

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Edgefield County

Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM C. (BILLY) SELLERS,

APPELLANT

APPELLATE CASE NO 2018-001667

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1 A. I did. There was a phone on his person.

2 Q. How did you go about seizing that phone?

3 A. We seized it from him.

4 (Whereupon, State's Exhibit #95 marked for
5 identification.)

6 BY MS. MAYES:

7 Q. Okay. Let me show you what is pre-marked as State's
8 Exhibit 95 and ask you whether or not you can identify that
9 item and if so, how?

10 A. This is Billy Sellers' cell phone.

11 Q. All right. And were you present when it was
12 seized?

13 A. I was.

14 Q. In fact, are you the officer who seized it and took
15 it into custody?

16 A. Yes, ma'am.

17 Q. Can you tell us where actually it was recovered
18 from?

19 A. He was actually holding it when we got there.

20 Q. Directly from his person?

21 A. Correct.

22 MS. MAYES: Your Honor this would be State's 95 for
23 evidence.

24 MR. CASTO: Without objection, Your Honor.

25 THE COURT: 95, cell phone, without objection.

1 BY MS. MAYES:

2 Q. Now, after his arrest, can you tell us whether or
3 not he ever made any type of request to speak with you?

4 A. Uhm, he did.

5 Q. Tell us what date that occurred.

6 A. Well, I spoke with him on the 30th.

7 Q. All right. And after that date, what, if any,
8 contact was made with Mr. Sellers?

9 A. He had sent me a grievance form.

10 Q. When you say grievance form, is that another word
11 for request form?

12 A. Yes.

13 Q. And does that include a request to talk, for
14 example?

15 A. Yes, ma'am.

16 Q. I'm gonna show you what is State's 88 and ask you
17 whether or not you recognize this document?

18 A. Yes.

19 Q. How so?

20 A. It's just our regular grievance statement form that
21 they send when they want to talk to us.

22 Q. And whose signature is on the document?

23 A. Billy Sellers.

24 Q. And the date on the document?

25 A. 11/21/14.

1 Q. Did you receive this document?

2 A. Yes.

3 Q. Can you tell us whether or not this document is used
4 in the ordinary course of business at the Edgefield County
5 Detention Center?

6 A. It is.

7 MS. MAYES: Your Honor, this would be State's 88 for
8 evidence.

9 THE COURT: State's 88.

10 MR. CASTO: No objection.

11 THE COURT: Request form is in.

12 BY MS. MAYES:

13 Q. That request to speak to you came on November 21st,
14 2014, correct?

15 A. Yes.

16 Q. And do you have documented any information as to
17 whether or not you followed up on that request?

18 A. I'm sorry. Say again.

19 Q. Do you have with you any documentation as to whether
20 you followed up on that request?

21 A. Yes.

22 Q. All right. What date did you speak with him?

23 A. On that date.

24 Q. On that same day. All right.

25 A. On the 25th. I'm sorry.

1 Q. So on the 25th in response to receiving that request
2 from him where did you go to speak with him at?

3 A. I believe it was in my office.

4 Q. All right. Now, at this point in time was he
5 Mirandized or given any Miranda Rights or warnings?

6 A. I didn't Mirandize him at that time. He had been
7 Mirandized already.

8 Q. All right. And who actually had, of course, I know
9 you testified that he sent the form, but had you done anything
10 to initiate that contact with him?

11 A. No, ma'am.

12 Q. So that was at his request?

13 A. Yes, ma'am.

14 Q. What was the nature of that contact once you spoke
15 with him?

16 A. Uhm, he wanted to know about items taken from his
17 house.

18 Q. And specifically what did he want to know about?

19 A. He wanted to know about the computer basically
20 because he wanted to get that back to his wife.

21 Q. All right. And any other item that he was asking
22 about?

23 A. That was about it. It was things like that that he
24 asked me about.

25 Q. About some of the personal property items?

1 A. Personal property. Yes.

2 Q. Now, do you have with you any notes or notations as
3 to any other statements that he made spontaneously to you on
4 this date?

5 A. That date he asked me if I felt like --

6 MR. CASTO: We renew our objection at this time as
7 stated in pretrial.

8 THE COURT: Very well. Same ruling as in pretrial,
9 same analysis so you're protected on the record.

10 BY MS. MAYES:

11 Q. Investigator Ireland, if you could refer, did you
12 document this in your notes exactly as you recall the
13 statement being made to you?

14 A. I did.

15 Q. If you could please state for the record only the
16 portion in which it includes a statement from Mr. Sellers.

17 A. Yes. He said, "Have you found anyone else besides
18 me who did this or do you feel like it's just me?"

19 Q. All right. And what, if anything, else did he
20 state?

21 A. "Have you found anyone else besides me?"

22 Q. All right. Anything else that he wanted to know?

23 A. He also wanted to know if the other person had been
24 arrested.

25 Q. The statement to you was whether the other person

1 has been arrested?

2 A. Yes, ma'am.

3 Q. Did he detail to you or provide any information as
4 to who the other person was?

5 A. No. He didn't.

6 Q. And following that did you have any other verbal
7 communications with Mr. Sellers after that date?

8 A. No.

9 Q. Now, moving forward in the investigation, when did
10 you receive a request form from an inmate by the name of
11 Phillip Griffin to speak with you?

12 A. It would be December 6th of 2014.

13 Q. All right. That would be Phillip Griffin that we
14 have heard from? Would that be the same Phillip Griffin that
15 we have heard from previously in this trial?

16 A. Yes.

17 Q. And the first request from Mr. Griffin was on what
18 date?

19 A. Was December 6th.

20 Q. 2014?

21 A. Yes, ma'am.

22 Q. All right. And did you speak with him on that
23 date?

24 A. I'm sorry. That would be November 8th is the day it
25 was.

1 Q. Okay. So November 8th, 2014 was the date that you
2 spoke with Mr. Griffin?

3 A. Correct. For the first time.

4 Q. All right. And then do you have the date that you
5 spoke with Mr. Griffin a second time?

6 A. I do.

7 Q. All right. And what was that date?

8 A. November 10th.

9 Q. All right.

10 A. I'm sorry. That's not the correct date.

11 Q. Take your time and look through that.

12 A. All right. The first date was December 6th.

13 Q. All right. You spoke with Phillip Griffin on what
14 two dates?

15 A. December 6th and December 15th.

16 Q. All right. Now, prior to that, to those interviews
17 with Phillip Griffin, had you ever had any information about a
18 revolver being used as a weapon in this case?

19 A. I have not.

20 Q. And who was the first person who provided that
21 information to you?

22 A. Phillip Griffin.

23 Q. And what, if anything, was significant about the
24 relationship between Phillip Griffin and Billy Sellers?

25 A. What was --

1 Q. How did they know one another?

2 A. Oh, they knew each other. They were cellmates.

3 Q. All right. So the first you heard of that was from
4 a cellmate of Billy Sellers in December of 2014?

5 A. Correct.

6 Q. Now, at that point in time, of course, had the
7 revolver been recovered by law enforcement yet?

8 A. No, ma'am.

9 Q. Did you have any clue or indication as to where that
10 missing handgun of Johnny Hydrick may have ended up?

11 A. No.

12 Q. So now I want to move forward and ask you whether
13 you were ever contacted by Aiken Department of Public Safety
14 or any other law enforcement agency about that weapon?

15 A. No, ma'am.

16 Q. And ultimately the letter that has been identified
17 as State's Exhibit 84, what were the circumstances under
18 which you received this?

19 A. I received that letter from another inmate.

20 Q. All right. And who is that inmate?

21 A. Wesley Brown.

22 Q. And you're familiar with the content of that letter
23 which is in evidence?

24 A. Yes, ma'am.

25 Q. Now, in the course of this letter it states that the

1 victim had been beaten unconscious with a .38. At this point
2 in time -- Do you have the date that you received that
3 letter?

4 A. I do.

5 Q. And what is that date?

6 A. It would be on 1/20/2015.

7 Q. When you received that letter on January 20th of
8 2015, other than the information that you had received from
9 Phillip Griffin, the cellmate of the defendant, had you ever
10 heard anything else about that .38 revolver?

11 A. No.

12 Q. And once Mr. Brown provides you with this letter,
13 there at the bottom of the letter it indicates that Billy
14 Sellers wrote this letter to make investigators think that a
15 guy named Jersey did it. Did you know the name Talib? Had
16 you ever heard the name Talib until it was referenced in this
17 letter?

18 A. No.

19 Q. So upon receiving that letter where he mentions
20 someone with the last name Talib and Brown is telling you that
21 he didn't write the letter, what actions did you take?

22 A. I wanted to find out who Talib was. The defendant's
23 wife had come to the office and I found out through her who
24 Talib was.

25 Q. All right. And ultimately did you reach out to

1 Aiken Department of Public Safety?

2 A. I did.

3 Q. All right. And how is it that you even learned that
4 Aiken Department of Public Safety had executed a search
5 warrant on an individual by the name of Talib?

6 A. I didn't know they had done it until he actually
7 told me they had done it.

8 Q. When you say he, you're referring to who?

9 A. Talib.

10 Q. So in the letter where it says he told police about
11 the guy he beat who ended up dying and set up a white boy who
12 he used to serve reefer to. He was questioned by the
13 Edgefield Police Department about the death of his pill guy.
14 So it goes on making references about police involvement. Had
15 you even contacted or been in contact with Aiken Department of
16 Public Safety at all regarding Talib?

17 A. No.

18 Q. So explain further how you came across this
19 weapon?

20 A. Uhm, I came across this weapon because of what Billy
21 had said between this note and conversations that Billy was
22 having with Wesley Brown.

23 Q. When you say Billy, you're referring to the
24 defendant Billy Sellers?

25 A. Yes, ma'am.

1 Q. And at this point in time you realize that the
2 information in the letter is coming directly from Billy?

3 A. Correct.

4 Q. And so once you identify who Talib is who is
5 mentioned in the letter you go on and talk to Talib himself,
6 correct?

7 A. Yes, ma'am.

8 Q. And ultimately what do you learn after speaking with
9 him regarding a revolver?

10 A. Ultimately what I learned from Talib was that in
11 late October --

12 MR. CASTO: Objection. Calls for hearsay.

13 THE COURT: Calls for hearsay. Sustained.

14 BY MS. MAYES:

15 Q. Did you learn whether or not the search warrant had
16 been executed at his home?

17 A. I'm sorry.

18 Q. You learned that a -- Did you learn whether or not a
19 search warrant had been executed at his home?

20 MR. CASTO: Objection. Leading.

21 BY MS. MAYES:

22 Q. Did you?

23 A. Yes. I did learn that.

24 THE COURT: Sustained as to leading. I think she
25 recharacterized it.

1 BY MS. MAYES:

2 Q. What happened next?

3 A. Uhm --

4 Q. What happened with your communications with Aiken
5 DPS?

6 A. I asked Aiken, I called Aiken County and asked if
7 they had recovered any weapons from Talib's house.

8 Q. All right. And ultimately how did you come in
9 contact with the State's Exhibit that is in evidence having
10 been identified as the gun belonging to Johnny Hydrick?

11 A. Uhm, I called investigator, one of the investigators
12 down there to see if they had done that and I did go look at
13 the weapon.

14 Q. All right. So in this letter where it states that
15 Talib had been busted and given information on Billy Sellers
16 to Aiken DPS, was that true or not true?

17 A. I'm sorry. Say again.

18 Q. In the letter where it states that Billy had been -
19 that Talib had been busted by Aiken DPS and provided them with
20 information on Billy Sellers, was that true or not true?

21 A. No.

22 Q. Okay. And that ultimately what is quoted in this
23 letter about someone providing information to the police, do
24 you actually know who it was that provided information to the
25 police?

1 A. No.

2 Q. All right. Do you know an individual by the name of
3 Joey Lowe?

4 A. I do.

5 Q. Okay. How so?

6 A. Joey Lowe is who called law enforcement first of all
7 about this.

8 Q. All right. Let's talk about that. On what date did
9 you first have contact with an individual by the name of Joey
10 Lowe?

11 A. October 24th of 2014.

12 Q. The same month as the murder you received contact
13 with Joey Lowe?

14 A. Correct.

15 Q. How is it that you know Joey Lowe or did you know
16 him at all?

17 A. I didn't know Joey at all. He had tried to contact
18 Aiken County an investigator over there who in turn contacted
19 one of our investigators when he called them.

20 Q. During the course of your investigation, what is
21 your understanding of the relationship between Joey Lowe and
22 the defendant Billy Sellers?

23 A. Uhm, that they were friends.

24 Q. The letter references a statement that he'd had
25 given up everything to avoid a beating like that. Who did you

1 first hear that statement from?

2 A. That was what Joey Lowe told me about what Billy had
3 said.

4 MR. CASTO: Objection to hearsay.

5 THE COURT: Sustained as to hearsay.

6 MR. CASTO: Motion to Strike.

7 THE COURT: Sustained as to hearsay. Here's what
8 hearsay is. Everybody is allowed to testify to what they
9 did. But so and so said this, that and the other is not
10 in here to say it so that's hearsay and that's not
11 allowed because nobody is offered an opportunity to speak
12 with that person unless they are in here. Ms. Mayes,
13 rephrase your question and we'll keep moving.

14 BY MS. MAYES:

15 Q. All right. So let me ask you this: Is Talib the
16 person who made that statement to law enforcement? Is Talib
17 the person who made that statement to law enforcement?

