What about this one?

4 A. Yes, sir. That would be the date --

5 Q. And the date would be what?

6 A. April 27th.

7 Q. Okay. Good. All right. Thank you.

8 You also at some point possessed socks that were
9 collected from the crime scene?

10 A. Yes, sir.

11 Q. You did not personally collect them?

12 A. I did not.

13 Q. Okay. You had them in your possession for two
14 weeks?

15 A. A couple of weeks, yes, sir.

16 Q. In 2010?

17 A. Yes, sir.

18 Q. Four years later, you had the socks in your
19 possession for two weeks?

20 A. I believe it was about two weeks. I would have
21 to look at the dates on the report.

22 Q. Where did you have them?

23 A. They were secured in the forensic unit. I have
24 an area we can secure them.

25 Q. Okay. And is it common for evidence to stay in

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1 your possession for two weeks?

2 A. It depends on how busy the office is. If we're
3 extremely busy, some of the office -- some of the evidence
4 may sit there for a little while until we can get to
5 examining it.

6 Q. Where did you collect it from?

7 A. I received it from the evidence custodian.

8 MR. BUTLER: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 [Whereupon, Mr. Butler and Ms. Winslow confer]

11 Q. [Mr. Butler] And that time period that you had
12 the socks, that was before they were sent to SLED for
13 testing?

14 A. I believe they had already been sent once for
15 examination and then had been returned.

16 Q. And had been returned and then had to go back?

17 A. That's correct.

18 After I examined them, they were subsequently
19 submitted again to SLED.

20 Q. And do you know why they had to be resubmitted?

21 A. They were resubmitted to do some DNA collection
22 and testing on what might possibly be blood on them.

23 Q. Okay. Why wouldn't that have been done the
24 first time they were sent --

25 A. I do not -- I did not fill out the request the

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1 first time.

2 MR. BUTLER: Beg the Court's indulgence.

3 [Whereupon, Mr. Butler and Ms. Winslow confer]

4 MR. BUTLER: That's all I have. Thank you.

5 THE WITNESS: Thank you.

6 THE COURT: Redirect?

7 MR. YOUNG: Just briefly, Judge.

8 REDIRECT EXAMINATION

9 BY MR. YOUNG:

10 Q. Officer Coker, why did you have the socks in
11 2010?

12 A. I was requested by solicitor's investigator
13 Sherry Niblock [phonetic] here to -- to examine the socks
14 to determine if they were saturated with blood or just had
15 blood stains on them.

16 Upon receiving the request, I requested that the
17 evidence custodian provide the socks to me, which they
18 did. I secured them while I was busy working on other
19 cases. When I got an opportunity to, then I unsealed the
20 box, which had been sealed by SLED investigators, examined
21 the socks, determined they were just slightly splattered
22 with blood, and then notified her of my findings and she
23 requested that I send them back to SLED for DNA testing,
24 which I repackaged and submitted to the evidence locker to
25 go to SLED again.

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1 Q. So you re-secured them, put them back in the
2 locker, and --

3 A. Yeah. I would have resealed the box and then
4 submitted it back to the evidence custodian.

5 Q. Okay. And what did you -- and so that's what
6 you did?

7 A. Yes. That's correct.

8 Q. Did you tamper with the socks at all?

9 A. No. I just examined them.

10 MR. YOUNG: No more questions, Your Honor.

11 MR. BUTLER: No, ma'am.

12 THE COURT: You may step down. Thank you.

13 THE WITNESS: Thank you.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

16 THE COURT: Call your next witness.

17 MR. KIDD: The State calls Al Hallman.

18 [Whereupon, Mr. Hallman comes forward]

19 THE CLERK OF COURT: Raise your right hand.

20 [Whereupon, Mr. Hallman is duly sworn by the
21 clerk of court as follows: do you swear or affirm that
22 the testimony you shall give the Court and the jury in
23 the trial of this case shall be the truth, the whole
24 truth, and nothing but the truth, so help you God]

25 THE WITNESS: Yes, sir.

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1 [Whereupon, Mr. Hallman takes the witness stand]

2 THE CLERK OF COURT: Sir, could you state your
3 first and last name, spelling your last for the record.

4 THE WITNESS: Al Hallman. H-A-L-L-M-A-N.

5 THE COURT: Mr. Kidd.

6 MR. KIDD: Thank you, Your Honor. May it please
7 the Court.

8 And, Your Honor, I apologize. I forgot to mark
9 a couple of things with the court reporter. Could I
10 have a brief moment?

11 [Whereupon, State's Exhibit Numbers 42, 43, 44,
12 45, 46, 47, 48, 49, 50 and 51 are marked by the court
13 reporter]

14 [Off the record momentarily]

15 MR. KIDD: Good afternoon, Officer Hallman.

16 THE WITNESS: How are you doing.

17 - - - - -

18 \ AL HALLMAN,

19 Having Been First Duly Sworn,
20 was Examined and Testified as Follows:

21 DIRECT EXAMINATION

22 BY MR. KIDD:

23 Q. Could you tell the jury where you're employed?

24 A. With the City of North Charleston Police
25 Department.

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1 Q. How long have you been employed there?

2 A. Coming up on twenty-four years.

3 Q. Where do you -- what's your current title and
4 duties with North Charleston?

5 A. My current assignment is a road supervisor. I'm
6 assigned to the evening-shift North units.

7 Q. And in April of 2006, what was your title/duties
8 with North Charleston?

9 A. My title at that time was the forensic
10 supervisor of the crime scene unit.

11 Q. So you were the supervisor of the crime scene
12 unit in April of 2006?

13 A. Yes, sir.

14 Q. Do you remember getting involved in a homicide
15 investigation on April 27th, 2006, at Target Street?

16 A. Yes, sir.

17 MR. KIDD: May I approach, Your Honor?

18 THE COURT: You may.

19 MR. KIDD: Court's indulgence.

20 [Whereupon, Mr. Kidd reviews documents]

21 Q. [Mr. Kidd] I'm going to show you what's been
22 entered into evidence as State's Exhibit Number 57. Do
23 you recognize that or can you tell what that is?

24 A. That's a -- it appears to be a three-dimensional
25 Google map's overhead of a neighbor -- several

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1 neighborhoods, actually.

2 Q. Are you kind of familiar with that general area?

3 A. Yes, sir.

4 Q. Can I get you to put an X on where Target Street
5 is if you --

6 A. If you can give me a second.

7 Q. Yeah, it's -- it's small writing, too. I
8 apologize.

9 A. Okay. Just put an X?

10 Q. Yes, that will be fine. And kind of make it
11 kind of big so that when I put it on the overhead the jury
12 will be able to see it.

13 A. There you go.

14 Q. Thank you, sir.

15 It's tough to see, but is that the X that you
16 just put on the map there?

17 A. Yes, it is.

18 Q. And are you familiar with where Yeamans Hall
19 Road is on this map? And once again, I apologize. I know
20 this is kind of tough to see.

21 A. Yeamans Hall Road is off of Remount Road.

22 Q. Do you know which road on there is Remount?

23 A. I'm trying to depict that now. I mean, looking
24 at this, I can't tell -- maybe that. I'm not sure. I
25 would have to look at that map closer up, but I can't tell

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1 from --

2 Q. I'll try one more time and then maybe we can --

3 A. I can't tell from the overhead, no.

4 Q. All right.

5 A. Let's see. Remount Road is right here. Yeamans

6 Hall -- do you want me to put an X?

7 Q. Or how about an arrow.

8 A. Okay.

9 Q. We've already got two Xs on there.

10 A. Try that.

11 MR. KIDD: I'm going to try to change this one

12 last time, and then I'm going to give up.

13 [Off the record momentarily]

14 Q. [Mr. Kidd] All right. That kind of makes your
15 markings more clearer.

16 A. Right there.

17 Q. So that's the --

18 A. This is Remount Road right here. And that's

19 Yeamans Hall Road, as well.

20 Q. That's Yeamans Hall going up that way. And then

21 you have Target Street marked with an X down there at the

22 bottom?

23 A. Right there.

24 Q. All right. Thank you.

25 A. Uh-huh.

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1 Q. All right. Try to get back on track.

2 What are the first things you did when you
3 responded to the crime scene that day?

4 A. Once I arrived on scene, I met with officers
5 that were already on scene and basically obtained
6 information as to what had been found. And at that point,
7 once I had determined what they were dealing with and
8 verified it with my own eyes, I called for additional
9 crime scene units to assist in the processing of the crime
10 scene.

11 Q. Did you have the opportunity to go underneath
12 the residence?

13 A. Yes, I did.

14 Q. Who was -- who accompanied you under the
15 residence?

16 A. The deputy coroner, Judy Culpén.

17 Q. Did you take any photographs under there?

18 A. Yes, I did.

19 Q. What was your purpose for going underneath the
20 residence?

21 A. To -- we had received information of a possible
22 decomposing body underneath the house and no one had been
23 all the way into the -- underneath the side of the house
24 where the body was actually at so I donned the protective
25 gear and went and looked for myself, verified it. And

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1 then with the arrival of the deputy coroner, we went back
2 under the house again to began photographing.

3 Q. Okay. So you went --

4 MR. KIDD: If I may approach, Your Honor.

5 Q. [Mr. Kidd] I'm going to show you what's been
6 marked as State's Exhibit Number 42. Do you recall that
7 photograph?

8 A. Yeah. That's a photograph of me and Ms. Culpen,
9 getting geared up and ready to go under the house, along
10 with Sargent Tom Smith.

11 MR. KIDD: Offer State's Exhibit Number 42 into
12 evidence.

13 MS. WINSLOW: Without objection.

14 THE COURT: State's 42 into evidence without
15 objection.

16 [Whereupon State's Exhibit Number 42 is admitted
17 into evidence by the Court]

18 Q. [Mr. Kidd] All right. And I'm showing you now
19 what's been marked and admitted into evidence as State's
20 Exhibit Number 42. Is that the photo that I just showed
21 you?

22 A. Yes, it is.

23 Q. And which one are you in that photo?

24 A. That's me right here.

25 Q. And that's -- is that prior to you going

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1 underneath the house?

2 A. Yes.

3 And that's Judy Culpen, and that's Sargent Tom
4 Smith.

5 Q. I'm now going to show you what's been marked for
6 identification purposes as State's Exhibit Number 43. Do
7 you recognize that photograph?

8 A. That's a photograph, taken by my self,
9 underneath the house underneath the crawl space.

10 Q. Do you know about which -- like which direction
11 that's going? Is that right in the entranceway, or in the
12 back corner?

13 A. I don't recall exactly where. I know it's once
14 you enter the crawl space I went off at an angle to the
15 right and back towards a little culvert where the body was
16 located underneath the stairs.

17 Q. So you're not sure what perspective that's
18 looking at?

19 A. I believe it's just from the entrance of the --
20 the entrance right here from the crawl space, going in and
21 just kind of panning to the right, taking that shot of
22 there, trying to document the scene before it was
23 disturbed once we entered.

24 Q. And this is how that crawl space looks on that
25 day --

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1 A. That's correct.

2 That photograph was taken prior to anyone -- any
3 -- myself or Judy Culpén going underneath the house.

4 MR. KIDD: The State offers State's Exhibit
5 Number 43.

6 MS. WINSLOW: No objection.

7 THE COURT: State's 43 into evidence without
8 objection.

9 [Whereupon, State's Exhibit Number 43 is
10 admitted into evidence by the Court]

11 Q. [Mr. Kidd] And I'm showing you now what -- is
12 that the photograph we were just discussing, State's
13 Exhibit Number 43?

14 A. Yes, it is.

15 Q. And that's a -- how -- can you approximate how
16 high you think that crawl space is?

17 A. Not very. Once we got under the house we could
18 barely get on our hands and knees. I mean, it was kind of
19 tight.

20 Q. Did you have to crawl on your belly or --

21 A. No.

22 We had -- we could crawl on our hands and knees,
23 but kind of slumped over, but we were able to maneuver our
24 way through there.

25 Q. So it was -- at least in that photograph, like

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1 it's what, three cinder-blocks high?

2 A. About maybe two and a half. I mean, it wasn't a
3 whole lot of room.

4 Q. I'm going to show you what's been marked for
5 identification as State's Exhibit Number 48. Do you
6 recognize that photograph?

7 A. Yes.

8 That's another photograph, from underneath the
9 house, taken a little bit closer to the culvert where the
10 body was found.

11 MR. KIDD: Your Honor, at this time we would
12 like to offer State's Exhibit Number 48 into evidence.

13 MS. WINSLOW: Without objection.

14 THE COURT: And that's 48?

15 MR. KIDD: 48. Yes, Your Honor.

16 THE COURT: State's 48 into evidence without
17 objection.

18 [Whereupon, State's Exhibit Number 48 is
19 admitted into evidence by the Court]

20 Q. [Mr. Kidd] And once again, is that the
21 photograph I just talked to you about?

22 A. Yes, it is.

23 Q. Where is the body located in reference to this
24 photograph?

25 A. I believe it's right around this corner.

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1 The culvert actually goes this way, and the
2 stairs would be back in this area. So there's a little
3 culvert area back here.

4 Q. Where would the access to the crawl space be
5 located in reference to this picture?

6 A. Coming back this way at a diagonal. Coming back
7 towards this way here.

8 Q. So if you're standing taking this --

9 A. If I'm --

10 Q. -- picture, it would be --

11 A. If I'm --

12 Q. -- behind you?

13 A. If I'm facing this way in the picture, the crawl
14 space would be off diagonal to my right.

15 Q. So with that assumption, would it be safe to say
16 that the body is located just about the farthest possible
17 distance from where the --

18 A. Almost to the far right --

19 Q. -- access is?

20 A. -- corner. Yes.

21 Q. And the clarity is -- but can you tell what this
22 kind of pile of stuff is right here? I'll give you a
23 better picture in a second but -- how about I just go
24 ahead and give you a better picture.

25 MR. KIDD: May I approach, Your Honor?

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1 THE COURT: You may.

2 Q. [Mr. Kidd] I'm going to show you what's been
3 marked as State's Exhibit Number 44. Do you recognize
4 that photograph?

5 A. Yes.

6 Q. What's in that photograph?

7 A. There's a Road and Track magazine, a broken
8 plate, some baggies, grocery baggies or whatever, and
9 tinfoil, and it looks like a liquor bottle of some sort,
10 and just other various debris.

11 Q. And is that how it looked that day?

12 A. Yes.

13 Q. And was that before anything -- at least you or
14 anyone on the scene that day disturbed it?

15 A. That was a photograph coming up to the location
16 of the body before it was disturbed, yes.

17 MR. KIDD: Offer State's Exhibit Number 44 into
18 evidence.

19 MS. WINSLOW: Without objection.

20 THE COURT: State's 44 into evidence without
21 objection.

22 [Whereupon, State's Exhibit Number 44 is
23 admitted into evidence by the Court]

24 MR. KIDD: Now, let me back up a little bit.

25 Q. [Mr. Kidd] And according to your testimony

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1 earlier, where is the body in relation to this?

2 A. Back in this culvert area back here.

3 Q. So is it kind of just right around that corner?

4 A. Yes, and actually back in a good little bit.

5 Q. Well, how far do you think it is from that pile
6 of debris right there?

7 A. Three feet, two feet.

8 Q. So close?

9 A. Very, very close, yeah.

10 Q. Okay. And I'm going to show you what's been
11 marked for identification as State's Exhibit Number 49.

12 A. That's a closeup photograph of the Road and
13 Track magazine.

14 MR. KIDD: At this point, I offer State's
15 Exhibit Number 49 into evidence.

16 MS. WINSLOW: Without objection.

17 THE COURT: State's 49 into evidence without
18 objection.

19 [Whereupon, State's Exhibit Number 49 is
20 admitted into evidence by the Court]

21 Q. [Mr. Kidd] Now, this is hard to see even in the
22 picture right in front of you. Can you tell me what the
23 label on that magazine is?

24 A. It says Eric Robinson. Looks like -- I can't
25 make out the 2. It looks like Target Street.

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1 Q. Thank you.

2 And just for the jury, is this that photograph I
3 just showed you?

4 A. Yes, it is.

5 Q. And this is just a closeup of that Road and
6 Track magazine right there?

7 A. Yes, it is.

8 Q. And you were just reading off that label that's
9 a little bit torn off at the bottom?

10 A. Yes, sir, right there.

11 Q. I'm going to show you what's been marked as
12 State's Exhibit Number 45 for identification purposes. Do
13 you recognize that?

14 A. Yes. It's a Wachovia ATM bank card.

15 Q. And is this photograph how you found that
16 underneath the residence?

17 A. Yes, it is.

18 MR. KIDD: Offer State's Exhibit Number 45 into
19 evidence.

20 MS. WINSLOW: Without objection.

21 THE COURT: State's 45 into evidence without
22 objection.

23 [Whereupon, State's Exhibit Number 45 is
24 admitted into evidence by the Court]

25 Q. [Mr. Kidd] And is that what we just discussed?

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1 A. Yes, it is.

2 Q. Is that that same kind of vicinity?

3 A. Yes.

4 It's within a -- probably -- and I'm going from
5 recollection. Probably within a five-foot area square.

6 Q. I'm going to try to -- do you see that top
7 corner of that picture?

8 A. Yes.

9 Q. Does that kind of look like a magazine?

10 A. Yes, it does.

11 Q. All right. I'm going to show you again what's
12 been previously admitted as State's Exhibit Number 44.

13 It's tough to see on the overhead, but do you recognize
14 what that is right there?

15 A. No, I do not. Nothing.

16 Q. Let me show you the photograph.

17 [Whereupon, the witness reviews documents]

18 A. Oh, okay. I see it now. That's the ATM bank
19 card.

20 Q. [Mr. Kidd] And that's the card that's on the
21 overhead screen now?

22 A. Yeah. And that's the book, that was in the
23 screen with it, right here.

24 Q. Got you.

25 I'm going to put this back up there and ask you

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1 to point it out to us.

2 A. Okay.

3 Q. What we're looking at now is the closeup of the
4 bank card?

5 A. Right.

6 Q. And what we're looking at now is a little
7 farther zoomed out?

8 A. The bank card is right there. And that's the
9 book pages that was in that other photograph.

10 Q. All right. Do you know whose name was on that
11 bank card?

12 A. Can I check my report? I believe it's Mary
13 Goodwin. Yeah, Mary Goodwin.

14 Q. Once under the residence, you went under there
15 with the Coroner, what did you do?

16 A. Well, as I stated, both of us photographed our
17 way up to the location of the body, identifying any
18 potential items of evidence on the way to the location of
19 the body. Once we got to the location where the victim
20 was, we photographed that area numerous -- from numerous
21 angles, close-up angles and everything, and then we backed
22 out from the residence to kind of regroup and discuss what
23 we were going to do as far as the collection of evidence
24 and stuff.

25 Then we both went back underneath there. I

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1 collected several items of evidence, to include -- the
2 victim's body had like a white powder substance on it. I
3 collected some of that powder from the top of his body.
4 Several other items were collected by my self. Once
5 everything of evidentiary value noted at that time was
6 collected, I then assisted Ms. Culpen in the removal of
7 the victim's body from underneath the house.

8 MR. KIDD: May I approach the court reporter?

9 THE COURT: You may.

10 MR. KIDD: Label this as 62.

11 [Whereupon, State's Exhibit Number 62 is marked
12 by the court reporter]

13 Q. [Mr. Kidd] I'm going to show you what's been
14 marked, for identification purposes, State's Exhibit
15 Number 62. Do you recognize that item?

16 A. Yes.

17 It's a metal tin, a tin can, we commonly use to
18 package certain items of evidence in, scattered evidence.
19 Label written by myself that states that the container
20 contained white powder substance, possibly lime. It's got
21 the victim's name, the date and time, the address where it
22 was recovered from, and my name.

23 Q. Where did you get the powder substance from
24 again?

25 A. That was collected off of the body area of the

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1 victim where the victim --

2 Q. Did you scrape it off the body into that can?

3 A. Yes.

4 Q. And then what did you do with the can at that
5 point?

6 A. It was immediately secured with the top and
7 evidence tape placed across the top of it so it could no
8 longer be tampered with. And I make a note that the OCA
9 number, the case number, written on the can was a misprint
10 or a misnumber given to me at the time. The actual case
11 number was 5029 but at one point during the investigation
12 I was given 5010 and that's the case number that's on the
13 can. But the correct case number was 5029.

14 Q. Which is the one that's on the evidence bag?

15 A. On the -- right.

16 Q. And then -- and not to jump too far ahead, but
17 just to follow the progress of where that can goes: you
18 ended up taking that back to North Charleston?

19 A. Yes.

20 Q. And what did you do with it there?

21 A. It was secured into the NCPD property room as
22 evidence and a SLED transmittal form was completed and the
23 item was then sent to SLED for analysis.

24 Q. When you're under that house, is there an odor
25 present?

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1 A. Oh, yes.

2 Q. Was it strong?

3 A. Yes.

4 Q. How bad was the body under decomp?

5 A. I have worked forensics for approximately
6 seventeen years and it was one of the worse that I have
7 seen.

8 Q. After removing the body -- or how did you go
9 about removing the body from under the house?

10 A. We had to actually take the body bag underneath
11 the house and put the victim's body in the body bag and
12 then basically very slowly and tediously drag the body bag
13 out from underneath the house through the crawl-space
14 entrance.

15 Q. Was that an easy process?

16 A. No, it was not.

17 Q. Do you remember -- about how long did it take
18 you? Do you know?

19 A. I don't recall exactly how long it took. It was
20 a good amount of time. It took us a while to get out from
21 underneath that house.

22 Q. When you got the body out from underneath the
23 house, where did you go next?

24 A. The body was loaded up into the coroner's
25 assistant's van, the transport van, and was taken to MUSC

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1 to the autopsy room. Once I got out from underneath the
2 house and got cleaned up a little bit, I responded down to
3 MUSC to attend the autopsy of the body.

4 Q. And so you attended the autopsy?

5 A. Yes.

6 Q. Do you remember who the doctor was that
7 conducted that autopsy?

8 A. No, sir, I don't.

9 MR. KIDD: Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 [Whereupon, Mr. Kidd reviews documents]

12 MR. KIDD: And if I may approach the court
13 reporter?

14 THE COURT: You may.

15 [Whereupon, State's Exhibit Number 63 is marked
16 by the court reporter]

17 [Whereupon, State's Exhibit Number 64 is marked
18 by the court reporter]

19 Q. [Mr. Kidd] Did you recover any items from the
20 autopsy --

21 A. Yes, I did.

22 Q. -- of the victim?

23 A. Yes, I did.

24 Q. What items did you recover?

25 A. May I refer to my report?

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1 Q. Yes, sir.

2 A. One pair of black shorts and one pair of black
3 boxer shorts, which were both destroyed due to biohazard
4 contamination and were unsaveable without being somehow
5 cleaned; a gold-rope necklace that was found on the
6 victim; a gold-link bracelet that was found on the victim;
7 projectile fragments from autopsy. We were unable to get
8 any blood for DNA analysis so I obtained a cutting of bone
9 marrow from the victim for DNA analysis.

10 Q. I'm going to show you what's been marked as
11 State's Exhibit Number 63. Do you recognize that item or
12 what that is?

13 A. No, I do not.

14 I would have to open it. This is SLED
15 packaging. It has none of our labeling on it.

16 [Whereupon, the witness opens packaging]

17 MR. KIDD: Take your time.

18 THE WITNESS: I'm sorry. SLED packages these
19 things pretty good.

20 MR. KIDD: No problem. Take your time.

21 A. This is an evidence bag, that's got my
22 handwriting on it, that's labeled one projectile. Again,
23 has the victim's name, date and time, MUSC, and my name.
24 It also, again, has the incorrect case number with 5010.
25 The correct case number was 5029.

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1 Q. [Mr. Kidd] And would that be the bag that you
2 had recovered from the autopsy of the victim?

3 A. That's the projectile.

4 Q. I mean -- right.

5 A. Yes.

6 Q. And you would have placed it in that evidence
7 bag?

8 A. Yes.

9 Q. And then what did you do with it at that point?

10 A. It was sealed by my self and then it was secured
11 into the property room to --

12 Q. Before you lock that up, let me see the inner
13 bag. There's an inner bag.

14 A. That's the bag that the autopsy technicians
15 placed the projectile in when it's recovered and cleaned
16 up.

17 Q. Okay. And inside it -- inside it is another
18 inner bag which -- and then inside that is the projectile,
19 which is right here?

20 A. Correct.

21 Q. And do you know where from the victim's body
22 that projectile was recovered from?

23 A. I believe the head.

24 Q. All right. I'm now going to show you what's
25 been marked for identification purposes as State's Exhibit

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1 Number 64. See if you recognize that.

2 A. Yes.

3 That's an evidence bag that has been opened but
4 resealed by SLED, that has again the incorrect case number
5 of 5010. It's got -- labeled homicide. The evidence is
6 labeled bone marrow, with the victim's name, date, time,
7 MUSC, and my name on it.

8 Q. And that is a -- where did you recover that bone
9 marrow from?

10 A. At the autopsy. I requested a cutting from the
11 spinal column for bone marrow DNA analysis, because there
12 was no blood left that was usable from the victim.

13 Q. And why would you want a DNA sample from the
14 victim?

15 A. To compare it to any evidence that might contain
16 blood or blood stains recovered from the scene.

17 Q. And when you recovered that sample, what did you
18 do with it?

19 A. It was taken by my self back to the North
20 Charleston Police Department where it was secured in a
21 refrigerator in our evidence room and was locked with a
22 combination lock.

23 Q. After you attended the autopsy -- well, let me
24 go back. At autopsy, were you able to see any signs of
25 trauma on the victim?

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1 A. Yes.

2 Once the autopsy had began and the actual -- the
3 victim -- the body was actually being cleaned up a little
4 bit by the lab techs, I noticed what appeared to be a
5 bullet hole in the side of the skull just above his ear.

6 Q. Did you see anything that you found interesting
7 about the area around the bullet hole?

8 A. Yeah. There was a discoloration around the
9 bullet hole in the skull. It had -- it indicate -- or it
10 appeared and resembled possibility of gunshot powder burns
11 or gunshot residue, or stippling as it's called or
12 referred to. It could have been from a close or a contact
13 type of wound. It may not have been stippling at all, I
14 don't know, but it appeared -- from my knowledge, it
15 looked like and resembled that of gunshot -- gun powder
16 stippling right around the hole.

17 Q. But you can't say that definitively?

18 A. Absolutely not.

19 Q. But what does the presence of powder stippling
20 or powder burns indicate about a gunshot wound?

21 A. It indicates that a gun was fired --

22 MS. WINSLOW: Your Honor, may we approach?

23 THE COURT: You may.

24 [Whereupon, an off-the-record bench conference
25 is held]

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1 MR. KIDD: I didn't hear your ruling.

2 THE COURT: You can lay the foundation. Thank
3 you.

4 Q. [Mr. Kidd] Officer Hallman, once again, how
5 long have you been employed with North Charleston?

6 A. Almost twenty-four years.

7 Q. Have you had training in firearms?

8 A. Specifically firearms? No, sir.

9 Q. Have you been -- have you had -- well, as part
10 of your -- you were the supervisor of the crime scene unit
11 back in April of 2006; is that right?

12 A. That's correct.

13 Q. Did you have to take training programs in the
14 area of evidence collection and --

15 A. Yes.

16 I've been to numerous courses that teach in the
17 crime-scene discipline. And when you're talking about
18 forensic investigations, you're talking about gunshot
19 residue, firearms examinations, question documents, latent
20 fingerprint examinations. All -- there are numerous types
21 of disciplines within the forensics investigations field.
22 I've got a degree from the American Institute of Applied
23 Sciences in forensic science as it pertains to law
24 enforcement. I've had numerous training courses, through
25 the IAI, dealing with forensic evidence.

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1 Q. What's the IAI?

2 A. International Association for Identification.

3 Q. And is part of that for the identification of
4 firearms?

5 A. Firearms, latent prints, DNA analysis,
6 questioning documents, things of that nature, yes.

7 Q. In the course of your training, have you
8 received any instruction or information regarding powder
9 stippling and --

10 A. Yes.

11 Q. -- powder burns?

12 A. Yes.

13 Q. And have you been shown examples or testing of
14 what they look like and what occurs during --

15 A. Yes.

16 During one of the training courses, especially
17 the one that really comes to mind was with the American
18 Institute of Applied Sciences, we were provided with eight
19 or ten different photographs showing the amount of powder
20 stippling fired from -- or emitted from a pistol fired at
21 different distances, say six inches to one foot to three
22 foot to five foot to six foot and on and on and on, and it
23 showed the different variances and the different -- you
24 know, from the different levels, how much it minimized
25 each time the gun was fired.

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1 Q. And based on that training, is it safe to say
2 that the closer the firearm gets to the I guess target or
3 whatever it shoots, the increased amount of powder burn,
4 stippling, would be present --

5 A. That's --

6 Q. -- will be present?

7 A. That's correct.

8 The more the powder stippling, the closer the
9 gun was when it was fired at the object that it impacted.

10 Q. Okay. Now I want to talk a little bit about
11 different calibers of guns. Does one caliber of gun
12 versus another caliber leave more, or less, powder
13 stippling?

14 A. That I can't testify to. I don't know that for
15 sure.

16 Q. Okay. Well, does -- do different calibers of
17 firearms contain different amounts of gunpowder?

18 A. Yes, they do.

19 Shotguns, for instance, emit quite a bit of
20 gunpowder out through the barrel. A revolver actually
21 emits not that much because most of it is a blow-back
22 situation where most of the powder that's burned and fired
23 off blows outside of the cylinder.

24 Q. Are you familiar with most of the different
25 calibers or size of firearms?

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1 A. Yes, I am.

2 Q. What's the smallest firearm you know of?

3 A. .177, I think. It's actually an air rifle that
4 fires a pellet.

5 Q. What about a firearm that uses gunpowder?

6 A. That would be a twenty-two caliber, I believe.

7 Q. And how high can they go up, as far as pistols
8 are concerned?

9 A. Fifty caliber. A Desert Eagle.

10 Q. And so would it be safe to say that a fifty
11 caliber Desert Eagle has more powder than a twenty-two
12 caliber?

13 A. Absolutely.

14 Q. After you attended the autopsy, what did you do
15 next?

16 A. I responded back to the police department. Or,
17 excuse me. I'm sorry. I responded back to the scene, you
18 know, on Target Street, and I assisted -- Corporal Wyant I
19 think was on scene. I assisted him with processing the
20 back-porch area, which is just on the outside above the
21 culvert area where the victim's body was located. We
22 processed the back door, the screen door, and the steps
23 and all, using a chemical process called amido black,
24 which is a chemical process that reacts to blood enzymes
25 that are present on a given surface.