18 A. No.

19 Q. All right. Now, had that statement been referenced
20 in any type of official documents served on the defendant?

21 A. Yes.

22 Q. What document was that?

23 A. It was the search warrant.

24 Q. All right. So the search warrant had been executed
25 at his house on December 30th?

1 A. Correct.

2 Q. Made reference to that statement, to avoid getting a
3 beating like that, I'd have given up everything I got?

4 A. Yes, ma'am.

5 THE COURT: You're going real fast.

6 BY MS. MAYES:

7 Q. Who put that in the search warrant?

8 A. I did.

9 Q. All right. Did you name the person who gave you
10 that information?

11 A. I did in a way. Yes.

12 Q. All right. Did you name them by name?

13 A. Not in the search warrant.

14 Q. All right. So in summary the allegation in this
15 letter written by Billy Sellers that Talib had provided
16 information to Aiken DPS, was that true or not true?

17 A. Not true.

18 Q. All right. And the allegation that the information
19 in the search warrant had come from Talib, was that true or
20 not true?

21 A. Not true.

22 Q. So once you learned from this letter written by
23 Billy Sellers again about a .38 revolver being used and you
24 seized that weapon, what happened next?

25 A. Uhm, I then took it to SLED for DNA testing.

1 Q. That was for the purpose of the blood identification
2 and DNA identification?

3 A. Correct.

4 Q. Now, I want to ask you about any plea negotiations
5 offered to anyone in this case in exchange for testimony or
6 information that they have given to you. You mentioned an
7 individual by the name of Joey Lowe whom you have identified
8 as being the informant on this search warrant?

9 A. Correct.

10 Q. Did you offer him anything in exchange for
11 information?

12 A. No, ma'am.

13 Q. In fact, did Joey Lowe even have any pending
14 criminal charges?

15 A. No, ma'am.

16 Q. And once you tracked down Talib also known as Jersey
17 did you ever communicate to Aiken DPS or Aiken Solicitor's
18 Office anything regarding promises or consideration for him?

19 A. No, ma'am.

20 Q. And as for Wesley Brown who turned that letter over,
21 that letter written by Billy Sellers with details of the
22 crime, did you ever promise Wesley Brown anything in exchange
23 for providing that letter?

24 A. No, ma'am.

25 Q. Or anything in exchange for potential testimony in

1 this case?

2 A. No.

3 Q. Phillip Griffin who testified previously and is
4 serving a sentence in Georgia, did you ever promise him
5 anything in exchange for information on Billy Sellers?

6 A. No, ma'am.

7 Q. In fact, who reached out to you first?

8 A. He did.

9 Q. Did you ever reach out to him about information on
10 Billy Sellers initially?

11 A. No, ma'am.

12 Q. And then once he provided that information, did you
13 promise him anything in exchange for participating in audio
14 interviews?

15 A. No, ma'am.

16 Q. Did you go to Georgia or communicate in any way with
17 authorities there regarding whatever sentence he got and is
18 serving currently in Georgia?

19 A. I did not.

20 Q. Did you ever speak with a district attorney in
21 Georgia about his case or a judge?

22 A. No.

23 Q. And how is it that Phillip Griffin ended up here for
24 this to be a witness in this trial?

25 A. Because he came forward with information.

1 Q. All right. Did he reach out again in any way about
2 potentially testifying?

3 A. No.

4 Q. All right. How did he end up here? Was a subpoena
5 issued?

6 A. Yes. We had to go find him. Yes.

7 Q. All right. When you say we had to go find him, what
8 did it take to get him here?

9 A. Subpoena.

10 Q. And a court order for transport?

11 A. Correct.

12 Q. Did he ever reach out about coming to South Carolina
13 to testify?

14 A. No.

15 Q. So that was law enforcement tracking him down in
16 prison in Georgia?

17 A. Correct.

18 Q. Pursuant to a subpoena?

19 A. Yes, ma'am.

20 Q. I want to ask you now about the area around the home
21 of Mr. Sellers. This will be State's pre-marked 94 and ask
22 you whether or not you recognize that?

23 A. Yes.

24 Q. Is that a fair and accurate representation of the
25 area between Aiken County and Edgefield County?

1 A. Yes, ma'am.

2 (Whereupon, State's Exhibit #94 marked for
3 identification.)

4 THE COURT: Any objection to 94? Is 94 in?

5 MR. CASTO: I don't believe so. We have no
6 objection to it.

7 MS. MAYES: This would be State's 94, Your Honor, an
8 aerial map.

9 THE COURT: 94 Accepted into evidence without
10 objection.

11 MR. CASTO: Without objection.

12 THE COURT: Okay.

13 MS. MAYES: Your Honor, if the witness may step down
14 again.

15 THE COURT: Sure.

16 BY MS. MAYES:

17 Q. Now, Investigator Ireland, you have identified
18 previously the area of Windy Ridge Road in Trenton. Show us
19 where that is in relation to what you've identified as the
20 defendant's address as Vincent Avenue in Aiken County.

21 A. Okay.

22 Q. Can you just speak up loud enough for the court?

23 A. I'm sorry. That would be the victim's address is
24 here. The defendant's address is here.

25 Q. All right. Now, what particular neighborhood or

1 area is the address of [REDACTED] Vincent Avenue? Have you been
2 there yourself?

3 A. I have.

4 Q. On more than one occasion or one occasion?

5 A. More than one occasion.

6 Q. What is this area or neighborhood known as?

7 A. Crosland Park.

8 Q. How close is that to the Aiken city limits and
9 downtown Aiken?

10 A. It is within the city limits.

11 Q. All right. Can you tell us whether or not this area
12 around the defendant's home is commercialized?

13 A. It is. Lots of gas stations, restaurants, whatever
14 you need is there.

15 Q. Okay. All right. Now, this particular road that he
16 resides on is known as what highway?

17 A. Highway 1.

18 Q. All right. And I said he resides on, but Crosland
19 Park. The entrance to Crosland Park is located on what
20 highway?

21 A. Highway 1.

22 Q. On Highway 1. All right. So when we look here at
23 I-20, what exit number is this?

24 A. Highway 1 would be exit 22.

25 Q. All right. What is the next exit down?

1 A. It's Highway 19, exit 18.

2 Q. So the next one down is gonna be exit 18. And if
3 you go left on Highway 19, does Highway 19 go by a different
4 name. Does it also have another name that it's known by?

5 A. Old Edgefield Highway.

6 Q. So Edgefield Highway, if you take it to the left,
7 which direction are you going? Come down the interstate and
8 take a left here.

9 A. South to Crosland Park.

10 Q. If you take a right, which direction are you
11 going?

12 A. Going toward Windy Ridge Road.

13 Q. In other words, if you take a right here, does that
14 get you to Trenton or Edgefield?

15 A. Trenton or Edgefield.

16 Q. All right. Take a left and that takes you to
17 Aiken?

18 A. Takes you to Aiken.

19 Q. All right. Have you been to the location known as
20 Coastal Recycling?

21 A. I have.

22 Q. And that's, of course, who we heard from previously.
23 Coastal Recycling is located approximately where along
24 Edgefield Highway between exit 18 and the city of Aiken?

25 A. It's right in here somewhere.

1 Q. All right. So Coastal Recycling is also located
2 here along Edgefield Highway?

3 A. Correct.

4 Q. Now, having been there yourself, what can you tell
5 us about that stretch of road between Coastal Recycling and
6 that cell tower that sits next to it and going all the way out
7 to exit 18 on up towards Trenton?

8 A. Okay. Well, the further you get from the city
9 limits the more country you get.

10 Q. Is this area here around Coastal and the cell tower
11 highly commercialized?

12 A. No. Not there.

13 Q. Is it as commercialized as this area over here where
14 the defendant lives?

15 A. Not nearly as commercialized.

16 Q. One more thing. You can refer to your notes if you
17 need it. Have you traveled the distance between Windy Ridge
18 Road and the defendant's house?

19 A. I have.

20 Q. Okay. I'll ask you to refer to your notes on that.

21 A. It takes us - it's 14.9 miles between the houses and
22 it took me 19 minutes and 40 seconds.

23 Q. All right. So from the victim's house to the
24 defendant's house and that's taking what highway?

25 A. That's taking Highway 19.

1 Q. All right. And if you could refer to your notes
2 exactly from the victim's house to what location?

3 A. To Vincent Drive, 0 Vincent Drive.

4 Q. Okay. And you said that's what mileage?

5 A. 19 miles. I'm sorry. It's 14.9 miles and 19
6 minutes and 40 seconds is how long it took me.

7 Q. 19 minutes and 40 seconds?

8 A. Yes, ma'am.

9 Q. And the mileage again?

10 A. 14.9.

11 Q. And that's taking Edgefield Highway?

12 A. Yes, ma'am.

13 Q. Now, having interviewed Phillip Griffin on two
14 occasions, did you ever develop any other persons of interest
15 in this case in addition to Billy Sellers?

16 A. Uhm, yes. Uhm, Talib, Hakim Talib and there's a
17 Dennis Amerson, Ross Amerson, William McKinley and others.

18 Q. I'm sorry. What?

19 A. And others.

20 Q. All right. So my question is not persons to talk to
21 or potential witnesses. My question is persons who may have
22 been involved with Billy Sellers?

23 A. Oh, someone named Gee.

24 Q. All right. And did you also explore Travis
25 Murray?

1 A. I did.

2 Q. And Jessica Reeder?

3 A. Yes. I did.

4 Q. You mentioned someone named Gee. Where did you
5 first hear that name?

6 A. I believe I heard Gee from Phillip Griffin.

7 Q. All right. And ultimately the phone that was seized
8 from Billy Sellers being State's Exhibit 95, can you tell us
9 whether or not that was extracted by law enforcement for the
10 purpose of obtaining information from it?

11 A. Yes.

12 Q. And based on any information that was obtained from
13 it, did you potentially get a phone number for this person who
14 was known as Gee?

15 A. I did.

16 Q. All right. Did you attempt to track down subscriber
17 information from those phone records and if so, how?

18 A. I did try to subpoena that information from his
19 phone but I was unable to.

20 Q. Okay. You attempted how? What type of document did
21 you serve on telephone companies in order to obtain that
22 information?

23 A. A search warrant.

24 Q. So you served a search warrant for subscriber
25 information with a phone number that you have for this

1 individual known as Gee?

2 A. Correct.

3 Q. And you got a phone number on Gee from whose
4 phone?

5 A. From his phone.

6 Q. When you say his, who are you referring to?

7 A. Gee. Oh, I got that from -- I'm not sure where I
8 got that from.

9 Q. Okay. Well, take your time. Do you recall which
10 phone had Gee --

11 A. I got that from Billy's phone.

12 Q. Okay. During the course of your investigation, did
13 you also obtain telephone information on a Jessica Reeder?

14 A. Yes.

15 Q. And Travis Murray?

16 A. Yes, ma'am.

17 Q. During the course of your investigation, what phone
18 number was affiliated with Travis Murray?

19 A. 226-5[REDACTED].

20 Q. And whose number is that?

21 A. That's Travis Murray's.

22 Q. 226?

23 A. 5[REDACTED].

24 Q. All right. And for Jessica Reeder?

25 A. That would be 803-507-6[REDACTED].

1 Q. And the individual Gee where you executed a search
2 warrant for those phone records?

3 A. I did. 856-473 [REDACTED].

4 Q. 473?

5 A. [REDACTED].

6 MS. MAYES: Nothing further at this time.

7 THE COURT: Mr. Casto.

8 CROSS EXAMINATION

9 BY MR. CASTO:

10 Q. Hi, Detective Ireland. How are you?

11 A. Fine. How are you?

12 Q. Good. To get a running start here, early on in this
13 investigation, early on in this case your investigation led
14 you to Travis Murray and Jessica Reeder pretty early on; is
15 that right?

16 A. It did.

17 Q. And you I believe went to Travis Murray and Jessica
18 Reeder's house the same day that Johnny's body was found,
19 right?

20 A. Correct.

21 Q. That just so we understand our timeline, that would
22 have been October 11th, 2014?

23 A. Yes, sir.

24 Q. Through the course of your investigation you learned
25 that Travis Murray and Jessica Reeder had a strained

1 relationship, right?

2 A. Yes.

3 Q. And there were jealousy issues in their
4 relationship?

5 A. Yes.

6 Q. You learned specifically that Travis was very
7 jealous of Jessica Reeder, right?

8 A. Correct.

9 Q. And that particularly what he was jealous of was
10 that Jessica Reeder was seeing other men, right?

11 A. Correct. Johnny in particular that I knew of.

12 Q. Specifically the other person is Johnny Hydrick in
13 this case, right?

14 A. Yes.

15 Q. This made Travis jealous, right?

16 A. Yes. It did.

17 Q. And it made him angry?

18 A. Yes.

19 Q. And when this would go on essentially Travis Murray
20 was working out of town when Jessica would go over to Johnny
21 Hydrick's house?

22 A. Correct.

23 Q. And this event with Travis going out of town and
24 Jessica going to Johnny's house happened somewhat regularly,
25 right?

1 A. Yes, sir.

2 Q. That Jessica would go over to Johnny's house to see
3 Johnny?

4 A. She would.

5 Q. At that time Travis Murray had a job where he worked
6 for an individual named Allen Murray, right?

7 A. Correct.

8 Q. Now, there's no - the two are not related, right?

9 A. Correct. Allen and Travis were not related.

10 Q. They just happen to have the same last name?

11 A. Correct.

12 Q. And when Travis worked for Allen Murray, Travis
13 would often times go out of town to work?

14 A. He would.

15 Q. He would go out of state to work?

16 A. Yes.

17 Q. Sometimes he would go several states away I believe,
18 right?

19 A. He would.

20 Q. Sometimes for up to a week or over a week at
21 times?

22 A. I believe. Yes.

23 Q. And because of all that Travis Murray did not get
24 along with Johnny Hydrick?

25 A. Correct.

1 Q. Through the course of your investigation you learned
2 of a time that Travis and Jessica had broken up, right?

3 A. Yes. I did.

4 Q. And they, in our timeline they would have broken up
5 around late August to mid September?

6 A. Sounds right. Yes, sir.

7 Q. And during that time Jessica did not live with
8 Travis?

9 A. Correct.

10 Q. Instead she stayed with Johnny at Johnny Hydrick's
11 house?

12 A. She did.

13 Q. As we said earlier, you first went to Travis Murray
14 and Jessica Reeder's house the same day Johnny's body was
15 found, right?

16 A. I did.

17 Q. And I think that you were joined by Captain Walsh,
18 too?

19 A. Yes.

20 Q. At that time on October 11th Travis and Jessica were
21 back living together, right?

22 A. They were together that day. Yep.

23 Q. And they, just for point of reference, they lived at
24 [REDACTED] Metz Park Road?

25 A. Correct.

1 Q. You remember that day that you went over there to
2 speak with them, right?

3 A. I do.

4 Q. And you noticed that there were things that Jessica
5 Reeder did not want to talk about with you while Travis Murray
6 was around?

7 A. Correct.

8 Q. Jessica Reeder was willing to talk with you but away
9 from Travis Murray, right?

10 A. Yes.

11 Q. Is it fair to say that Jessica seemed nervous or
12 fearful that Travis might overhear what she had to say?

13 A. Yes.

14 Q. And even later on that same day October 11th,
15 Jessica Reeder comes to the Sheriff's Department here,
16 right?

17 A. She does. Yes.

18 Q. And she came by the Sheriff's Department with her
19 friend Karen Scalf?

20 A. Yes.

21 Q. And through the course of your investigation you
22 learned that Travis was angry that she had gone to speak
23 with you?

24 A. Yes.

25 Q. In taking a step back the specifics about what was

1 known between Jessica Reeder and Johnny Hydrick when Travis
2 was out of town, Johnny would occasionally give Jessica Reeder
3 money?

4 A. Correct.

5 Q. And for whatever reason Travis didn't provide
6 Jessica much money?

7 A. That's what she said. Yes.

8 MS. MAYES: Objection to hearsay or withdrawing
9 hearsay.

10 THE COURT: Sustained as to hearsay. Sustained.
11 Rephrase it.

12 MR. CASTO: I'll rephrase it.

13 BY MR. CASTO:

14 Q. In other words, Johnny would give Jessica money?

15 A. Yes.

16 Q. Okay. And it's a known thing that Jessica was on
17 drugs at that time?

18 A. Yes.

19 Q. And specifically Johnny Hydrick would give her the
20 prescription medication that he was taking?

21 A. I would say so.

22 Q. Specifically what we're talking about when Johnny
23 would give her medication, this is his pain medication,
24 right?

25 A. I would think. I wasn't sure what kind of medicine

1 but yes, I would think that.

2 Q. Okay. It's also known at this time that Travis
3 Murray was also on drugs at the time too?

4 A. Correct.

5 Q. And at some point when Jessica lived with Johnny on
6 or around mid September you learned through the course of your
7 investigation that she actually had gotten into a fight with
8 Johnny?

9 A. Correct.

10 Q. This was a physical fight?

11 A. Yes.

12 Q. And during that fight Jessica grabbed a bat?

13 MS. MAYES: Objection. This is again information
14 related only to hearsay.

15 MR. CASTO: May we approach?

16 THE COURT: You may.

17 (Side bar off the record.)

18 BY MR. CASTO:

19 Q. All right. And jumping back in, you're aware of a
20 physical fight where Jessica hit Johnny Hydrick with a bat,
21 right?

22 A. Yes.

23 Q. And she hit him with a bat in the side; is that
24 correct?

25 A. In the side? That's what you're saying?

- 1 Q. Yes. In the side of his body?
- 2 A. I know she hit him with a bat.
- 3 Q. Okay. And the bat was left in Johnny Hydrick's
- 4 house the day that Johnny Hydrick was found, right?
- 5 A. Correct.
- 6 Q. And in other words, it was not one of the items
- 7 collected by law enforcement?
- 8 A. Correct.
- 9 Q. And sometime later that bat was collected by
- 10 Johnny's brother Richard Hydrick?
- 11 A. Yes.
- 12 Q. Instead of that being collected by law enforcement I
- 13 believe Richard Hydrick has had the bat for the last four
- 14 years?
- 15 A. He has.
- 16 Q. I believe the bat was brought to the Edgefield
- 17 County Sheriff's Office earlier this month, right?
- 18 A. Correct.
- 19 Q. And it was brought to the Sheriff's Department by
- 20 Richard Hydrick?
- 21 A. Yes.
- 22 Q. In fact, just like you said, just a couple of weeks
- 23 ago, right?
- 24 A. Yes, sir.
- 25 Q. And only recently the bat was detected for the

1 presence of blood?

2 A. Correct.

3 Q. And there were no DNA tests performed on the bat
4 that you're aware of?

5 A. I'm not aware of what was performed on it.

6 Q. In other words, you know that that bat was not
7 submitted to SLED?

8 A. Correct.

9 Q. Okay. In going through some of the physical
10 evidence that we had talked about, one of the things that was,
11 you know, collected was a hammer, right?

12 A. Yes, sir.

13 Q. And that was not submitted to SLED?

14 A. Correct. I guess. I don't submit the items.
15 Someone else does.

16 Q. Okay. And when you saw Johnny Hydrick there, you
17 also saw the blanket that was draped over him, right?

18 A. Yes, sir.

19 Q. And that blanket was not submitted to SLED?

20 A. From what I heard it was not.

21 Q. Okay. Now, that day October 11th when Johnny's
22 house was searched, Johnny's vehicle was there, right?

23 A. Correct.

24 Q. I believe that he drove a black SUV type vehicle?

25 A. I believe it was a Bronco.

1 Q. Okay. A Bronco. And a Bronco would be obviously an
2 SUV type vehicle. And law enforcement did not search through
3 that vehicle that day that you are aware of?

4 A. I know I did not because I was out doing other
5 things. I'm not sure if it was gone through by our other
6 detectives.

7 Q. In other words, you're not sure?

8 A. Correct.

9 Q. Okay. Now, we had talked about, there was mention
10 on the record, one of the things done in this case was the
11 collection of cell phone evidence, right?

12 A. Correct.

13 Q. And we have cell phones that were, cell phone
14 information rather that was collected, we have it on Billy?

15 A. Yes.

16 Q. We have it on Jessica Reeder?

17 A. Yes.

18 Q. We have it on Travis Murray?

19 A. Yes.

20 Q. On Shawn Nicholson?

21 A. Yes.

22 Q. On Joey Lowe?

23 A. Yes.

24 Q. And Billy's cell phone information was used to find
25 out which towers or which cell phone towers were in use the

1 night that Johnny Hydrick was killed, right?

2 A. I'm sorry.

3 Q. Billy's cell phone was used in a way to find out
4 which towers his phone was using the night that Johnny Hydrick
5 was killed?

6 A. I think so. Yes.

7 Q. All right. And that night he does not utilize a
8 tower that is north of I-20; is that right?

9 A. I'm not sure on that.

10 Q. You don't know?

11 A. I'm not sure.

12 Q. Okay. You know that Billy used his cell phone in
13 and around the Aiken area?

14 A. I'm sure he did.

15 Q. The night that Johnny Hydrick died?

16 A. Yes.

17 Q. During the night that Johnny Hydrick was killed,
18 Billy's phone was not in continuous use on say a multiple hour
19 conversation or anything like that?

20 A. Was not.

21 Q. In other words, he wasn't in a phone conversation
22 lasting, you know, over an hour or a huge length of time, was
23 he?

24 A. Not that I recall.

25 Q. Okay. So there were times when the phone was in

1 use, there were times when the phone was not in use, right?

2 A. Correct.

3 Q. Okay. And in addition to Billy's phone being
4 mapped, Joey Lowe's phone was also mapped in this case,
5 right?

6 A. Yes.

7 Q. But no one else, specifically Travis' phone, Travis
8 Murray's phone was not mapped in this case?

9 A. No.

10 Q. Jessica Reeder's phone was not mapped in this
11 case?

12 A. No.

13 Q. And so since they weren't mapped, we don't know what
14 towers, if any, they were using that evening, right?

15 A. Correct.

16 Q. And Wesley Brown's cell phone information was not
17 collected either, was it?

18 A. No.

19 Q. We don't know whether Wesley Brown's phone
20 information connects him to any other individual in this case,
21 do we?

22 A. No.

23 Q. It would have been something that would have been
24 important to learn of any type of communication between him
25 and say Jersey or Hakim Talib, right?

1 A. Could have been but I don't think they knew each
2 other.

3 Q. Okay. And Wesley Brown's social media information
4 was not examined either, was it, that you're aware of?

5 A. Not that I'm aware of.

6 Q. Hakim Talib, you mentioned him on direct, right?

7 A. On direct?

8 Q. On direct examination. You were asked by the State
9 some questions about Hakim Talib or Jersey; is that right?

10 A. Yes.

11 Q. And you didn't know about Hakim Talib until you had
12 a conversation with Corey Sellers, Billy's wife, right?

13 A. Right.

14 Q. And she's the one based on that conversation you
15 learned information about him?

16 A. I did.

17 Q. Okay. And at this time we don't know what towers,
18 if any, Hakim Talib used the night that Johnny was killed?

19 A. No.

20 Q. You were not or no other law enforcement officer
21 from Edgefield County was present when Hakim Talib pled guilty
22 in 2016, were you?

23 A. No. I wasn't there.

24 Q. Okay. And so you don't know what, if anything, was
25 ever mentioned to the sentencing judge about that, do you?

- 1 A. No.
- 2 Q. You, in fairness, you attempted to collect some cell
3 phone information from a person named Gee, right?
- 4 A. I did.
- 5 Q. And you weren't able to get cell phone information
6 from Gee?
- 7 A. No, sir.
- 8 Q. We don't know what towers, if any, Gee was using the
9 night this happened?
- 10 A. Correct.
- 11 Q. And we don't know if he was in communication with
12 any another individual in this case, right?
- 13 A. Not through his phone.
- 14 Q. Not through his phone. In addition, we don't have
15 any information about who he is or whether he was involved in
16 social media either, do we?
- 17 A. No.
- 18 Q. Let's take a step back. There's enough evidence in
19 this case that Gee is a real person, right?
- 20 A. Correct.
- 21 Q. But we just weren't able to learn his real name?
- 22 A. Correct.
- 23 Q. Okay. And specifically we weren't ever able to find
24 him?
- 25 A. No. I was not.

1 Q. So obviously his residence was not searched?

2 A. Correct.

3 Q. Today his whereabouts are unknown?

4 A. To me they are unknown. Yes.

5 Q. Okay. You obviously spoke with Billy in this case;
6 is that right?

7 A. Yes.

8 Q. That's what you talked about, you were asked about
9 by the State on direct, right?

10 A. Yes.

11 Q. And you spoke with Billy on, I believe it was
12 October 16th, 2014?

13 A. Yes.

14 Q. And you were questioning Billy about Johnny's murder
15 and you asked him about going scrapping on Windy Ridge Road?

16 A. I did.

17 Q. Unlike Travis Billy says that he had been scrapping
18 on Windy Ridge Road?

19 A. Yes, sir.

20 Q. And in that conversation Billy tells you that he did
21 know Johnny Hydrick?

22 A. Yes.

23 Q. And even more so Billy tells you that he did buy
24 pills from Johnny Hydrick?

25 A. Correct.

1 Q. Eventually on October 30th, 2014 Billy's home was
2 searched?

3 A. Correct.

4 Q. And just to be clear, Travis Murray and Jessica
5 Reeder's home, it was not searched, was it?

6 A. No.

7 Q. Shawn Nicholson also mentioned in the case, his home
8 was not searched either, was it?

9 A. No.

10 Q. And in order to search Billy's home on October 30th,
11 2014, you followed the proper protocol and you got a search
12 warrant to search that home, correct?

13 A. Yes, sir.

14 Q. And I believe that it was executed on October 30th
15 at 2:30 p.m., right?

16 A. I think that's the time.

17 Q. Sometime that afternoon; is that right?

18 A. Correct.

19 Q. And in order to get a search warrant you have to
20 give a sworn statement about what you expect to find in the
21 home?

22 A. Yes, sir.

23 Q. And a search warrant can list out the items that you
24 expect to find in the home?

25 A. Yes, sir.

1 Q. And this search warrant is not unlike any other. In
2 fact, this did have a list of the items expected to find in
3 the home?