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1 MR. KIDD: May I approach the witness, Your
2 Honor?

3 THE COURT: You may.

4 Q. [Mr. Kidd] I'm going to show you what's been
5 marked as State's Exhibit Numbers 46 and 47. Do you
6 recognize those photographs?

7 A. Yes.

8 47 is a shot of the screen door on the back
9 porch taken from just inside the residence, it appears, or
10 on the side of the back door. And it's --

11 And 48 -- or, 46, excuse me, is a closeup shot
12 of a piece of board where a projectile actually passed
13 through the board.

14 Q. And this is how it looked on April 27th, 2006?

15 A. Yes, it is.

16 MR. KIDD: Like to offer State's Exhibit Numbers
17 46 and 47 into evidence.

18 MS. WINSLOW: Without objection.

19 THE COURT: 46 and 47 into evidence without
20 objection.

21 You may publish.

22 [Whereupon, State's Exhibit Number 46 is
23 admitted into evidence by the Court]

24 [Whereupon, State's Exhibit Number 47 is
25 admitted into evidence by the Court]

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1 MR. KIDD: Thank you, Your Honor. Thank you.

2 Q. [Mr. Kidd] I'm first going to show you State's
3 Exhibit Number 47. What direction is that photograph
4 taken?

5 A. If you -- if I'm standing on the back porch with
6 my back against the back door and it's closed, it's
7 actually pointing off towards the right. The screen door
8 opens this way; the wooden door opens the opposite way,
9 inside, I believe.

10 Q. And so whoever took this picture would be
11 standing inside the residence?

12 A. Just inside the doorway, yes.

13 Q. Just inside the doorway. Okay.

14 And so that exterior door opens towards the
15 inside of the house?

16 A. This one here?

17 Q. Correct.

18 A. I believe it does, yes. I believe that's the
19 way I remember it, yes.

20 Q. So the surface we would be looking at of this
21 door right now would be the --

22 A. Outside.

23 Q. -- outside of the door if it were closed?

24 That would be the side of the door exposed to
25 the weather --

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1 A. Yes.

2 Q. -- if the door were closed?

3 A. Yes.

4 Q. And the screen door opens --

5 MS. WINSLOW: Objection, Your Honor. Leading.

6 Q. [Mr. Kidd] Which way does --

7 THE COURT: Thank you.

8 Q. [Mr. Kidd] -- the screen door open?

9 A. Outward.

10 Q. And now I'm going to show you what's been marked
11 as State's Exhibit Number 46. Do you recognize that?

12 A. Yes.

13 That's the piece of board that the projectile
14 passed through. That was the entrance and that was the
15 exit of the projectile.

16 Q. Okay. And just so we're clear, this is -- what
17 is -- this board, what is this a part of?

18 A. The screen door.

19 Q. And that was what we were just looking --

20 A. Yes. Excuse me.

21 Q. -- at before in that earlier photograph?

22 A. Yeah. You can see the screen right in there.

23 Q. All right. And so which hole would have been
24 the entrance hole?

25 A. This one right here.

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1 Q. Okay. And that's sort of the --

2 MS. WINSLOW: Objection, Your Honor. Leading.

3 THE COURT: Please rephrase. Watch the leading,
4 Mr. Kidd.

5 Q. [Mr. Kidd] Which part of the screen door would
6 that be?

7 A. That's actually on the -- I don't know how to
8 describe it. It's the side of the -- the right side of
9 the screen door that actually when closed actually closes
10 up against the door frame.

11 Does that make sense?

12 Q. That makes perfect sense.

13 A. Right here. If it wasn't closed, this part here
14 of the door would actually close up against the inside of
15 the doorframe.

16 Q. I think you testified earlier you could tell by
17 the directionality of that projectile?

18 A. Yes.

19 Q. And how can you tell that?

20 A. An entrance -- projectile entrance hole is very
21 circular and round most of the times. Depending on other
22 factors, of course, it could be jagged. But ninety-nine
23 times out of a hundred it's very circular, very clean
24 looking. The exit holes are what look real ragged. Some
25 people would refer to it as a stellate shape.

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1 But here you see part of the door is actually
2 blown off. It's an outward motion. That means the
3 projectile passed through the door and a piece of the wood
4 blew out with the projectile as it passed through the
5 door. So that would be the exit hole. And the entrance
6 would be the nice round circular hole there.

7 Q. And based on that knowledge, in this photograph,
8 then, which direction would that projectile have been
9 traveling?

10 A. It's hard to say. If the screen was wide open
11 -- based on this photograph here it's coming through at
12 this angle here, because the entrance was at a slight
13 angle this way, and then came through the face of the
14 inside of the door. So the screen door had to be opened.

15 Q. And the angle could -- could the angle fluctuate
16 with the angle of the door?

17 A. Yes.

18 Q. Did you do anything else to the area of that --
19 where that projectile passed through?

20 A. Well, I noticed several vertical droplets on the
21 concrete back-porch area that resembled droplets of blood
22 from a ninety-degree fall. And there was what appeared to
23 be possibly some light blood splatter on the door itself,
24 on the exterior part of the wooden door.

25 At that time Corporal Wyant and myself

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1 processed, like I said, the entire back-porch area with
2 amido black to identify any stains that might be present
3 in blood or might have been present and removed, and
4 several items of interest were developed.

5 MR. KIDD: May I approach your -- the court
6 reporter?

7 THE COURT: You may.

8 Ladies and gentlemen of the jury, while he's
9 marking that, feel free to stand up and stretch. I know
10 it gets -- after lunch it gets a little tedious sitting
11 in the chair, so if you feel the need to stand up and
12 stretch -- thank you.

13 Mr. Kidd?

14 MR. KIDD: Thank you, Your Honor.

15 [Whereupon, State's Exhibit Number 65 is marked
16 by the court reporter]

17 THE COURT: All right. Mr. Kidd?

18 MR. KIDD: Thank you, Your Honor.

19 Q. [Mr. Kidd] I want to show you what's been
20 marked as State's Exhibit Number 65. Do you recognize
21 that item?

22 A. I'll have to open the bag, only because the
23 writing on the evidence sticker is not mine.

24 Q. That's fine. Go ahead.

25 [Whereupon, the witness complies]

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1 A. This is the cutting from the screen door that
2 the projectile passed through.

3 Q. [Mr. Kidd] And did you cut that off?

4 A. I believe -- no. I believe Corporal Wyant
5 actually cut it off.

6 Q. Where you there with him when he --

7 A. Yes.

8 Q. -- when he did?

9 A. Yes.

10 Q. What did you use -- what did y'all use to cut it
11 off?

12 A. I believe he used a Saws-Off.

13 Q. And is there any -- is there a way that you can
14 tell -- I guess back to my other line of questioning when
15 we were talking about different calibers of firearms when
16 you said you have like a twenty-two and a fifty caliber
17 firearm.

18 A. Yes.

19 Q. Would they -- those different caliber firearms
20 make different sizes of holes?

21 A. Yes, they would.

22 Q. Now, is there any way to tell what caliber
23 firearm made that specific hole?

24 A. It --

25 MS. WINSLOW: Objection, Your Honor.

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1 THE COURT: Hold on one second.

2 MS. WINSLOW: Lack of foundation.

3 THE COURT: I'm going to allow it. Overruled.

4 A. You can -- I narrowed it down to two possible
5 projectiles. What you have to do is you have to measure
6 the circumstance of the entrance hole. And I then
7 contacted ATF and gave them the measurements of the
8 circumstance of the hole and they stated that --

9 MS. WINSLOW: Objection, Your Honor. Hearsay.

10 THE COURT: Sustained. Rephrase the question,
11 Mr. Kidd.

12 Q. [Mr. Kidd] Are you familiar with the
13 circumference -- or not the circumference -- or diameter,
14 for that matter, of different size projectiles?

15 A. Yes.

16 Q. Do you know them off the top of your head?

17 A. No, I do not.

18 Q. Did you have an opportunity to measure the
19 circumference or diameter of that hole?

20 A. Yes, I did.

21 Q. And were you given the opportunity to compare it
22 to the circumference and diameter of different calibers of
23 firearms?

24 A. Yes, and from my investigator it was determined
25 to have been made by either a twenty-two or a twenty-five

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1 caliber projectile.

2 Q. So if it was a caliber larger than either a
3 twenty-two or a twenty-five caliber, then it would have --
4 would the hole have been different?

5 A. It would have been larger.

6 MR. KIDD: Court's indulgence.

7 THE COURT: Yes, sir.

8 [Whereupon, Mr. Kidd reviews documents]

9 Q. [Mr. Kidd] And just for -- just for some
10 clarity on -- to jump around -- I'm jumping around a
11 little bit and I apologize.

12 On the evidence that you received from autopsy,
13 the bone marrow and the fragment, the projectile --

14 A. Yes.

15 Q. -- fragment, did you then seal them into
16 evidence bags?

17 A. Yes.

18 Q. And are those -- can you tell me -- excuse me.
19 Can you tell me a little bit about your evidence bags?

20 A. They are standard evidence bags that SLED issues
21 -- or, I mean, not SLED -- but most police agencies use.
22 We -- I think at the time I bought ours through searching
23 fingerprint labs. They are plastic bags that, once
24 sealed, they cannot be reopened without the bag actually
25 having to be cut, which is a tamper-seal protection type

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1 thing.

2 Q. So if someone were to open the bag, would you be
3 able to tell?

4 A. Absolutely.

5 Q. And did you seal those bags?

6 A. Yes, I did.

7 Q. Now, as you testified earlier, you were the
8 supervisor of the crime scene in April of -- or crime
9 scene unit in April of 2006?

10 A. That's correct.

11 Q. Were you familiar with Angie Bunker?

12 A. Yes.

13 She worked for me. She was one of the employees
14 in the forensic unit.

15 Q. Do you know if she collected any evidence as a
16 part of the investigation at Target Street?

17 A. I know she collected a pair of socks or
18 something of that nature.

19 Q. Would it help to refer to your incident report?

20 A. Yes, please.

21 [Whereupon, Mr. Kidd proffers documents to the
22 witness]

23 [Whereupon, the witness reviews documents]

24 A. Yes. According to my report she collected one
25 pair of blood-stained socks, two cotton swabs for -- I

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1 guess that was for DNA analysis or comparison, and one
2 burgundy bed sheet. They were all sent to SLED for
3 analysis.

4 Q. [Mr. Kidd] Did you ever come into contact with
5 the control sample of lime?

6 A. No.

7 I mean, what was -- all the evidence was
8 eventually submitted to me and was secured into the
9 property room, and then I prepared the SLED lab sheets to
10 have all the items being sent for further analysis to
11 SLED.

12 Q. So that you would have come in contact with --

13 A. Yes.

14 Q. -- the control lime sample?

15 A. Just to prepare the proper documents.

16 Q. Just for the document preparation?

17 A. Right.

18 Q. Is that -- I'll show you what's been marked as
19 State's Exhibit Number 59. See if you recognize that.

20 A. It's another one of the evidence tins that we
21 used. It's Angie Bunker's writing. I know that for a
22 fact. It's got controlled hydrated lime written as the
23 description of evidence. It's got the victim's name, date
24 and time, and Target Street.

25 Q. And did you take custody of this item at some

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1 point?

2 A. Yes, I did.

3 Q. And then what would you -- what did you do with
4 that item?

5 A. As I stated, it was then secured into the
6 property room with the proper documentation and the
7 paperwork needed to have it sent to SLED for further
8 analysis and comparison.

9 MR. KIDD: Court's indulgence for a moment.

10 [Whereupon, Mr. Kidd and Mr. Young confer]

11 MR. KIDD: Court's indulgence.

12 [Whereupon, Mr. Kidd reviews documents]

13 MR. KIDD: If I may approach the court reporter,
14 Your Honor?

15 [Whereupon, State's Exhibit Number 66 is marked
16 by the court reporter]

17 THE COURT: You may.

18 Q. [Mr. Kidd] I'm going to show you what's been
19 marked as State's Exhibit Number 66 and see if you can
20 identify that. I know it's tough because it's inside that
21 SLED bag.

22 A. Yes.

23 It's an evidence bag within another evidence
24 bag. The inner evidence bag was one prepared by me. It
25 has fingernail clippings as the evidence that was obtained

1 by me at the autopsy room -- again, the improper case
2 number is on that bag of 5010-- and then it's sealed in a
3 SLED evidence bag on the outside.

4 Q. Okay. And so those are fingernail clippings?

5 A. Yes.

6 Q. And where did you -- where did you recover those
7 from?

8 A. From the autopsy.

9 Q. And did you -- what did you do with them once
10 recovered?

11 A. They were packaged and then sent to SLED for
12 analysis, for trace analysis, and possible DNA analysis.

13 Q. And then that was put in another -- in one of
14 your evidence bags?

15 A. Yes.

16 It was put in my evidence bag first, the red
17 one, the red-and-white one, and then submitted to the
18 property room. When they took it and turned it -- signed
19 it over to SLED, then SLED creates their own evidence bag
20 that they secure it in once it gets ready to be packaged
21 and sent back to us.

22 Q. And with -- do you remember when you submitted
23 those I guess all the items that you recovered to the
24 property room?

25 A. I don't recall what the date was. The paperwork

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1 was prepared pretty quickly because of the seriousness of
2 the case, but I can't say when the evidence people
3 actually transported the stuff to SLED.

4 Q. Would it help if you saw the intake sheet?

5 A. I can look at it, yes.

6 [Whereupon, the witness reviews documents]

7 A. According to the chain of custody sheet, it was
8 transferred to SLED on --

9 Q. [Mr. Kidd] I'm sorry. That wasn't my question.
10 I meant what -- when did you turn it into the
11 property room?

12 A. Oh, I'm sorry. That would have been on April
13 28th, 2006.

14 Q. Thank you.

15 MR. KIDD: Court's indulgence.

16 THE COURT: Yes, sir.

17 [Whereupon, Mr. Kidd reviews documents]

18 [Whereupon, Mr. Kidd and Mr. Young confer]

19 MR. KIDD: No further questions, Your Honor.

20 THE COURT: Ladies and gentlemen, this is an
21 appropriate time for us to take our mid-afternoon break.

22 Do not begin your deliberations. Do not discuss
23 this case amongst yourselves.

24 Please rise for the jury. Sargent Hallman, stay
25 seated.

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1 [Whereupon, the jury exits the courtroom at
2 2:38 p.m.]

3 THE COURT: Please be seated.

4 You may not discuss your testimony with anyone.
5 That includes the State or the defense attorneys or
6 anyone that has testified or may testify.

7 We're going to take a ten-minute break. You may
8 step down or you --

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: -- may stay seated there.

11 Anything before we take our break?

12 MR. KIDD: Nothing from the State.

13 THE COURT: And, Mr. Williams, I understand you
14 have a telephone for me.

15 Thank you. We're at ease. Ten minutes.

16 [Whereupon, a recess is taken from 2:43 p.m. to
17 2:52 p.m.]

18 THE COURT: Anything before we bring in the
19 jury?

20 Is this your witness?

21 MS. WINSLOW: Yes, Your Honor.

22 THE COURT: All right. Let's bring in the jury.
23 I'm sorry. It will take them -- they're down --
24 go ahead and bring the jury.

25 [Off the record momentarily]

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1 [Whereupon, the jury enters the courtroom at
2 2:54 p.m.]

3 THE BAILIFF: The jurors are present.

4 THE COURT: Thank you.. Please be seated.

5 Ms. Winslow.

6 MS. WINSLOW: Good afternoon.

7 THE WITNESS: Good afternoon.

8 CROSS-EXAMINATION

9 BY MS. WINSLOW:

10 Q. I'm just going to back up with you a moment and
11 talk about when you first -- when you first went to Target
12 Street and you were entering the crawl space.

13 A. Okay.

14 Q. You had to crawl into that space; correct?

15 A. That's correct.

16 Q. And I'm going to show you what's been marked as
17 State's Exhibit 42. I think you identified yourself as
18 the person kneeling next to the crawl space?

19 A. Yes.

20 Q. And back here is the neighbor's porch?

21 A. Yes.

22 Q. And to get into that crawl space, you had to
23 crawl down on your hands and knees?

24 A. Yes, ma'am.

25 Q. When you first got up to the crawl space, you

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1 said you took a photograph because you wanted to make sure
2 to get all the observations as seen?

3 A. Yes.

4 Q. Correct?

5 I'm going to show you what's been marked as
6 State's Exhibit 43. I believe this is your first photo.

7 A. Yes, ma'am, I believe so.

8 Q. And this is exactly how you had seen it that
9 afternoon when you went through the crawl space?

10 A. Yes, ma'am.

11 Q. And, again, this is exhibit -- State's Exhibit
12 48. This is when you crawled farther into the crawl
13 space?

14 A. That is correct.

15 Q. And this is -- again, you didn't disturb
16 anything around you in the crawl space; correct?

17 A. That is correct.

18 Q. You didn't see any drag marks in the crawl
19 space, did you?

20 A. No. I didn't see anything that resembled a drag
21 mark, no.

22 Q. And the body you testified was way back in the
23 farthest corner from the opening of the entrance?

24 A. Yes, ma'am.

25 Right around this corner here is that culvert

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1 that goes underneath the back steps of the back porch. I
2 can't tell you exactly how deep it is but, I mean, it's
3 the width of the back steps as they come down.

4 Q. And you said that's probably about twenty feet
5 from the entrance of the crawl space?

6 A. Give or take, yes, ma'am.

7 Q. And, again, there's spider webs under the crawl
8 space?

9 A. Actually, I didn't run into any spider webs,
10 knock on wood.

11 Q. But it's dirty under the crawl space --

12 A. Oh, yes, ma'am. Yes, ma'am.

13 Q. The only opening to this crawl space, that
14 you're aware of, is what you crawled through; is that
15 correct?

16 A. That's the only one that I'm aware of, yes,
17 ma'am.

18 Q. And you are aware of -- there is a little bit of
19 ventilation. There are vents around the siding. If I can
20 refer to you State's Exhibit Number 2. I'll approach with
21 this picture.

22 A. Okay.

23 MS. WINSLOW: May I approach, Your Honor?

24 THE COURT: You may.

25 Q. [Ms. Winslow] Next to the crawl space in that

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1 picture can you see -- can you describe what those are?

2 A. Are you referring to right here?

3 Q. Here's the crawl space. And then right down
4 there.

5 A. That looks -- it's hard to tell from this
6 photograph, and I don't recall what it is, but it looks
7 like some type of vent, yes, ma'am.

8 Q. A vent around the crawl space?

9 A. Yeah. It's something to that effect.

10 Q. And what I was -- you're talking about is very
11 hard to see on the screen but it's --

12 A. Right here.

13 Q. -- right here along --

14 A. Yes, ma'am. Right there.

15 Q. You testified during direct that you went in and
16 you had to go back to the body, you had looked at the
17 body, and in order to remove the body you had to actually
18 take it out in the body bag?

19 A. Yes, ma'am.

20 Q. And it was very hard to move?

21 A. Yes, ma'am.

22 Actually, it was very hard to get the body in
23 the body bag because of the level of decomp.

24 Q. Okay. And once you got the body in the bag, it
25 took two people to drag him out?

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1 A. Yes.

2 Q. And it took about an hour to do that?

3 A. I don't recall exactly how long it took. I just
4 know we were under the house for a pretty good bit of
5 time. I don't remember how long.

6 Q. And it would have been much more difficult if it
7 was just you to take the body out by yourself?

8 A. Yes, ma'am.

9 But understand that what made it really
10 difficult at the time was the level of decomp that the
11 body was in. And once we got it in the bag, of course,
12 and got the bag sealed up, it was a little bit easier to
13 have one person pull on one corner and one person pull on
14 the other corner and just backed out. But getting the
15 body into the body bag is actually what took the majority
16 of the time underneath the house.

17 Q. Yes. Absolutely.

18 Underneath the house, as well, you said that you
19 found -- this picture I believe you identified -- you
20 found a debit card?

21 A. Yes, ma'am.

22 It's really hard to see but it's in this area
23 like right up in here, I believe.

24 Q. And the debit card belonged to Mary Ann Goodwin?

25 A. It just had Mary Goodwin is what --

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- 1 Q. Mary Goodwin --
- 2 A. -- I saw on it. Yes.
- 3 Q. -- on the --
- 4 A. Yes.
- 5 Q. And the card was not expired at that point --
- 6 A. I don't recall that --
- 7 Q. -- to your recollection?
- 8 A. -- no, ma'am.
- 9 MS. WINSLOW: Court's indulgence.
- 10 [Whereupon, Ms. Winslow reviews documents]
- 11 Q. [Ms. Winslow] When you were at the residence,
- 12 you went inside the home; correct?
- 13 A. The only interior part of the home that I went
- 14 into was the kitchen area.
- 15 Q. The kitchen area?
- 16 A. Yes, ma'am.
- 17 Q. You didn't see any signs of blood inside the
- 18 kitchen area?
- 19 A. No.
- 20 Q. And you didn't see any presence of blood in the
- 21 back yard?
- 22 A. In the grass?
- 23 Q. Yes.
- 24 A. No. I didn't look in the grass for blood.
- 25 Q. You didn't see any drag marks in the back yard?

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1 A. No. It was all grass.

2 Q. And the only place that you did locate blood was
3 on the back porch; correct?

4 A. The back porch, and possibly the lower part of
5 the exterior side of the wooden door and the back door,
6 yes.

7 Q. I want to talk to you about the back door
8 itself, which is State Exhibit Number 47. The blood that
9 you found was on this part of the door?

10 A. It was actually -- I believe it was a little bit
11 lower, if I'm not mistaken, and --

12 Q. Very -- very low. Okay.

13 A. If I'm not mistaken, yes. I don't recall the
14 exact location.

15 Q. And then you testified that that was possibly a
16 bullet hole right here?

17 A. Right here, yes.

18 Q. And the door would have been pretty far open
19 because it doesn't stay open by itself; correct?

20 A. That's correct.

21 Q. Because in this picture I believe the mop is
22 holding the door open --

23 A. Yes --

24 Q. -- so the door --

25 A. Yeah. I believe it appears to be, yes.

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1 Q. So the door was -- would normally shut close?

2 A. I don't recall that, but possibly. It was a
3 hinged door.

4 Q. A hinged door.

5 A. Uh-huh.

6 Q. When you -- you went to the autopsy with the
7 deputy coroner; correct?

8 A. Yeah.

9 She arrived there shortly after I did. I
10 arrived there before she did, actually.

11 Q. But you attended the autopsy?

12 A. Yes, ma'am.

13 Q. And you destroyed Eric's black shorts?

14 A. Yeah. They -- it was -- they were actually
15 destroyed without my help.

16 And due to the level of decomp and the level of
17 biohazardous infectious possibilities, it was determined
18 through -- by me and the medical person on staff that was
19 doing the autopsy, that there was no way to salvage them,
20 not even by their washing them, so they were discarded.

21 Q. And Eric also had the black boxer shorts?

22 A. That's correct.

23 Q. Eric was not wearing any type of shirt, however?

24 A. I don't recall a shirt, no.

25 Q. While you were in there, you had a chance to go

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1 into the back yard?

2 A. Yes.

3 Q. And you observed bags of lime underneath a tarp?

4 A. No, I did not.

5 Q. You did not?

6 A. No.

7 Q. Okay.

8 A. I believe that was discovered after I had left
9 to go to the autopsy.

10 MS. WINSLOW: The Court's indulgence.

11 THE COURT: Yes, ma'am.

12 [Whereupon, Ms. Winslow and Mr. Butler confer]

13 MS. WINSLOW: Nothing further.

14 THE COURT: Redirect?

15 MR. KIDD: Very briefly.

16 REDIRECT EXAMINATION

17 BY MR. KIDD:

18 Q. I'm going to refer you back to State's Exhibit
19 Number 48. This is -- as Ms. Winslow just said, this is
20 how it looked before the body was removed?

21 A. Yes.

22 Q. And in what direction would you actually put the
23 body in the body bag and drag it out? Which direction
24 would you have gone?

25 A. Straight back this way, straight to the

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1 entrance.

2 Q. And any evidence that was there, that you hadn't
3 already collected, would have gotten bumped or moved --

4 A. Absolutely.

5 Q. -- or disturbed by the removal of the body at
6 that point?

7 A. Yes.

8 MR. KIDD: Nothing further.

9 MS. WINSLOW: Nothing, Your Honor.

10 THE COURT: Sargent, you may step down. Thank
11 you.

12 THE WITNESS: Thank you, Your Honor.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15 THE COURT: Call your next witness.

16 MR. YOUNG: Judge, the State calls Dr. Cynthia
17 Schandl.

18 Judge, may we approach?

19 THE COURT: You may.

20 [Whereupon, an off-the-record bench conference
21 is held]

22 [Whereupon, Dr. Schandl comes forward]

23 THE CLERK OF COURT: Raise your right hand.

24 [Whereupon, Dr. Schandl is duly sworn by the
25 clerk of court as follows: do you swear or affirm that

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1 the testimony you shall give the Court and the jury in
2 the trial of this case shall be the truth, the whole
3 truth, and nothing but the truth, so help you God]

4 THE WITNESS: Yes, I do.

5 THE CLERK OF COURT: Please take your seat.

6 [Whereupon, Dr. Schandl takes the witness stand]

7 THE CLERK OF COURT: Ma'am, if you could state
8 your first and last name, spelling your last for the
9 record.

10 THE WITNESS: Cynthia Anna Schandl. S-C-H-A-N-
11 D-L.

12 THE COURT: Mr. Young.

13 MR. YOUNG: Thank you, Judge.

14 Good afternoon, Dr. Schandl.

15 THE WITNESS: Hi.

16 - - - - -
17 \ CYNTHIA A. SCHANDL,

18 Having Been First Duly Sworn,
19 was Examined and Testified as Follows:

20 DIRECT EXAMINATION

21 BY MR. YOUNG:

22 Q. Can you tell the jury where you work?

23 A. Yes.

24 I'm employed at the Medical University of South
25 Carolina here in Charleston, South Carolina, in the

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1 department of pathology and laboratory medicine in the
2 medical and forensic autopsy section.

3 Q. How long have you worked there?

4 A. I have been on the faculty as a forensic
5 pathologist since 2004 and I have been in training there
6 through medical school, graduate school, and residency,
7 since 1999 -- 1991. Excuse me.

8 Q. And what is your job title?

9 A. I'm forensic pathologist and an associate
10 professor.

11 Q. Are you a -- are you a licensed physician?

12 A. Yes.

13 I'm licensed to practice medicine in both the
14 states of South Carolina and Florida.

15 Q. And are you presently engaged in the practice of
16 your profession?

17 A. Yes, sir.

18 Q. Where did you say you received your training in
19 pathology?

20 A. So in order to become a forensic pathologist,
21 one must first have a bachelor's degree and then go to
22 medical school. I did my medical school training here at
23 the Medical University of South Carolina, where I also did
24 graduate school work to receive my doctorate degree, my
25 PhD degree.

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1 After I received my MD and PhD degree, I
2 continued in the pathology and laboratory medicine
3 residency program, also at MUSC, during which I did an
4 additional year of forensic pathology fellowship training
5 at the Medical University of South Carolina.

6 Q. And if you could explain to me and the jury what
7 your duties are day by day.

8 A. Yes.

9 So since medical -- the Medical University is an
10 academic institution we have both clinical duties, where
11 we're dealing with patients, and we also have teaching and
12 academic duties where we're teaching those to come.

13 So as a forensic pathologist, the primary way
14 that we come to answers with our patient is through the
15 mechanism of the autopsy or the postmortem examination.
16 We examine the dead. So that part of my job is certainly
17 pertinent here.

18 Q. And does your work include the performance of
19 autopsies?

20 A. Yes, sir.

21 Q. And during your experience, approximately how
22 many autopsies have you performed?

23 A. I have performed somewhere between two and three
24 thousand.

25 Q. Forgive me. You may have told us. Do you

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1 specialize in particular brands of medicine as a forensic
2 pathologist? Is that what you said?

3 A. Not as forensic pathology.

4 So after my training, there are board
5 certifications, national board certifications, and I'm
6 board certified by the American Board of Pathology in
7 three areas: anatomic pathology; clinical pathology; and
8 forensic pathology, which is a subspecialty of anatomic
9 pathology.

10 Q. And what is the American Board of Pathology?

11 A. The American Board of Pathology is the national
12 accreditation board for the field of pathology.

13 Q. And just so I'm clear. When you say pathology,
14 what does that mean, the word pathology?

15 A. Pathology is simply, broken down, is the study
16 of disease. So when we talk about pathology we may be
17 talking about looking at your blood to look at, you know,
18 what's your sodium level, what's your sugar level, and
19 those sorts of things. We may be talking about looking at
20 a biopsy to see whether that thing on your skin is a
21 cancer or something that's not to worry about. And in the
22 field of forensic pathology we're looking at disease and
23 other conditions as it relates to the cause of death, in
24 particular.

25 Q. Now, are there any special requirements to be a

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1 member of the American Board of Pathology?

2 A. Well, in order to become -- to be eligible to
3 take the board examination you do have to do all of that
4 training that I mentioned, including having your medical
5 degree and then completing your residency training as well
6 as fellowship training, if you're to do a subspecialty,
7 which I did the subspecialty of forensic pathology. So
8 all that training must be performed before you're eligible
9 to take the board examination, and then the board
10 examination basically certifies you.

11 Q. And I know you told us what pathology was. When
12 you say forensic pathology, can you please explain.

13 A. So to expound just a little bit more on forensic
14 pathology, we're talking about the study of disease as it
15 relates to the cause of death. So for example, we might
16 look at somebody who died in their home but they happened
17 to have natural-disease processes. That's also part of
18 forensic pathology. I may do the case, do an autopsy on
19 that individual, and discover that they had a heart
20 attack, for example.