4 A. Yes.

5 Q. And one of those in that list is a slot machine,
6 correct?

7 A. Correct.

8 Q. And now it also lists the part of the search
9 warrant, the return, right?

10 A. Yes.

11 Q. And that's kind of what law enforcement says, hey,
12 this is what we've taken from this house; is that right?

13 A. Yes, sir.

14 Q. And in this case what was taken from Billy's house
15 is two pairs of jeans?

16 A. Correct.

17 Q. A knife?

18 A. Yes.

19 Q. A security camera and monitor?

20 A. Yes, sir.

21 Q. A computer?

22 A. Yes, sir.

23 Q. The receipts from a motel room from August 2014?

24 A. Yes, sir.

25 Q. Binoculars, right?

- 1 A. Yes, sir.
- 2 Q. All of this was taken down and put into a list and
3 then this search warrant is then provided to Billy, right?
- 4 A. Yes.
- 5 Q. And that's the day that he's arrested, right?
- 6 A. Yes, sir.
- 7 Q. When it's provided to him, he's already in custody
8 at that point?
- 9 A. Yes, sir.
- 10 Q. So he does have that paperwork with him at least at
11 that time?
- 12 A. Yes, sir.
- 13 Q. The items of clothing were sent to SLED for DNA
14 testing?
- 15 A. They were.
- 16 Q. And Johnny Hydrick's DNA wasn't found on any of
17 Billy's clothes?
- 18 A. No, sir.
- 19 Q. Security monitor and things didn't have anything to
20 do with this case at all?
- 21 A. No, sir.
- 22 Q. Billy's van was seized the same day as I understand
23 it on October 30th, right?
- 24 A. Yes, sir.
- 25 Q. And didn't have anything connecting him to this

1 case, right?

2 A. No. The van came back with negative results.

3 Q. As a matter of fact, it was so clear that I think
4 the van was eventually returned to Billy's wife, right?

5 A. I did return it to his wife.

6 Q. Okay. In your conversation with Billy on November
7 25th which took place in your office at the Sheriff's
8 Department was really him just asking questions about
9 information you had on his case, right?

10 A. Uhm, I think he just wanted to know about the items
11 taken.

12 Q. Yes. That's right. In other words, what was taken
13 from my, what was taken from his house, that kind of thing and
14 he was asking specifically whether or not those items could be
15 eventually returned to his wife?

16 A. Correct.

17 Q. Okay. Now, Travis Murray and Jessica Reeder were
18 eventually arrested and charged with the murder of Johnny
19 Hydrick?

20 A. Correct.

21 Q. They were both charged and arrested for the first
22 degree burglary of Johnny Hydrick's home that night?

23 A. Correct.

24 Q. You interviewed a person that had spoken with Travis
25 Murray; is that right?

1 MS. MAYES: Objection to hearsay.

2 THE COURT: Sustained as to hearsay. Calls for
3 hearsay.

4 BY MR. CASTO:

5 Q. All right. Through your investigation you spoke
6 with people that had communication with Travis Murray?

7 A. Okay.

8 Q. Is that right?

9 A. I'm sure I did. Yes, sir.

10 Q. All right. And it was multiple people, correct?

11 A. Oh, yes.

12 Q. And some of these folks you don't interview until
13 sometime in and around 2015 the following year, right?

14 A. Correct.

15 Q. It was about a year after this happened, right?

16 A. Yes, sir.

17 Q. And some of these individuals you had actually
18 traveled out of state to speak with, right?

19 A. Yes, sir.

20 Q. And one of those individuals that you spoke with was
21 a person by the name of Ross Hensley?

22 A. Correct.

23 Q. And you spoke with Ross Hensley on September 22nd,
24 2015?

25 A. Yes, sir.

1 Q. And it was the following week on September 28th,
2 2015 that Travis Murray and Jessica Reeder are arrested in
3 Greensboro, North Carolina?

4 A. Yes.

5 Q. Before Johnny Hydrick was murdered, Travis would go
6 out of town oftentimes by himself on these work trips,
7 right?

8 A. I would know he went out of town. Yes.

9 Q. In other words, he didn't start bringing Jessica
10 Reeder with him until after this murder occurred, right?

11 A. Correct.

12 Q. And he didn't want to let Jessica out of his
13 sight?

14 MS. MAYES: Objection to speculation.

15 THE COURT: He doesn't have to answer the question.

16 It's speculation.

17 BY MR. CASTO:

18 Q. Okay. And as to the previous question I asked,
19 Travis would go out of town on work trips by himself prior to
20 the murder, right?

21 A. Well, I think with people he worked with.

22 Q. But not with Jessica Reeder?

23 A. Correct.

24 Q. And afterwards did that change?

25 A. At some point it did change. I'm not sure when it

1 did but I knew that it did change.

2 MR. CASTO: No further questions. Thank you,
3 Detective Ireland.

4 THE COURT: Redirect.

5 REDIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. In October of 2014 up through the date of Johnny
8 Hydrick's murder based on your investigation who was Travis
9 Murray with every single day?

10 A. Jessica Reeder.

11 Q. Who else?

12 A. Billy. Billy Sellers.

13 Q. Who was the transportation for Travis Murray?

14 A. Billy Sellers.

15 MS. MAYES: Nothing further.

16 THE COURT: You may step down. Thank you. Anyway,
17 let's go to lunch. We'll try to start back at 1:45
18 sharp. Y'all be back in here between 1:35 and 1:40 and
19 we'll get back started. You can't discuss the case yet.

20 (Whereupon, the jury was released for lunch at 12:15
21 p.m.)

22 (Lunch break.)

23 BAILIFF: All rise.

24 THE COURT: Have a seat.

25 MR. McCNAIR: Judge, before the jury comes in

1 regarding the cell phone records that we reached a
2 stipulation on, we have a certified copy of the Sprint
3 and Verizon records and the converted T-mobile records to
4 eastern standard time and everybody is on board with
5 that. Can we go ahead and just mark that?

6 THE COURT: Absolutely. Yes. Then hand them to me.
7 Perfect. I'll tell the jury about it right now. I'll
8 have a little conversation about the news, this and what
9 we're trying to get done.

10 (Whereupon, State's Exhibit #97, #98, #99 marked for
11 identification.)

12 THE COURT: Let's have our jury.

13 (Whereupon, the jury entered the courtroom at 1:55
14 p.m.)

15 THE COURT: All right. To discuss some things with
16 y'all before we get started. First of all, I told y'all
17 early on that what you need to decide the case will be
18 here in the courtroom when we're all together. It has
19 been brought to my attention that there was some news
20 television station that covered the story of this trial.
21 I haven't seen it and I didn't watch it. I wasn't aware
22 they were in here. What you get in here is the only
23 thing to make your decision so I'm gonna caution you
24 about watching local news accounts talking about the
25 case. Do something else. There's no reason to let a

1 newscaster tell you about what they think is going on. I
2 haven't seen any news reporter in here so whatever
3 information they've got didn't come from what we've been
4 doing. We're getting it from the horse's mouth. They
5 get it from the street corner. I'm just telling y'all
6 stay away from that, okay? I'm not gonna look to see
7 what it says, whether what's wrong or what's right, okay?
8 We'll get everything right here. So I wanted to caution
9 you about that. I want you to hear it in here.

10 These three documents, the phone people are gonna
11 start testifying and rather than flying somebody from
12 Verizon, Sprint and T-Mobile, these are the records that
13 came from them and the phone experts have looked through
14 the cell phones and looked at the calls and all of this
15 information and have agreed it's all in eastern time zone
16 so it's apples to apples rather than Pacific or something
17 else. It's all crazy. So it's been converted so you're
18 talking about the same time and that's what's important
19 is what happened when. Those are the facts y'all are
20 looking for. All right. So they have agreed these
21 records come in by stipulation and by agreement so we are
22 letting those in. Mr. LeBlanc has already marked them
23 and Whitney as 97, 98, 99 and are in by stipulation.

24 All right. The last thing, I know y'all are - I can
25 tell by looking at your faces, you're tired. I'm tired.

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

3 THE WITNESS: Detective Jeremy Hembree,
4 H-e-m-b-r-e-e.

5 DIRECT EXAMINATION

6 BY MR. MCNAIR:

7 Q. Investigator Hembree, where do you work?

8 A. The Aiken Department of Public Safety, Aiken, South
9 Carolina.

10 Q. How long have you been there?

11 A. Since 2001.

12 Q. What's your current position over there?

13 A. I'm a criminal investigator.

14 Q. And what are some of the things you do in your
15 current position?

16 A. Investigate. I'm classified as a violent crime
17 investigator so I investigate homicides, robberies,
18 kidnappings. Also depending on case load with other
19 investigators may work a larceny or financial crime.

20 Q. All right. And as part of your job do you regularly
21 analyze digital devices such as cell phones?

22 A. I do.

23 Q. All right. And do you regularly perform what is
24 known as a phone extraction?

25 A. I do.

1 Q. Will you explain to the jury what a phone extraction
2 means?

3 A. A phone extraction is we have a Cellebrite machine
4 is the name for it and what that does it basically make a bit
5 for bit copy of what is on the device or could also recover
6 deleted data which has been on the device in the past even if
7 it has been deleted.

8 Q. All right. And does it change the underlying data
9 when it's transferred into your software program?

10 A. It does not.

11 Q. From that program are you able to generate reports
12 based on that data?

13 A. I am.

14 Q. And as part of your job do you also regularly
15 analyze phone records from phone companies?

16 A. I do.

17 Q. Tell us a little bit about what education and
18 training you have in regards to phone extraction and analyzing
19 phone company records.

20 A. Through the Cellebrite Company I have acquired their
21 three basic training classes to become a Cellebrite user and
22 then also to take the data that is a copy of and analyze it
23 and make reports and can analyze that data and parse out
24 anything that may be relevant to whatever case. I have
25 attended several cell phone mapping and analysis classes where

1 we will take the call detail record provided to us by the cell
2 phone company and we will be able to take that data and
3 analyze it and determine what tower it was used on and then
4 the duration of those phone calls.

5 Q. All right. You have taken several courses dealing
6 with Cellebrite which is the program you use to extract data
7 from a phone?

8 A. I have.

9 Q. Now, how many phone extractions do you think you
10 have performed in your career?

11 A. Probably in excess of 400.

12 MR. MCNAIR: Your Honor, at this time we would offer
13 Investigator Hembree as an expert in the forensic
14 examination of digital devices including cell phones and
15 analyzing phone records.

16 THE COURT: Any voir dire? Any voir dire of his
17 qualifications as a --

18 MS. FULLWOOD: No, Your Honor.

19 THE COURT: -- digital phone analyst and a data
20 records analyst?

21 MS. FULLWOOD: No, Your Honor.

22 THE COURT. He is qualified as an expert in the
23 field to look at cell phones, operation of data therein
24 and cell phone records provided to him.

25 BY MR. MCNAIR:

1 Q. All right. Let me show you what's been entered into
2 evidence as State's Exhibit 95 and tell me if you recognize
3 this?

4 A. I do.

5 Q. All right. Did you perform a phone extraction on
6 that phone?

7 A. I did.

8 Q. Okay. This is the phone that's been identified as
9 belonging to Mr. Sellers; is that correct?

10 A. That's correct.

11 Q. And based on your phone extraction were you able to
12 determine when that phone was activated?

13 A. Let me look back in my notes. It shows the phone
14 activation date of August 31st, 2014.

15 Q. All right. And what's the number associated with
16 that phone?

17 A. 803-262-[REDACTED].

18 Q. All right. When did you initially perform an
19 extraction on that phone?

20 A. November the 6th of 2014.

21 Q. All right. And I guess in simple terms can you
22 explain to the jury the difference in the various extractions
23 if that can be done?

24 A. Sure. There's a couple different ones. One is what
25 is defined as logical and the kind of simplest way to remember

1 that and think of that is whatever you can logically see on
2 the telephone is what is logically gonna provide back to you.
3 So it's kind of a copy of what you can see on the telephone.
4 There's a subsection of the logical which is called file
5 system which basically takes the logical data that it already
6 was gonna get and then if you think of your cell phone as a
7 computer, you have multiple files depending upon what kind of
8 file it is, maybe pictures, videos, music so what the file
9 system does is basically obtain the logical data but then
10 gives you a copy of the file system. And then there's a third
11 one or a second one outside the logical called a physical and
12 it's basically physically going into the phone with the
13 machinery and the software that it uses and makes a bit for
14 bit copy of what is on the device and any remnants of any
15 deleted data that was on the device.

16 Q. All right. So you are able to recover deleted data
17 from the phone through a phone extraction, correct?

18 A. Most phones. Yes.

19 Q. And the initial extraction you performed was in
20 2014?

21 A. That's correct.

22 Q. Has the software been updated since that time?

23 A. Numerous times.

24 Q. Is that a regular thing that's updated?

25 A. About every four to six weeks there's an update.

1 Q. Did you perform a second extraction on that phone in
2 July of this year?

3 A. I did.

4 (Whereupon, State's Exhibits #100, #101, #102 marked
5 for identification.)

6 BY MR. MCNAIR:

7 Q. I'm gonna show you what's been marked as State's 100
8 and ask you whether you can identify this?

9 A. I can.

10 Q. What is that?

11 A. That is a DVD labeled Billy Sellers physical phone
12 dump which would have come from the 2014 extraction. It's
13 initialed by me indicating that was a, that I had reviewed
14 it.