21 But also in that realm for cause of death are
22 things that include accidental death, things that include
23 homicides, things that include suicides, and then some
24 things that we can't determine as to the manner of death.
25 And those also fall under what we do when we're

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1 determining cause of death. So for example in a case of
2 an accident, perhaps a motor vehicle collision, perhaps
3 the cause of death would be blunt trauma to the head, for
4 example. So that would be an example where I'm
5 determining cause of death from something that's not a
6 natural disease process.

7 Q. Now, are you the author of any textbooks or
8 papers or --

9 A. Yes.
10 I've authored several journal articles, as well
11 as a book chapter, in the field of forensic pathology.

12 Q. And just so -- I know you told us how many years
13 you've been a forensic pathologist. How many years is
14 that?

15 A. I've been on faculty since 2004.

16 Q. So since -- during your multiple years of
17 experience in the office of the medical examiner, have you
18 had the occasion to observe any cases where the death was
19 homicide?

20 A. Yes, sir.

21 Q. Do you have any idea of approximately how many
22 that is?

23 A. Of the cases that we do, it's probably five to
24 ten percent that are homicides. So of my two to three
25 thousand, five to ten percent of those.

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1 Q. Okay.

2 MR. YOUNG: Okay. Your Honor, at this time the
3 State would move that Dr. Schandl be declared an expert
4 in the field of forensic pathology.

5 MR. BUTLER: No questions. No objection.

6 THE COURT: All right. Ladies and gentlemen,
7 normally a person cannot give opinion testimony.
8 Normally, when a person testifies they must testify as
9 to what they saw or heard or sensed by smell or
10 something of that nature. There is an exception when
11 someone is qualified because of their education or
12 experience. They are permitted to give their opinion in
13 certain areas if the Court qualifies them in that way.

14 This witness will be qualified in the area of
15 forensic pathology to give opinion testimony in that
16 area. That does not mean that you must accept the
17 opinion. It's simply evidence for you to use in any way
18 that you see fit.

19 Mr. Young, your witness.

20 MR. YOUNG: Thank you, Your Honor.

21 Q. [Mr. Young] Dr. Schandl, I'm going to take you
22 back to April 27th of 2006. Did you have the opportunity
23 to perform an autopsy on one Eric Robinson?

24 A. Yes, sir.

25 Q. Now, do you have your report information in

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1 front of you, or have you looked at it? Would you like to
2 see it?

3 A. Yes, sir, I do have a copy of my report to refer
4 to. Thank you.

5 Q. I want to go first to your external examination
6 section. Could you describe for the jury your initial
7 observations of Mr. Robinson?

8 A. Yes.

9 So the autopsy examination is composed of
10 several different areas. Our initial observations will
11 occur as the body is brought to us, before the body is
12 washed, in whatever state of dress or undress they may be
13 in. So they're brought up and placed on the autopsy table
14 in that state that we receive them.

15 The first things that we will do are take
16 photographs as the individual is received and make our
17 initial observations as to what we're seeing on the body
18 or what the person is wearing, things that might assist us
19 with their identification and those sorts of things. And
20 that's considered the external examination. Part of that
21 is looking at the clothing, the skin surface, anything
22 else that might help us, looking at the outside of the
23 body, to determine identification, whether there are any
24 injuries, and other things of that nature. So that's the
25 external examination.

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1 In this case a body that was thought to be that
2 of Mr. Eric Robinson was brought and placed on our autopsy
3 table. He was wearing -- he was wearing shorts and boxer
4 brief underwear. And there was a powdery material on his
5 skin surface that was caked in some places and thinner in
6 others.

7 And in addition, on first examination he also
8 had a plastic white bag, such as you might get at a
9 grocery, with his body. So next to his body there was
10 also this white bag, white plastic bag.

11 Was that --

12 Q. That's perfect. Please describe --

13 A. Okay.

14 Q. -- this is what --

15 A. So we'll weigh the body, make measurement of the
16 length of the body. He was 158 pounds at this time. He
17 was 68 inches. There were obvious changes consistent with
18 some decomposition. So if anything that is not alive but
19 was alive is left basically outside of the refrigerator or
20 the freezer, as you know, they start to break down, which
21 is what we call decomposition.

22 So there were changes of decomposition. Some of
23 the things include the epidermis, the top layer of skin,
24 will become loose; the eyes may sink; you may have defects
25 from animal activity or insect activity around the body,

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1 and those sorts of things.

2 So there were obvious changes of moderate
3 decomposition.

4 Q. Dr. Schandl, can I stop you for a moment?

5 A. Yes, sir.

6 Q. In reading your report you have written by
7 visual, as an indeterminate age and race in that report.
8 Is that common to have somebody that you can't determine
9 how old or what the race is?

10 A. There is several instances where upon looking at
11 a body, you can't tell what their race is or how old they
12 are.

13 One of them is that with decomposition, again,
14 you lose that first skin layer so, for example, a beard or
15 a mustache would be what we call sloughed off, will come
16 off. The hair can come loose. And there are also changes
17 in color of the skin surface that occur during the
18 decomposition process. So we can't necessarily tell race
19 by the color of the skin, either.

20 Q. Let me ask you this. If somebody's in a -- you
21 talk about environment and decomp. If somebody is in a
22 cool environment or something is in a cool environment,
23 does that have a less chance of decomposing say in a crawl
24 space versus out in the sun?

25 A. The environment plays a very big factor in the

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1 rate of decomposition. So how fast or how slowly a body.
2 will decompose. In a hot, humid environment,
3 decomposition occurs very quickly. In a dry, cold
4 environment, it occurs more slowly. So, yes, in a more
5 protected environment one would expect that decomposition
6 would progress at a slower rate than it would occur in an
7 open, hot, humid environment. So that is true.

8 [Whereupon, State's Exhibit Number 52 is marked
9 by the court reporter]

10 [Whereupon, State's Exhibit Number 53 is marked
11 by the court reporter]

12 [Whereupon, State's Exhibit Number 54 is marked
13 by the court reporter]

14 [Whereupon, State's Exhibit Number 55 is marked
15 by the court reporter]

16 Q. [Mr. Young] Dr. Schandl, I'm going to show you
17 two photos here.

18 MR. YOUNG: May I approach the witness, Your
19 Honor?

20 THE COURT: You may.

21 Q. [Mr. Young] See if you recognize what those
22 photos are.

23 A. These are two photographs that appear to have
24 been taken during the course of my postmortem examination.

25 However, they do lack my case number so I don't

1 believe I took these photographs.

2 Q. Okay. But you do recognize them?

3 A. Yes, sir.

4 Q. And they look the same way they did that day on
5 April 27th, '06?

6 A. Yes, sir.

7 Q. Thank you.

8 MR. YOUNG: At this point I would ask to admit
9 State's 54 and 52 into evidence.

10 MR. BUTLER: Subject to previously-made
11 objection.

12 THE COURT: Over your objection, State's 52 and
13 54 are in evidence.

14 You may publish.

15 MR. YOUNG: Thank you, Judge.

16 [Whereupon, State's Exhibit Number 52 is
17 admitted into evidence by the Court]

18 [Whereupon, State's Exhibit Number 54 is
19 admitted into evidence by the Court]

20 Q. [Mr. Young] Dr. Schandl, I'm going to get you
21 to tell me -- describe what this is. And this is how this
22 appeared when you -- can you see that at all?

23 A. I can, but it is kind of difficult to explain
24 because it's really contrasty [phonetic].

25 But, basically, what we're looking at is we're

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1 looking at Mr. Robinson's body from the top. So his head
2 is here and his feet are down here. These are his arms.

3 And you can see -- it's very difficult to see
4 what it is here but this is the white powder that was on
5 the body when we received it. It's sort of caked on like
6 -- it's like a powder that's been caked on.

7 Q. So this is the way the body looked when you got
8 it on your autopsy table; is that right?

9 A. That's correct.

10 Q. Can you kind of -- and I know it's tough to see
11 and I -- talk about -- can you kind of describe the facial
12 area?

13 A. Well, I can't really describe it looking at that
14 photograph, but I can -- I can describe it based on my
15 report, if you would like.

16 Q. Yes, please.

17 [Whereupon, the witness reviews documents]

18 A. Again, I'm referring to a report that I
19 generated during this case. And basically what I'm
20 describing in the report are changes that are consistent
21 with decomposition: discoloration -- discoloration,
22 softening of the soft tissues, loosening of the teeth in
23 their sockets, again, a change of decomposition. Those
24 sorts of changes I think are what you would see there if
25 the photograph was --

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1 Q. [Mr. Young] Okay. Thank you, Dr. Schandl.

2 A. -- could be seen.

3 Q. Let me ask you to look at State's 52 that's been
4 admitted into evidence. Can you tell me what's going on
5 here?

6 A. I can certainly try.

7 Q. Thank you.

8 A. So we're closer up to the body now. The head is
9 here. This is the left shoulder and the chest. And
10 you're starting to see how it's very difficult to discern
11 any facial features. It's difficult to tell, again, race,
12 those sorts of things, as decomposition is progressing.

13 Q. Could you tell us what -- see these -- this area
14 right here?

15 A. Yeah, I do.

16 And you can't tell, but I can let you know, that
17 those are maggots. So we have some what we call insect
18 activity on the body. Maggots are basically baby flies
19 and they start out looking like these little sort of tan-
20 white worm things.

21 Q. That's present there?

22 A. That is present there on the body.

23 MR. YOUNG: Court's indulgence.

24 THE COURT: Yes, sir.

25 Q. [Mr. Young] Dr. Schandl, you talked about the

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1 maggots that are on the body. Tell me about -- I know a
2 little about insects and maggots and how that deals with
3 the time of death and they turn over, stuff on those
4 lines.

5 A. Yeah.

6 So one of the things that we need to attempt to
7 address is when we have somebody who's in a state of some
8 decomposition or breakdown of the tissues is how long has
9 it been since they died. And it's a very difficult
10 question to answer and there are many, many variables.

11 One of the things that we can look at is the
12 insect activity on the body. If there is just one size of
13 maggot, that suggests that there's just been one --
14 basically one session of fly egg-laying. So one
15 generation. And if there are maggots of multiple sizes,
16 then that suggests that there's been some turnover and
17 maggots -- that flies have laid eggs at more than one
18 occasion.

19 In this case there were multiple sizes of
20 maggots, suggestive of a longer time period where flies
21 had laid eggs in succession over time. But it's certainly
22 not specific for a length of time between death and where
23 we are now.

24 Q. And, again, talking about time of death, do you
25 ever use the eyes of a corpse to determine that? And

1 please explain how you do that.

2 A. Yes.

3 And, again, determining the time of death is
4 very -- a very inexact science. One of the things that we
5 can look for is vitreous fluid in the eye. Vitreous fluid
6 has electrolytes in it -- so that's potassium and sodium
7 and all the things that are in your blood -- and we know
8 that some of them go up and some of them go down after you
9 die. So that's one way that we can look.

10 Also, as a person decomposes, the fluid in their
11 eye actually begins to dissipate until there isn't any
12 vitreous fluid left. And that was the case here. That
13 gives us a very general idea that it was probably more
14 than four days. Which, again, doesn't tell us how much
15 more than four days it was, but sometime after that.

16 So, again, our estimate of when the individual
17 died is very inexact but we have a couple of guidelines to
18 know that it's more than four days, certainly.

19 Q. So certainly more than four days?

20 A. Yes.

21 Q. I'm going to take you back to your report. You
22 stated he was covered with a whitish powder. Did you test
23 that powder?

24 A. Well, I did very basic testing on the powder.
25 Essentially, the only testing that I did was a pH test to

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1 see if it was acidic or basic. So, for example, vinegar
2 would be an acid and Drano or soap or something like that
3 would be a base.

4 And so I did mix some of the white powder with
5 water and it was clearly a basic substance with a pH of
6 greater than nine, which is as high as the litmus paper
7 that I had available would test. But that's the farthest
8 -- that's the extent of my testing, was just to determine
9 whether it was an acid or a base.

10 Q. In this case you said it was a base?

11 A. A base. That's correct.

12 Q. Did you do this with your bare hands or --

13 A. Well, no, I --

14 Q. -- did you wear gloves?

15 A. In any case I'm gloved. I'll have plastic
16 gloves on. So that's in any case.

17 Q. Is a base like that corrosive to skin?

18 A. It depends how high the pH actually was. A pH
19 of nine is not that scary. I mean, you might have soap or
20 something that can have a pH of nine.

21 On the other end of the spectrum, something like
22 lime will have a pH over twelve, which is beginning to be
23 very corrosive. And lye, which is an even stronger base,
24 has a pH of about thirteen, which is ten times stronger
25 than twelve. So every time it goes up one point, it's ten

1 times stronger.

2 So all I knew was that it was more than a pH of
3 nine but I -- you know, I wasn't playing in it, either, to
4 find out if it was going to corrode my skin.

5 Q. So your paper only went to nine?

6 A. That's correct.

7 Q. Is that -- okay. Okay. But it could have been
8 more?

9 A. Absolutely.

10 Q. Did the victim on the table have any tattoos?

11 A. He did.

12 Q. Could you tell us what those were?

13 A. Yes.

14 He had a tattoo of the name Eric. And I -- let
15 me double check. I know where they are, but I don't want
16 to get it wrong.

17 [Whereupon, the witness reviews documents]

18 A. The right forearm. So Eric here on the right
19 forearm. And at the upper lateral left shoulder he had a
20 tattoo of praying hands and there was a word in script
21 beneath it that I wasn't able to read.

22 Q. [Mr. Young] Okay. And did you at some point
23 take a piece of vertebrae for potential DNA study on the
24 victim?

25 A. Yes, sir.

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1 MR. YOUNG: Okay. If I may approach?

2 THE COURT: You may.

3 MR. YOUNG: Thank you, Judge.

4 Q. [Mr. Young] Dr. Schandl, if you'll take a look
5 at this. This is State's 64. You can look in the -- kind
6 of look -- if you can kind of look down there. Does that
7 look like that piece of vertebrae you took out?

8 A. Sounds like it. I mean, it's really hard to see
9 through this container. But it has our label on it and
10 it's labeled Dr. Schandl and the decedent's name and
11 vertebra.

12 Q. Okay. And would you --

13 A. And it smells like it probably is.

14 Q. Okay. Thank you.

15 Would you have taken -- what would you have done
16 if you had gotten that? Would you have given that to
17 somebody?

18 A. For DNA purposes, yes.

19 We don't do in-house DNA analysis. So that
20 would have been transferred to somebody who could, then,
21 should they have chosen to, had it analyzed for DNA.

22 Q. Is that Sargent Hallman?

23 A. Yeah. That's who received the evidence in this
24 case.

25 Q. Now, let's go back to your report for a minute.

1 Were there any defects on the skin, and, if so, what does
2 that usually mean?

3 A. Yes, there were defects on the skin.

4 So there was breakdown of the facial soft
5 tissues of the eyes, sloughing of the left hand that we
6 were talking -- like we were talking about before.

7 Q. Go ahead and tell us -- I'm not familiar --
8 sloughing?

9 A. So sloughing: again, it's the top skin layer
10 can, with decomposition and other things -- emersion in
11 water or even heat exposure -- it's like having a full-
12 body blister, basically. That top layer of skins becomes
13 lose and then it can slough off.

14 Q. There's also something you talk about, gloving,
15 in your report.

16 A. Yes.

17 Q. What is that?

18 A. Gloving is the same exact thing only it's
19 referring specifically to the hands. Where you might say
20 sloughing of the scalp or you might say sloughing of the
21 skin of the arm, it's just the same thing but on the
22 hands.

23 Q. Were sloughing and gloving present on our
24 victim?

25 A. Yes, sir.

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1 Okay. So there were several superficial defects
2 of the skin and subcutaneous tissue. So that's just the
3 tissue beneath the skin. It's usually fatty tissue.

4 Lower lateral left chest. So that would be
5 somewhere over here.

6 Later upper left arm.

7 Q. When you're talking about defects, are you
8 talking about -- are we talking about a cut or a bruise?
9 Or what are you talking about?

10 A. Right.

11 And the other one is at the anterior lateral
12 right shoulder around here [indicates].

13 So what I'm talking about is that, again, there
14 is a defect to the skin so the skin surface is no longer
15 intact. And so now we're talking about something that
16 also has some decomposition involved, so there are several
17 possibilities. One is that there was some minor injury of
18 those areas before death. That's a possibility. The
19 second possibility is that that represents animal activity
20 or insect activity composed with -- in combination with
21 decomposition. That's certainly another possibility. So
22 those are the possibilities. Of course, there's a third
23 possibility that there was some damage done to the skin
24 after he died.

25 So those are all possibilities and I cannot

1 differentiate one from the other. All I can tell you is
2 that they're not through the skin into anything vital. So
3 if it was a -- you know, in one case if it could have been
4 a pre-mortem injury, meaning before he died, it was a
5 superficial injury. So -- but I don't know if that is
6 what the case is. It's just one of the three
7 possibilities.

8 Q. Okay. Thank you.

9 Now, in your report you talk about rigor and
10 livor mortis. Can you explain what these terms mean and
11 were they present on our victim?

12 A. Yes.

13 So the rigor mortis and the livor mortis, those
14 are terms for -- rigor mortis is a term for becoming stiff
15 after death, and livor mortis is a term for the blood
16 settling after death.

17 As you deplete the energy after you die, the
18 muscles are not able to relax so that's what makes it
19 stiff. And then as time goes on and decomposition begins,
20 the muscle then will relax because of decomposition. So
21 it can give you some idea of how far along after death you
22 are if it's -- if there is still that stiffness in the
23 muscle.

24 There was no stiffness in the muscles here. In
25 other words, the rigor mortis was absent. It had long

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1 passed. So it's not giving us anymore clues as to the
2 time of death.

3 The livor mortis also is something that -- so,
4 basically, what you would see is the areas that are
5 closest to the ground and are affected by gravity are
6 going to become a little bit red-purple, except where
7 they're smashed against -- you know, if you're lying on
8 your back there'll be areas of your shoulders that don't
9 get that livor because the blood can't settle all the way
10 down just because of the pressure on your back, for
11 example.

12 So it's a reddish discoloration on the areas
13 that are affected by gravity. That becomes impossible to
14 discern as decomposition advances because of the changes
15 of the coloration of the body. So here we have an
16 individual whose skin color is now different colors,
17 including red and brown and gray, and so we're not able to
18 differentiate, you know, where the livor is.

19 But what that can assist with is determining if
20 the body has been put in a different position after death.
21 There are some things that can assist you in determining.
22 But when you can't discern it and you can't see it, as we
23 -- as is here, then simply we say that it's absent.

24 Q. Now, was there any evidence of any kind of
25 emergency resuscitation [phonetic] to this victim at all?

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1 A. No. No.

2 [Whereupon, State's Exhibit Number 56 is marked
3 by the court reporter]

4 MR. YOUNG: May I approach the witness?

5 THE COURT: You may.

6 Q. [Mr. Young] Dr. Schandl, I'm going to ask you
7 to look at State's 55 -- 56 for ID only, and tell me what
8 you see there, please.

9 A. In this photograph, which I did take, there is a
10 photograph of the boxer briefs that were worn by Mr.
11 Robinson. It looks like a bracelet, a necklace with a
12 pendent, and a small clip for a hose, a hose clip of some
13 sort.

14 Q. Now, is this the way that, on April 27th, these
15 items looked?

16 A. Yes, sir.

17 Q. Okay.

18 MR. YOUNG: Would ask to move State's 56 into
19 evidence.

20 MR. BUTLER: No objection.

21 THE COURT: State's 56 into evidence without
22 objection.

23 [Whereupon, State's Exhibit Number 56 is
24 admitted into evidence by the Court]

25 MR. YOUNG: May I publish, Your Honor?

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1 THE COURT: You may.

2 Q. [Mr. Young] Dr. Schandl; I know we just talked
3 about it, but describe again for the jury what this is.

4 A. Yes.

5 So there's our case number here at the boxer
6 brief underwear that were worn. This is some kind of a
7 hose clamp of some sort, a small one. This looks to be a
8 bracelet. This is a necklace. It's difficult to see.
9 There's a pendent here of a dollar sign down here.

10 Q. This was all taken off the victim?

11 A. That's correct. Or from the body bag. So it
12 came with him.

13 Q. Dr. Schandl, let's move on to your evidence of
14 injury section. On the victim, Eric Robinson, was there a
15 gunshot wound. If so, how many, and where was it located?

16 A. Yeah.

17 So in performance of the external examination,
18 one of the things that we look for is evidence of injury.
19 And in this case there was a defect, a hole, to the skull,
20 on the right frontal area. So right about here
21 [indicates]. And so just having a defect to the skull
22 doesn't tell you that it's a gunshot wound but we did
23 obtain x-rays of the skull and did see that there were
24 radiopaque fragments. Radiopaque simply means that the x-
25 ray doesn't go through it so it's something probably

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1 metal. And so then upon internal examination, we went to
2 retrieve the metal and find -- found that it was a portion
3 of a bullet. And so putting all the pieces together,
4 there was one entrance gunshot wound to the right side of
5 the head.

6 MR. YOUNG: May I approach the witness, Your
7 Honor?

8 THE COURT: You may.

9 Q. [Mr. Young] I'm going to show you what's been
10 marked as State's 53 and 55 for ID. Tell me if you
11 recognize those photos.

12 A. Yes, I do.

13 Q. Now, are those the same -- a fair and accurate
14 representation of how they were on April 27th of 2006?

15 A. Yes, sir.

16 Q. Thank you.

17 MR. YOUNG: Judge, I would ask to move State's
18 53 and 55 in evidence.

19 MR. BUTLER: Without objection.

20 THE COURT: 53 and 55 into evidence without
21 objection.

22 [Whereupon, State's Exhibit Number 53 is
23 admitted into evidence by the Court]

24 [Whereupon, State's Exhibit Number 55 is
25 admitted into evidence by the Court]

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1 MR. YOUNG: Judge, I ask to publish.

2 THE COURT: You may.

3 Q. [Mr. Young] Dr. Schandl, if you would please
4 describe what we're looking at right here.

5 A. Okay. This is one of the x-rays that we took of
6 his head. And so what I was talking about as far as
7 radiopaque is this here, which doesn't belong -- bone is
8 fairly radiopaque, as you can see, but metal is more
9 radiopaque so and since the -- basically, what happens is
10 the x-rays can't go through it so they can't expose the
11 underlying film. So that's why they call it opaque to
12 radio waves.

13 So this is our radiopaque material that was the
14 fragment of bullet that I retrieved from inside of his
15 head within his brain matter.

16 Q. Dr. Schandl, I'm going to show you what's been
17 marked and admitted as State's 55.

18 MR. YOUNG: Turn this light on here.

19 A. And this --

20 Q. [Mr. Young] What is that?

21 A. This is the bullet fragment that I retrieved
22 from Mr. Robinson's head.

23 Q. Is that a ruler or something that you put there?

24 A. Yes.

25 So the -- this is our -- again, our case number

1 and an inch ruler to give you an idea of the size of the
2 fragment.

3 Q. Is that less than an inch?

4 A. That's correct.

5 So from here to here is one inch, so it's quite
6 a bit less than an inch.

7 Q. About a quarter of an inch?

8 A. No.

9 They're about -- my measurements were .42 by .32
10 by .25 inch. So a half an inch would be .5, so it's less
11 than a half an inch. But a quarter of an inch is .25. So
12 it's between a quarter inch and a half an inch.

13 Q. This wound, bullet wound to the head, can you
14 describe it and specifically the black color around it and
15 what's that suggestive of.

16 A. Sure. So the entrance gunshot wound in this
17 case is to the skull. The overlying skin, the scalp, is
18 no longer on Mr. Robinson due to decomposition changes so
19 we don't have the scalp to look at. All we have is the
20 skull. So we have the surface of the skull and we have a
21 hole where the bullet entered into the -- into the head.

22 The size of the defect or hole to the skull was
23 .6 inch by .35 inch, so a little bit more than a half inch
24 in one direction. And on one edge there was this like
25 sort of a grayish discoloration on the skull surface

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1 itself. It just had a different coloration than the other
2 parts of the skull.

3 So taking that into consideration, I took a
4 section to look at under the microscope because what you
5 want to know in that case is is that discoloration, is
6 that soot from the barrel of the gun or the muzzle of the
7 gun.

8 So if the muzzle of the gun is like against the
9 surface of the target, you can expect that the soot will
10 deposit on whatever the target is. So that suggests that
11 the -- that would suggest that the gun was in contact with
12 the target. So that was what I was looking for.

13 However, under the microscope, looking at this
14 fragment of bone, I could not tell that it was soot. So
15 it is completely inconclusive. And from my point of view,
16 it is just a discoloration and I cannot tell you the range
17 of fire based on that finding.

18 Q. So you can't tell us how far the gun was from
19 the head?

20 A. That is correct.

21 Q. You talked in your report about inward beveling.
22 What is that and was it present in the victim here?

23 A. Okay. The skull -- inward beveling is a
24 description of a skull fracture. The skull has two layers
25 of bone and something traveling through it is going to

1 fracture both of those layers of bone. And you can
2 determine the direction of a bullet by how the bone
3 fractures.

4 So in this case it's an entrance gunshot wound.
5 The outer layer of the skull will have a -- usually a
6 slightly smaller hole than the inner layer because as it's
7 traveling through it breaks the bone out in a larger -- in
8 a larger area.

9 So that's what we call inward beveling and it's
10 simply is consistent with that being an entrance gunshot
11 wound, as opposed to an exit gunshot wound in which case
12 you have beveling going the other way.

13 Q. So was there inward beveling on this victim?

14 A. There was inward beveling on this entrance
15 gunshot wound, again, consistent with it being an entrance
16 gunshot wound.

17 Q. And just so -- so that means the bullet would be
18 traveling inwards; is that correct?

19 A. Yes. Into the head.

20 Q. Into the head.

21 Now, was there a weapon available for you to
22 examine at all?

23 A. No, sir.

24 Q. Could you locate the bullet that was in the
25 skull, the brain, and if so why or why not?

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1 A. Yes.

2 So you saw that the bullet that -- that fragment
3 of bullet that we were able to recover. And so basically
4 what we do with the internal examination, particularly in
5 a state of decomposition, is we'll collect the brain
6 matter into a bowl of some sort and then look for the --
7 look for the bullet, basically.

8 Q. Thank you.

9 So just so I'm clear, you couldn't locate where
10 exactly the bullet was in the brain?

11 A. Well, that's one way to put it.

12 Basically, with decomposition the brain turns to
13 a liquid material. So the bullet was within the brain but
14 it's like a -- it's a liquid material so it's moving
15 around in the head. So I can't tell you what anatomic
16 structure that bullet went through because now, after
17 decomposition, the brain is a liquid.

18 Q. So does that mean the body had been decomposing
19 for a little while, or does the brain just go liquid
20 immediately when you die, or will it take a while for it
21 to decompose to --

22 A. Well, it does take -- certainly takes time.

23 But it's, again, very variable, depending upon
24 the environment.

25 Q. At the end of your report you give a significant

1 finding. Can you explain that?

2 A. Significant findings at autopsy -- would you
3 like me to read the paragraph, sir? Would you like me to
4 read the paragraph or --

5 Q. Just could you paraphrase for us what your
6 significant finding in this case was?

7 A. Sure.

8 A single indeterminate-range penetrating gunshot
9 wound to the head that perforated the frontal skull and
10 the dura, which is the covering of the brain, and
11 disrupted the central nervous system as evidenced by a
12 portion of deformed gray metal within the brain matter.

13 Q. Was that the cause of death, then?

14 A. Yes, sir, the gunshot wound to the head.

15 Q. Can you give a time of death?

16 A. No, sir.

17 Q. And why is that?

18 A. There are many variables. And, again, we don't
19 have anything to go from -- when you get out beyond four
20 or five days, we really don't have any good data to tell
21 us exactly how long it takes for things to happen. So
22 we're very limited when we're trying to look for the time
23 of death. There's just no data.

24 Q. Now, Dr. Schandl, is there any inconsistencies
25 with a twenty-four-day time of death?

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1 A. No, sir.

2 MR. YOUNG: No further questions, Judge.

3 THE COURT: Mr. Butler?

4 MR. BUTLER: Good afternoon, Doctor.

5 THE WITNESS: Hi.

6 MR. BUTLER: I just have a few questions for
7 you.

8 THE WITNESS: Yes, sir.

9 CROSS-EXAMINATION

10 BY MR. BUTLER:

11 Q. With respect to the path of -- or the location
12 of defect which we've identified as the gunshot wound --

13 Is that fair to say?

14 A. Yes, sir.

15 Q. -- sometimes you said right and sometimes you
16 said front right. Can you be more clear? The way I
17 understand it is that in the front towards the right
18 portion of the skull. Is that correct?

19 A. Yes.

20 So the skull is made up of a number of different
21 bones and so the actual skull bone that was perforated is
22 what we call the right-frontal bone. So that is about
23 this thing here. And so the gunshot wound itself is about
24 to this area. So it's on the right side of the head but
25 still in the frontal bone. Not far enough to be in the

1 next bone back, which is called the parietal bone. So
2 that's what I'm talking about when I say right and frontal
3 in the same -- in the same context, is that it's in that
4 bone.

5 Q. Thank you --

6 A. Yes, sir.

7 Q. -- for that clarification.

8 And if I understood you, you're not able to make
9 a determination as to distance from the muzzle to the
10 victim's skull because what apparently at first glance may
11 have been powder burn or stippling turned out to be not?

12 A. That's correct.

13 I have no definitive evidence that that
14 discoloration is soot so I cannot tell you the answer.

15 Q. Just as likely an artifact or byproduct --

16 A. It may -- it may be.

17 Q. -- of the decomposition process?

18 A. That's correct.

19 Q. And I don't know if there's a cardinal rule,
20 number one, of forensic pathology but if there is one it's
21 all estimates of opinions or time of death are just
22 estimates; correct?

23 A. That is true, unless it was a witnessed event.

24 Q. Right.

25 And that the best you can do is perhaps give a

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1 window or a time frame. But beyond that you're just
2 guessing?

3 A. That is true.

4 Q. And in forensic pathology we don't guess?

5 A. We do our best.

6 Q. Okay. This more than four days -- at least four
7 days or beyond four days, was that contained in your
8 initial autopsy report or was that something that you
9 determined later?

10 A. Well, it's -- it wasn't in the report. It's
11 just a matter of fact that he had no vitreous fluid left
12 in his eyes, which gives you, again, a ballpark of about
13 four days.

14 Q. Did the State ask you to make that determination
15 or did you do that on your own?

16 A. I did that all by myself.

17 Q. And give me again the diameter of the size of
18 the wound.

19 A. Yes, sir.

20 The defect to the skull is .6 by .35 inch.

21 Q. Okay. And is the -- did you -- do you
22 distinguish between lengthways and up and down, or does it
23 matter?

24 A. Well, yes, you do. I -- the width in this case
25 is the 0.6 and the --

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1 Q. 0.6?

2 A. -- and the height is the 0.35.

3 Q. And that's six-tenths of an inch?

4 A. That is correct.

5 Q. Great.

6 MR. BUTLER: Beg the Court's indulgence.

7 THE COURT: Yes, sir.

8 [Whereupon, Mr. Butler and Ms. Winslow confer]

9 MR. BUTLER: Just a couple more questions.

10 Q. [Mr. Butler] Your observations of the body in
11 this case cannot allow you to rule out twenty-four days?
12 It's another way of saying it could be twenty-four days?

13 A. That is correct.

14 Q. It could be more than twenty-four?

15 A. That is correct.

16 Q. It could be ten?

17 A. It could be.

18 Q. Could be six?

19 A. You're getting closer to probably more than
20 that, but, yes.

21 Q. It could be -- it could be nine?

22 A. I cannot give you a definitive time frame.

23 MR. BUTLER: That's all I have. Thank you.

24 MR. YOUNG: Nothing further.

25 THE COURT: Doctor, you may step down. Thank

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1 THE WITNESS: Good afternoon.

2 - - - - -

3 \ ILA SIMMONS,

4 Having Been First Duly Sworn,

5 was Examined and Testified as Follows:

6 DIRECT EXAMINATION

7 BY MR. KIDD:

8 Q. Could you tell the jury where you're employed?

9 A. I'm employed at the South Carolina Law
10 Enforcement Division in the forensics laboratory's trace
11 evidence department.

12 Q. And how long have you been with SLED?

13 A. Eleven years.

14 Q. And could you tell us a little bit about what
15 the trace evidence laboratory does?

16 A. Uh-huh. Trace evidence encompasses several
17 areas of forensics. We analyze gunshot residue, gunpowder
18 residues, we perform fiber, glass and paint comparison,
19 and we also analyze any small trace amount of materials
20 that may be found at an incident scene to determine their
21 chemical and elemental compositions.

22 Q. And so -- and I think you just testified to
23 this. And I'm sorry. I might have got a little
24 distracted. Do you do like a -- identify a foreign
25 substance --

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1 A. Yes, sir.

2 Q. -- as part of your normal duties?

3 A. Yes, sir, we do.

4 Q. Can you talk a little bit about your training
5 and background?

6 A. I have a Bachelor of Science degree in
7 chemistry. After completing that, I came to work at SLED
8 and for the first three years that I worked there I worked
9 with a court-qualified SLED-certified trace evidence
10 examiner who taught me how to collect and analyze trace
11 evidence. During that time I had to take written and
12 practical examinations and complete each one with one-
13 hundred percent efficiency, and then I was certified by
14 SLED as a trace evidence examiner.

15 Q. Have you testified in court before?

16 A. Yes, sir, I have.

17 Q. How many times?

18 A. Approximately 200 in the state courts of South
19 Carolina.

20 Q. Is that in general sessions court?

21 A. General sessions, federal, and civil courts of
22 South Carolina.

23 Q. In those times, have you been qualified as an
24 expert?

25 A. Yes, sir.

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1 Q. In what field?

2 A. In trace evidence.

3 Q. About how many times have you been qualified as
4 an expert?

5 A. Every time that I've testified I've been
6 qualified as an expert.

7 MR. KIDD: Your Honor, at this time the State
8 would offer Ms. Simmons as an expert in trace evidence
9 examination.

10 MR. BUTLER: No questions and no objection.

11 THE COURT: All right. Thank you. She will be
12 so qualified.

13 Q. [Mr. Kidd] With regard to this case, which is
14 referenced by your lab number L06-06507, did you receive
15 any items for analysis?

16 A. Yes, sir, I did.

17 MR. KIDD: And may I approach the witness, Your
18 Honor?

19 THE COURT: You may.

20 Q. [Mr. Kidd] I'm going to first show you what's
21 been marked as State's Exhibit Number 59. Do you
22 recognize that item? I want to go ahead and show you
23 State's Exhibit Number 62, as well. Do you recognize
24 those items?

25 A. Yes, sir.

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1 Both State's Exhibit 59 and 62 are marked with
2 my initials, our unique identification number that's given
3 to each case that comes into our laboratory, and an item
4 number that is given to each piece of evidence.

5 Q. And did you have the -- what were you to do with
6 those two items?

7 A. I was to try and determine what the chemical
8 makeup was, or the chemical composition, of the materials
9 that were contained within.

10 Q. And what process did you utilize to accomplish
11 that?

12 A. We analyzed them using a scanning electron
13 microscope. A scanning electron microscope is a very
14 powerful microscope that can see down to greater than a
15 hundred thousand times greater than the human eye can see.
16 It also allows us to x-ray the material and determine what
17 elements are present.

18 Q. And did -- and you did that in this case?

19 A. Yes, sir, I did.

20 Q. Did you generate a report?

21 A. Yes, sir, I did.

22 Q. As to those findings?

23 A. Yes, sir.

24 Q. Do you have a copy of your report with you?

25 A. Yes, sir, I do.

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1 Q. If I could direct your attention to SLED items
2 number six and seven on your report. Does that correlate
3 with the items that you have in front of you?

4 A. Yes, sir, it does.

5 Q. And can you tell the jury what the results of
6 your analysis were on item number six and what is item
7 number six?

8 A. Item number six is this canister. It is labeled
9 as controlled hydrated lime and I found a white powder
10 containing carbon, oxygen, calcium, and magnesium, and
11 this is consistent with some types of lime.

12 Q. And did you also perform that same test on item
13 number seven?

14 A. Yes, sir, I did.

15 Q. And what were the results of your test in that
16 instance?

17 A. In item number seven I also found a white-powder
18 substance that contained carbon, oxygen, calcium,
19 magnesium.

20 Q. And is it possible, through the test that you
21 performed on those substances, to determine whether they
22 came from the same source?

23 A. You can if they are unique enough; however,
24 there are many different types of lime by different
25 manufacturers that can contain these four elements.

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1 Q. And but these two samples contained the same
2 four elements?

3 A. Yes, sir.

4 Q. Is there anything that you were able to see
5 about these two samples that would allow you to
6 distinguish one from the other?

7 A. No, sir.

8 MR. KIDD: Your Honor, at this time the State
9 would move exhibits number --

10 Excuse me. I forgot my numbers.

11 THE WITNESS: 59 and 62.

12 MR. KIDD: -- 59 and 62 into evidence.

13 MR. BUTLER: No objection.

14 THE COURT: 59 and 62 into evidence without
15 objection.

16 [Whereupon, State's Exhibit Number 59 is
17 admitted into evidence by the Court]

18 [Whereupon, State's Exhibit Number 62 is
19 admitted into evidence by the Court]

20 MR. KIDD: No further questions, Your Honor.

21 THE COURT: Mr. Butler?

22 MR. BUTLER: Good afternoon, Ms. Simmons. How
23 are you?

24 THE WITNESS: Doing well. Thank you.

25

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CROSS-EXAMINATION

BY MR. BUTLER:

Q. Lime is a common home-garden substance?

A. Yes, sir, it is.

Q. Sold in hardware and other kinds of stores for people to keep their lawns up?

A. Yes, sir.

Q. What does it do? Something to do with help -- Ph balance in the soil?

A. Yes, sir.

It helps to -- if you have really acidic soil, if you add this it's very basic so it conditions the soil to make it less acidic.

Q. And from what I could understand, your testimony on direct is that your item eight, plastic bag of white-powder substance, is consistent with lime?

A. Yes, sir, it is.

Q. All right. As are items -- your items six and seven?

A. Yes, sir.

Q. But you cannot say that they came from the same source?

A. No, sir.

They just have the consistency through the elements that are present -- and present in all three

1 samples.

2 MR. BUTLER: Thank you. That's all I have.

3 MR. KIDD: No further questions, Your Honor.

4 THE COURT: You may step down. Thank you.

5 MR. KIDD: May we approach?

6 THE COURT: You may.

7 [Whereupon, an off-the-record bench conference
8 is held]

9 THE COURT: Ladies and gentlemen, this is an
10 appropriate time for us to break for the evening. Do
11 not begin your deliberations. Do not discuss this case
12 amongst yourselves.

13 Please be back in your jury room at 9:30.

14 Have a wonderful afternoon. I'll see you back
15 in the morning. Thank you.

16 Please rise for the jury.

17 [Whereupon, the jury exits the courtroom at
18 4:20 p.m.]

19 THE COURT: Thank you. Please be seated.

20 Anything before we break for the evening? Mr.
21 Kidd?

22 MR. KIDD: Judge, nothing legal, only
23 scheduling-wise.

24 It looks like we're a little bit ahead of
25 schedule. My only concern is I have about one, two,

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1 Thursday?

2 MR. KIDD: He's flying back Thursday night. I
3 can get him on a flight tonight. I mean --

4 THE COURT: All right. Well, we will just plan
5 the DNA analyst is the witness on Friday morning first
6 thing.

7 MR. KIDD: And he will be the last witness I
8 will call.

9 THE COURT: See if you can work out a
10 stipulation. If not, then we'll have that testimony for
11 the search warrant, as well, Friday. So just plan
12 accordingly tomorrow.

13 Mr. Butler, you need to place your objection to
14 52 and 54 on the record --

15 MR. BUTLER: Thank you, Your Honor.

16 THE COURT: -- before I forget.

17 And was that it -- was that it from the State?

18 MR. KIDD: Yes, Your Honor.

19 THE COURT: All right. Thank you.

20 MR. BUTLER: Thank you for reminding me because
21 I actually had more to say after the doctor testified.
22 Those were objections to State's --

23 THE COURT: 52 and 54, the two photographs.

24 MR. BUTLER: Yes, ma'am.

25 Those photographs depict the body of the victim

1 not at the crime scene but either at autopsy or just
2 prior to autopsy. They don't make any material issue of
3 fact any more or less likely true.

4 I was -- actually thought that the testimony
5 from the doctor supported my position because she almost
6 refused to use the pictures in any part of her
7 testimony. When the questions were put to her what does
8 this photograph depict, she would say, well, I can't
9 really tell you; I can look at my report and describe it
10 to you.

11 So she didn't even use the photographs. So they
12 didn't assist her testimony. To the extent that they
13 did, they're far more prejudicial than probative. I
14 don't think that I've ever had photographs come into a
15 murder trial where there were parasitic maggots on the
16 body. And it's disturbing and unsettling and it
17 shouldn't come into evidence and I would at this time
18 not only renew my objection but in light of her
19 testimony that she didn't rely on or use them, move that
20 they be taken out of evidence.

21 THE COURT: All right. I believe that fully
22 articulates your argument.

23 I disagree. I did not find that they were more
24 prejudicial. There was extensive testimony that she
25 used the larva and the stages of the larva to identify

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1 the time -- or the stages of death, four days or more.
2 So note your exception.

3 All right. Counsel, I'll see you back at 9:30
4 in the morning. Thank you.

5 [JURY TRIAL ADJOURNS AT 4:30 P.M.]
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STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON) INDICTMENT NO.: 2010-GS-10-0738

THE STATE OF SOUTH CAROLINA)
)
VS.)
)
LEONARD GOODWIN,)
)
DEFENDANT.)
)

JURY TRIAL

VOLUME 3 OF 4

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Thursday, June 2, 2011, Commencing at 9:33 a.m.

SUSAN "MIA" PERRON, CVR-CM
Circuit Court Reporter - 9th Judicial Circuit
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[Exhibits were pre-marked unless other notes in the transcript]

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1 by the court reporter].

2 THE COURT: Please swear the witness.

3 THE CLERK OF COURT: Place your left hand here
4 and raise your right hand.

5 [Whereupon, Mr. Glover is duly sworn by the
6 clerk of court as follows: do you swear or affirm that
7 the testimony you give the Court and the jury in the
8 trial of this case shall be the truth, the whole truth,
9 and nothing but the truth, so help you God]

10 THE WITNESS: I do.

11 THE CLERK OF COURT: Please take your seat.

12 [Whereupon, Mr. Glover takes the witness stand]

13 THE CLERK OF COURT: State your first and last
14 name, spelling your last for the record.

15 THE WITNESS: Andrew Glover. G-L-O-V-E-R.

16 MR. YOUNG: Good morning, Officer Glover.

17 THE WITNESS: Good morning, sir.

18 MR. YOUNG: Thank you for being here.

19 - - - - -

20 ANDREW GLOVER,

21 Having Been First Duly Sworn,

22 was Examined and Testified as Follows:

23 DIRECT EXAMINATION

24 BY MR. YOUNG:

25 Q. Can you tell the jury where you work?

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1 A. North Charleston Police Department.

2 Q. How long have you worked there?

3 A. Since October of 2006.

4 Q. And what are your duties with the North
5 Charleston Police Department?

6 A. Currently I'm on the auto-theft detective
7 division.

8 Q. I want to take you to the date September 6th of
9 2009. Were you employed with North Charleston then?

10 A. Yes, sir.

11 Q. Same duties?

12 A. No, sir. I was on patrol.

13 Q. Patrol? What do you do as a patrol officer?

14 A. Answer all calls dispatched, proactively patrol
15 neighborhoods.

16 Q. And did you receive a dispatch call on the date
17 of September the 6th, 2009?

18 A. Yes, sir, I did.

19 Q. What was this in reference to?

20 A. In reference to somebody believing they saw
21 Leonard Goodwin in the area of Sumner and Attaway in the
22 Charleston Farms neighborhood.

23 Q. What did you do when you got that call?

24 A. I was close on North Rhett so I went right to
25 Sumner Avenue and started looking and located the

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1 individual described.

2 Q. What was he described as wearing?

3 A. Black male, with a khaki tan shirt, riding a
4 bicycle towards Attaway on Sumner.

5 Q. And you located a man that matched that
6 description?

7 A. Yes, sir.

8 Q. What happened next once you located him?

9 A. Once I located him, I was within sight of him.
10 Once he looked at me, he turned in Toregeson Street and
11 went into the apartment complex that was right there. As
12 I turned down Toregeson, he went up on the sidewalk with
13 his bike and around the side of the apartment complex in a
14 hurried manner. He stepped up his pace on the bike once
15 he saw me.

16 Q. What happened next?

17 A. I couldn't get through where he went with my car
18 and had I got out of the car to try to pursue him that
19 way, he would have got away. So I went around the block,
20 which was a short two turns, and by the time I got there
21 he was completely out of sight. I asked two Hispanic
22 males if they saw a black gentleman on the bike go through
23 here, to which they didn't.

24 I went to the next street, which was about
25 twenty yards down, and I saw the gentleman on the bike, on

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1 Larry Street, quite a ways down. And he was still
2 peddling pretty fast so I had to really get on the gas to
3 get up to him, and when I got up to him he was partially
4 out of breath.

5 Q. Was he attempting to flea from you?

6 A. Absolutely.

7 Q. And you finally caught up with him?

8 A. Yes, sir.

9 Q. Did you recognize who it was when you pulled up
10 to him?

11 A. When I got out with him, I -- with the call that
12 was given to me, I was pretty sure it was him.

13 At our department we have a top-ten most-wanted
14 list in our patrol bay and I saw Mr. Goodwin's picture
15 every single day for three years.

16 Q. So the man on the bike matched the poster that
17 you saw on the --

18 A. Absolutely.

19 Q. I'm going to show you what's been premarked
20 State's Exhibit 69.

21 Before that, once you talked to him -- did you
22 get a chance to speak with him?

23 A. I did.

24 Q. Did you -- what was the procedure? To get an
25 ID? Is that --

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1 A. Absolutely.

2 That's the first thing we do, you know,
3 introduce --

4 Q. Did you ask for as ID?

5 A. Yes, sir.

6 Q. Did he give you an ID?

7 A. Yes, sir.

8 Q. Again, I show you what's been premarked State's
9 Exhibit Number 69. Do you remember that?

10 A. Yes, sir.

11 Q. What is that?

12 A. That is the ID that he provided me when I asked
13 for it.

14 Q. Is it the same condition as when you got it that
15 day?

16 A. Yes, sir.

17 MR. YOUNG: Judge, at this point I would ask to
18 move State's Exhibit 69 into evidence.

19 MR. BUTLER: No objection.

20 THE COURT: State's 69 into evidence without
21 objection.

22 [Whereupon, State's Exhibit Number 69 is
23 admitted into evidence by the Court]

24 MR. YOUNG: May I publish it to the jury, Judge?

25 THE COURT: You may.

1 Q. [Mr. Young] Officer, while we're waiting for
2 this to heat up: did you run that ID that he gave you?

3 A. Yes, sir, I did.

4 Q. Did it come back -- how did it come back?

5 A. It came back clear.

6 Q. Okay. Did you get a social security number from
7 him?

8 A. I asked for one and he gave one, but he was very
9 unsure of that social security number.

10 Q. Ask you to look at that overhead, if you can,
11 and tell me what we're looking at right here.

12 MR. YOUNG: I'm going to attempt to zoom in on
13 this thing a little bit. That's not clear so -- bear
14 with me one moment.

15 Q. [Mr. Young] Is that the ID that he gave you?

16 A. Yes, sir.

17 Q. Whose name is that up there?

18 A. Elbert Ralph Taylor.

19 Q. So that name ran -- you ran it and that came
20 back clear?

21 A. Yes, sir.

22 Q. Did you have any suspicions at this point that
23 this was Albert Taylor or --

24 A. I knew that wasn't Albert Taylor.

25 Q. You knew that wasn't Albert Taylor?

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1 A. [Indicates affirmatively]

2 Q. So at this point you said you had suspicions
3 about what was going on. What did you do next?

4 A. I requested a supervisor.

5 Q. Because you still thought this was Leonard
6 Goodwin?

7 A. Yes, sir, I did.

8 Q. Did the suspect appear to be in a hurry to leave
9 at all? Was he trying to leave?

10 A. Once I requested a supervisor, his nervousness
11 and his mannerisms kept causing me alarm. You could tell
12 he wanted to get out of there pretty quick.

13 Q. Did you, in fact, call a supervisor?

14 A. Yes, sir, I did.

15 Q. Did your supervisor respond to the scene with
16 you?

17 A. Yes, sir.

18 Q. At this point were you able to talk to the
19 defendant? Or tell us at that point, once the supervisor
20 got there, what happened next?

21 A. Once the supervisor got there I explained to her
22 that I was quite sure that this was Mr. Goodwin, and then
23 the ID, and then the social security number he was unsure
24 about. I asked if I could place him into investigative
25 detention. While -- in that entire conversation, he asked

1 me -- he said he had to -- he had to go because he had to
2 urinate. At that point she cleared my -- for me to put
3 him in detention.

4 Q. So at this point you took him into investigative
5 detention?

6 A. Yes, sir.

7 Q. But he wasn't under arrest?

8 A. Correct.

9 Q. Did you have a chance to speak to the defendant?

10 A. Yes, sir.

11 Q. What did he say -- what did he say next when you
12 talked to him?

13 A. In consensually talking to him, at one point he
14 stated that he had been in New Jersey for a year, which
15 also raised my suspicion again. Based on what I knew of
16 the case, it appeared that that was a good chance that he
17 was fleeing the area --

18 Q. Right.

19 A. -- to be in New Jersey.

20 Q. Tell us about the next part of the conversation.

21 A. In talking to him and knowing that I believed it
22 was him and the ID was not him, I asked if I could talk to
23 him man-to-man. And I told him, you know, while you're in
24 investigative detention, due to my suspicions that you are
25 not who you say you are, I'm going to have you

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1 fingerprinted and rather than me get you fingerprinted and
2 it come up that you are Leonard Goodwin I said, that would
3 look extremely bad on you; I would prefer that you tell me
4 you're Leonard Goodwin, if, in fact, you are, and show
5 that you are coming clean instead of me having to find out
6 by my means. When I gave -- talked to him about that, he
7 put his head down and started crying and said he was, in
8 fact, Leonard Goodwin, wanted for murder.

9 Q. That he was -- what was the last part you said?

10 A. That he was wanted for murder.

11 Q. Wanted for murder.

12 So you knew he -- so he knew he was wanted for
13 murder?

14 A. Yes, sir.

15 Q. Is that suspect in the courtroom today?

16 A. Yes, sir.

17 Q. Can you point him out for the jury?

18 A. It's the black gentleman in the white shirt, red
19 tie, with the glasses.

20 MR. YOUNG: Judge, I ask the record reflect that
21 the officer has identified the defendant, Leonard
22 Goodwin.

23 THE COURT: It will.

24 Q. [Mr. Young] At this point did you, in fact,
25 then arrest the defendant?

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1 A. Yes, sir.

2 I read his Miranda rights from the card.

3 Q. Okay. You arrested him then --

4 A. Yes. Once the warrant --

5 Q. -- once you --

6 A. -- was confirmed with Leonard Goodwin and the
7 date of birth. It was confirmed.

8 Q. Did you ever find out where he got the ID from?

9 A. Yes.

10 In speaking with him while we were transporting
11 him and all that, he got --

12 MR. BUTLER: Sorry. I've got to object. May we
13 approach?

14 THE COURT: You may.

15 [Whereupon, an off-the-record bench conference
16 is held]

17 THE COURT: Ladies and gentlemen, the last
18 question has been withdrawn by Mr. Young. Do not
19 consider or anticipate any of the proposed answers by
20 the witness.

21 Mr. Young, please move on.

22 Q. [Mr. Young] Was this the end of your
23 involvement with this case, Officer Glover?

24 A. Yes, sir.

25 MR. YOUNG: The Court's indulgence, Your Honor.

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1 [Whereupon, Mr. Young and Mr. Kidd confer]

2 MR. YOUNG: No further questions.

3 MR. BUTLER: Please the Court. Good morning.

4 THE WITNESS: Good morning, sir. How are you?

5 MR. BUTLER: Doing well. How are you?

6 THE WITNESS: Good. I'm just great.

7 MR. BUTLER: I just have a few questions for
8 you.

9 CROSS-EXAMINATION

10 BY MR. BUTLER:

11 Q. When you saw Mr. Goodwin, this was in 2010?

12 A. Nine.

13 Q. Nine. 2009.

14 You're -- how long have you been in law
15 enforcement?

16 A. Since 2004.

17 Q. Okay. And you trained at the academy like
18 everybody else?

19 A. Yes.

20 Q. Okay. And you are trained and know how to take
21 note of suspicious behavior?

22 A. Yes, sir.

23 Q. He was behaving suspiciously?

24 A. Yes, sir.

25 Q. All right. You're trained to observe and make

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1 note of the behavior on the part of a person that has
2 something to hide; right?

3 A. Yes, sir.

4 Q. Their mannerisms, their method of speech; right?

5 A. [Indicates affirmatively]

6 Q. Their body language; right?

7 A. [Indicates affirmatively]

8 Q. Can all tell you whether or not somebody's got
9 something to hide?

10 A. [Indicates affirmatively]

11 Q. And on this day Mr. Goodwin, he didn't have such
12 a good poker face, did he?

13 A. No, sir.

14 Q. Okay. And do you know Detective Armstead?

15 A. Yes, sir.

16 Q. You work with him?

17 A. Same department. I've never worked on a shift
18 with him.

19 Q. Testified here yesterday?

20 A. I wasn't here.

21 Q. You didn't know? Okay.

22 He would have gone through the same kind of
23 training that you've gone through; right?

24 A. Yes, sir.

25 Q. Okay. And knows how to observe, look for --

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1 MR. YOUNG: Objection, Judge. It's speculation
2 at this point.

3 THE COURT: I'm going to give him a little
4 latitude. Thank you.

5 Q. [Mr. Butler] Would know how to observe, take
6 note? The same kind of clues in human behavior, speech,
7 mannerisms, right, if they're suspicious?

8 A. [Indicates affirmatively]

9 Q. And when you talked to him he told you, okay,
10 I'm the guy you're looking for and he knew he was wanted
11 for murder?

12 A. Yes, sir.

13 Q. Right?

14 But he didn't break down and tell you, I
15 confess, I did it, did he?

16 A. No, sir.

17 MR. BUTLER: Beg the Court's indulgence.

18 [Whereupon, Mr. Butler and Ms. Winslow confer]

19 MR. BUTLER: That's all I have. Thank you.

20 MR. YOUNG: Nothing further, Your Honor.

21 THE COURT: You may step down. Thank you.

22 [Whereupon, the witness is excused and exits the
23 witness stand]

24 MR. KIDD: The State calls John Reynolds.

25 [Whereupon, Mr. Reynolds comes forward]

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1 God]

2 THE WITNESS: I do.

3 THE CLERK OF COURT: Please take your seat.

4 [Whereupon, Ms. Kubicsko takes the witness
5 stand]

6 THE CLERK OF COURT: Ma'am, if you would state
7 your first and last name, spelling your last for the
8 record.

9 THE WITNESS: Lisa Kubicsko. K-U-B-I-C-S-K-O.

10 MR. KIDD: Good morning, Ms. Kubicsko.

11 THE WITNESS: Good morning.

12 - - - - -

13 LISA KUBICKSKO,

14 Having Been First Duly Sworn,

15 was Examined and Testified as Follows:

16 DIRECT EXAMINATION

17 BY MR. KIDD:

18 Q. Can you tell the jury where you are employed?

19 A. North Charleston Police Department as a crime
20 scene technician.

21 Q. And how long have you been employed there?

22 A. It has been almost six months. It'll be six
23 months June 13th.

24 Q. So you're relatively new.

25 A. Yes.

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1 Q. Did you have the opportunity to execute a search
2 warrant in a case against Leonard Goodwin?

3 A. Yes, I did.

4 Q. And can you tell the jury where that search
5 warrant was executed?

6 A. That search warrant was executed at Target
7 Street.

8 Q. And when was that search warrant executed?

9 A. On May 4th.

10 Q. Of what year?

11 A. 2011.

12 Q. Of this year?

13 A. Yes.

14 Q. There was a search warrant executed at
15 Target Street?

16 A. Yes.

17 [Whereupon, State's Exhibit Number 70 is marked
18 by the court reporter]

19 Q. [Mr. Kidd] I'm going to show you what's been
20 marked as State's Exhibit Number 70 and see if you can
21 recognize that.

22 A. Yes.

23 This is the Gordons gin bottle that I collected
24 from the crawl space underneath the house.

25 Q. And did you actually physically go into the

1 crawl space underneath that house?

2 A. Yes, I did.

3 Q. And show you a couple of photographs real quick.
4 Please direct your attention behind you. Is this the
5 house where the search warrant was executed?

6 A. Yes, it is.

7 Q. And is that how you gain entrance to that crawl
8 space?

9 A. Yes, it is.

10 Q. So you physically went through that --

11 A. Yes.

12 Q. -- through that opening?

13 A. Uh-huh.

14 Q. And were you alone or were you with someone
15 else?

16 A. I was with fellow crime scene technician
17 J.T. Thomas.

18 Q. J.T. Thomas?

19 A. Yes.

20 Q. So both of you went underneath that house?

21 A. Yes, I did.

22 Q. Was -- what was the lighting like under there?
23 Was it light? dark?

24 A. Dark.

25 Q. Did you have some sort of flashlights with you

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1 or. --

2 A. We did. We did.

3 Q. -- how did you see?

4 A. And we had the sunlight coming through that
5 opening and several other openings underneath the house.

6 Q. So there were -- when you say openings, are they
7 like openings you could fit through?

8 A. No. Just holes in the bricks.

9 Q. Like venting?

10 A. Yeah.

11 Q. Okay. And you had flashlights?

12 A. Yes.

13 Q. And you recovered -- and if you could open that
14 package for me. Just tear through those staples.

15 A. [Witness complies]

16 Q. Is that the bottle that you recovered?

17 A. Yes, sir.

18 Q. And you recognize it?

19 A. Yes, I do.

20 MR. KIDD: Your Honor, at this time the State
21 would move Exhibit Number 70 into evidence. Oh. I'm
22 sorry.

23 [Whereupon, Mr. Kidd and Ms. Winslow confer]

24 MS. WINSLOW: Without objection, Your Honor.

25 THE COURT: State's 70 into evidence without

1 objection.

2 [Whereupon, State's Exhibit Number 70 is
3 admitted into evidence by the Court]

4 Q. [Mr. Kidd] Now, was the bottle found right
5 inside the entrance of the crawl space access?

6 A. It was not.

7 When you enter the crawl space, there was
8 bottles all underneath the house. But that was not found
9 directly upon entering the crawl space. It was back a
10 little bit in the crawl space.

11 Q. When you say bottles, like how many?

12 A. I recovered eight.

13 We found multiple bottles laying around the
14 crawl space. A lot of them appeared to be very old so we
15 collected all eight just to have them.

16 Q. I'm going to show you what's been entered into
17 evidence as State's Exhibit Number 43. Does that look
18 familiar to you?

19 A. Are you referring to the chain?

20 Q. No, no. I'm just referring to the overall
21 picture of the crawl space. Is that --

22 A. Yes.

23 Q. -- similar to how it looked when you went under
24 there?

25 A. Similar in, yes, the structure and everything.

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1 But that's -- I believe that's a picture from back in
2 2006.

3 Q. Correct.

4 A. So, yeah, the structure and everything is the
5 same.

6 Q. And I'm going to show you what's been marked as
7 State's Exhibit Number 44. I'd like to draw your
8 attention to that bottle right there. Does that appear to
9 be the same bottle you collected?

10 A. Yes, it does.

11 MR. KIDD: Judge, may I have the opportunity to
12 publish to the jury?

13 THE COURT: The bottle?

14 MR. KIDD: Uh-huh.

15 THE COURT: Yes, sir.

16 Q. [Mr. Kidd] And that's this Gordons gin bottle?

17 A. Yes.

18 Q. And this was collected in 2011?

19 A. Yes, sir.

20 Q. And what did you do with this bottle after you
21 collected it?

22 A. I took it back to the lab. At that point, using
23 latex gloves I opened the bottle. I did smell an odor of
24 alcohol coming from the bottle.