15 Q. That contains the extraction you did in 2014?

16 A. Correct.

17 MR. MCNAIR: And we're just gonna mark this for
18 Court's ID purposes, Your Honor.

19 THE COURT: Did you say Court's ID or State's ID?

20 MR. MCNAIR: State's ID. We're not gonna enter it
21 in. We're just gonna make it part of the record.

22 THE COURT: 100?

23 MR. MCNAIR: 100.

24 BY MR. MCNAIR:

25 Q. State's 101 (proffering.)

1 A. Is a CD labeled third extraction with the model
2 number of the telephone containing UFED report belonging to
3 Billy Sellers and it is also initialed by me indicating that I
4 reviewed it.

5 Q. That contains the 2018 extraction you did on the
6 defendant's phone?

7 A. That's correct.

8 Q. All right. Now, State's 102, can you identify
9 that?

10 A. It's a timeline through the extraction. When it
11 generates reports, there's a subsection of it called timeline.
12 It gives you a timeline of activity related to the device and
13 that is what this represents.

14 Q. All right. And what extraction did that timeline
15 come from?

16 A. I believe it would be the 2018 extraction.

17 Q. What date or period does that cover?

18 A. Looks like the initial date is October 7th of 2014
19 at 11:08:45 p.m. and goes through October the 11th of 2014 at
20 6:40:24 p.m.

21 Q. All right. And this printout is derived directly
22 from the extraction timeline report that you did in 2018?

23 A. That's correct.

24 MR. MCNAIR: Your Honor, we offer State's 102 into
25 evidence.

1 THE COURT: 101 and 102?

2 MS. MAYES: This is 102. 101 is just for ID.

3 THE COURT: Any objection to 102?

4 MS. FULLWOOD: No, Your Honor.

5 THE COURT: Okay. No objection to 102.

6 BY MR. MCNAIR:

7 Q. All right. And can you just explain, tell the jury
8 what a timeline report shows?

9 A. What a timeline report does is it basically takes
10 all of the data that the Cellebrite machine collected from the
11 telephone and places it into a timeline. So anything that it
12 has a time and date stamp for it puts it in chronological
13 order.

14 Q. All right. So that pretty much collects all
15 activity that occurred on that phone for that time period in
16 question that's reflected on that report; is that correct?

17 A. That's correct.

18 Q. Let me show you State's 98 and 97 and tell me
19 whether or not those are records you reviewed as part of your
20 analysis in this case?

21 A. They are.

22 Q. Can you tell me what State's 98 is?

23 A. State's 98 is a certified copy of the phone records
24 collected by T-Mobile for the target number 803-262-██████.

25 Q. That's the phone number belonging to Mr. Sellers?

1 A. That's correct.

2 Q. And State's 97?

3 A. State's 97 is a certification of business records
4 from Sprint indicating those are the records collected for
5 telephone number 803-439-██████.

6 Q. I understand those are records belonging to Shawn
7 Nicholson?

8 A. That's correct.

9 Q. All right. And based on those records and the
10 extraction you did, did you assist in the preparation of a
11 spread sheet that shows a summary of activity during the
12 relevant time period?

13 A. I did.

14 (Whereupon, State's Exhibit #103 marked for
15 identification.)

16 BY MR. MCNAIR:

17 Q. I'm gonna show you what's been marked as State's
18 103. Now, does this spread sheet accurately reflect the
19 activity from the extraction that you obtained in conjunction
20 with the activity that's reflected on these phone records?

21 A. That's correct.

22 Q. That's for the period October 9th, 2014 at 7:46 p.m.
23 until October 10th, 2014 at 9:52 a.m.?

24 A. That's correct.

25 MR. MCNAIR: Your Honor, we would offer State's 103

1 into evidence at this time.

2 MR. CASTO: No objection.

3 THE COURT: State's 103 is admitted without
4 objection.

5 BY MR. MCNAIR:

6 Q. Mr. Hembree, if you would step down and we'll show
7 this to the jury.

8 A. (Witness complies.)

9 Q. Can you just kind of explain the lay out of this
10 spread sheet?

11 A. It's just a general spread sheet. There's a column
12 on the left hand side labeled source. That would typically be
13 say from the extraction for T-Mobile. The type is whatever
14 type of activity that's related to it so you will see a couple
15 varieties of cell tower location that was collected from the
16 phone extraction, call log that was collected from the phone
17 extraction and SMS that was collected from the call detail
18 records.

19 Q. SMS is what?

20 A. Stands for short messaging system. Most people
21 refer to it as text messaging.

22 Q. Let's start with this first one. The cell tower
23 location has a date and time associated with it.

24 A. Correct.

25 Q. And then it has a description. What is that

1 description there?

2 A. GSM is the type of cell phone service that is
3 covered and the lac is what we call, it stands for location
4 area code and CID is cell ID which is the location area for
5 803 and kind of covers a portion of South Carolina. That 9274
6 covers a section of towers for the service provider for that
7 phone number.

8 Q. So that provides a tower location for that event,
9 correct?

10 A. That's correct. That's ultimately what cell ID is
11 is the specific tower that was used.

12 Q. How is that activity even created? Does that
13 require actual user activity or does the phone automatically
14 generate that? Can you explain that?

15 A. On the extraction it could just be your phone is
16 saying, hey, I need to see if I have service, and if it checks
17 to see if I have service, it says, yeah, I've got it on this
18 tower so that's why it's generated as a cell tower location.

19 Q. But just by virtue of the fact that your phone could
20 be on it can be pinged off a tower somewhere?

21 A. That's correct.

22 Q. Or if you have like an app that's updated on your
23 phone, that would also record some tower activity?

24 A. Any type of data activity as well as just checking
25 and making sure the phone has service.

1 Q. All right. And the next line, what does that
2 reflect?

3 A. That is an outgoing telephone call on the call log
4 through the extraction and it occurred on October the 9th of
5 2014 at 7:46:19 p.m. and it's an outgoing call to the
6 telephone number 803-439-██████ and is labeled as Shawn in the
7 description and the duration of that phone call is four
8 minutes and 48 seconds.

9 Q. I guess, how did the name Shawn show up associated
10 with that number?

11 A. Whenever through the extraction if the telephone
12 number has been entered as a contact, whatever that is labeled
13 will show up next to the telephone number.

14 Q. All right. So that would be a contact name that
15 Mr. Sellers would assign to that number in his phone,
16 correct?

17 A. Correct. That would be manually entered at one
18 point prior to this.

19 Q. All right. So skip on down. I guess the next five
20 blocks, that's just cell tower activity for whatever reason?

21 A. That's correct.

22 Q. The phone is on, something is updating, whatever?

23 A. Right.

24 Q. Now, we see outgoing calls to Jersey, Gee, Gee, Gee
25 and then Joey?

1 A. Correct.

2 Q. This 89[REDACTED] number, was Gee assigned as a contact in
3 Mr. Sellers' phone to that number?

4 A. It was.

5 Q. Can you tell us whether or not that contact was
6 deleted in Mr. Sellers' phone?

7 A. It was based on comparing the 2018 extraction and
8 the 2014 extraction. Gee was no longer listed as a contact
9 and those telephone calls had actually been deleted from the
10 device.

11 Q. Okay. The next call is 8:12 p.m. to Cory, 21 second
12 duration; is that correct?

13 MS. FULLWOOD: Your Honor, I understand this
14 material is new to most of us and it's kind of unwieldy,
15 but I ask that the Solicitor ask questions rather than
16 the testimony of himself.

17 THE COURT: Okay. Fair enough. Do the best you
18 can.

19 MR. MCNAIR: It's in evidence, Your Honor, I
20 believe. I'm just trying to speed things along.

21 THE COURT: Okay. You ask the question and let him
22 explain.

23 BY MR. MCNAIR:

24 Q. All right. Now, explain what the items in blue
25 represent?

1 A. The items in blue are what we enter into the spread
2 sheet that would take it from the T-Mobile records and they
3 are the SMS or text messages related to the 262 number
4 belonging to Mr. Sellers.

5 Q. Did you see these texts reflected on his phone?

6 A. No.

7 Q. You saw them reflected on these phone records?

8 A. They were in his phone records but not on his device
9 which we would believe were deleted and just unable to
10 retrieve a copy of based on -- When you delete some
11 information from the telephone, the next time the phone needs
12 some place to store some data, it could overwrite what has
13 been deleted in the past so that information may not be able
14 to be retrieved all the time because it needed that space.

15 Q. Okay. So all the items in blue reflect text
16 messages that were on his phone records but not on his phone,
17 correct?

18 A. That's correct.

19 Q. Which indicates to you those texts were deleted?

20 A. Correct.

21 Q. All right. And these texts down here that have a
22 122, 129 number, is there any explanation for that?

23 A. It could be anything from something specific to the
24 phone carriers asking if - it could be an ad. It could be
25 also similar to if you see the ad that say text Subway to

1 whatever number for deals and promotions, that could be what
2 that is but it's not directed to a individual.

3 Q. Okay. Now, let's start right here. What does this
4 block right here reflect?

5 A. It's a cell tower location that was retrieved
6 through the extraction process showing that it was October
7 10th, 2014 at 12:17 a.m. the device was used in this location
8 for determining where it was.

9 Q. Does that indicate to you that at that time the
10 phone was on?

11 A. That's correct.

12 Q. All right. What is the next activity that you see
13 after that?

14 A. The same date but it occurs at 2:11 a.m. on a
15 different cell phone tower location.

16 Q. So that is a gap of almost two hours, correct?

17 A. That's correct..

18 Q. Are you aware that the victim ceased moving around
19 1:43 a.m. on October 10th?

20 A. That's correct.

21 Q. Now, in reviewing his records I guess on the 9th and
22 leading up to this and after this did you see any other two
23 hour break in activity on his phone?

24 A. I did not.

25 Q. Now, these blocks of yellow, can you explain what

1 that shows?

2 A. That is a telephone call that showing on the Sprint
3 record is related to Shawn with the last number ■21. Those
4 would be incoming phone calls which would have been to
5 Mr. Sellers having connected.

6 Q. They're out of order because they should be in
7 between this --

8 MS. FULLWOOD: Objection, Your Honor, to being
9 testimony.

10 THE COURT: Okay. Let him explain.

11 BY MR. MCNAIR:

12 Q. Okay. So what times were the two calls in yellow
13 made?

14 A. Both on October 10th, 2014. The first one would be
15 midnight plus 48:38 a.m. and then the second one at 1:50:26
16 a.m.

17 Q. So those are calls that were made from Shawn at
18 12:49 a.m. on the 10th and at 1:50 a.m. on the 10th?

19 A. That's correct.

20 Q. Were those calls reflected on Mr. Sellers' phone or
21 Mr. Sellers' phone records?

22 A. They were not.

23 Q. What does that indicate to you?

24 A. We believe that the phone was off at that time.

25 Q. Because those calls are reflected as outgoing calls

1 on --

2 MS. FULLWOOD: Objection to leading, Your Honor.

3 THE COURT: Sustained.

4 BY MR. MCNAIR:

5 Q. How were those calls reflected on Shawn Nicholson's
6 Sprint records?

7 A. They were listed as outgoing phone calls on the
8 Sprint records.

9 Q. Then that next call is at 2:19, 2:21 and 2:23. What
10 do those calls reflect?

11 A. Those are outgoing phone calls that were taken
12 through the extraction process. All were outgoing phone calls
13 to Shawn.

14 Q. What does the duration of those calls indicate to
15 you?

16 A. Possibly that Shawn's phone was off as well based
17 upon it being an outgoing phone call and of short duration.

18 Q. All right. Does that indicate there is actually a
19 conversation?

20 A. No. The best way to explain that is if I was trying
21 to call you and I hit send, my timer automatically starts and
22 once you actually connect the incoming phone call is when your
23 timer starts so that would most likely, based upon that short
24 duration that there was no connection or it went to voice mail
25 as soon as it connected on voice mail.

1 Q. Okay. So the time on his phone would have started
2 at the time he dialed that number?

3 A. That's correct.

4 Q. Now, right here where it says Autofill --

5 A. Correct.

6 Q. -- at 2:36 a.m., can you explain what that tells
7 us?

8 A. The Autofill is what is, for instance, if it's
9 searching through Google Chrome or the Internet, once he began
10 typing something, if it was a drop down box and it was
11 selected, then it Autofilled what he was trying to type so
12 that shows that that was an Autofill for the search term
13 K57.

14 Q. That would require manual action on his part,
15 correct?

16 A. Correct. He would have to manually begin entering
17 in that term.

18 Q. K57?

19 A. Correct.

20 Q. Right here at 2:48, what does this reflect?

21 A. It's a call made, outgoing phone call made on
22 October 10th, 2014 at 2:48:14 a.m. to a telephone number
23 belonging to Joey with a duration of one minute 51 seconds.

24 Q. Does that duration indicate to you that there was a
25 conversation that took place?

1 A. It does.

2 Q. Continuing on to the things in blue, text messages
3 that were deleted, correct?

4 A. That's correct.

5 Q. Now, these next four blue boxes, what does that show
6 us?

7 A. Those are outgoing text messages from phone records
8 belonging to Mr. Sellers that were outgoing text messages to
9 Cory.

10 Q. At what time?

11 A. The first one is at 3:27 a.m. on October the 10th.
12 A second one is at 3:27 a.m. on October the 10th, 2014. The
13 third one is at 3:27:21 on October the 10th. And then again
14 then 3:27:23 on October the 10th.

15 Q. All right. Now, in this block it says wireless
16 network connection or location?

17 A. Correct.

18 Q. Explain that.

19 A. That is taking through the cell phone extraction
20 process. Any time that you connect to a WiFi network wherever
21 that is they may have what they call vanity names such as your
22 last name or whatever to store where you're at, but the
23 backside of that is it has a ID that is written in the
24 computer language and that would be what that is considered.

25 Q. All right. So at that point that's WiFi?

1 A. He had connected to that WiFi network code on
2 October the 10th, 2014 at 4:44:39 a.m.

3 Q. Okay. And is this the next communication that
4 you see between Mr. Sellers and an individual labeled as Cory
5 in the blue boxes here?

6 A. Yes. The text messages that begin on October the
7 10th, 2014 at 7:34:35 a.m.

8 Q. Those were deleted from the phone as well?

9 A. That's correct.

10 Q. Again, everything in blue?

11 A. Everything in blue is taken from the T-Mobile record
12 belonging to Mr. Sellers and inserted into a timeline that we
13 gathered that were ultimately we believe to be deleted from
14 the device.

15 Q. So any calls or text between Mr. Sellers and Gee
16 were deleted from his phone?

17 A. That's right.

18 Q. Okay. Have a seat.

19 A. (Witness complies.)

20 (Whereupon, State's Exhibit #104 and #105 marked for
21 identification.)

22 MS. FULLWOOD: No objection.

23 MR. MCNAIR: State's 104 and 105 are in.

24 THE COURT: Have him identify them and they will be
25 admitted.

1 BY MR. MCNAIR:

2 Q. State's 104, can you identify that?

3 A. I can. It's what's titled as analytic phone taken
4 from the 2014 Cellebrite extraction.

5 MR. MCNAIR: Your Honor, we would offer State's 104
6 into evidence at this time.

7 THE COURT: Without objection.

8 BY MR. MCNAIR:

9 Q. And State's 105?

10 A. Is a portion of the cell phone extraction from 2014
11 that was dated 9/27/2014 at 2:17:50 p.m. going to October 13th
12 of 2014 at 11:28:13 a.m.

13 Q. Did that come from the part of the extraction report
14 that had all the text messages?

15 A. It did. It came from the SMS section of the
16 extraction.

17 Q. Okay. One more time please step down.

18 A. (Witness complies.)

19 Q. All right. Can you explain to the jury what this
20 shows?

21 A. Sure. This is called analytic phones. What it
22 takes is once it makes the information that it takes from the
23 telephone, it takes where it gathered any information related
24 to that telephone number and contact and puts it into, what
25 you will have is the telephone number in contact. It says

1 true or false. If it's true that it's in contact, then it's
2 been stored. If it says false, then it either has been
3 deleted or it is not stored in its contact as a name, the
4 total duration of the telephone calls that's made and then the
5 amount of call details, text messages and MMS which is multi
6 media which is basically picture messages.

7 Q. So the number in the total column represents what?

8 A. The total column is the amount of times the phone
9 that we did the extraction on belonging to Mr. Sellers had
10 some type of contact with that telephone number.

11 Q. Under call detail section if the contact was saved
12 in his phone, does it reflect who that was?

13 A. It will label there and what it's store in and gives
14 the contact and the name. If it's not stored, that section
15 will just be blank.

16 Q. So block 1 indicates that he had 272 contacts with
17 Cory?

18 A. That's correct.

19 Q. All right. And block 2?

20 A. Block 2 is --

21 Q. Let's just focus on how many contacts and what
22 individual.

23 A. Okay. He had 132 total contacts with Joey between
24 telephone calls and text messages.

25 Q. Okay. And block 3, are you aware there's been

1 testimony that the number ending in 56 belongs to Travis
2 Murray?

3 A. I do.

4 Q. How many contacts were there between Mr. Sellers and
5 Travis Murray?

6 A. 117.

7 Q. Okay. And the next block?

8 A. The next block is block number 4 is 76 total
9 contacts with the contact name Jersey.

10 Q. And block 5?

11 A. Block number 5 is 63 total contacts with a telephone
12 numbered labeled as Shawn.

13 Q. Move on down to number 12. Are you aware there's
14 been testimony that that number belongs to Jessica Reeder?

15 A. I do.

16 Q. All right. And how many times did Mr. Sellers
17 contact Ms. Reeder?

18 A. There's 33 total contacts between Mr. Sellers'
19 telephone and telephone number to Reeder.

20 Q. Now, State's 105, what is significant about this
21 page?

22 A. This comes from the SMS or text messaging.

23 Q. Hang on. All right. When you look at this page, do
24 you see any gap in activity?

25 A. I do. When I'm looking through the extraction, I

1 see that ending on September 28th of 2014 beginning again on
2 October 13th of 2014 there is no data related to this phone.

3 Q. So there's no text messages during that about two
4 week period?

5 A. That's correct.

6 Q. And based on your review of the extraction, is that
7 different from what you saw during the rest of the time?

8 A. That's correct. I don't see any other time frame
9 during text messaging or call logs where there's a large gap
10 like that that's not visible.

11 Q. What does that indicate to you?

12 A. That anything prior to October 13th, 2014 had been
13 deleted.

14 Q. Okay. Thank you. Have a seat.

15 A. (Witness complies.)

16 MR. McNAIR: That's all the questions I have at this
17 time. Thank you.

18 THE COURT: Cross.

19 CROSS EXAMINATION

20 BY MS. FULLWOOD:

21 Q. Mr. Hembree, this will be short. When you performed
22 the extractions on Mr. Sellers' phone, was the phone routed?

23 A. Not to my knowledge.

24 Q. Okay. So you didn't have a program that could
25 defeat all of the security on the phone?

1 A. No. The Cellebrite machine basically gives me the
2 option of if I can get into the settings, to get to the point
3 to where to turn on the developer options to make that
4 extraction. If it makes that connection, it makes it. If
5 not, I don't have any further program to defeat any security
6 purposes.

7 Q. There are other programs available though,
8 correct?

9 A. Sure. Everybody sells different things.

10 Q. Okay. It's just that your office doesn't have that
11 available to do?

12 A. Correct. We just use Cellebrite.

13 Q. Okay. The question is this: If the phone wasn't
14 routed, how could you extract it bit by bit?

15 A. It's just the terminology that Cellebrite provides
16 to us through our training. It's a bit for bit copy of what's
17 on the device at the time of the extraction.

18 Q. That Cellebrite can reach?

19 A. That's correct.

20 Q. And some routers might allow you to recover even
21 more information; is that correct?

22 A. Possibly.

23 Q. All right. Well, if the phone wasn't routed, how
24 can you say that text were deleted?

25 A. The Cellebrite machine will advise us that data that

1 has been recovered has been deleted.

2 Q. Now, Mr. McNair had you testifying these people were
3 talking to each other, correct? He was talking to Shawn. He
4 was talking to Joey. To Cory or whoever, right?

5 A. Right.

6 Q. Well, really isn't the most you can say about that
7 information is that the device attributed to Mr. Sellers was
8 connected to the device associated with another person?

9 A. Correct. How it's listed in his telephone.

10 Q. Right. But, of course, you have no way of knowing
11 for sure because there would be no way for you to be present
12 when any of that stuff was occurring, right?

13 A. Correct.

14 MS. FULLWOOD: No further questions.

15 MR. McNAIR: Nothing further, Your Honor.

16 THE COURT: You may step down.

17 MS. MAYES: The State calls Shawn Nicholson. Your
18 Honor, may we approach?

19 THE COURT: You may.

20 (Side bar off the record.)

21 Thereupon,

22 SHAWN NICHOLSON

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

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

1 THE WITNESS: My name is Christopher Shawn
2 Nicholson, N-i-c-h-o-l-s-o-n.

3 DIRECT EXAMINATION

4 BY MS. MAYES:

5 Q. Good afternoon, Mr. Nicholson.. I'll start by asking
6 you a little bit about yourself.

7 A. Yes, ma'am.

8 Q. Where do you currently reside?

9 A. [REDACTED] Samuel E. Diggs Road, Trenton, South Carolina.

10 Q. What county are you a resident of?

11 A. Edgefield.

12 Q. Now, prior to living in Edgefield County, where were
13 you living?

14 A. Aiken.

15 Q. How long did you live in Aiken County?

16 A. I was there from like 2011 to like 2015 or so.

17 Q. All right. What part or area of Aiken County were
18 you living in?

19 A. Crosland Park.

20 Q. When you say Crosland Park, do you recall the street
21 address that you had when you resided there?

22 A. Yes.. [REDACTED] Vincent Avenue.

23 Q. All right. Now, how long were you living at that
24 address on Vincent Avenue?

25 A. I was there for five years maybe. Three, four, five

1 years.

2 Q. And while you were living there, did that include
3 the year 2014?

4 A. Yes, ma'am.

5 Q. All right. While you were living there, who do you
6 recall living across the street?

7 A. Billy Sellers and we had met another neighbor. I
8 don't know their names but he was the one and --

9 Q. Mr. Nicholson, I'm gonna ask you to pull the
10 microphone just a little bit closer to you.

11 A. Yes, ma'am.

12 Q. So you first met the defendant in this case Billy
13 Sellers how?

14 A. Because he was my neighbor and we just met and just
15 started talking and became friends.

16 Q. All right. And about how long would you say that
17 you were friends before all of this happened where Mr. Sellers
18 ultimately was arrested?

19 A. Probably about a year, year and a half.

20 Q. Now, during the course of y'all being neighbors, can
21 you tell us what kind of activities y'all did together?

22 A. We working, you know. We, you know, we both, you
23 know, got high, whatever, things of that sort.

24 Q. When you say got high, what are you referring to?

25 A. You know, marijuana and things of that sort.

1 Q. All right. Were you using any other drugs back then
2 in addition to marijuana?

3 A. Yes, ma'am. We was using ice and meth, whatever
4 they call it.

5 Q. When you say ice, what drug are you referring to?

6 A. Meth.

7 Q. Okay. You said you worked together. What are some
8 of the places that you and the defendant in this case Billy
9 Sellers worked together?

10 A. We really was doing like our own. At first we was
11 working with Allen Murray, then we started doing our own
12 thing, started working for ourselves, you know.

13 Q. You mentioned Allen Murray. What type of work was
14 that?

15 A. Like demolition work. Like construction work. Like
16 welding, things of that sort.

17 Q. Then you mentioned eventually you just started doing
18 things on your own. Does that include odd jobs?

19 A. Yes, ma'am.

20 Q. And can you tell us whether or not that ever also
21 included scrapping?

22 A. Oh, yeah.

23 Q. Scrapping for metal?

24 A. That was like our main thing scrapping for metal.

25 Q. Okay. Back in October of 2014 do you recall whether

1 or not you and Billy Sellers scrapped for metal together
2 anywhere?

3 A. Yes, ma'am.

4 Q. And specifically where do you remember scrapping for
5 metal?

6 A. We went a couple places but, you know, uhm, around
7 that time we was scrapping right down the road in Trenton.

8 Q. When you say right down the road in Trenton, I'm
9 gonna ask you this: You and Mr. Sellers both lived in the
10 area of Aiken County known as Crosland Park?

11 A. Yes, ma'am.

12 Q. I'm gonna have you take a look at this map right
13 here. I'll move it a little bit closer to you momentarily,
14 but this is State's Exhibit 94. So with Crosland Park being
15 down there, how is it when you said that y'all would go to
16 Trenton, how is it that you would normally travel to
17 Trenton?

18 A. We go Highway 19.

19 Q. All right. Who drove when y'all would go
20 scrapping?

21 A. Billy would.

22 Q. And did you have a car back at that time, Mr.
23 Nicholson?

24 A. No, ma'am.

25 Q. You didn't have a license back at that time?

1 A. No, ma'am.

2 Q. And in addition to yourself who else was working
3 with you and Billy doing odd jobs?

4 A. Travis.

5 Q. When you say Travis, do you know Travis' last
6 name?

7 A. No, ma'am. I don't.

8 Q. How is it that you met Travis?

9 A. When I was working for Allen Murray.

10 Q. So he was previously an employee at Allen Murray
11 Construction as well?

12 A. Yes, ma'am.

13 Q. When you and Billy started doing odd jobs, can you
14 tell us whether or not Mr. Murray became a part of that as
15 well?

16 A. Allen? No, ma'am. The odd jobs? No.

17 Q. I'm sorry. Travis Murray.

18 A. Oh, Travis. Yes, ma'am.

19 Q. And you mentioned the scrapping. Were y'all working
20 odd jobs at a house anywhere in Aiken?

21 A. Yes, ma'am.

22 Q. Do you remember the approximate area that that house
23 was located?

24 A. South side of Knoxville Road area.

25 Q. Do you remember the name or at least the first name

1 of the person who owned the house and had --

2 A. Amelia.

3 Q. Okay. Does Emile sound right?

4 A. Yes, ma'am.

5 Q. Who all was working on that house back during the
6 early part of October with yourself?

7 A. Me, Travis and Billy.

8 Q. And how would Travis get to work?

9 A. Billy would pick me up and then we would pick Travis
10 up and then we would go to the house.

11 Q. Were y'all ever in any vehicle other than the
12 defendant's van?

13 A. No, ma'am.

14 Q. Did you ever see Travis drive a vehicle?

15 A. No, ma'am.

16 Q. Now, I want to take you back to a point in time
17 specifically around October 8th and ask you where in Trenton
18 do you recall scrapping?