25 There was also a piece of paper stuck in the

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1 neck of the bottle, which I removed using tweezers. I
2 laid out the piece of paper. I photographed the piece of
3 paper and the bottle.

4 I then obtained a DNA swab, from the inner rim
5 and outer rim of the bottle, to be sent for analysis.

6 Q. And I'm going to show you what's been marked as
7 State's Exhibit Number 68. See if you recognize that.

8 A. Yes.

9 This is the DNA swab from the Gordons gin bottle
10 that I collected.

11 Q. And what did you do with that?

12 A. I packaged it in this envelope and then I filled
13 out a permission request for analysis to be sent to SLED
14 in Columbia, and submitted it to our evidence to then be
15 transported to SLED.

16 Q. Do you know if it was transported to SLED?

17 A. Yes, sir.

18 Q. Did you transport it to SLED?

19 A. No, sir. Or, yes, sir. I'm sorry.

20 Q. Do you remember when?

21 A. No, sir, I don't remember the particular date.
22 On here I did sign the seal as May 6th.

23 Q. And do you remember when you would have signed
24 that seal?

25 A. When I brought it to SLED.

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1 Q. Would you have signed it at North Charleston, or
2 up at SLED?

3 A. At SLED.

4 Q. At SLED.

5 A. They placed it in this SLED package and I signed
6 the seal.

7 Q. And you did that in front of the person up at
8 SLED --

9 A. Yes, sir.

10 Q. -- when he takes it?

11 A. Yes.

12 Q. Show you a SLED chain of custody sheet. Is that
13 your signature on the bottom of that sheet?

14 A. Yes, sir.

15 Q. And can you tell who received it from you, at
16 SLED, from that?

17 A. Amy Stephens.

18 Q. When you packaged the swabs, you packaged them
19 in this inner envelope here?

20 A. Yes.

21 Q. And that's sealed?

22 A. Yes, sir.

23 Q. And then you actually drove it to SLED?

24 A. Yes.

25 Q. And then you sealed it in this outer envelope?

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1 A. The person I submitted it to did seal it in that
2 bag and then I signed the seal.

3 Q. And they did that in front of you?

4 A. Yes, sir.

5 Q. And have you tampered with anything or --

6 A. No, sir.

7 Q. Or at any time?

8 A. No, sir.

9 MR. KIDD: Court's indulgence.

10 THE COURT: Yes, sir.

11 [Whereupon, Mr. Kidd and Mr. Young confer]

12 Q. [Mr. Kidd] Do you remember the address of the
13 house that you executed that search warrant at?

14 A. Target Street.

15 MR. KIDD: No further questions, Your Honor.

16 THE COURT: Mr. Butler?

17 MR. BUTLER: Good morning.

18 THE WITNESS: Good morning.

19 MR. BUTLER: I just have a few questions for
20 you.

21 CROSS-EXAMINATION

22 BY MR. BUTLER:

23 Q. Besides the bottle that you took -- that you
24 swabbed, you collected eight other bottles?

25 A. Yes, sir.

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1 Q. And there were other bottles there that you
2 didn't collect?

3 A. [No response]

4 Q. Or did I -- did I misunderstand you? You
5 collected all of them?

6 A. I believe so, yes.

7 Q. Okay.

8 A. We focused our search on the right side of the
9 crawl space.

10 Q. Okay. But there were eight bottles in addition
11 to the one that you collected?

12 A. Yes, sir.

13 Q. You saw in the photograph there were magazines;
14 right?

15 A. [No response]

16 Q. And you collected -- there were papers. There
17 was a receipt; right?

18 A. There was one piece of paper in the neck of the
19 Gordons gin bottle, yes.

20 Q. There was garbage in the crawl space; right?

21 A. Not that I can remember. We didn't focus on the
22 debris and trash underneath the house.

23 Q. The bottles were discarded, the magazine had
24 been discarded; right?

25 A. I don't know the nature of why they were

1 underneath the house.

2 Q. Well, you were there five years after the --

3 A. Right. Yes.

4 Q. Okay. There was a VHS tape under there --

5 A. Yes.

6 Q. -- as well?

7 A. Uh-huh.

8 Q. And the only bottle that you swabbed was the one
9 that you talked about today?

10 A. Yes, sir.

11 Q. Do you recall that there were -- in the exterior
12 of the crawl space, the foundation of the house, there
13 were slats for ventilation? Do you recall that?

14 A. Yes, sir.

15 MR. BUTLER: Beg the Court's indulgence.

16 THE COURT: Yes, sir.

17 [Whereupon, Mr. Butler and Ms. Winslow confer]

18 MR. BUTLER: Thank you.

19 REDIRECT EXAMINATION

20 BY MR. KIDD:

21 Q. Is there a particular reason you were focusing
22 on that particular bottle?

23 A. To my knowledge, that was a bottle of interest
24 pertaining to the case.

25 MR. KIDD: No further questions, Judge.

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1 THE COURT: Recross, Mr. Butler?

2 MR. BUTLER: No. No, ma'am.

3 THE COURT: You may step down. Thank you.

4 THE WITNESS: Thank you.

5 [Whereupon, the witness is excused and exits the
6 witness stand]

7 THE COURT: Ladies and gentlemen of the jury,
8 this is an appropriate time for us to take our break,
9 or we may continue. Would you like to take a break at
10 this time?

11 THE FOREPERSON: Yes.

12 THE COURT: Please do not begin your
13 deliberations. Do not discuss this case amongst
14 yourselves.

15 Please rise for the jury.

16 [Whereupon, the jury exits the courtroom at
17 10:44 a.m.]

18 THE COURT: Thank you. Please be seated.

19 At this time I'm going to allow you to place
20 your objection --

21 MR. BUTLER: Thank you.

22 THE COURT: -- upon the record to Officer
23 Glover's testimony.

24 You did approach prior to his testimony so I
25 want the record to be clear that you did object. The

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1 conferences, bench conferences, are not on the record
2 but you did make your objection to his testimony prior
3 to his testimony, just so the record is clear, but we
4 had already called him and did not wish to have the
5 jury be excused and come back. So, Mr. Butler, please
6 place your objection to the --

7 MR. BUTLER: Yes, ma'am. I just want to make
8 sure the record is clear.

9 Just prior to Officer Glover's testimony, I
10 approached the bench and restated our objection as
11 spelled out after the Jackson v. Denno hearing. We use
12 the term Jackson v. Denno hearing, but it's just a
13 hearing for the admission of the defendant's statement.

14 Our specific objection was that the statements
15 were taken in violation of Miranda vs. Arizona, fifth
16 amendment right to counsel, under both the state and
17 federal constitution and that I asked the Court -- and
18 I don't want to misspeak, but the Court indicated that,
19 yes, that was still your ruling, that was a final
20 ruling, I did not need to renew my objection to all the
21 statements that Officer Glover testified to made by Mr.
22 Goodwin. And the State acquiesced that that procedure
23 would be sufficient to protect the record.

24 THE COURT: All right. Thank you.

25 Anything further regarding that matter on behalf

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1 of the State?

2 MR. KIDD: No, Your Honor.

3 THE COURT: All right. Thank you.

4 And just for scheduling purposes, Mr. Kidd,
5 we're moving right along. How many more witnesses do
6 you have?

7 MR. KIDD: Judge, I have a DNA analyst and the
8 firearms analyst left this morning. I think that will
9 probably take us to about noon-ish, maybe a few minutes
10 before noon. And then this afternoon I have another
11 DNA analyst and a forensic technician. So I'm talking
12 very short testimony this afternoon and then have that
13 one --

14 THE COURT: Mr. Kidd, any way that we could just
15 work through lunch, per se, and end earlier? Can you
16 get those two witnesses here early and then that way we
17 don't have to break and come back?

18 MR. KIDD: The only problem would be that they
19 are SLED witnesses and they're coming from Columbia.

20 [Off the record momentarily]

21 MR. KIDD: We can try.

22 THE COURT: We're going to take ten minutes for
23 our mid-morning break. See if you can accomplish that.
24 That just makes more sense to do that.

25 How long do you think the two afternoon

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1 God]

2 THE WITNESS: I do.

3 THE CLERK OF COURT: Sir, if you would take your
4 seat.

5 [Whereupon, Mr. Whitler takes the witness stand]

6 THE CLERK OF COURT: If you would state your
7 first and last name, spelling your last for the record.

8 THE WITNESS: My name is Kenneth H. Whitler.
9 The last name is spelled W-H-I-T-L-E-R.

10 MR. KIDD: Good morning -- good afternoon, Mr.
11 Whitler. Thank you for being here.

12 - - - - -

13 KENNETH H. WHITLER,

14 Having Been First Duly Sworn,

15 was Examined and Testified as Follows:

16 DIRECT EXAMINATION

17 BY MR. KIDD:

18 Q. Can you tell the jury where you're employed?

19 A. I'm employed by the South Carolina Law
20 Enforcement Division in the forensic services division,
21 which is the laboratory, and I'm in the firearms, tool
22 mark department.

23 Q. And in the firearms, tool-mark department, what
24 -- what are typically your duties in regards to that
25 department?

MIA PERRON, CVR-CM

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1 A. Well, I'm a firearms examiner so I examine
2 mostly firearms components such as bullets, cartridge
3 cases, and try to determine if they were fired by a
4 particular gun.

5 If a gun is not submitted with that -- with
6 those components, then I try to determine if they were
7 fired by the same gun or maybe multiple guns.

8 We also do tool marks, see if say a screwdriver
9 made a mark on a doorplate or something like that.

10 Q. Can you tell the jury a little bit about your
11 educational background?

12 A. I have graduate and undergraduate degrees from
13 the University of South Carolina.

14 Q. Have you had any specialized training in
15 ballistics?

16 A. Well, it's not called ballistics. It's firearms
17 identification. But there's no school you go to to get a
18 degree in firearms identification. You have to learn it
19 from other qualified examiners.

20 I learned when I was in the FBI laboratory. And
21 their training program is approximately two years long,
22 where you shoot a lot of firearms, you examine a lot of
23 bullets -- fired bullets and cartridge cases. You work on
24 real cases, as well as cases they make up for you. And
25 you work -- and you have to work with every examiner in

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1 the -- in that unit. And when all of them -- when you've
2 work with all of them and all of them collectively decided
3 that you have learned enough to be competent, then they
4 give you a series of three tests, sort of like a final
5 exam. And if you pass those three tests, then you're
6 certified to be a firearms examiner for the FBI. I
7 successfully completed that training program and I
8 certified as a firearms examiner in 1991.

9 In 1997 I retired from the FBI and came to SLED
10 to do basically the same job.

11 Q. Have you testified in court before?

12 A. Yes, I have.

13 Q. Do you know approximately how many times?

14 A. The last time I counted it was a little over 235
15 times in various state, federal, and territorial courts.

16 Q. In those times you've testified, have you been
17 qualified as an expert?

18 A. Yes, I have.

19 Q. In what area?

20 A. Firearms identification.

21 Q. Firearms identification.

22 MR. KIDD: Your Honor, at this time the State
23 would move Mr. Whitler as an expert in firearms
24 identification.

25 THE COURT: Any objection?

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1 MR. BUTLER: No, ma'am.

2 THE COURT: He will be so qualified. Thank you.

3 Q. [Mr. Kidd] Now, in reference to this case,
4 which I believe bears the lab number L06-06507, did you
5 have the opportunity to analyze any items of evidence?

6 A. Yes, I did.

7 MR. KIDD: If I may approach?

8 Q. [Mr. Kidd] I'm going to show you what's been
9 marked as SLED number nine and our State's Exhibit Number
10 63. And the package is open, so you can look into it.
11 Can you tell the jury what that is?

12 A. Yes. I've seen this before. It is an item I
13 examined. I determined it's a metal fragment. It's
14 possibly a bullet, but there are no identifying marks on
15 it as a bullet so that's why we have to call it a metal
16 fragment.

17 Q. Can you tell the jury when you first came into
18 possession of that item?

19 A. I don't have the chain of exactly when I took
20 custody of it, but I worked the -- I examined it during
21 June of 2010. Excuse me. September of 2006.

22 Q. Would it help refresh your recollection, if I
23 showed you your chain of custody sheet, as to where you
24 got it from and --

25 A. Yes. That's why we have a certified chain so

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1 that -- it's the master sheet.

2 Q. I believe that should show you item number nine
3 there, which is that projectile; is that correct? And I
4 think you might have to turn the page and see at what
5 point you came in possession of it.

6 A. Yes. According to this, I received it in May of
7 -- May 30th of 2006 and I returned it to the log-in
8 department on September 27th of 2006.

9 Q. Can you tell who you received it from?

10 A. It was from the evidence room. They don't have
11 a particular name on it at that point.

12 Q. Are you able to tell who put it in the evidence
13 room?

14 A. I'm assuming Carol Brooks did.

15 Q. Thank you.

16 And when you received it, was it packaged?

17 A. Yes, sir.

18 All the evidence, when it's received at SLED,
19 has to be sealed or they won't take it in the evidence
20 log-in department. If you bring it in unsealed, they'll
21 make you put a seal on it. And even if it is sealed, then
22 they'll put another piece of SLED evidence tape on it and
23 you'll sign again so that they see that it is a sealed
24 package.

25 When we get it, it is still in a sealed-

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1 container condition. The evidence log-in people do not
2 open any packages. They merely are sort of like the
3 postal department: you put your package in and they'll
4 let us know that the evidence is down there; you come down
5 and get it; it's still under a sealed condition when you
6 take custody of it from the log-in department.

7 You take it up -- back to your office, or
8 wherever you're working it. You work your case and then
9 you have to return it to them also in a sealed condition.
10 So no matter how many departments it goes through, it
11 always -- when it comes back to the log-in department, it
12 is always in a sealed condition.

13 Q. And when you came into possession for the first
14 time of this fragment, was it in a sealed condition at
15 that point?

16 A. Yes. That's what I just said.

17 Q. And so when you open it and then you take it
18 somewhere else, you have to reseal it?

19 A. That's correct.

20 Q. And what do you do when you reseal it?

21 A. You put it in the bag and either heat-seal it or
22 use evidence tape on it. In this case I heat-sealed it
23 and put my initials on it.

24 Q. And so you initialed that seal?

25 A. Yes.

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1 Q. Okay. And this is State's Exhibit Number 63.

2 MR. KIDD: Your Honor, at this time the State
3 would offer State's Exhibit Number 63 into evidence.

4 MR. BUTLER: No objection.

5 THE COURT: State's 63 into evidence without
6 objection.

7 [Whereupon, State's Exhibit Number 63 is
8 admitted into evidence by the Court]

9 MR. KIDD: Thank you, Your Honor.

10 Q. [Mr. Kidd] And did you have -- and you had the
11 opportunity to analyze this item?

12 A. Yes, I did.

13 Q. And what was the results of that first analysis?

14 A. The results were that it's a metal fragment that
15 either could be a piece of lead or it could be a
16 projectile. Based on the remaining weight of it, it could
17 be anything from a .22 rim-fired bullet to a piece of a
18 bullet from a larger caliber.

19 Q. So when you're analyzing it, do you weigh it?
20 Or how does that process work?

21 A. Well, you examine it to look for -- if you're
22 trying to determine if it's a bullet, you look at it to
23 see if there's any rifling impressions on it or any
24 characteristics of a bullet, you know, the shape or the
25 design of it. If it's two mashed up, then you're left

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1 with, like we are in this case, it's -- it could be a
2 bullet or -- and based on the weight, a .22 rim-fired
3 bullet runs anywhere from around twenty-nine grains up to
4 about forty. If it's in that weight range you could say,
5 well, this -- if this was the entire bullet, entire .22
6 rim-fired bullet, based on the weight it could be a .22.

7 However, if it's a piece or a fragment of a
8 larger bullet, it could be a forty-five caliber bullet and
9 this is just a small piece of it. So that's why it's
10 called a metal fragment.

11 Q. But even though you call it a metal fragment, it
12 could be the entire projectile?

13 A. It's possible.

14 But, you know, you never -- you don't know. The
15 fact that it came in a medical container would leave me to
16 believe it's most consistent with being a projectile and
17 not just a piece of lead that somebody found on the street
18 or somewhere.

19 Q. And were there any markings on the -- on that
20 projectile?

21 A. There were some striated marks on the metal
22 fragment that I couldn't be sure whether they were put
23 there by a firearm barrel or some other object. That's
24 why in my report I put that while we couldn't say it's a
25 bullet and we can't tell you exactly what it is, there are

1 marks on it and if it's -- if this mark was made by a
2 barrel and this is a bullet, there may be a possibility
3 that it could be identified based -- those marks may be
4 coming from the barrel of the firearm. It's a very high
5 -- unlikely possibility that it did but we have to be --
6 we can't shut the door on it entirely. The marks were
7 there. They are -- they're similar to the marks that
8 sometimes you see on the -- that barrels we put on bullets
9 or bullet fragments. So in order to be safe, we always
10 leave an opportunity to examine something.

11 Q. Mr. Whitler, can you tell the jury what IBIS is?

12 A. IBIS is a computerized database that holds
13 pictures of cartridge cases and bullets.

14 Q. And what purpose does IBIS serve?

15 A. It's a screening device that's used to -- you
16 enter the -- your item, your bullet, or your cartridge
17 case, and it's compared against other bullets or cartridge
18 cases. And you're trying to link up different crimes to
19 see if a firearm has been used in the same -- in different
20 crimes or different places.

21 Q. And did this projectile meet the guidelines to
22 enter into IBIS?

23 A. No.

24 Q. What are those guidelines?

25 A. Well, first of all, they don't enter .22 rim-

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1 fired bullets at all. The next thing is they don't enter
2 lead bullets. And in this case, when you can't be sure if
3 it's a bullet or the caliber, it would be worthless to put
4 it in because you wouldn't know what to compare it
5 against.

6 Q. So I just want to get to one other point. You
7 said they don't enter lead bullets?

8 A. That's correct.

9 Q. So what material of bullets do they normally
10 enter?

11 A. Jacketed bullets..

12 Q. Jacketed bullets? And is that copper jacketing?
13 Or what's generally the jacketing material made of?

14 A. Generally it's made out of copper.

15 Q. Was there any jacketing present in this case?

16 A. No, sir.

17 Q. And you're familiar with different cartridges;
18 is that correct?

19 A. Yes.

20 Q. Are common -- is it common for a .22 caliber
21 bullet to be jacketed?

22 A. In some cases they are.

23 Q. Is that -- is it common for them not to be
24 jacketed?

25 A. They make them in both varieties. I mean, in

1 .22.rim-fires, they're probably -- there are a good many
2 made that are all lead, and then there are some that are
3 copper-plated lead, and then there are very few that are
4 copper jacketed, have heavier jackets on them.

5 Q. And larger caliber bullets, are they more often
6 jacketed?

7 A. Usually they're -- particularly with pistols,
8 the ammunition for those are generally made with jacketed
9 ammunition in them.

10 Q. And what purpose does a jacket serve?

11 A. Well, in a pistol it makes it function more
12 reliably because jackets are harder than lead. And if you
13 have a bullet coming in in a feed ramp and it happens to
14 deform a little bit, it could cause a jam. However, there
15 are many pistols that shoot lead bullets quite well. So
16 it's just whatever they want to make the bullet do.

17 Q. And just to kind of summarize real quick. So
18 you received this projectile, determined that it is either
19 a fragment or a projectile, or could be the entire
20 projectile. It's weight is consistent with a twenty-two
21 caliber or a fragment of a larger caliber. Is that --

22 A. Well, it could also be just a metal fragment,
23 too; a piece of lead. I mean, like I said, there's
24 nothing on there that says this is a bullet.

25 Q. And it did not possess the characteristics to

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1 submit to IBIS?

2 A. No, sir.

3 MR. KIDD: No further questions.

4 MR. BUTLER: Good morning, Mr. Whitler. How are
5 you?

6 THE WITNESS: Pretty good. Pretty good.

7 MR. BUTLER: I just have a few real easy
8 questions.

9 CROSS-EXAMINATION

10 BY MR. BUTLER:

11 Q. The fragment could Berkeley a bullet; right?

12 A. That's correct.

13 Q. And if it's a bullet, it could be a twenty-two?

14 A. Yes.

15 Q. Or a larger caliber weapon?

16 A. Or part of a --

17 Q. Or part of --

18 A. -- part of a bullet from a larger caliber.

19 Q. It can't be anything smaller because they don't
20 make anything smaller; right?

21 A. Well, actually they do. But it would be too big
22 for that.

23 Q. Okay. Yes. Excuse me. I know nothing about
24 guns so I'm going to ask you one other what should be an
25 easy question.

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1 A twenty-two caliber round is called that
2 because its diameter is .22 inches; is that right?

3 A. Pretty close, yes.

4 Q. Okay. Which is just a little bit more than
5 one-fifth of an inch?

6 A. That's correct.

7 Q. Okay. And in forensics -- and you're a
8 forensics person; right?

9 A. Yes, sir.

10 Q. Forensics is a combination of legal and science?

11 A. Yes.

12 Q. Tool-mark evidence is scientifically based?

13 A. Yes.

14 Q. All right. And we use the term consistent with.

15 You use that some in your testimony a lot in forensic
16 science, consistent with; right?

17 A. Yes, sir.

18 Q. And that's just a little bit more of a fancier
19 way of saying could be?

20 A. Yes, it is.

21 Q. And a more awkward way of saying consistent with
22 is I can't say it's not a twenty-two?

23 A. Yeah. But what we're saying is it could be a
24 twenty-two, it could be something else. And --

25 MR. BUTLER: Beg the Court's indulgence.

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1 THE COURT: Yes, sir.

2 MR. BUTLER: That's all I have. Thank you, sir.

3 THE COURT: Redirect?

4 MR. KIDD: No, ma'am.

5 THE COURT: You may step down. Thank you.

6 [Whereupon, the witness is excused and exits the
7 witness stand]

8 THE COURT: Call your next witness.

9 MR. KIDD: The State calls Jasper Humbert.

10 MR. BUTLER: Your Honor, may we approach?

11 THE COURT: You may.

12 [Whereupon, an off-the-record bench conference
13 is held]

14 THE COURT: Please come forward.

15 [Whereupon, Mr. Humbert comes forward]

16 THE CLERK OF COURT: Place your left hand here
17 and raise your right hand.

18 [Whereupon, Mr. Humbert is duly sworn by the
19 clerk of court as follows: do you swear or affirm that
20 the testimony you are going to give the Court and the
21 jury in the trial of this case shall be the truth, the
22 whole truth, and nothing but the truth, so help you
23 God]

24 THE WITNESS: I do.

25 THE CLERK OF COURT: Thank you. Please take

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1 your seat.

2 [Whereupon, Mr. Humbert takes the witness stand]

3 THE CLERK OF COURT: Sir, if you would state
4 your first and last name, spelling your last for the
5 record.

6 THE WITNESS: My name is Jasper Humbert.
7 H-U-M-B-E-R-T.

8 MR. KIDD: Good afternoon, Mr. Humbert.

9

10 JASPER HUMBERT,

11 Having Been First Duly Sworn,

12 was Examined and Testified as Follows:

13 DIRECT EXAMINATION

14 BY MR. KIDD:

15 Q. Are you currently employed?

16 A. I am currently self-employed.

17 Q. Currently self-employed. What do you do for a
18 living?

19 A. I manage rental properties that I own.

20 Q. Where were you employed before that?

21 A. I was employed at the South Carolina Law
22 Enforcement Division before that.

23 Q. And how long were you there?

24 A. I was there approximately four-and-a-half years.

25 Q. And what did you do for SLED?

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1 A. I was a DNA analyst in the DNA department at
2 SLED.

3 Q. What sort of educational background do you have,
4 Mr. Humbert?

5 A. I have a bachelor's degree in biology from
6 Armstrong State University in Savannah, Georgia; I have a
7 master's degree in biological sciences from the University
8 of Iowa; and I have a further three years of graduate
9 education in a genetics PhD program from the Penn State
10 Medical College.

11 Q. Were you certified by SLED to perform DNA
12 analysis?

13 A. Yes, I was.

14 I trained under a court-qualified analyst in the
15 DNA department where, under her supervision, I tested
16 hundreds of samples. And I -- once I went on-line, after
17 I had gone through training, I had done hundreds of cases.

18 Q. So while at SLED you did hundreds of cases
19 involving DNA testing?

20 A. Yes, I did.

21 Q. Have you ever testified in court before?

22 A. Yes, I have.

23 Q. In those testimonies, were you ever qualified as
24 a DNA expert?

25 A. Yes, I was.

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1 Q. Do you know about how many times?

2 A. Approximately fifteen times before today.

3 MR. KIDD: Your Honor, at this time the State
4 would offer Jasper Humbert as an expert in DNA
5 analysis.

6 MS. WINSLOW: No objection.

7 THE COURT: The witness will be so qualified.

8 MR. KIDD: Thank you, Judge.

9 Q. [Mr. Kidd] I want your help a little bit
10 explaining a little bit about DNA for the jury, if you
11 could. What -- in general terms, what does a forensic DNA
12 analysis entail?

13 A. Basically, forensic DNA analysis involves
14 testing someone's DNA to get what's called a DNA profile.
15 And everyone basically has their own unique DNA profile,
16 except for identical twins. Identical twins have the same
17 DNA because they split from the same fertilized egg.

18 As a forensic DNA analyst, I would basically
19 examine samples, whether they be standards, which are from
20 known people, and evidence, and then I would compare the
21 two to each other.

22 Q. And how can a DNA profile be forensically
23 significant?

24 A. It's significant because you test large numbers
25 of unique positions on the DNA. And each of the numbers

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1 that you get back from those positions has a known,
2 basically, frequency in the population. So because of
3 that, when you get a DNA profile and you match it to
4 someone else, you can get a statistic on how likely it is
5 that a person would have this randomly.

6 It would be like -- when you think of the
7 statistics, think of it as -- let's say you have a dice
8 and you roll it and you roll it three times and you want
9 to get a one each time. It would be one in six times, one
10 in six times, one in six. It's the same idea as that.

11 In a DNA profile, there's a probability you will
12 have a number in your DNA profile and when it's basically
13 analyzed, you can get a statistic on how rare your DNA
14 profile is or how rare a profile is from an item, et
15 cetera.

16 Q. All right. I'm going to show you what's been
17 marked as SLED number -- item number twelve, State's
18 Exhibit Number 67. Let's see if you can recognize that
19 item.

20 A. This is an item that I analyzed. I can tell. I
21 have my initials on it. It also has the SLED item number
22 that I have on my report, which is item number twelve,
23 which is a buccal swab from Leonard Goodwin.

24 Q. And can you tell the jury when you first
25 received that item?

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1 A. [No response]

2 Q. Would it help if you saw the chain of custody?

3 A. Yes. Without a chain, I can't remember the
4 exact date that I would have received that item.

5 [Whereupon, the witness reviews documents]

6 Q. [Mr. Kidd] See if that helps you.

7 A. According to the chain of custody, I received
8 the item on 8/16/10.

9 Q. Can you tell who you received the item from?

10 A. I received it from a storage bin in the DNA
11 department, which is where as a DNA analyst I would
12 retrieve my evidence for testing.

13 Q. And does it say who would have put the item in
14 that storage bin?

15 A. Sheree Brown had custody of it before. And she
16 is a technician in the DNA department, and she would drop
17 evidence off in these storage bins where I would pick them
18 up.

19 Q. And when you received that item, was it
20 packaged?

21 A. Yes, it was.

22 Q. How was it packaged?

23 A. It would have been in this evidence pouch that I
24 have currently.

25 Q. And would that -- would that have been sealed?

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1 A. Yes.

2 Q. And was it -- the seal broken in any way?

3 A. It was not tampered with. If it had been
4 tampered with, I would have noted it.

5 Q. And were there any such notations?

6 A. No.

7 Q. Did you perform a DNA analysis on that item?

8 A. Yes, I did.

9 Q. And did you develop a DNA profile on that item?

10 A. Yes, I did.

11 MR. KIDD: Your Honor, at this time the State
12 would like to enter into evidence State's Exhibit
13 Number 67.

14 THE COURT: Any objection?

15 MR. BUTLER: No, ma'am.

16 THE COURT: State's 67 into evidence without
17 objection.

18 [Whereupon, State's Exhibit Number 67 is
19 admitted into evidence by the Court]

20 MR. KIDD: The Court's indulgence.

21 [Whereupon, Mr. Kidd reviews documents]

22 Q. [Mr. Kidd] Now, when you're at SLED and you
23 develop a DNA profile on an item, and then say if an item
24 comes up later to be compared to that profile that you've
25 developed, would the analyst then re-analyze the same

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1 items you've already developed a profile on?

2 A. Not normally. There would be no need.

3 Q. Because a profile had already been developed?

4 A. Yes. That's correct.

5 Q. How are those profiles stored? When you develop
6 a profile, what do you do with it?

7 A. Basically, whenever an analyst develops a DNA
8 profile they write up a report and they put that DNA
9 profile in the report and it's signed and dated and
10 there's a permanent record in our -- basically, in the
11 system at SLED.

12 If analyst -- later on, another analyst comes
13 along and basically gets another item of evidence, they
14 can look at the original report from the other analyst and
15 compare the DNA profiles between each other.

16 Q. And as I think you just said, you developed a
17 DNA profile on the buccal swab from Leonard Goodwin?

18 A. Yes, I did.

19 Q. And can you talk a little bit about -- what is
20 an Identifiler?

21 A. Identifiler is basically the name of the kit
22 that we use to test DNA -- or currently when I was there,
23 that was the kit -- and basically it contains all the
24 components that I would have needed as a DNA analyst to
25 test DNA and get a DNA profile from it.

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1 Q. And kind of like we spoke before, did you also
2 come into contact with SLED item number two?

3 A. I would have never -- I never received that
4 item.

5 Q. But did you mention it in your report?

6 A. Yes, I did.

7 Q. And the reason you never received it was because
8 why?

9 A. Because it had been previously analyzed by
10 another DNA analyst in the DNA department.

11 Q. So the profile had already been obtained?

12 A. Yes, it had.

13 MR. KIDD: Court's indulgence.

14 [Whereupon, Mr. Kidd and Mr. Young confer]

15 THE COURT: Yes, sir.

16 MR. KIDD: I have no further questions, Your
17 Honor.

18 MR. BUTLER: No questions.

19 THE COURT: You may step down. Thank you.

20 [Whereupon, the witness is excused and exits the
21 witness stand]

22 THE COURT: Mr. Kidd, additional witness?

23 MR. KIDD: I believe that's all we have for the
24 morning, Judge.

25 THE COURT: All right. Counsel approach just

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1 MR. KIDD: Good afternoon, Ms. Urka.