19 A. Okay. It's off a dirt road. I don't know the name
20 of it. It's off a dirt road.

21 Q. Off a dirt road.

22 A. Yes. I think you cross over a railroad track, over
23 a railroad, on a dirt road, somewhere in that area.

24 Q. How would y'all get from Aiken County to the dirt
25 road? What is the main travel route that you would take to

1 get there?

2 A. It would be up Highway 19.

3 Q. Edgefield Highway?

4 A. Yes, ma'am. Edgefield Highway.

5 Q. Do you remember being on that dirt road on or about
6 October 8th of 2014?

7 A. Yes, ma'am. We was doing some scrapping.

8 Q. Who all was there with y'all?

9 A. Me, Billy and Travis.

10 Q. This is State's 93. I believe it's not in so at
11 this time I'm going to ask Mr. Nicholson a few more questions
12 about State's 93, this being a dirt road known as ■ 3 Windy
13 Ridge Road. Can you tell us whether or not you recognize this
14 area of Trenton?

15 A. Yes, ma'am.

16 Q. All right. And can you tell us whether or not this
17 appears to be a fair and accurate representation of the area
18 that y'all were scrapping --

19 A. Yes, ma'am.

20 Q. -- that day on October 8th?

21 A. Yes, ma'am.

22 MS. MAYES: Your Honor, at this time we would offer
23 93 as evidence.

24 MR. CASTO: No objection.

25 THE COURT: 93 is in without objection.

1 (Whereupon, State's Exhibit #93 marked for
2 identification and admitted.)

3 BY MS. MAYES:

4 Q. I'll scoot back here, Mr. Nicholson, and ask you if
5 you can to describe to us what general area was it where y'all
6 were scrapping for metal? Like what was around that area?

7 A. It was like an old veterinarian, dog veterinarian
8 area. Like they had a bunch of, couple of trailers and
9 campers filled up with dog stuff, things of that sort.

10 Q. And the trailers that you are describing, was
11 somebody living there or were they abandoned?

12 A. The ones that we was scrapping out of was abandoned.
13 Across the road people was living in them in the trailers.

14 Q. Okay. Now, do you remember about where it was that
15 you guys parked to do that scrapping? Can you describe the
16 area?

17 A. It was like a bunch of grass and woods. Grass but
18 not no big trees but a lot of brush area.

19 Q. During that course of time was the van parked?

20 A. Yes, ma'am.

21 Q. After y'all got some metal together --

22 A. Yes, ma'am.

23 Q. -- where did y'all head?

24 A. Back down 19 to go to the scrap place and turn the
25 metal in.

1 Q. When you said a scrap place and turn the metal in,
2 do you know the one that you're referring to?

3 A. We went to Coastal Car right there on Highway 19.

4 Q. All right. Now, as y'all were leaving the area and
5 on that dirt road --

6 A. Mm-hmm.

7 Q. -- what happened?

8 A. They, they was just, you know, at the time I think
9 Travis girlfriend was dealing with some guy, somebody they was
10 talking about, but they was just saying things sort of like,
11 you know, kind of like, you know, that's the guy and Travis
12 saying yeah. This guy. Yeah. This one did this with his
13 girl and he be having stuff in there, things of that sort and
14 they just be talking like, yeah, you know, they was all, they
15 was just talking like, you know, in general just talking.

16 Q. Now, you say talking in general. Specifically --

17 A. Like just --

18 Q. -- I need you to tell us whether or not Mr. Sellers
19 was a part of that conversation?

20 A. Yeah. He was. But, you know, you know --

21 Q. At that point in time did you take it seriously?

22 A. No.

23 Q. Okay.

24 A. No. We all -- No.

25 Q. And specifically what was stated regarding Johnny

1 Hydrick?

2 A. I never did really caught his name really then but,
3 you know, it was just like, you know, if somebody was having
4 sex with his girlfriend, you know, he was like, well, you been
5 having this. You know, just like talking like, you know. But
6 I'm thinking everybody joking. Everybody joking. Just
7 talking. That's something you would say if somebody was doing
8 that, you know, things of that sort like that. But, you know,
9 they said that he had some stuff over there, stuff like that
10 and that was Travis was trying to tell Billy, like he had some
11 things in there, something like that. I don't know what it
12 was in particular.

13 Q. Do you remember pills being mentioned?

14 A. I'm pretty sure there was because I think that's
15 what his girl, Travis' girl, like something about his
16 girlfriend that came up. I'm not going to say it was pills.
17 It was something he was giving his girl when he be going out
18 of town.

19 Q. Can you tell us whether or not you remember
20 something causing you to look over at the residence of Johnny
21 Hydrick?

22 A. I just wanted to see what they was talking about,
23 you know. They was talking about, you know, when he talking
24 about the lick thing, when they were talking about the guy, I
25 just wanted to know what they was talking about.

1 Q. All right. When you just said that they were
2 talking about the lick thing --

3 A. Well, you know, whatever you want to call it. They
4 was just talking trash. Yeah. He be having something up
5 there. You can do this. Be easy. Something like that, you
6 know. Just something like that, you know.

7 Q. Okay. So it was something about a lick and
8 something about it being easy?

9 A. Yeah. You know, we always, Travis, we always talk
10 like that sometime to be honest with you. So I was just
11 thinking it was just talk, you know.

12 Q. So you did not take it seriously --

13 A. No.

14 Q. -- at that point in time?

15 A. No. I don't think none of us did.

16 Q. So when you heard this talk about a lick and it
17 being easy, what caused you, what exactly were you looking at
18 when you were referred to that direction? What did you see?

19 A. A trailer, maybe two of them side by side or so.

20 Q. And at that point in time did you even know Johnny
21 Hydrick personally?

22 A. No, ma'am.

23 Q. Had you ever met Johnny Hydrick yourself?

24 A. No, ma'am. Never seen him.

25 Q. So now I'm gonna move you along to the following

1 night. It's the night of October 9th of 2014.

2 A. Mm-hmm.

3 Q. On Thursday October 9th did you work that day?

4 A. I'm thinking we might have did something earlier
5 that day.

6 Q. Okay. Was it normal for y'all to scrap --

7 A. Yes.

8 Q. -- pretty much every morning?

9 A. Every morning in the morning time.

10 Q. And eventually on the night of October 9th of 2014
11 did you have contact with Mr. Sellers?

12 A. Yes, ma'am.

13 Q. Where do you first remember seeing him back in Aiken
14 County? Let me back up. After work, whose residence were
15 y'all at?

16 A. Well, we probably went home at first and I went home
17 but we stayed right beside each other. If I'm not mistaken
18 him and his girlfriend or something got in an argument or
19 something so he came in my house to stay, you know, and sleep
20 that night later but that was nighttime.

21 Q. I want to back you up and ask you a few questions
22 about that. And at this point in time how close of friends
23 were you with Mr. Sellers?

24 A. We was pretty good friends. We was pretty good
25 friends.

1 Q. Based upon your observations how close of a
2 friendship did Mr. Sellers and Travis Murray have?

3 A. Their friendship was probably better than mine so
4 yes, at that time.

5 Q. So you mentioned he was having a fight or argument
6 with his girlfriend. What is her name?

7 A. Cory.

8 Q. Now, you had told us before about him moving in next
9 to you. Do you know where he moved to South Carolina from?

10 A. Florida.

11 Q. And his girlfriend Cory, do you know whether she was
12 already with him when they moved in together?

13 A. I think she was but I think she had family down here
14 if I'm not mistaken.

15 Q. So you mentioned that they were arguing. How did
16 you get that information?

17 A. Billy told me.

18 Q. All right. And because of that did he come over to
19 your house on the evening of October 9th?

20 A. Yes, ma'am.

21 Q. And how, if at all, was he acting in the earlier
22 part of that evening?

23 A. Well, you know, like I said, I think they was
24 arguing so that whole day he was kind of, you know, to hisself
25 because I'm thinking that's his girlfriend and him, they was

1 going through something at the time I think, you know. He was
2 kind of out there at the time.

3 Q. Okay. And do you know, did he tell you what they
4 were arguing about?

5 A. It always be about, you know, about getting high to
6 be honest with you so most of their arguments be about that as
7 well as money at the time.

8 Q. You testified using meth amphetamine at the time and
9 that Mr. Sellers was using meth amphetamine during that time
10 frame. Is that what you're referring to?

11 A. Yes, ma'am.

12 Q. That was the source of conflict with his girlfriend
13 Cory?

14 A. Majority of the time.

15 MR. CASTO: Objection to the leading.

16 THE COURT: Sustained as to leading.

17 BY MS. MAYES:

18 Q. So when he was over at your house and he had told
19 you about the argument, what do you recall seeing him do?

20 A. Mainly just stayed on the phone.

21 Q. When you say he stayed on the phone --

22 A. Yeah. On the phone or things like that. But I
23 thought he was maybe talking to his girlfriend all the time,
24 you know, trying to, you know, reconcile that at that moment
25 because I couldn't hear what they was talking about. You talk

1 to your girl and trying to come back, seems like he was doing
2 something like that.

3 Q. Describe what you mean.

4 A. You know, just like talking to her, talking on the
5 phone, you know.

6 Q. And do you know for sure who he was talking to
7 during the course of the night?

8 A. No, ma'am. I couldn't tell you.

9 Q. Did anyone else come over to your house during the
10 course of that evening --

11 A. No, ma'am.

12 Q. -- other than Billy Sellers?

13 A. No, ma'am. Other than Billy.

14 Q. And do you know specifically any of the people that
15 he was calling that night? Did he discuss to you who he was
16 calling or why?

17 A. No, ma'am.

18 Q. Did he make you a part of any of those
19 conversations?

20 A. No, ma'am. That's why I thought maybe it was his
21 girl.

22 Q. So you said you thought it was his girl that he was
23 talking to but you don't know who he was talking to?

24 A. No. Really I don't know.

25 MR. CASTO: Objection to leading.

1 THE COURT: Sustained as to -- I think she rephrased
2 it before in the midst of it.

3 MS. MAYES: Part of 97, Your Honor, is the phone
4 records, the phone records of Shawn Nicholson.

5 THE COURT: 97 has been admitted by stipulation,
6 correct?

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

8 BY MS. MAYES:

9 Q. I'm going to show you something, Mr. Nicholson,
10 State's Exhibit 93 and I want to ask you a little bit more
11 about it. Do you know whether or not Mr. Sellers was at your
12 house the entire night?

13 A. I thought he was but when I woke up at probably
14 about 12 or something, at that time he wasn't there. I
15 thought maybe he went back home to his wife.

16 Q. Okay. So you woke up and he wasn't there. What do
17 you recall doing?

18 A. I called him. Called him to see if -- I called
19 him.

20 Q. Calls made by you at 12:49 --

21 A. Mm-hmm.

22 Q. -- and then 1:50 a.m., Mr. Nicholson, did he answer
23 the phone?

24 A. No, ma'am.

25 Q. Either of those times that you called him at 12:49

1 a.m. or 1:50 a.m.?

2 A. No, ma'am.

3 Q. And then ultimately when did you hear from him
4 again?

5 A. Around 3:00. It was after 2:00 or so. It was long.
6 I thought maybe he was home with his wife, you know.

7 Q. So when you say you heard from him again around 3:00
8 a.m., where did you see him at?

9 A. Outside my door.

10 Q. All right. And did you let him in your house?

11 A. Yes, ma'am.

12 Q. And when he was outside your door, how was he
13 acting?

14 A. You know, when you do meth, you always be, you know,
15 if that's -- we always do meth, you always kind of, you know,
16 looking like you not comfortable.

17 Q. Okay. Did you see his van when he returned to your
18 home around 3:00 a.m.?

19 A. Not at the time. No, ma'am. I think he said --
20 That's why I thought maybe he was trying to hide from his wife
21 or something because they -- I don't know how it went, but
22 they was, I don't know, there was something about that night
23 with him and her and then he was trying to hide the van from
24 her or something like that because she didn't want him to - he
25 didn't want her to know that he was at my house or something

1 like that. That's what he told me.

2 Q. Okay. So I want to ask you a little bit more about
3 that. You said that when he came back around 3:00 a.m., you
4 didn't see the van. What did he say about his van?

5 A. He told me he parked it down the street so she
6 couldn't see it.

7 Q. Okay.

8 A. So Cory couldn't see it.

9 Q. When he said he parked it down the street so she
10 couldn't see it, who was he referring to?

11 A. Cory, his wife.

12 Q. Now, I want to move forward. Days go by.
13 Ultimately do you know an individual that you were affiliated
14 with as well as Mr. Sellers that went by the name Jersey?

15 A. Yes, ma'am.

16 Q. How did you know Jersey?

17 A. We bought weed from him occasionally.

18 Q. When you say we, you're referring to who?

19 A. Marijuana. Me and Billy.

20 Q. You both had bought weed from Jersey before. What
21 did Mr. Sellers keep, if anything, in the back of his van?

22 A. Tools with a tarp over it and keep it covered up so
23 people won't steal it, something like that.

24 Q. Okay. And the tarp that you are describing, what
25 portion or area of the back of his van did that cover?

1 A. The back back.

2 Q. All right. Do you recall a period of time in
3 October after this had occurred where he came to your house at
4 3:00 a.m. on the 9th early morning hours of the 10th when you
5 and him went back to buy weed from Jersey?