2

3

KATIE URKA,

4

Having Been First Duly Sworn,

5

was Examined and Testified as Follows:

6

DIRECT EXAMINATION

7

BY MR. KIDD:

8

Q. Can you tell the jury where you are employed?

9

A. I am a forensic DNA analyst at the South

10

Carolina Law Enforcement Division.

11

Q. And how long have you worked for SLED?

12

A. Five and a half years.

13

Q. During that time, have you always been a

14

forensic DNA analyst?

15

A. Yes.

16

Q. Can you tell the jury a little bit about your

17

educational background?

18

A. I have a Bachelor of Science degree in forensic

19

biology and a Master of Science degree also in forensic

20

biology.

21

MR. BUTLER: If it helps, I'll stipulate that

22

she is qualified.

23

MR. KIDD: Thank you. And we move her as an

24

expert in the area of DNA analysis.

25

THE COURT: Any objection?

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1 MR. BUTLER: No, ma'am.

2 THE COURT: She will be so qualified.

3 MR. KIDD: Thank you, Your Honor.

4 THE COURT: Thank you.

5 Q. [Mr. Kidd] During your duties at SLED, have you
6 had an opportunity to analyze any evidence under lab
7 number L06-06507?

8 A. Yes.

9 MR. KIDD: May I approach the witness, Your
10 Honor?

11 THE COURT: You may.

12 Q. [Mr. Kidd] I'm going to show you what is marked
13 as SLED item number fourteen and State's Exhibit Number
14 68. See if you recognize that item.

15 A. This is labeled as SLED item number fourteen,
16 and my initials are across the seal.

17 Q. Can you tell the jury when you came into contact
18 with that item?

19 A. I received that item on May 9th of this year.

20 Q. And can you tell who you received it from?

21 A. Selena Kinard.

22 Q. And who is Selena Kinard?

23 A. She is an evidence technician in our log-in
24 department.

25 Q. And when you received it, how was it packaged?

1 A. All of our evidence comes packaged in a heat-
2 sealed pouch and it's signed and sealed by the
3 investigating officer.

4 Q. And did that take place in this instance?

5 A. Yes.

6 Q. And was the pouch tampered with or opened in any
7 way when you received it?

8 A. It didn't appear to be.

9 Q. And if it had appeared to be, what would you
10 have done?

11 A. I would have contacted the submitting agency.

12 Q. And would you have performed an analysis on it
13 if it had been tampered with?

14 A. No.

15 Q. Did you have the opportunity -- and can you tell
16 the jury what that item is?

17 A. SLED item fourteen was a swab from Gordons gin
18 bottle.

19 Q. And did you come in contact with SLED item
20 twelve?

21 A. No.

22 Q. And can you tell the jury what SLED item twelve
23 is?

24 A. SLED item twelve was a buccal swab from a
25 Leonard Goodwin.

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1 Q. And why did you not -- why did you not perform
2 an analysis on that?

3 A. That item was previously analyzed by another
4 analyst.

5 Q. And do you know which analyst that was?

6 A. Jasper Humbert.

7 Q. And so you -- were you -- did you have an
8 opportunity to review his report?

9 A. I created the supplemental report for item
10 fourteen using his standard.

11 Q. So the standard that he developed in item number
12 twelve you used in comparison to item -- to the analysis
13 you did on item fourteen?

14 A. Right.

15 MR. KIDD: Okay. Your Honor, at this time the
16 State would like to move item number -- what was it --
17 68 into evidence.

18 THE COURT: Any objection?

19 MR. BUTLER: What's 68?

20 MR. KIDD: The swabs from the gin bottle.

21 MR. BUTLER: No, no objection.

22 THE COURT: State's 68 into evidence without
23 objection.

24 [Whereupon, State's Exhibit Number 68 is
25 admitted into evidence by the Court]

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1 Q. And so -- and just so we're clear on your
2 testimony: so you performed the DNA analysis on those
3 swabs?

4 A. I performed analysis on item fourteen only.

5 Q. Which is the swab of the gin bottle?

6 A. Correct.

7 Q. Okay. And you compared that to the DNA analysis
8 that had already been performed on item number twelve,
9 which was the buccal swabs from Leonard Goodwin?

10 A. Yes.

11 Q. And can you tell the jury what the results of
12 that analysis were?

13 A. The DNA profile developed from item fourteen
14 matches the DNA profile of Leonard Goodwin.

15 Q. Did you develop a statistical probability of
16 selecting a -- randomly selecting someone that could have
17 that same profile?

18 A. Yes.

19 Q. And could you tell the jury a little bit about
20 that?

21 A. The probability of randomly selecting an
22 unrelated individual having a DNA profile matching this
23 item is approximately one in nine hundred and ninety
24 million.

25 Q. Nine hundred and ninety million, that's a big

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1 number. Do you know how many people are in the United
2 States, roughly?

3 A. I believe it's around three hundred million, but
4 I haven't checked that number recently.

5 Q. Okay. So it's -- the probability of randomly
6 selecting someone with that same DNA profile is greater
7 than randomly selecting someone in the entire United
8 States? Is that safe to say?

9 A. I believe so.

10 MR. KIDD: May I approach the court reporter?

11 THE COURT: You may.

12 MR. KIDD: Thank you.

13 [State's Exhibit Number 72 is marked by the
14 court reporter]

15 Q. [Mr. Kidd] I'm going to show you what's been
16 marked -- I'm going to show you what's been marked as
17 State's Exhibit Number 72. Do you recognize that? Or
18 those three pages.

19 A. It looks to be like a copy of my report.

20 Q. And is that the report you created when
21 analyzing these items we've been discussing?

22 A. Yes.

23 Q. And did you sign that report?

24 A. Yes.

25 MR. KIDD: Your Honor, at this time the State

1 would offer Exhibit Number 72 into evidence.

2 MR. BUTLER: May we approach?

3 THE COURT: You may.

4 [Whereupon, an off-the-record bench conference
5 is held]

6 THE COURT: State's 72 under -- I'm going to
7 take that matter under advisement.

8 MR. KIDD: I have no further questions, Your
9 Honor.

10 THE COURT: Mr. Butler.

11 MR. BUTLER: Good afternoon, ma'am.

12 THE WITNESS: Good afternoon.

13 CROSS-EXAMINATION

14 BY MR. BUTLER:

15 Q. DNA, as you've testified to, can be very
16 powerful evidence when linking a particular piece of
17 evidence to another person; right?

18 A. Correct.

19 Q. It's also called identification evidence? It
20 identifies somebody?

21 A. Correct.

22 Q. It tells you that a person has come into contact
23 with another piece of physical evidence, sometimes to
24 astronomical possibilities; right?

25 A. Right.

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1 Q. Okay. That's really all it tells you; right?

2 A. Right.

3 We develop profiles from evidence and compare
4 that to profiles from known samples.

5 Q. It doesn't tell you how the object got where it
6 got; right?

7 A. Huh-uh

8 Q. It doesn't tell you, most importantly sometimes,
9 how long it's been there; right?

10 A. Right.

11 Q. DNA can endure for very, very, very long periods
12 of time?

13 A. Correct.

14 Q. And you work with lots of different police
15 agencies around the state?

16 A. Correct.

17 Q. SLED is a centralized office in Columbia, but
18 you work with agencies all across South Carolina?

19 A. Right.

20 Q. Have you ever been told -- or are you familiar
21 with the principle of identification, science, technology,
22 investigation -- that you do not process items in a
23 particular individual's house because you would expect
24 that person's fingerprints, DNA, or other evidence to be
25 on the object?

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1 A. We sometimes still process those kind of items.
2 We look at the whole case and decide which items are most
3 probative to that case.

4 Q. Like you did in this case; right?

5 A. I was asked to run the swabs on the gin bottle.
6 I don't know where it came from.

7 MR. BUTLER: All right. Thank you. I have
8 nothing further.

9 MR. KIDD: No further questions.

10 THE COURT: You may step down. Thank you.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

13 THE COURT: Call your next witness.

14 MR. KIDD: The State calls Patti Ruff.

15 [Whereupon, Ms. Ruff comes forward]

16 THE CLERK OF COURT: Put your left hand here and
17 raise your right hand.

18 [Whereupon, Ms. Ruff is duly sworn by the clerk
19 of court as follows: do you swear or affirm that the
20 testimony that you will give the Court and the jury in
21 the trial of this case shall be the truth, the whole
22 truth, and nothing but the truth, so help you God]

23 THE WITNESS: Yes, I do.

24 THE CLERK OF COURT: Please take your seat.

25 [Whereupon, Ms. Ruff takes the witness stand]

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1 THE CLERK OF COURT: Ma'am, if you will state
2 your first and last name, spelling your last for the
3 record.

4 THE WITNESS: My name is Patti Ruff. R-U-F-F.

5 MR. KIDD: Good afternoon, Ms. Ruff.

6 THE WITNESS: Good afternoon.

7 MR. KIDD: Thank you for coming here for me
8 today.

9 - - - - -

10 PATTI RUFF,

11 Having Been First Duly Sworn,

12 was Examined and Testified as Follows:

13 DIRECT EXAMINATION

14 BY MR. KIDD:

15 Q. Can you tell the jury where you're employed?

16 A. I am employed with the South Carolina Law
17 Enforcement Division and we're commonly known as SLED.

18 Q. And how long have you been employed there?

19 A. Approximately twenty-four years.

20 Q. Twenty-four years.

21 And can you tell the jury a little bit about
22 what your duties are at SLED?

23 A. Okay. At the time of this case, I was an
24 evidence technician in the evidence processing department.
25 I processed evidence for sixteen years. And currently I

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1 am in the Intelligence Department as the South Carolina
2 Amber alert coordinator and missing persons clearinghouse.

3 Q. And I understand you had an Amber alert today.

4 A. It was a possible Amber alert. The child is
5 safe. The child has been found.

6 Q. That's good.

7 A. About five minutes after the phone call.

8 Q. Under the lab number with this case, L06-06507,
9 did you have the opportunity to come in contact with a
10 piece of evidence regarding this case?

11 A. Yes, sir, I did. Do you want me --

12 Q. I will --

13 MR. KIDD: If I may approach the witness, Your
14 Honor?

15 THE COURT: You may.

16 Q. [Mr. Kidd] I'm going to show you what I believe
17 is item number three on the SLED item, and State's Exhibit
18 Number 60. See if you can recognize those items. And you
19 might have to open the inner bags, actually, because I
20 think -- three bags on the inside. I'm sorry.

21 A. I recognize my initials on this PBR on the
22 evidence.

23 Q. And can you tell the jury what that item is?

24 A. It's a pair of socks.

25 Q. And did you come in possession of those items at

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1 some point?

2 A. Yes, sir, I did.

3 Q. Could you tell the jury: when did you first
4 receive those items?

5 A. I received the items July the -- excuse me --
6 June 29th, 2006. I received them from the intake storage.

7 Q. And do you know -- can you tell from your
8 paperwork who would have been the intake person at that
9 point in time?

10 A. Laura Reynolds.

11 Q. Did --

12 A. I'm sorry. It's Brandy Paulson. North
13 Charleston P.D. brought the evidence in.

14 Q. And then who with SLED would have received it
15 from Ms. Paulson?

16 A. It's got Laura -- it would have been Carol
17 Brooks.

18 Q. Carol Brooks. Okay.

19 A. I'm sorry.

20 Q. Thank you. And that's who would have put that
21 on the shelf for you to receive?

22 A. That is correct.

23 Q. And what did -- the packaging that the socks
24 came to you in, do you remember did they appear to be
25 tampered with in any way?

1 A. No, sir.

2 It's against our policy to actually process the
3 evidence if it has been tampered with. And if it has,
4 then we make a note of it.

5 Q. And what did you do with those socks when they
6 came into your possession?

7 A. I processed them for blood.

8 And what I do is if there is a rust-colored
9 stain, we do what we call a presumptive test. It's called
10 phenylethylene -- and it reacts to the enzymes in blood.
11 And it's a color-reaction test.

12 For example, if there is a rust-colored stain on
13 the socks, I would get a sterile cotton swab, drop saline
14 on that, rub the sample, a small sample, and then put a
15 drop of phenylethylene on it. If it turns a bright
16 fuchsia color, that means it's positive for the
17 presumptive test. And when I say presumptive, that means
18 that it's not one hundred percent that it is blood, it's a
19 possibility that it is blood.

20 So I would make a cutting of that and send a
21 sample of that to the DNA department where it would be
22 analyzed for comparison.

23 Q. And you did that in this case?

24 A. Yes, sir, I did. I made three cuttings.

25 Q. You made three cuttings from those socks which

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1 you have in front of you?

2 A. That's correct.

3 MR. KIDD: Your Honor, at this time the State
4 would move Exhibit Number 60 into evidence.

5 THE COURT: 60?

6 MR. KIDD: Correct.

7 THE COURT: Any objection?

8 MR. BUTLER: 60 is what?

9 MR. KIDD: The actual socks --

10 MR. BUTLER: No objection.

11 THE COURT: State's 60 into evidence without
12 objection.

13 [Whereupon, State's Exhibit Number 60 is
14 admitted into evidence by the Court]

15 [Whereupon, State's Exhibit Number 71 is marked
16 by the court reporter]

17 MR. KIDD: Court's indulgence for one moment.

18 THE COURT: Yes, sir.

19 MR. KIDD: There we go.

20 Q. [Mr. Kidd] All right. I'm now going to show
21 you what's been marked for identification purposes as
22 State's Exhibit Number 71. I believe it is -- see if you
23 recognize that item.

24 A. I recognize these gold envelopes. It's in my
25 handwriting. I can't -- unless you want me to open it?

1 Q. You can open it. Do you have any scissors?

2 A. I don't have any.

3 This is not the original container that I --

4 Q. Correct.

5 A. -- put it to.

6 And inside this heat-sealed pouch is another
7 heat-sealed pouch, and this is the one that originated
8 with me. And I do recognize this pouch, and there are my
9 initials and date on this pouch.

10 Q. And what is that date and initials?

11 A. That's the date that I actually created this
12 pouch. When I say it's a sterile pouch, I made these
13 cuttings. And the chain of custody basically starts with
14 me, since I created these cuttings. And I sealed it and
15 it's a date that I sealed it, which is 7/7/09.

16 Q. And how did you decide where to make the
17 cuttings from the socks from?

18 A. Usually, I try to do like a variety of samples.
19 For example, I have a diagram that I did. And the 3.1
20 cutting was a stain that was near the ankle area. Of
21 course, you can't tell left and right. But it was near
22 the ankle area of one sock. The 3.2 was a cutting near
23 the toe area. And 3.3 was a cutting from the toe area of
24 the other foot. I made a note that both socks were very
25 soiled with dirt stains and debris.

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1 Q. Where were the socks mostly soiled with dirt?

2 A. On the bottom.

3 Q. On like the sole? Would that --

4 A. Yes. Uh-huh.

5 Q. -- be accurate?

6 A. Yes.

7 Q. And you said there was a rough -- like a --
8 where on the sock did you take cutting 3.1?

9 A. 3.1 was taken from the ankle area.

10 Q. And just for the jury's clarification, why do
11 you label the cutting as 3.1?

12 A. Well, the item that was submitted was given the
13 item number of three. So if we do collect any evidence
14 off of that, we do it as a sub-item. So the first cutting
15 would be 3.1, second cutting or swab, or whatever the
16 situation might be, would be 3.2. And that's just routine
17 for us to do that.

18 Q. And so in this case you took three cuttings and
19 so it would be 3.1, 3.2 and 3.3?

20 A. That's correct.

21 Q. And can you tell the jury once again where each
22 of those cuttings came from?

23 A. 3.1 was from the ankle area of a sock. And of
24 the same sock, 3.2 was from the toe area. And 3.3 was
25 from the toe area of the other sock.

1 Q. And did you do the phenylethylene test on the
2 areas of those cuttings?

3 A. I did. Yes.

4 I don't actually do it on the sample that I send
5 but I did it around the area that I tested, yes.

6 Q. So wherever you had a positive phenylethylene
7 test, that's kind of where you kind of decided to make
8 your cuttings?

9 A. That's correct.

10 Q. And once you made your cuttings, what did you do
11 with them?

12 A. I gave them to David McClure, let's see, on
13 7/12/2006.

14 Q. Did you put them -- seal them in an envelope or
15 anything first or --

16 A. Yes.

17 I would create a gold envelope. And I did --
18 this is a representative sample. I made a note that --
19 and when we put a note that it's a representative sample
20 it means that we didn't collect all of the stains, we just
21 got a sample of each area, possibly where we saw -- there
22 was more stains possibly on the sock, but we just got a
23 representative sample.

24 Q. So you just took a representative sample --

25 A. Three different areas.

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1 Q. -- from three different stains --

2 A. Right.

3 Q. -- that were on the socks?

4 A. Right.

5 Q. And then so -- and then you placed them in those
6 envelopes, sealed it up --

7 A. Right. Yes, sir.

8 Q. -- and transferred it to David McClure?

9 A. That is correct.

10 Q. And then what did you do with the socks
11 themselves?

12 A. The socks were put -- given to Karenda Williams
13 on 7/7/2006.

14 Q. Okay. And when did you give the cuttings to
15 Mr. McClure?

16 A. On 7/12/2006.

17 Q. And did they -- any of them appear to be
18 tampered with, or anything like that, at that point?

19 A. No, sir, they did not.

20 MR. KIDD: Court's indulgence.

21 THE COURT: Yes, sir.

22 [Whereupon, Mr. Kidd and Mr. Young confer]

23 MR. KIDD: No further questions, Judge.

24 THE COURT: Mr. Butler?

25 MR. BUTLER: Good afternoon, Ms. Ruff.

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1 THE WITNESS: Good afternoon.

2 CROSS-EXAMINATION

3 BY MR. BUTLER:

4 Q. All of your involvement in this case was in
5 2006?

6 A. Yes, sir.

7 Q. Okay. And I think I only have one question.

8 If I understood you correctly, you only cut --
9 take cuttings from the socks in an area that's tested
10 presumptively positive for blood?

11 A. Yes.

12 Like if there's one big stain, I may test part
13 of that stain for the presumptive test and then I'll take
14 a sample out of that large stain. Or there's situations
15 where we may take the whole stain.

16 Q. In this case the whole -- in this case you
17 didn't take the whole stain but you only took portions of
18 the sock that were stained?

19 A. Yes, they were stained, but I didn't take all of
20 the stain.

21 Q. Right. I've got it. And I don't --

22 A. Yeah. I know.

23 Q. -- I'm not trying to confuse you.

24 A. I know.

25 Q. I'm not trying to confuse you.

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1 You did not take samples where there were --
2 where it was just either white or not stained or not
3 tested presumptively for blood? You did not send that?

4 A. That is correct.

5 MR. BUTLER: That's all I have. Thank you.

6 THE COURT: Redirect?

7 MR. KIDD: No further questions, Your Honor.

8 THE COURT: Ms. Ruff, you may step down. Thank
9 you.

10 THE WITNESS: Thank you.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

13 THE COURT: All right. Counsel approach for
14 scheduling.

15 [Whereupon, an off-the-record bench conference
16 is held]

17 THE COURT: All right. Ladies and gentlemen,
18 there are some matters that I need to take up outside
19 of your presence. As such, we are done for the day.

20 Ladies and gentlemen, please remember my
21 admonition. Please do not read, watch, listen to, any
22 news accounts regarding this case should there be any.
23 Do not do any independent research. Do not discuss
24 this case with your fellow jurors or anyone, and that
25 includes all methods of blogging or anything of that

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1 nature.

2 Ladies and gentlemen, please be back in your
3 jury room at 9:30. I understand -- and at this time
4 the State has one additional witness, and we will
5 proceed accordingly. So at that time -- I just want
6 you to understand. There was some question that we may
7 go into Monday, and at this time it does not seem that
8 we will need to continue on to Monday.

9 Ladies and gentlemen, please have a wonderful
10 afternoon. Enjoy your afternoon off, and I will see
11 you back at 9:30. Thank you.

12 Please rise for the jury.

13 [Whereupon, the jury exits the courtroom at
14 1:37 p.m.]

15 THE COURT: Thank you. Be seated.

16 As to State's 72, the citation again? I'm
17 sorry. It was State v. Saltz?

18 MR. BUTLER: Saltz. S-A-L-T-Z. And I wrote it
19 down quickly and then I've moved on. But 551 S.E.2d
20 240, I think --

21 MR. KIDD: I'll withdraw it, Your Honor. I
22 don't think it's that pertinent. I'll withdraw my -- I
23 won't try to put it in.

24 THE COURT: All right. I was going to allow you
25 time, Mr. Kidd, to review that case and we'll address

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1 that first thing in the morning.

2 MR. KIDD: I'm not worried about it.

3 THE COURT: All right. Thank you.

4 MR. KIDD: Thank you.

5 THE COURT: So you are not requesting State's
6 72; is that correct?

7 MR. KIDD: I'm not going to enter it. Correct.

8 THE COURT: All right. Thank you.

9 - - - - -

10 DEFENDANT'S RIGHTS

11 THE COURT: Mr. Goodwin, I am now going to
12 advise you of certain of your rights.

13 Please swear Mr. Goodwin.

14 THE CLERK OF COURT: Please raise your right
15 hand.

16 [Whereupon, Mr. Goodwin is duly sworn by the
17 clerk of court as follows: do you swear or affirm that
18 your testimony will be the truth, the whole truth, and
19 nothing but the truth, so help you God]

20 THE WITNESS: Yes, sir.

21 THE COURT: All right. Mr. Goodwin, what we're
22 going to do right now is this is an appropriate time --
23 I'm going to advise you of certain of your rights. My
24 final question to you will be do you wish to testify
25 but I'm not going to ask you that until after the State

MIA PERRON, CVR-CM

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1 with your attorneys, your friends, your family members,
2 or anyone else, but the decision is left entirely up to
3 you.

4 Do you understand what I have explained to you?

5 MR. GOODWIN: Yes, ma'am.

6 THE COURT: Do you have any questions about what
7 I have explained to you?

8 MR. GOODWIN: No, ma'am.

9 THE COURT: Mr. Goodwin, you will have an
10 opportunity over the evening hour -- and we're going to
11 resume tomorrow at 9:30 a.m. so you'll have this
12 opportunity to meet with your attorneys, and anyone
13 else that you have the ability to meet with, to discuss
14 your decision.

15 Do you understand, sir?

16 MR. GOODWIN: Yes, ma'am.

17 THE COURT: All right. Thank you, Mr. Goodwin.

18 Y'all may be seated.

19 Anything before we break for the afternoon?

20 MR. KIDD: Nothing from the State, Your Honor.

21 MS. WINSLOW: Nothing from the defense.

22 THE COURT: And are there -- are you requesting
23 any special charges, Mr. Kidd?

24 MR. KIDD: Not unless you're inclined to give me
25 an apply -- a flight as evidence of guilt charge.

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1 THE COURT: And --

2 MR. BUTLER: I would need to look into flight as
3 evidence of guilt because I think we oppose that.

4 But we would be asking for a mere suspicion
5 charge. And I think we've all gotten where we are
6 earlier than we expected so I apologize that I don't
7 have that for you. But a mere suspicion charge, I'm
8 paraphrasing: evidence that does not rise to a level
9 beyond a mere suspicion is not suspicion to convict or
10 does not satisfy the standard of beyond a reasonable
11 doubt, something to that effect. I'll find one
12 overnight. That's the only one I can think of.

13 THE COURT: All right. And no lesser included?

14 MS. WINSLOW: No, Your Honor.

15 THE COURT: All right. Just want to clarify for
16 the record. Thank you.

17 All right. We're at ease.

18 THE COURT: Mr. Butler, any involuntary
19 intoxication? Mr. Kidd, voluntary intoxication?

20 MR. BUTLER: No, ma'am.

21 THE COURT: Okay. Thank you. We're at ease.

22 9:30.

23 [JURY TRIAL ADJOURNS AT 1:47 P.M.]

24

25

THE STATE OF SOUTH CAROLINA)
)
VS.)
)
LEONARD GOODWIN,)
)
DEFENDANT.)
)

VOLUME 4 OF 4

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on Friday, June 3rd, 2011, Commencing at 9:45 a.m.

SUSAN "MIA" PERRON, CVR-CM
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1. your first and last name, spelling your last for the
2. record.

3. THE WITNESS: David McClure. M-C-C-L-U-R-E.

4. THE COURT: Mr. Kidd.

5. MR. KIDD: Thank you, Your Honor.

6. Good morning, Mr. McClure.

7. - - - - -

8. DAVID MCCLURE,

9. Having Been First Duly Sworn,

10. was Examined and Testified as Follows:

11. DIRECT EXAMINATION

12. BY MR. KIDD:

13. Q. Could you tell the jury where you are employed?

14. A. With the South Carolina Law Enforcement
15. Division.

16. Q. And how long have you been employed with SLED?

17. A. Twenty-one years in March.

18. Q. Tell the jury what your duties are with SLED.

19. A. I'm currently the supervisor of the DNA database
20. unit.

21. Q. Could you tell them a little bit about your
22. educational background?

23. A. Sure.

24. I have a Bachelor of Science degree in
25. microbiology from Clemson University. I've also attended

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1 graduate-level classes, at the University of South
2 Carolina, in genetics. I attended the FBI's DNA Analysis
3 Methods school, which is accredited through the University
4 of Virginia. I also spent fifteen weeks at the FBI's
5 research facility conducting research in the field of
6 forensic DNA analysis.

7 Q. Have you testified in court before?

8 A. Yes, I have.

9 Q. About how many times?

10 A. Over fifty.

11 Q. And those times have you been certified as an
12 expert?

13 A. Yes, sir, I have.

14 Q. In what field?

15 A. In DNA analysis.

16 Q. The DNA -- at SLED, your DNA department, does it
17 have any further certification?

18 A. The DNA department at SLED is ASLAD accredited.

19 Q. And what does that mean?

20 A. We have to go through audits every year. We
21 have to comply with certain requirements, certain
22 guidelines, in order to be ASLAD accredited.

23 Q. During your tenure at SLED, about how many DNA
24 cases have you had?

25 A. Over 1,000.

1 MR. KIDD: Your Honor, at this time we would
2 offer David McClure as an expert in DNA analysis.

3 MR. BUTLER: No objection.

4 THE COURT: This witness will be qualified as
5 such.

6 Q. [Mr. Kidd] In general terms can you tell the
7 jury a little bit about what forensic DNA analysis
8 entails?

9 A. Sure. DNA stands for deoxyribonucleic acid.
10 It's the genetic material found with the nuclear cells of
11 organisms. It's basically what makes us what we are. It
12 codes for our development from the time we're conceived,
13 throughout our entire life.

14 Your DNA is inherited from your parents; that
15 is, you get half your DNA from your mother and half your
16 DNA from your father.

17 Everyone's DNA is unique except for identical
18 twins, who have the same DNA. And this is apparent just
19 by looking around the courtroom. You can see that
20 everybody here is a unique individual.

21 Now, about ninety-eight percent of your DNA is
22 the same, and that's what makes us humans. But that two
23 percent that's different, we take a look at that in the
24 forensic community to determine whether or not somebody
25 may have left something at a crime scene.

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1 What we do in forensic DNA analysis is we will
2 take biological material left at a crime scene, or maybe
3 taken away from that crime scene, that may be of probative
4 value and develop a DNA profile from that. We will then
5 develop a DNA profile of anybody who may be involved in
6 that crime to see whether or not they are the source of
7 that evidentiary material.

8 Q. And with regard to this case under your lab
9 number L06-06507, did you receive any items submitted by
10 North Charleston for analysis?

11 A. Yes, sir, I did.

12 MR. KIDD: If I may approach the witness, Your
13 Honor?

14 THE COURT: You may.

15 Q. [Mr. Kidd] I'm going to first show you what's
16 been marked as SLED item number one. It's State's Exhibit
17 Number 58 for identification purposes. Do you recognize
18 that item?

19 A. Yes, sir.

20 SLED item number one is a swab from an exterior
21 back door.

22 Q. Can you tell the jury when you first came in
23 contact with that item?

24 A. I received that item on July 12th, 2006.

25 Q. And can you tell where you gained possession of

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1 that item from?

2 A. I picked that item up out of our DNA
3 refrigerator, which was on the fourth floor.

4 Q. And can you tell who placed that item there?

5 A. The records indicate that Sheree Brown placed
6 that item in that refrigerator.

7 Q. When it came to you, was it packaged?

8 A. Yes, sir. It was packaged and sealed..

9 Q. And was the seal broken or tampered with in any
10 way?

11 A. No, sir, it was not.

12 Q. And if it had been, what would you have done?

13 A. If it had been, then we would have investigated
14 why the package was not in a sealed condition.

15 Q. And did you do that in this case?

16 A. Since it was sealed, we did not need to do that.

17 MR. KIDD: Your Honor, at this time the State
18 would move State's Exhibit Number 1 into evidence.

19 MR. BUTLER: No objection.

20 THE COURT: State's --

21 MR. KIDD: I mean, excuse me. That's SLED
22 exhibit number one. I apologize, Your Honor. It's
23 State's Exhibit Number 58.

24 THE COURT: State's 58 -- it's already been
25 moved into evidence.

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1 MR. KIDD: I apologize, Your Honor.

2 Q. [Mr. Kidd] Next I'm going to show you what's
3 been marked as SLED exhibit number two, State's Exhibit
4 Number 64. It's kind of -- you might not want to handle
5 it too much. Do you recognize that item?

6 A. Yes, sir, I do.

7 This is a bone marrow from Eric Robinson.

8 Q. And could you tell the jury when you came in
9 contact with that item?

10 A. I received that item from our DNA refrigerator
11 on the fourth floor, as well, on June 21st of 2006.

12 Q. And can you tell who put that item in the
13 refrigerator?

14 A. Our records indicate that Sheree Brown placed
15 that item in the refrigerator.

16 Q. And did it come in a sealed condition?

17 A. Yes, sir, it did.

18 Q. And did it appear to have been tampered with in
19 any way?

20 A. No, sir, it did not.

21 Q. Do you have any notes in your file that indicate
22 that it would have been tampered with?

23 A. No, sir, I do not.

24 Q. And I believe that was State's Exhibit Number
25 64; is that correct?

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1 A. [No response]

2 MR. KIDD: Your Honor, at this time the State
3 would introduce State's Exhibit Number 64 into
4 evidence.

5 MR. BUTLER: No objection.

6 THE COURT: State's 64 into evidence without
7 objection.

8 [Whereupon, State's Exhibit Number 64 is
9 admitted into evidence by the Court]

10 Q. [Mr. Kidd] And now I'm going to show you what's
11 been marked as State's Exhibit Number 71. Take a look at
12 that item, please. Or those items. Excuse me.

13 Do you recognize those items?

14 A. Yes, sir. These are cuttings from a sock,
15 SLED's item 3.1, 3.2 and 3.3.

16 Q. And did you come into possession of those items?

17 A. Yes, sir, on July 12th, 2006, from the DNA
18 refrigerator on the fourth floor.

19 Q. Can you tell who put those items in the DNA
20 refrigerator?

21 A. Our records indicate that Patti Ruff put those
22 items in the refrigerator.

23 Q. And were they -- how were they packaged?

24 A. They were packaged, again, in a sealed
25 condition.

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1 Q. Any signs of tampering?

2 A. No, sir, there was not.

3 MR. KIDD: At this time, Your Honor, the State
4 would offer State's Exhibit Number 71 into evidence.

5 MR. BUTLER: No objection.

6 THE COURT: State's 71 into evidence without
7 objection.

8 [Whereupon, State's Exhibit Number 71 is
9 admitted into evidence by the Court]

10 Q. [Mr. Kidd] And finally I'm going to show you
11 what's been marked -- which is SLED item number ten,
12 State's Exhibit Number 66. Do you recognize that item?

13 A. Yes, sir.

14 SLED item number ten were fingernail clippings
15 from Eric Robinson.

16 Q. And did you come into possession of that item?

17 A. Yes, sir, on July 12th, 2006, from the DNA
18 refrigerator on the fourth floor. And they were placed
19 there by Sheree Brown.

20 Q. And were they in a sealed condition?

21 A. Yes, sir, they were.

22 Q. Any signs of tampering with them?

23 A. No, sir, there was not.

24 Q. All right. Now, with those four different
25 items, can you tell the jury what you did?

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1 A. The first item I received was the bone marrow
2 from Eric Robinson. I extracted the DNA from that bone
3 marrow and developed a DNA profile.

4 The other items, items one, 3.1, 3.2, 3.3 and
5 item ten, I extracted the DNA from those items and certain
6 ones of those items did give me a DNA profile and certain
7 items did not.

8 Q. I'm sorry. I have to stop you one second.

9 MR. KIDD: I don't think I moved State's Exhibit
10 Number 66 into evidence. I would like to do so at this
11 time.

12 MR. BUTLER: No objection.

13 THE COURT: State's 66 into evidence without
14 objection.

15 [Whereupon, State's Exhibit Number 66 is
16 admitted into evidence by the Court]

17 Q. [Mr. Kidd] I apologize. You can continue
18 with --

19 A. From the DNA profile that was developed from
20 item number two, which was the bone marrow from Eric
21 Robinson, the DNA profile from that item did match the DNA
22 profile that was developed from item one, which was the
23 swabs marked exterior back door, and also item 3.1, which
24 was one of the cuttings from the socks.

25 Q. So the bone marrow would have been the standard

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1 you were referring to earlier in your explanation of
2 forensic DNA?

3 A. That would be correct, the standard from Eric
4 Robinson.

5 Q. And you compared that standard to the cuttings
6 from the socks or a cutting, 3.1?

7 A. That is correct.

8 Q. And also from the swab which indicates the swab
9 from the back door?

10 A. That is correct.

11 Q. And what were the results of that comparison?

12 A. The DNA profile from item two, which was Eric
13 Robinson, matched the DNA profile developed from that pair
14 of socks, the cutting from that pair of socks, and item
15 one, which was the swab marked exterior back door.

16 Q. Did you develop a statistical probability in
17 this case?

18 A. Yes, sir, I did.

19 The probability of selecting an unrelated
20 individual at random from the population having a profile
21 that would have matched these evidence items is
22 approximately one in 2.6 quadrillion.

23 Q. Quadrillion is a big number?

24 A. Yes, sir, it is.

25 Q. Bigger than a million?

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1 A. Yes, sir.

2 Q. Bigger than a billion?

3 A. Yes, sir.

4 MR. KIDD: The Court's indulgence.

5 THE COURT: Yes, sir.

6 [Whereupon, Mr. Kidd and Mr. Young confer]

7 MR. KIDD: No further questions, Your Honor.

8 THE COURT: Mr. Butler?

9 MR. BUTLER: Good morning, Mr. McClure. How are
10 you?

11 THE WITNESS: Good morning. Fine.

12 CROSS-EXAMINATION

13 BY MR. BUTLER:

14 Q. Are you familiar with the Baze [phonetic]
15 theorem?

16 A. Yes, sir.

17 Q. And I want to talk to you a little bit about the
18 algorithm SLED uses in its genetic data base and it's
19 compliance of the Baze [phonetic] theorem for the next
20 couple of hours. Are you comfortable with that? I have
21 no idea what that means.

22 DNA can tell you a lot about who the donor was
23 of the sample; right?

24 A. Yes, sir, that is correct.

25 Q. Okay. In this case you would have to find life

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1 on another plant to find somebody with that same profile?

2 A. The probability of somebody having that same
3 profile is quite rare.

4 Q. But it doesn't tell you when or for how long,
5 under what circumstances, the sample made it to the
6 substance -- the sample made it to the surface from which
7 it was taken?

8 A. No, sir, it does not.

9 Q. It doesn't tell us anything about time?

10 A. No, sir, it does not.

11 Q. It can't tell you when the blood on the back of
12 the door got there?

13 A. That is correct. It does not.

14 Q. Or how long it's been there?

15 A. No, sir.

16 Q. And DNA endures through time?

17 A. Yes, sir, it does.

18 Q. And the method of collection and analysis is
19 very sensitive and sophisticated?

20 A. Yes, sir, it is.

21 Q. Very small, subtle, microscopic particles can
22 yield a lot of information?

23 A. That is correct.

24 Q. One interpretation, the one I want to talk to
25 you mostly about, 3.1. You had -- let's do it this way.

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1 One interpretation of your results, 3.1, the cutting from
2 the sock: one interpretation is that Eric Robinson's
3 blood came into contact with a sock owned by someone other
4 than Eric Robinson? That's one interpretation; correct?

5 A. An interpretation of the results?

6 Q. The results.

7 A. No. The stain that was on that sock did belong
8 to Eric Robinson.

9 Q. Right. The stain. Okay. But that doesn't mean
10 that the -- the sock could have belonged to somebody else?

11 A. That is a possibility.

12 Q. Okay. Another interpretation is that the sock
13 was Eric Robinson's sock?

14 A. That is a possibility. I have no idea whose
15 sock -- who the sock belonged to.

16 Q. And you can -- I'm going to ask you this and
17 maybe you'll disagree with me. One interpretation is that
18 it's someone else's sock and that Eric Robinson's DNA is
19 on the sock but did not necessarily come from the blood.
20 Do you agree with me or disagree with me on that?

21 A. That could be a possibility but that stain --
22 blood was indicated on that stain and then the profile
23 developed from that stain did match Eric Robinson.

24 Q. Let's try and see if we can break this down
25 some. When you get a genetic profile, DNA, from a sample,

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1 the results themselves don't tell you whether it came from
2 blood; right?

3 A. That is correct.

4 Q. Or semen; right?

5 A. It depends on the stain.

6 Q. Or epithelial skin cells?

7 A. That would be correct.

8 Q. DNA is found in bodily fluids for, one, semen
9 and blood; right?

10 A. DNA is found in any nucleated cells: semen,
11 blood; skin.

12 Q. And it can be found in saliva and sweat because
13 those liquid substances can contain epithelial or skin
14 cells?

15 A. That is correct.

16 Q. Okay. And the testing that you do in the
17 laboratory, when you get the results they don't
18 distinguish DNA from blood or DNA from skin. DNA is just
19 DNA?

20 A. That would be correct.

21 Q. Okay. So you could have a sock that has no
22 blood on it, no semen on it, but could have DNA on it from
23 the person who wore the sock?

24 A. That would be correct. And you would usually
25 find that DNA on the inside of the sock.

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1 Q. Because you had two other samples that were
2 cuttings from the socks that had tested presumptively
3 positive for blood and you got no DNA from those?

4 A. One of those items we did detect DNA but not
5 enough to give us a profile, and the other we detected no
6 DNA at all.

7 Q. Okay. So either the presumptive test was what
8 we call a false positive and there was no blood -- that's
9 one interpretation; is that right?

10 A. That could be a possibility.

11 There are several things in the environment that
12 would give you a false positive for a presumptive test for
13 blood.

14 Q. And the other interpretation is that either by
15 virtue of the testing, or for some other reason, you
16 weren't able to get DNA from that sample?

17 A. There was not DNA there, it may be degraded, or
18 it may have just been absent.

19 Q. And you found nobody else's DNA, identified or
20 unidentified, in the cuttings from the socks that you
21 analyzed, specifically 3.1? That's only Eric Robinson's
22 DNA?

23 A. That is correct.

24 Q. Okay. And it wouldn't be uncommon for you to
25 get a mixture in some circumstances; correct?

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1 A. In some circumstances you do get mixtures, such
2 as a vaginal swab that may have epithelial cells from a
3 victim and also the semen from a potential suspect.

4 Q. Well, in the same way that a sock with no blood
5 can contain the person who wore the socks DNA --

6 Right? You agree with that?

7 A. That's a possibility, yes.

8 Q. -- a sample from a cutting from a sock could
9 contain DNA from the person who wore the sock and if
10 that's someone different, a different person's DNA who
11 left the sample or the stain; correct?

12 A. That is a possibility.

13 Q. But that is not what you had here. You had only
14 Eric Robinson's DNA on the sample?

15 A. That is correct.

16 Q. And you weren't given any cuttings from the
17 socks that did not have stains; right?

18 A. No, I was not.

19 Q. So you don't have anything to compare it to.
20 You don't have the stained sample to compare to an
21 unstained cutting from the sock?

22 A. That is correct.

23 Q. All right. And because of that, it's possible
24 that the DNA that you got from 3.1 would have been on the
25 sock whether there was a stain on it or not?

1 A. That is a possibility.

2 Q. And the bottom line is the only person's DNA
3 that you took from the sock was Eric Robinson's and nobody
4 else's?

5 A. That is correct.

6 Q. Which is consistent with that sock being Eric
7 Robinson's sock?

8 A. Again, I have no clue where the sock came from
9 or who the sock belonged to.

10 MR. BUTLER: Beg the Court's indulgence.

11 THE COURT: Yes, sir.

12 [Whereupon, Mr. Butler and Ms. Winslow confer]

13 MR. BUTLER: That's all I have. Thank you.

14 MR. KIDD: Just very briefly.

15 REDIRECT EXAMINATION

16 BY MR. KIDD:

17 Q. When you received -- when you receive like a
18 sock cutting, okay, when you received item 3.1, what do
19 you use to extract a DNA sample from that cutting?

20 A. We use liquid to extract that DNA sample from
21 that cutting. A buffer.

22 Q. How do you -- do you soak it in a liquid, do you
23 use a swab to remove it?

24 A. No. We take a cutting from that sock and we put
25 it in a tube of the buffer to dilute off the cells that

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1 are there.

2 Q. So does it come off of both sides of the cutting
3 or just one side or --

4 A. It would come from both sides.

5 Q. Both sides.

6 And this is only from the blood-stained section
7 of the sock which the cutting came from?

8 A. That would be correct.

9 Q. And that section tested presumptive for blood;
10 is that correct?

11 A. That is correct.

12 MR. KIDD: No further questions.

13 THE COURT: You may step down. Thank you.

14 THE WITNESS: Thank you.

15 [Whereupon, the witness is excused and exits the
16 witness stand]

17 THE COURT: Call your next witness.

18 MR. KIDD: The State rests, Your Honor.

19 THE COURT: Ladies and gentlemen, that signifies
20 to the Court there's a matter of law that I must take
21 up outside of your presence. You have heard all of the
22 testimony that will be presented by the State and
23 received into evidence all of the exhibits that are a
24 part of the record. Ladies and gentlemen, the exhibits
25 that are a part of the record in this case will go back

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MOTION FOR A DIRECTED VERDICT

THE COURT: Any motions or matters --

MR. BUTLER: Yes.

THE COURT: -- Mr. Butler?

MR. BUTLER: Yes, Your Honor.

At this time the defense would move for a directed verdict. I believe it's criminal rule 19, if I'm not mistaken. I think it's criminal rule 19.

But I would also rely on a case from our Supreme Court, The State v. Bostick, which was from April of this year, opinion number 26961, and the line of cases dealing with the prosecution relying largely on circumstantial evidence that are detailed in that opinion, starting with State vs. Schrock --

Beg the Court's indulgence.

[Whereupon, Mr. Butler reviews documents]

THE COURT: Yes, sir.

MR. BUTLER: -- 322 S.E.2d 450, and State vs. Arnold, 605 S.E.2d 529.

THE COURT: Mr. Kidd?

MR. KIDD: Your Honor, I just think when reviewing the evidence in the light most favorable to the State is the appropriate standard for a directed verdict motion.

There's evidence obviously of a killing. You

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1 can infer the malice and the use of a firearm, how the
2 body was disposed of, evidence that can be -- when
3 viewed in the light most favorable to the State could
4 lead the jury to conclude that Leonard Goodwin is the
5 murderer. And I think that's sufficient to submit the
6 case to the jury.

7 THE COURT: All right. Mr. Kidd, what the Court
8 needs to be concerned about in the course -- I will
9 look at the existence or non existence of the evidence
10 and not to the weight, of course. But I need for you
11 to articulate the elements that were testified to, to
12 show that there was more than only a suspicion of guilt
13 and that there is not complete failure of competent
14 evidence to show that at this stage that this case
15 should be submitted to the jury.

16 There has been discussions that there is
17 circumstantial evidence. If you could please
18 articulate to the Court what you believe there is
19 direct evidence of indicating the guilt of Mr. Goodwin
20 and any other circumstantial evidence that you believe
21 that the Court needs to consider.

22 MR. KIDD: Yes, Your Honor.

23 Well, I think there's direct evidence of his
24 guilt in the testimony of Latarshia Washington, who
25 says she overhears an argument, she overhears a loud

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1 noise, she's obviously distraught. She goes over to
2 the house, she sees blood on the defendant's shirt,
3 blood spatter which matches the spatter of the back
4 door, waist-high specks of blood.

5 You have testimony from Mary Ann Robinson, the
6 defendant's wife, who says, you know, she asked him
7 what the smell is, he says it's a dead cat. Evidence
8 of circumstantial evidence of him covering up the
9 crime.

10 You have crime scene go to his house, find lime
11 in his -- under a tarp with his tools, lime which is
12 compared through SLED from a sample taken from the
13 body, which matches identically to the lime found under
14 his tarp.

15 You have his flight, the fact that he doesn't
16 contact his wife for seventeen years -- for three
17 years, from the day the body is found. You have --
18 when Officer Glover attempts to arrest him, you have
19 him fleeing, using a false ID card. Living under
20 another person's name.

21 You have other circumstantial evidence around
22 the house, including chemicals used to mask the odor,
23 Odor Ban, Febreeze, other cleaning agents commonly used
24 to mask the odor which would have been caused from the
25 decomposition of the body.

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1 And you have a liquor bottle that's found
2 underneath the house, a matter of feet from where the
3 body was located, with the defendant's DNA on it. You
4 have a pair of socks with the victim's blood on it,
5 found in a house trash can twenty-four hour -- twenty-
6 four days after the crime, with the victim's blood on
7 it.

8 Your Honor, there's a multitude of
9 circumstantial evidence, all of which points towards
10 Mr. Goodwin's guilt.

11 In addition, you have the direct evidence from
12 Latarshia Washington.

13 And I think when you look at all of that
14 evidence in the light most favorable to the State, it
15 proves the element of the offense. It proves the
16 malice, it proves the covering up of the crime, the
17 malice of which can also be inferred.

18 Unlawful killing, malice aforethought, and
19 there's a ton of small pieces of evidence, all of which
20 point towards Leonard Goodwin as the -- the defendant
21 as the murdered.

22 THE COURT: Mr. Butler?

23 MR. BUTLER: I don't have any further argument
24 but I don't want the record to reflect that I agree
25 with the recitation of the facts. But I don't have

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1 anything to add.

2 THE COURT: All right. The Court has reviewed
3 the case of The State v. Bostick. The Court's concern
4 at this stage of the trial and Rule 19 motion for a
5 directed verdict is: if there's a failure of competent
6 evidence that tends to prove the charge in the
7 indictment, I am to consider only the existence or non
8 existence of the evidence and not the weight of the
9 evidence.

10 There was testimony by Ms. Washington that she
11 overhears the argument between the defendant and victim
12 and a loud noise. The defendant indicated that the
13 smell was from a dead cat. There was testimony that on
14 more than one occasion, over a period of approximately
15 six months, that there was a purchase of lime. There
16 was lime under the tarp that -- in a bag next to the
17 defendant's yard items. There was lime on the body of
18 the victim. There was testimony of the evidence of
19 flight when he left for New York and when he was
20 approached. There was testimony concerning that there
21 were chemicals used to mask the odor. There was
22 bleach, a bleach smell, immediately after the argument
23 between -- that Ms. Washington testified to, as well as
24 testimony of Febreeze. There is testimony of a liquor
25 bottle under the house, with the defendant's DNA, in

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1 proximity to the body. That there was more than one
2 witness that testified as to the overwhelming odor
3 under the house.

4 Based upon the testimony in the light most
5 favorable to the State, I am denying your motion for a
6 directed verdict at this time.

7 And anything further regarding the motion for a
8 directed verdict?

9 MR. BUTLER: No, ma'am.

10 THE COURT: Mr. Goodwin, please rise.

11 [Whereupon, Mr. Goodwin complies]

12 THE COURT: Mr. Goodwin, I remind you that you
13 are still under oath. Do you recall that I placed you
14 under oath yesterday afternoon?

15 MR. GOODWIN: Yes, ma'am.

16 THE COURT: And, Mr. Goodwin, I advised you of
17 your right to testify and the consequences of
18 exercising that right to testify.

19 Do you recall me doing that yesterday afternoon?

20 MR. GOODWIN: Yes, ma'am.

21 THE COURT: And do you have any additional
22 questions for the Court regarding what I advised you
23 of?

24 MR. GOODWIN: No, ma'am.

25 THE COURT: Did you have an opportunity to meet

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1 with Ms. Winslow and Mr. Butler to go over those
2 rights?

3 MR. GOODWIN: Yes, ma'am.

4 THE COURT: And have you made a decision? Well,
5 first of all, do you need any additional time, based
6 upon today's testimony, to meet with either Ms. Winslow
7 or Mr. Butler or both, or anyone else, to make your
8 decision on whether or not to testify?

9 MR. GOODWIN: No, ma'am.

10 THE COURT: Have you made a decision?

11 MR. GOODWIN: Yes, ma'am.

12 THE COURT: And what is that decision, sir?

13 MR. GOODWIN: I'm not going to testify.

14 THE COURT: You will not testify?

15 MR. GOODWIN: No, ma'am.

16 THE COURT: And that was your understanding, Ms.
17 Winslow --

18 MS. WINSLOW: Yes, Your Honor.

19 THE COURT: -- that he was not going to testify?
20 All right. And with that, do you have any
21 additional witnesses?

22 MS. WINSLOW: No, Your Honor.

23 THE COURT: All right. Thank you. Mr. Goodwin,
24 you may be seated.

25 All right. Counsel, we had had -- during our

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1 discussion during the juror, we had gone over a few
2 items that you wished to -- for the Court to consider
3 in the charge. I'll be happy to hear from you. You
4 indicated that you had some proposed charges and needed
5 to type those up. Do you need any additional time?

6 MR. BUTLER: No. I have those.

7 THE COURT: All right.

8 MR. BUTLER: Are you ready to hear from me?

9 THE COURT: I am.

10 MR. BUTLER: Just what we mentioned: I would be
11 requesting what we typically refer to as a mere
12 suspicion charge that is found in Judge Anderson's
13 book. And I've got the citation: do not find the
14 defendant guilty based upon suspicion, conjecture, or
15 speculation, no matter how strong; conviction can only
16 be based upon guilt beyond a reasonable doubt; proof
17 does not meet that standard, you must find the
18 defendant not guilty.

19 May I pass this up?

20 THE COURT: Yo may.

21 [Whereupon, Mr. Butler proffers documents to the
22 Court]

23 THE COURT: Mr. Butler, just so I understand.
24 In essence, the mere suspicion charge should be
25 included as part of the burden charge?

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1 MR. BUTLER: Yes, ma'am.

2 THE COURT: All right.

3 MR. BUTLER: The other matters --

4 THE COURT: Mr. Kidd, you have an opportunity --
5 do you wish to address that at this time?

6 MR. KIDD: Judge, I just think your standard is
7 circumstantial evidence charge.

8 THE COURT: It's going to encompass -- what I
9 think Mr. Butler is requesting is more that this will
10 go to the beyond a reasonable doubt charge; that you
11 can't convict -- it must be beyond a reasonable doubt,
12 it may not be on mere suspicion.

13 MR. BUTLER: We're not -- well, we talked about
14 that in chambers. This is what I spoke about
15 yesterday.

16 MR. KIDD: Judge, can you please give me one
17 moment to read the charge, --

18 THE COURT: You may.

19 MR. KIDD: Is this going to be in addition to
20 your reasonable doubt charge?

21 THE COURT: What he wants the jury charge to
22 include: you cannot find the defendant guilty based
23 upon suspicion, conjecture, or speculation.

24 My standard charge contains --

25 MR. KIDD: I apologize. I was reading the wrong

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1 one.

2 THE COURT: That's all right. We had skipped
3 around. We had talked about the circumstantial
4 evidence. So if you need just a moment.

5 [Whereupon, Mr. Butler reviews documents]

6 MR. KIDD: Has that not been published in your
7 charge already?

8 THE COURT: It is, Mr. Kidd. It is. So I may
9 include -- just reword a few. But it is very similar
10 to the typical charge. All right?

11 I'm going to mark this as Court's 3.

12 MR. BUTLER: Thank you.

13 THE COURT: And your next proposed charge?

14 MR. BUTLER: The other proposed charge -- may I
15 approach?

16 THE COURT: You may.

17 [Whereupon, Mr. Butler proffers documents to the
18 Court]

19 MR. BUTLER: And just to be safe, I think I have
20 to ask the Court's permission to argue against
21 precedent. I want to make sure that I've covered that
22 base should that come up later.

23 I think the precedent not only allows, but
24 requires, we -- to submit this argument. What I've
25 asked for is what we used to call an Edwards charge,

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1 circumstantial evidence charge, which contains the key
2 language, is: the State must exclude all other
3 reasonable hypotheses when it relies upon
4 circumstantial evidence.

5 The version that I have passed up came directly
6 from Chief Justice Toal's dissent in Grippon, where
7 Grippon said an Edwards charge, which is what I've
8 requested, is not necessarily required.

9 The standard Grippon charge, which has now
10 become standard, contains language that I think is no
11 longer valid in light of some more recent decisions
12 from our Supreme Court. The Grippon charge contains
13 this language: the law makes absolutely no distinction
14 between the weight or value to be given either direct
15 or circumstantial evidence, nor is a greater degree of
16 certainly required of circumstantial evidence than of
17 direct evidence.

18 Well, I just think that that's legally incorrect
19 now and that the case we've already referred to,
20 Bostick, and those line of cases, and Schrock and
21 Arnold, stand for a proposition of the contrary,
22 that -- for example, in Bostick, the Supreme Court
23 appealed to four different circumstantial facts,
24 evidence relied upon the State, and said that was not
25 sufficient to convict. So I think that we can take

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1 from Bostick, Arnold and Schrock that the proposition
2 in Grippon that circumstantial evidence and direct
3 evidence are of equal weight is no longer valid.

4 And so for that reason, I guess my request is
5 twofold: I would object to the standard Grippon charge
6 and I would request an Edwards charge as contained in
7 Justice Toal's dissent in Grippon. And the formulation
8 that I have passed up, I, you know, believe is verbatim
9 from her dissent. And the key language is: it is not
10 sufficient that they create a probability, that means
11 being the circumstances create a probability, though a
12 strong one, and in assuming them to be true they may be
13 accounted upon any reasonable hypothesis which does not
14 include the guilt of the accused, the proof has failed.

15 Let me say that again. It is not sufficient
16 that they create a probability -- a strong one and if
17 assuming them to be true they may be accounted for upon
18 any reasonable hypothesis, which does not include the
19 guilty of the accused, the proof has failed.

20 It's the reasonable hypothesis language and the
21 exclusion language that I think is key, and that's what
22 we would request.

23 THE COURT: Mr. Kidd, and I know you have not
24 had -- indicated you did not have time to research
25 Bostick. Do you need additional time before you make

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1 your argument?

2 MR. KIDD: I don't think so, Judge.

3 I think in Bostick -- and I think, you know,
4 Mr. Butler might one day come upon a case where his
5 argument might be -- hold some weight. But I think in
6 this case here it's different than Bostick. Bostick,
7 they only raised only a suspicion of guilt. There's
8 only three or four small pieces of circumstantial
9 evidence that only raised to a suspicion.

10 I think this case is much different. I think we
11 have direct evidence through Ms. Washington's
12 testimony. I don't think there's any argument that
13 circumstantial evidence can be sufficient. I think we
14 much passed the mere suspicion of guilt at this point
15 and I think the -- this is not the case to come back on
16 and overrule precedent with.

17 I think the standard charge is sufficient. And
18 the hypothesis charge just -- I don't think it
19 accurately states how to view circumstantial evidence.

20 THE COURT: All right. Mr. Butler?

21 MR. BUTLER: If this case were Bostick, I would
22 have gotten a directed verdict. I mean, my appeal to
23 Bostick isn't that this -- that this is not a Bostick
24 case. My appeal to Bostick is to show that the Court's
25 views on the difference or similarities between direct

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1 and circumstantial evidence have changed and for that
2 reason the Grippon charge which equates them is no
3 longer valid.

4 And I would make this -- I would make this
5 motion in every case, no matter how much direct
6 evidence versus circumstantial evidence there was
7 because I don't believe that the charge from Grippon is
8 any longer a correct statement of the law.

9 So the factual differences are not the point.
10 The point is I believe that the law is changing or has
11 changed. It has not made it to the point of a jury
12 charge, but it won't unless somebody like me raises it.

13 THE COURT: All right. Counsel, how long do you
14 need to get ready for your closing?

15 MR. KIDD: I'm ready, Your Honor.

16 MS. WINSLOW: Your Honor, just a five-minute
17 break to run to --

18 THE COURT: What I would like for you to do --
19 we'll take fifteen minutes. What I would like for you
20 to do is gather your evidence so that at the close of
21 your closing and the charge on the law, they're boxed
22 up and ready to go.

23 Will you be using any of the evidence as
24 demonstrative during your closing?

25 MR. KIDD: I will, Your Honor.

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1 THE COURT: And if so, if you'll just put those
2 to the side so that there is no lag time.

3 You've indicated that you needed approximately
4 forty-five minutes; is that correct?

5 MR. KIDD: That's correct.

6 THE COURT: And you indicated the same?

7 MS. WINSLOW: Yes.

8 THE COURT: All right. Ms. Winslow, what I will
9 tell Mr. Kidd -- if he has forty-five minutes I will
10 not stop you at forty-five minutes but if he goes over
11 forty-five minutes, then however long he goes over, you
12 will have the same consideration. All right?

13 MS. WINSLOW: Thank you, Your Honor.

14 THE COURT: I will stop you at an hour, Mr.
15 Kidd. I will stop you at an hour.

16 All right. So we'll take fifteen minutes.

17 Thank you.

18 MR. BUTLER: I'm sorry. Can I put one more
19 thing --

20 THE COURT: You may.

21 MR. BUTLER: -- on the record?

22 THE COURT: And that will be Court's 4.

23 [Court's Exhibit Number 3 is marked by the court
24 reporter]

25 [Court's Exhibit Number 4 is marked by the court

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1 reporter]

2 MR. BUTLER: I also want to object to the
3 permissive inference language, the standard charge:
4 malice may be referred to as use of deadly weapon.

5 And I was only reminded because of Mr. Kidd's
6 argument in response to our DV motion. I want to
7 object to that, as well, as being burden-shifting,
8 under the state constitution.

9 Your Honor may recall this came up in another
10 case we had a while ago. That charge has been held to
11 be improper in a manslaughter self-defense scenario. I
12 recognize we don't have that. But I want to make that
13 same argument that it is impermissible burden shifting
14 under our state constitution, even in any context where
15 permissive inference language is used. Or -- yeah.
16 Malice may be inferred from use of deadly weapon.

17 THE COURT: Do you wish to address that issue,
18 Mr. Kidd? You do not have to.

19 MR. KIDD: No, ma'am.

20 THE COURT: All right. Thank you.

21 Anything else? Anything else we need to place
22 on the record, Mr. Butler?

23 MR. BUTLER: No, ma'am.

24 THE COURT: I'm going to take a look at your
25 proposed, which is now Court's 4, circumstantial

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1 evidence and compare it to the Court's and I'll -- I
2 will read the Court's circumstantial evidence if it is
3 different than the standard charge. All right?

4 Thank you. We're at ease fifteen minutes.

5 [Whereupon a recess is taken from 10:30 a.m. to
6 10:56 a.m.]

7 THE COURT: We're going to go ahead and make
8 arrangements -- since you've indicated an hour and a
9 half for closing, we're going to go ahead and make
10 arrangements to order lunch for the jury and so they
11 are taking their orders now.

12 I have considered and read the cases that you
13 presented and in light of the charges that you have
14 submitted, Court's 3 and 4, specifically Court's 4, the
15 Court's direct and circumstantial evidence charge: I
16 distinguish this case from the facts in Bostick. There
17 was an incomplete failure of competent evidence --
18 total failure of competent evidence and there was only
19 a suspicion of guilt in that case based upon
20 circumstantial evidence.

21 Again, as the Court noted in my ruling on the --
22 at the directed verdict stage, there was enough -- I
23 believe enough direct evidence to deny your motion for
24 directed verdict and not include the word-for-word
25 instruction as to Court's 4.

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1 And so this is the Court's direct and
2 circumstantial evidence charge: there are two types of
3 evidence which are generally presented during a trial,
4 direct evidence and circumstantial evidence. Direct
5 evidence is the testimony of a person who claims to
6 have actual knowledge of a fact, such as an eyewitness.
7 It is evidence which immediately establishes the main
8 fact to be proved. Circumstantial evidence is proof of
9 a chain of facts and circumstances indicating the
10 existence of a fact. It is evidence which immediately
11 establishes collateral facts from which the main fact
12 may be inferred. Circumstantial evidence is based on
13 inference and not on personal knowledge or observation.
14 You should weigh all of the evidence in this case.
15 After weighing all of the evidence if you are not
16 convinced that the State has proven each element of the
17 charge beyond a reasonable doubt, you must find the
18 defendant not guilty.

19 Note your exception, Mr. Butler, to not
20 including, word-for-word, your inclusion. And I
21 believe that it's thoroughly preserved for the record.

22 Anything further as to that charge?

23 MR. BUTLER: Not as to that.

24 I had one clarification on my objection, if Your
25 Honor would --

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1 THE COURT: I'll be glad to hear it.

2 MR. BUTLER: I'm just stating something.

3 My objection to the malice may be inferred from
4 the use of deadly weapon, I do want to include the
5 grounds of burden-shifting. But the case I was
6 thinking of was State vs. Belcher, and actually the
7 issue that was raised -- 685 S.E.2d 802 from 2009 was
8 that -- applies Section 21 of our South Carolina
9 Constitution precludes judicial comments on the facts.

10 And I would want to raise and preserve that, as
11 well, that the malice may be inferred from a deadly
12 weapon charge constitutes an impermissible judicial
13 comment on the facts. The facts are distinguishable in
14 Belcher, but I want to preserve that issue --

15 THE COURT: And I did consider -- Mr. Kidd, do
16 you have any comment?

17 MR. KIDD: No, ma'am.

18 THE COURT: All right. I did consider and went
19 back during our recess and looked at the Court's charge
20 and reviewed Belcher. The issue in Belcher was, of
21 course, self-defense, which we have not -- do not have
22 in this case. And so I had a -- Court standard charge
23 that malice may be inferred and it's merely a factor
24 that may be considered.

25 Again, your objection is noted for the record.

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CLOSING ARGUMENT

1
2 MR. KIDD: Ladies and gentlemen of the jury, I'm
3 going to start out by thanking you for your time and
4 attention this week. I know jury service is a burden
5 on all of you. You all have places you had rather be,
6 other obligations in your lives. This is not an easy
7 thing to take this much time out of your schedule, and
8 I'm appreciative. I know everyone in this courtroom is
9 grateful for the sacrifices that you've made.

10 And I don't want you to think we take your time
11 for granted, because we don't. I know a lot of
12 witnesses I had to call to the stand might have seemed
13 like they didn't offer much to you. But they're just
14 stepping stones to get all of the evidence in. There's
15 a lot of legal hoops I have to jump through and those
16 witnesses, while they don't seem important, they are.
17 They are necessary to get all that evidence in front of
18 you.

19 Now, in our opening statements, Mr. Young told
20 you that the evidence you're going to hear this week is
21 going to prove beyond a reasonable doubt that that man
22 right there, Leonard Goodwin, murdered his stepson,
23 Eric Robinson. With those hands folded in his lap, he
24 grabbed a twenty-two caliber pistol, put it to his
25 head, and pulled the trigger. And the evidence proves

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1 that to be true. But keep in mind there's a twenty-
2 four day period between the murder of Eric Robinson,
3 and the discovery of his body, for Leonard Goodwin to
4 cover his tracks.

5 So as Mr. Young told you, there's no smoking
6 gun. It's not on video tape, there is no confession.
7 We don't have an eyewitness who saw it happen. There's
8 things we don't know. But in criminal law, cases
9 aren't about what you don't have, it's about what you
10 do have. And we have a lot of evidence. When you have
11 about twenty or so pieces of evidence and each one
12 points at Leonard Goodwin, and when you step back from
13 it a little bit and when you look at everything as a
14 whole, as I'm going to try to explain the evidence to
15 you here in a minute -- when you step back and you look
16 at it all as a whole, it's going to prove to you beyond
17 a reasonable doubt that Leonard Goodwin killed Eric
18 Robinson.

19 Now, some men are the victims of circumstance.
20 Most men, however, are the architects of their
21 circumstances. Eric Robinson is a victim of
22 circumstance. Leonard Goodwin is the architect of his
23 circumstances. He made his choices. He put himself in
24 that position by murdering Eric Robinson, by trying to
25 cover up the body, and then fleeing from justice. He

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1 put himself in this situation.

2 Now, I want to talk to you about the evidence
3 you've heard over the past few days. The first thing I
4 want to talk about is Latarshia Washington. She was
5 the very first witness. And I know it's Tuesday
6 afternoon and it seems like a long time ago, but I want
7 you to recall her testimony. I want you to think about
8 what she told you.

9 What did she tell you? She went in the house,
10 Target Street, about 5:00 p.m. on April 3rd, 2006.
11 Who was there? Leonard Goodwin, Eric Robinson, the
12 only two people in the house. What did she say? She
13 goes to bring him food, goes into the room. What's he
14 wearing? Black shorts, gold chain with a dollar-sign
15 pendant, bracelet, the exact same clothes that were on
16 his body twenty-four days later. She leaves, goes
17 home. What's the next thing she tells you? She talks
18 about this phone call. It's extremely important that
19 she talks about the phone call. What does she hear?
20 She says she's talking to him on the phone and they
21 have a good conversation going. That's what she says.
22 And then someone picks up the other line. Leonard
23 Goodwin picks up the other line and says, get the F off
24 the phone, and then an argument starts. What does Eric
25 say? He says, you need to pack your bags and get out

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1 of this house; you don't do anything; you don't pay
2 bills around here, you don't pay rent; you don't do
3 anything for my mother; you need to leave. They start
4 arguing. What's the last thing she says she hears from
5 Leonard Goodwin's mouth? A threat that he'll carry
6 out. He says, I'm going to put you on ice. What does
7 she hear next? She hears a loud crash and the phone
8 goes dead.

9 Now, this is no mild argument. This is not spat
10 amongst roommates. This is not a quiet crash. You
11 know that by how upset Latarshia Washington is over
12 what she's heard. She's distraught, she's worried.
13 She knows something bad has happened. And you know
14 that by what she does. What does she do next? She
15 calls back. Multiple times, calls, calls, no answer,
16 until finally Leonard Goodwin answered the phone. She
17 asked him, you know, what happened, where is Eric. He
18 said, Eric left. There was the first lie, the first
19 step in his coverup. Eric left. What does she tell
20 you about him? He's out of breath. She doesn't
21 believe him. She says, no way Eric left that quickly.
22 He starts sputtering and just hangs up on her.

23 What does she do next? She calls Jessie and
24 Mikey, cousins, friends of Eric. Something terrible
25 has happened. She's panicked. What she has heard has

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1 upset her and she wants to get to the bottom of it.
2 She calls Jessie and Mike: something bad's happened to
3 Eric; we need to figure it out. She's so upset, Jessie
4 comes and picks her up and takes her over to Target
5 Street.

6 When they're rolling up there, what do they see?
7 They see Leonard Goodwin on his bike leaving the
8 residence about a block away. They stop him and talk
9 to him. That's extremely important. What does she
10 see? She sees a blood stain on his shirt. But it's
11 not just a blood stain that she sees. Remember how she
12 described it. Specks. She said it's not like
13 saturated blood; it's specks of blood about waist high
14 on the front of his shirt.

15 Why is that so important? Remember the crime
16 scene photos of that back door? Do you remember what
17 that blood spatter looked like on that back door? Do
18 you remember where it was on that back door? What did
19 it look like? Specks of blood about waist high? It
20 matches up perfectly, doesn't it.

21 What happens next? She's still upset. They go
22 over to the house. Leonard Goodwin doubles back, goes
23 home, goes inside. They're waiting outside across the
24 street, still worried, still panicked, still trying to
25 find out what happened to Eric. So worried about what

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1 she's seen and what she's heard, she flags down a
2 police officer. And nothing against Officer Armstead,
3 who walks in the house with -- you know, he missed some
4 signs.

5 Who do you hear from next? Jessie and Mikey.
6 They confirm everything. The best friends of Eric, his
7 girlfriend, his mother, never hear from him again from
8 April 3rd, 2006.

9 The next person you hear from, Mary Ann. Mary
10 Ann is in a tough situation on April 3rd, 2006. It's
11 tough for her to accept, to comprehend -- to comprehend
12 the fact that her son is dead, that her husband of
13 seventeen years is a murderer and not just a murderer,
14 murdered her son. That's a tough thing for her to
15 grasp, to wrap her head around. And she probably
16 missed some signs that she should have otherwise picked
17 up on.

18 But what happens later as time passes, as she
19 connects the dots when she begins to smell that
20 decomposing body when she connects two and two. And
21 she confronts Leonard. She says, what's that smell;
22 there's something going on here. What does he say?
23 He's still covering things up. There's a dead cat in
24 the back yard, is what he says. She says, no,
25 something's not right; I haven't heard from my son in

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1 over three weeks and I've got this smell in the house,
2 don't know what it is, calling the cops.

3 What happens? Leonard Goodwin never to be heard
4 from again. A wife of seventeen years, the day her son
5 is found, her husband of seventeen years doesn't call
6 her again, doesn't write her, doesn't show up for the
7 funeral, not a text message, nothing. What does that
8 tell you?

9 And then, granted, it's after the fact, but
10 after she's put everything together and you talk to her
11 and you say, you know, what else happened; was there
12 anything else that night that was a little out of the
13 ordinary, she says, well, you know, now that you
14 mention it, now that I know what's happened, what's
15 going on, when I came home that night there was a
16 smell; there was a smell of bleach and cleaning
17 supplies in that house that I found a little out of the
18 ordinary; didn't know what it meant back then on April
19 3rd, 2006; but now that I know Leonard Goodwin killed
20 my son I know what it means. That's what she tells
21 you.

22 Then the body is found. North Charleston comes
23 out to the crime scene. And it's easy to stand back
24 here five years removed and look at everything that
25 they did and say, you should have done this, you should

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1 have done that. Hindsight is twenty-twenty. And
2 nobody is perfect and they made mistakes. Sure, there
3 are things that I wish they would have done. But they
4 documented what they did. And they were thorough. And
5 you're going to be able to see it all in these
6 photographs. You're going to have all this evidence
7 back there in your deliberation room with you. You can
8 look it over, and I encourage you to do so.

9 But what did they find when North Charleston
10 went out there? The first thing they find -- excuse me
11 -- the first thing they find, a bag of lime underneath
12 that tarp in the back yard with Leonard Goodwin's
13 tools. And you've got the photographs of it. And what
14 do they do? They take a sample of that lime and seal
15 it up in a container from the bags. And then the
16 officer goes under the house, takes a sample of the
17 lime off the body, seals the open container, sent it up
18 to SLED. You heard from Ila Simmons, the SLED analyst,
19 they're identical. You can't tell them apart. Their
20 chemical makeup is identical. I mean, you can't
21 officially say that they came from the same bag. But
22 you can't tell them apart.

23 What's the next thing crime scene finds? They
24 find those socks. They find the defendant's socks with
25 that blood stain on the ankle -- and you'll have the

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1 photos back there -- in the trash can. I was a little
2 confused about which trash can it came from. It
3 doesn't really matter. But if it's in the front trash
4 can and it's there twenty-four days later, it's
5 obviously thrown away after the fact. And if it's in
6 the other trash can, then it's with the defendant's
7 tools.

8 What do they do? They take those and send them
9 up to SLED. They take cuttings presumptive for blood,
10 compare it to the victim's DNA standard, it's the
11 victim's blood on those socks. Look at the socks. Do
12 you wonder why the bottom of those socks are so soiled
13 with blood and dirt? It's going to make sense.

14 Then what do they do? They look at the blood
15 spatter on the back door, swab it, send it up to SLED.
16 It comes back to the victim.

17 I'm going to try to give you a good explanation
18 of how it all went down in a little bit but let me --
19 let me get to the rest of this evidence.

20 What else did they find out there? Other
21 chemicals in the defendant's belongings: Odor Ban for
22 grease, things that you use to cover up a bad smell.
23 Coincidence? No. The headlamp, the flashlight hanging
24 on the back porch.

25 Ladies and gentlemen, this body wasn't just

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1 dumped in this crawl space and just forgotten. It took
2 preparation. It took time. That's a long trip
3 underneath that crawl space. It wasn't just a random
4 killing where a body was dumped and forgotten. He
5 spent time in that crawl space with that victim, with
6 Eric Robinson, applying lime, spraying different
7 chemicals, trying to cover it up. It was no won-and-
8 done and forget about it. This took time, took energy.

9 And finally what's the last thing North
10 Charleston gets for you? Five years after the fact
11 they go back under that house and find that liquor
12 bottle -- that's in those photos that you'll see --
13 just to find one more thing for you, swabbed the rim,
14 sent it up to SLED. Matches Leonard Goodwin's DNA, a
15 bottle that is a matter of feet from Eric Robinson.
16 And this isn't right near the crawl space opening where
17 someone could have just tossed it in. This is thirty,
18 forty feet deep in the crawl space.

19 Think about it. Use your common sense. Let
20 your commons sense guide you through all this evidence.
21 As you sort through it and review it, just turn to your
22 common sense. What does it tell you?

23 What's the next thing you hear about? Officer
24 Glover gets a call, sees someone riding a bike,
25 matching Leonard Goodwin's description. He goes out

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1 there. What's he see? Someone matching Leonard
2 Goodwin's description. Pulls up on him. He's still
3 fleeing. A thousand days and a thousand nights later,
4 he's still on the run.

5 He finally tracks him down, catches up to him.
6 What's your name and ID. Albert Taylor. This is no
7 fake ID that's made at a college student's dorm. This
8 is from the DMV. It's Leonard Goodwin's picture on it.
9 He's living a lie. Leonard Goodwin no longer exists
10 for a thousand days and a thousand nights.

11 And what does he tell Officer Glover when he
12 finally comes clean, when he finally says -- when
13 Officer Glover says, I'm going to take you downtown to
14 fingerprint you, I don't believe you, you might as well
15 come clean, what does he do? Drops his head and cries,
16 says, yeah, I'm Leonard Goodwin, I'm wanted for murder.

17 Now, I want to talk to you about how everything
18 really played out that night. I just told you what the
19 evidence is. Let's talk about what story the evidence
20 tells you. You know about the phone call. You know
21 about the argument. Well, how does it make sense?
22 You've got motive. Eric and Leonard obviously don't
23 get along. You heard that from Mary Ann. Leonard is
24 mad that Eric has moved into the house, he's not
25 showing him any respect that he thinks he deserves.

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1 And Eric doesn't like Leonard, either. He thinks he's
2 a bum. He doesn't have a job, doesn't contribute,
3 mooching off of him and his mother. There's bad blood.
4 And you heard Mary Ann talk about it. It was boiling
5 up and the anger inside of Leonard is building,
6 building through a culmination that occurred during
7 that phone call.

8 And when they went and had that back-and-forth,
9 he had had enough and he pulled a gun on Eric. Eric
10 took off and ran to that back door, drops the phone.
11 Gets to the back door, opens it up. That back door
12 opens up inside. Leonard fires that first shot. It
13 misses. It goes through that screen door. You saw the
14 bullet hole. You heard the testimony about it. Eric
15 freezes. Leonard puts him on his knees and puts the
16 gun to his head and he executes him. That's why he has
17 the blood spatter on his shirt. That's why the blood
18 spatter is waist high on that door.

19 But the phone is ringing now in the background.
20 He's just committed murder. The phone is ringing so he
21 knows he's got to act quick. So what does he do? He's
22 got to hide the body. Look at the blood spatter. Look
23 at the blood drops on the back porch. There's a
24 difference between spatter and drops. You've got
25 vertical drops on the back porch from where he carried

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1 the body out of the house.

2 And I'm not saying he put it in the crawl space
3 that night. Don't think he had time. Dragged it out
4 there in that back yard, covered it with his tarp. Hid
5 the body where it wasn't going to be found that night.
6 Find his time until he could be alone again.

7 Everyone shows up, Latarshia, Mikey, Jessie,
8 Mary Ann, police officer. He's lying. He's cleaned
9 up. He's cleaned up inside the house. He's had bleach
10 and he's tried to scrub those stains out of his shirt.
11 He's buying time until when he's going to be alone
12 again.

13 The next day Latarshia is gone, Mikey and Jessie
14 are no longer there, and Mary Ann goes to work. Now
15 he's got his opportunity. He's got his opportunity to
16 dispose of this body. But he's also got a problem. He
17 has no car. This is a man on a bicycle. How does a
18 man on a bicycle dispose of a body? He can't take it
19 and dump it in a river anywhere. He can't throw it in
20 the marsh. He's got a body.

21 What kind of area is Leonard Goodwin familiar
22 with? He's familiar with that crawl space under the
23 house. He knows about that little alcove in the back
24 corner of that crawl space tucked away. And now he's
25 got time. He's got time to draw that -- wrap that body

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1 up and drag it through that crawl space. No easy feat.
2 He's got time to stick it in the corner, cover it with
3 that screen, put chemicals and lime over it.

4 And you heard from William Palmer. And, ladies
5 and gentlemen, William Palmer, I mean, his time frame
6 is a little messed up. It is. This is five years
7 removed. He's trying to remember how often and what
8 time frame someone came in and purchased something from
9 his store. It's not an easy thing to do. So his time
10 frame is a little off. But what he does tell you is, I
11 remember this guy coming into the store multiple times,
12 on a bike, to buy lime. He can't carry a forty-pound
13 bag of lime on his shoulder riding a bicycle.

14 He's buying those little bags of lime, just like
15 you'll see in the picture, and he's putting it on the
16 body. And every time he's going under there -- it's
17 not just once, it's not just twice, it's repeated --
18 he's going under there because the body is still not
19 going away. That's his problem. So he's going back
20 under there, and back under there, putting more lime on
21 that body, trying to do whatever he can to make his
22 problem disappear. And it's weighing on him. It's
23 weighing on his conscience, it's weighing on his mind.
24 He's drinking a lot. He's spending some time under
25 there. He's putting in the hours.

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1 And then when his wife comes to her senses and
2 realizes what's going on, he knows the gig is up. He
3 knows he's caught, so he runs. Three years he's on the
4 run. Wife of seventeen years, he doesn't contact her
5 once.

6 I repeatedly tell you it's common sense. You've
7 got to use your common sense. There's no one else.
8 There's no one else that has the motive or the
9 opportunity to spend the amount of time and the energy
10 to dispose of that body the way it was.

11 Now, Voltaire once said: we owe respect to the
12 living; to the dead we owe only the truth. I think
13 that rings true here. Think about that. We owe
14 respect to the living; to the dead we owe only the
15 truth.

16 Ladies and gentlemen, deliver the truth to Eric
17 Robinson. Supply closure for his family and deliver
18 justice to Leonard Goodwin for the heinous crime that
19 he's done. Disposing of a body feet from where the
20 mother of Eric Robinson slept? There is no more
21 despicable crime imaginable. And I want you too all
22 these things and accomplish all of these goals by
23 returning a verdict against Leonard Goodwin that finds
24 him guilty of murder. Thank you for your time.

25 THE COURT: Ms. Winslow?

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CLOSING ARGUMENT

1
2 MS. WINSLOW: Good morning, ladies and
3 gentlemen. The State wants you to believe the
4 impossible: that an old man, that Leonard Goodwin,
5 completed the impossible in less than an hour.

6 In order to understand the impossible, we first
7 need to understand the time frame that we're dealing
8 with. We know from Latarshia Washington that between
9 8:30 and nine o'clock that evening that she called Eric
10 Robinson, they had a phone-call conversation. Thirty
11 minutes later, which now puts us at around 9:30 or ten
12 o'clock in the evening, she called back Eric because
13 she couldn't sleep. She testified to this. It was
14 this time that she overheard this argument ensue
15 between who she thinks is Leonard Goodwin, and Eric
16 Robinson. She said she was on the phone then for about
17 thirty minutes, which would bring us to around 10:30.

18 Next you hear from Jessie, who says that he sees
19 Leonard Goodwin, with Latarshia, that evening around
20 10:30 that evening. We also know from Detective
21 Armstead that evening he went into the house around
22 eleven o'clock. So the time frame that we're dealing
23 with, ladies and gentlemen of the jury, to do the
24 impossible, is virtually about a half an hour, max one
25 hour, that we are dealing with.

MIA PERRON, CVR-CM

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1 This is just my handwritten notes to look at.
2 At 8:30, 9:00, she calls Eric. About a half an hour
3 later, between 9:30 and 10:00, she calls back Eric.
4 They [phonetic] hear the conversation. And Jessie puts
5 them seeing Leonard Goodwin around 10:30 that evening.
6 So people start arriving at the home between 10:30 and
7 11:00 that night. We know Leonard Goodwin is not there
8 at first. He was riding his bike away from his home.

9 So with that time frame in mind, the State wants
10 you to believe the impossible, that Leonard Goodwin
11 could have taken a gun to his stepson's head and shot
12 him in the head. Now, in the twenty years that Mary
13 Ann has known Leonard Goodwin, she has never known Mr.
14 Goodwin to have a gun in the home. She has never known
15 Mr. Goodwin to put a gun between the mattress, have a
16 gun on the night stand. She's never seen any bullets,
17 any cartridges, any shell casings, in her home.

18 She also testified that in the twenty years that
19 she's known Leonard Goodwin, that he never raised a
20 hand, not a single hand, to Eric Robinson. Eric
21 Robinson also never raised a hand to Leonard Goodwin.
22 She testified that they didn't have a good relationship
23 but it never rose to the level of a physical argument,
24 ever, in the twenty years that she's known him. So the
25 State wants you to believe the impossible, that he gets

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1 a gun, which she has never known him to have in her
2 home in those past twenty years, takes the gun, puts it
3 to Eric Robinson's head and shoots him in the head.
4 The impossible. Escalating from never putting a hand
5 on a man to shooting him in the head.

6 Next in this thirty minutes, the State wants you
7 to believe that Mr. Goodwin took the body, dragged him
8 from his home, dragged him outside the steps, dragged
9 him down the yard. Today they're saying that it's
10 under a tarp, but I'll get to that in a minute.
11 Leonard Goodwin went and then dragged the body to the
12 crawl space and put him inside the crawl space, the
13 crawl space that's a foot and a half above the ground,
14 the crawl space that is so small that you have to crawl
15 into the crawl space on your hands and knees. This
16 [indicates] is the crawl space that we are talking
17 about, ladies and gentlemen of the jury.

18 You heard from Officer Hallman that when
19 removing the body, it was extremely hard, it was a very
20 tedious job, it took a very long time. And he had the
21 help with the coroner. They are professionals at
22 removing and moving bodies. Mr. Goodwin, an old man,
23 an old man who suffers from back problems, as Mary Ann
24 stated, it would have taken him so much longer, it
25 would have been so much more tedious, and he can't do

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1 that in a thirty-minute time period. We all know how
2 hard it is to move someone who has been passed out,
3 trying just to move someone from the couch into their
4 bed. It's hard. It's tedious. And this was supposed
5 to have occurred during this thirty-minute time frame.

6 Additionally, Mr. Goodwin was supposed to have
7 cleaned himself up enough, cleaned any blood splatter
8 in the home, cleaned up any sign of struggle in the
9 home, and cleaned it spotless so no one would recognize
10 anything had been done. His own wife of seventeen
11 years did not recognize one thing out of place on April
12 3rd, 2006.

13 He would have also had to clean himself up. He
14 had to remove any dirt on him, any blood that's on him,
15 and compose himself, compose himself enough to decide
16 to get on his bicycle and ride to the store.

17 After Mr. Goodwin was riding to the store, he
18 met with Latarshia and Jessie and spoke with them for a
19 brief moment, and he came back to the house. The
20 impossible. The State wants you to believe the
21 impossible, that a thirty-minute time frame, shot him
22 in the head, then drag his body outside, cleaned
23 everything up to a tee so no one could recognize
24 anything was wrong, and then just rode his bike off to
25 the store and came back to the home.

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1 Now, ladies and gentlemen, let me just talk with
2 you for a moment about the things that should be here
3 that are not. The State has made it apparent that this
4 phone call is very, very, very important, it's the
5 reason why to suspect Leonard Goodwin in the first
6 place. We haven't heard anyone from Verizon or
7 T-Mobile. There are no phone records in this case. Ll
8 Latarshia testified that she called back six times --
9 during direct examination -- but then when she calls in
10 her report, she only called back three times. Phone
11 records would be very helpful in this case to get the
12 time line down, to see if these phone calls even took
13 place. Jessie said he called the house, Michael said
14 he called the house, and we have no records of these
15 phone calls.

16 Now, let's specifically talk about the phone
17 call. Latarshia says she overhears the entire
18 argument. She never testifies that she heard Eric say,
19 yo, put down that gun, or there's a weapon, or I'm
20 going away. No mention of a weapon on the entire phone
21 call. No mention whatsoever. There's not a single
22 witness to the shooting. There's not a single witness
23 to the body being dragged through the yard. There's
24 not a single witness who calls the police and says, I
25 just heard a firearm being fired. Not a single

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1 witness.

2 Officer Hallman also testified that he didn't
3 see any drag marks in the yard, he didn't see any drag
4 marks on the grass, he didn't see any drag marks
5 throughout the crawl space. As the State said, twenty,
6 thirty feet into the crawl space, not a single drag
7 mark, with one man dragging dead weight through the
8 crawl space.

9 What we also don't have here is no smell of
10 gunpowder. Doug Armstead went to the home on April
11 3rd, 2006, about an hour after this alleged incident
12 occurred, an hour or less. He testified on the stand
13 that he's trained, that he's gone to the academy, that
14 he knows what gunpowder smells like. He said he's
15 fired guns inside homes, he's fired guns outside of
16 residences. He said that the smell would linger.

17 If you're -- if there are any nonsmokers on the
18 jury, you know that when you go into a smoker's home,
19 you can smell that smoke. The smell lingers. No one
20 has to be lighting up a cigarette at the time. The
21 smell lingers. Gunpowder smell lingers. Doug Armstead
22 testified he didn't smell any of that. He testified he
23 didn't see anything out of the ordinary. Mary Ann
24 didn't see anything out of the ordinary in her home
25 that evening. They didn't see any signs of struggle.

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1 They didn't see any blood splatter.

2 Now, the State said during their closing
3 statement that they're now claiming that he hid the
4 body under the tarp that evening and he did the rest,
5 dragging it into the crawl space, later on. Well, if
6 he hid the body under the tarp that evening, there's no
7 evidence of any blood on that tarp. There's no
8 evidence of a body being laid there in the grass matted
9 down. There is no evidence. It's nice to think about
10 in hindsight, but that's not what happened. No crime
11 occurred on April 3rd, 2006.

12 The State also did not present any fingerprints
13 on the light, no fingerprints on any crawl-space door,
14 no fingerprints to say who did it. The officer
15 testified that normally they don't take fingerprints if
16 it's in your own home because your fingerprints would
17 be on the items automatically. Well, that wasn't the
18 case for the gin bottle that was found under the home.
19 You would assume that his fingerprints would be on it.
20 But because the State wanted them to fingerprint that
21 item, they did -- excuse me -- the DNA from that item,
22 they did.

23 Ladies and gentlemen, the State does not only
24 want you to believe the impossible, the impossible took
25 place in thirty minutes, but they also want you to

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1 embrace all the contradictions in their case. They
2 have made a huge issue about the flight. Well, Mr.
3 Goodwin, once he knew he was wanted for murder, he did
4 run. He did not want to go to jail for a crime he did
5 not commit. When Mr. Glover stopped him in 2009, Mr.
6 Glover stated -- excuse me -- Officer Glover stated
7 that he didn't have such a good poker face, he knew
8 that something was wrong. Officer Glover could tell
9 that this man knew something was wrong, that he had
10 been caught for something. Now, Officer Glover also
11 testified that Leonard told him that he knew he was
12 wanted for murder and that's why he ran. He never told
13 him he was guilty of murder. He was just trying -- he
14 was trying to get away, that -- that he was trying to
15 evade him.

16 Now, Mr. Goodwin is not being charged with
17 running. He is being charged with murder. And if he
18 was guilty of that murder, he would have ran on April
19 3rd, he would have ran on April 4th, on April 10th,
20 when the missing persons report was written. But he
21 did not run. He stayed at home. He stayed in the
22 house with his wife of seventeen years, remained living
23 there, remained working the entire time, and living his
24 life normal.

25 On April 3rd, 2006, when Doug Armstead went into

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1 the home, he said that Leonard's demeanor was normal,
2 that he was calm, that he helped him search the areas
3 of the home. But we know from Officer Glover that when
4 he thinks he's done something wrong or when he knows
5 he's done something wrong, he doesn't have a good poker
6 face, it shows.

7 Ladies and gentlemen, the State also wants you
8 to believe that Mr. Goodwin is some type of mastermind
9 and he's hiding the body under the house and covering
10 him with a tarp and covering him with lime. But he has
11 the sense to get rid of the murder weapon? No murder
12 weapon was ever found in this case.

13 The lime that was out in the back yard, if he
14 had the mastermind that the State is claiming he does,
15 he would have gotten rid of that lime. That lime
16 wasn't being hidden. It was by his lawn-maintenance
17 tools. William Palmer testified it's used in lawn
18 maintenance, they sell it regularly. Ila Simmons, the
19 chemist, said, yes, it's used in yard supplies, it
20 helps the balance of the pH in the soil.

21 William Palmer testified on the stand that
22 Mr. Goodwin had been buying lime for about six months.
23 The State doesn't like that testimony so now they're
24 telling you to ignore what he said and only -- because
25 he messed up the dates.