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

7 Q. All right. And do you recall ever seeing Jersey
8 come outside?

9 A. Yes, ma'am.

10 Q. Did Jersey have anything in his hand?

11 A. No, ma'am. He probably had the weed in his hand or
12 I don't know.

13 Q. And do you remember Billy ever getting out of the
14 van?

15 A. Yes, ma'am.

16 Q. Where did Billy walk?

17 A. I think they made it, went to the back to make a
18 transaction, I think.

19 Q. When you say they went to the back, you're referring
20 to what?

21 A. The back of the van I thought maybe so the police
22 won't see him selling weed, you know, trying to conceal it but
23 it could have been anything. I don't know.

24 Q. So you recall seeing Mr. Sellers with Jersey at the
25 back of the van?

1 A. Yes, ma'am.

2 Q. Now, did you ever see Jersey come out of the house
3 with anything other than marijuana?

4 A. No, ma'am.

5 Q. And did you ever see Jersey with a shotgun?

6 A. No, ma'am.

7 Q. All right. And after Mr. Sellers was at the back of
8 the van with Jersey, did you ever see Jersey leave with a
9 shotgun?

10 A. No, ma'am.

11 Q. Now, moving onto later discussions with Billy
12 Sellers, did he ever talk with you about being an alibi for
13 him?

14 A. No, ma'am.

15 Q. Would you be able to be an alibi for him for his
16 whereabouts for the entire night of the 9th?

17 A. He laid down on my couch around 10 something maybe
18 but when I got up around 12 like I say, that's the reason you
19 see me calling his phone, he wasn't there at the time. I
20 thought maybe he stepped out, went to his wife. You know,
21 they stay right across the street so I'm thinking that's the
22 case. That's why you see me calling.

23 Q. All right.

24 A. So I can't say about the whole night.

25 Q. And I'm going to ask you about a later call in the

1 early morning hours of the 10th, 31 seconds, 2:52 a.m., a call
2 is placed to you from Billy.

3 A. Uhm, I think that's --

4 Q. Do you recall the purpose of that call at 2:52 a.m.?

5 A. Yes, ma'am. That's about the time he showed up. I
6 thought maybe he was coming from home so I just opened up my
7 door to see what he was doing, let him come into my house,
8 whatever.

9 Q. That call was to let you know he was outside so that
10 you would open the door?

11 A. Yes, ma'am.

12 MS. MAYES: Nothing further.

13 CROSS EXAMINATION

14 BY MR. CASTO:

15 Q. Hi, Mr. Nicholson. How are you?

16 A. Hi.

17 Q. Do you mind if I call you Shawn?

18 A. Yeah. That's great.

19 Q. All right. Just a couple questions for you. The
20 tactic that Billy parked his van down the street, that was a
21 tactic that he used so Cory didn't know that he was right
22 across the street at your house, right?

23 A. Yes, sir.

24 Q. And that was something that he had done before,
25 right?

1 A. Yeah. He had done that before.

2 Q. Okay.

3 A. He had did it before.

4 MR. CASTO: That's all the questions I have. Thank
5 you, Shawn.

6 REDIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. And you said that had happened before where he and
9 Cory had had an argument?

10 A. Yes, ma'am.

11 Q. However, on this particular night did he tell you
12 where he had been?

13 A. I don't recall because I don't - I don't - he didn't
14 tell me where he had been. Just the whole time I'm just
15 knowing he's at home. That's what I'm thinking, he's at
16 home.

17 Q. You're saying you're thinking he's at home because
18 he's not at your house?

19 MR. CASTO: Object to leading.

20 THE COURT: Sustained.

21 BY MS. MAYES:

22 Q. Did he ever actually say he was at home and with
23 Cory?

24 A. I don't -- He could. I never really asked though.

25 MS. MAYES: Nothing further.

1 MR. CASTO: No further questions.

2 THE COURT: You may step down.

3 MS. MAYES: The State calls Brian Travis.

4 MR. McNAIR: Your Honor, with the Court's permission
5 I would like to call Jeremy Hembree for a few more
6 questions.

7 THE COURT: That's fine. Go ahead.

8 MS. FULLWOOD: May we approach?

9 THE COURT: Sure.

10 (Side bar off the record.)

11 Thereupon,

12 JEREMY HEMBREE

13 after having been previously duly sworn, testified further as
14 follows,

15 REDIRECT EXAMINATION

16 BY MR. McNAIR:

17 Q. I neglected to ask you earlier but did you also
18 perform a phone extraction on phones belonging to Jessica
19 Reeder and Travis Murray?

20 A. I did.

21 Q. Did you look for any location data on those phones
22 for October 9th and 10th, 2014?

23 A. Yes, sir.

24 Q. Did you see any type of location data from those
25 phone extractions?

1 A. I did not.

2 Q. Did you also perform a phone extraction on a phone
3 belonging to Hakim Talib?

4 A. I did.

5 Q. Did he give you consent to look at his phone?

6 A. Yes, sir.

7 Q. Did you see location data on his phone from the 9th
8 and 10th?

9 A. No, sir.

10 MR. McNAIR: Thank you. That's all, Your Honor.

11 THE COURT: Any questions?

12 MS. FULLWOOD: No, sir.

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

14 MS. MAYES: The State calls Brian Travis.

15 Thereupon,

16 BRIAN TRAVIS

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

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

20 THE WITNESS: Brian Travis, T-r-a-v-i-s.

21 DIRECT EXAMINATION

22 BY MS. MAYES:

23 Q. Good afternoon, Detective Travis. Tell us a little
24 bit about yourself and where you are employed.

25 A. I'm employed as a detective with the Lexington

1 County Sheriff's Department, Lexington, South Carolina.

2 Q. How long have you been with the Lexington County
3 Sheriff's department?

4 A. About 11 and a half years now.

5 Q. What's your current title?

6 A. I'm an investigator assigned to the criminal
7 intelligence unit.

8 Q. What's exactly is involved with the criminal
9 intelligence unit there?

10 A. I am responsible as the intelligence analyst for the
11 department. Things that fall under my purview are call detail
12 record analysis, administrative support, operation support,
13 statistical analysis.

14 Q. Can you tell us what training you received as it
15 relates to cellular forensics or digital forensics related to
16 cell phones?

17 A. I've gone through training by the International
18 Association of Law Enforcement Intelligence Analysts, the
19 International Association of Crime Analysts. I've gone
20 through training on the CellHawk Program, PenLink Program,
21 GeoTime Program, as well as continuing education. Also
22 developed interdepartmental training on cell phone analysis.

23 Q. When you mention call detail records, what are call
24 detail records?

25 A. It's the phone company's log of the transaction you

1 make on a cell phone.

2 Q. Are you trained to utilize those records to create
3 maps indicating call location?

4 A. Yes. I am.

5 Q. Specifically would those call detail records include
6 GPS data for that particular subscriber?

7 A. Correct. There are multiple files within a phone
8 record that have location data that can be utilized for
9 mapping.

10 Q. Does part of your training also include creating
11 maps that depict cell tower locations in relation to this
12 location data?

13 A. Yes.

14 Q. Have you testified previously as an expert regarding
15 cell phone mapping?

16 A. Yes. I have.

17 Q. Is it possible to estimate how many times you have
18 been qualified as an expert?

19 A. It's been either four or five times.

20 MS. MAYES: Your Honor, at this time the State would
21 offer Detective Brian Travis as an expert in the field of
22 cell phone mapping.

23 THE COURT: Any voir dire?

24 MS. FULLWOOD: No, sir.

25 THE COURT: All right. Detective Travis is

1 qualified as an expert in analysis of cell phone data,
2 tower data and cell phone mapping and allowed to offer
3 opinions in those fields because of his training and
4 experience.

5 BY MS. MAYES:

6 Q. Now, when cell records come in and include location
7 data, what type of location data is included within that?

8 A. So the different phone companies have different
9 formats for their records. The most basic would be you have a
10 call log and it lists the location of the tower that that call
11 hits off of as well as what direction the antenna faces.

12 Q. All right. Can you tell us whether or not you also
13 are able to determine how many towers are affiliated with each
14 individual type of phone company?

15 A. Each phone company maintains their own network of
16 cell sites and at the time a phone record is requested
17 they will, depending on the company, either send you a
18 complete file of the towers or there's also archive files
19 through the federal government that you can go back and look
20 at for different time periods.

21 Q. Would that include various cell towers in the
22 county, for example, that you're mapping for each phone
23 company?

24 A. Correct.

25 Q. Now, I want to ask you whether or not you had the

1 opportunity to conduct any cell phone mapping in this
2 particular case that involved the cell records, the T-Mobile
3 cell records of Billy Sellers?

4 A. I was given those records. I did run them through
5 the GeoTime program call record tool and then put them on a
6 map.

7 Q. First I want to ask you whether or not you're
8 familiar with the records and the extractions of Mr. Sellers'
9 phone?

10 A. Yeah. I was given the original records and then I
11 was shown the extraction from the Cellebrite physical phone
12 company.

13 Q. All right. And based on that do you recall whether
14 or not there was a gap in activity for this particular
15 phone?

16 A. There was. I pointed out two different gaps. One
17 that occurred between 12:17 and it was about 2:11 and then
18 there was another one that came later in the day or later in
19 that morning of the 10th.

20 Q. All right. So I'm gonna refer you specifically to
21 the data inactivity for that phone being in the early morning
22 hours of October 10th between 12:17 a.m. and 2:11 a.m. During
23 the course of that gap, did you also have the opportunity to
24 review phone records of a Mr. Shawn Nicholson?

25 A. I was given those phone records as well.

1 Q. Specifically to determine whether Mr. Nicholson was
2 placing any calls to Mr. Sellers during the course of that gap
3 in time?

4 A. From the phone records from Mr. Nicholson I believe
5 there were two calls to that phone.

6 Q. I'm gonna ask you to step down.

7 A. (Witness complies.)

8 Q. So when we see a gap in time and when phone calls
9 are being made to a particular phone but there's no indication
10 on that subscriber's record that the calls are even received,
11 for example, Mr. Sellers' phone, did it reflect the calls that
12 he was receiving from Shawn Nicholson?

13 A. Not during that time frame.

14 Q. Why, if at all, would that occur where if I'm
15 calling you, it's showing on my record but not on yours?

16 A. If the phone is not receiving service, then you
17 won't have a record on your call detail record of the calls.

18 Q. So where Mr. Sellers is concerned, what are some
19 examples of the phone not receiving service?

20 A. If it's turned off. If it's in airplane mode. Or
21 if the battery was dead and just powered off or if there was
22 just no signal. If you're in an area where there's absolutely
23 no signal, you won't get it.

24 Q. All right. So for that period of time where calls
25 were placed by Mr. Nicholson to Mr. Sellers at 12:49 a.m. and

1 1:50 a.m., do you have an opinion as to whether or not his
2 call was in service at that time, his phone was in service at
3 that time?

4 A. His phone would not have been in service or there
5 would have been a record on the call detail record.

6 Q. All right. Now, you also mentioned that you also
7 had the opportunity to review Mr. Sellers, the defendant in
8 this case, his entire call detail record for the time period
9 in question being the night of October 9th and the early
10 morning hours of October 10th?

11 A. Yes.

12 Q. All right. After that gap in time that we see 12:17
13 a.m. and until 2:11 a.m., when did you next determine that
14 Mr. Sellers was making phone calls?

15 A. The next call that was on his call detail record was
16 at -- I'm sorry. They're combined altogether.

17 Q. Okay.

18 A. It was at --

19 Q. I'm going to refer you to the map. Did you prepare
20 a map in that regard?

21 A. I did.

22 Q. I'm going to ask you whether the map for Mr. Sellers
23 which includes all of the resuming activity from his phone
24 after that gap in time starting at 2:19 a.m.

25 A. So this particular map shows all the location data

1 on this call detail record between 2:19 a.m. and 2:52 a.m. on
2 the 10th of October.

3 Q. Now, I'm gonna defer to you at this point,
4 Mr. Travis, to tell us exactly what we're looking at. I'm
5 gonna move these out of your way and take us through what we
6 are looking at. First I'm gonna ask you if you personally
7 created this map?

8 A. I did.

9 Q. And having done so tell us what each of the symbols
10 and colors indicate along the way.

11 A. So this map was created using our GIS which is our
12 mapping program. I then went and used the data that was
13 provided in the call detail records and mapped the location of
14 the two towers that were used during this time frame and the
15 locations that I was given that were relevant to this which
16 being ■1 Vincent, ■0 Vincent Avenue, ■3 Windy Ridge Road
17 and ■5 Hooper Drive. I color coded all the maps to match up
18 to how they applied so anything with red is going to apply to
19 T-Mobile and then the subscriber to the T-Mobile phone. So
20 there's two towers here. This one is just off of Sassafras
21 Road off of Highway 19 and this one is down off of Highway 1
22 and these lines are the azimuths so every cell site has
23 multiple antennas to get good coverage group and the phone
24 company tells us which direction the antenna points so we know
25 that the antenna points in that direction so if they're

1 hitting off, and they're directional antennas, so we know that
2 tower can cover or the antenna can cover in both directions
3 but this tells us which side of the tower they are on.

4 Q. I'm gonna hand you this and ask you if you can show
5 us the defendant's residence location which would be ■0
6 Vincent Avenue in Aiken?

7 A. So it's gonna be this red square. It's a little bit
8 more like a blue square.

9 Q. All right. And then if you can show us the address
10 of Shawn Nicholson at ■ Vincent Avenue in Aiken?

11 A. And that's in blue. That's not quite directly
12 across the street. It's catty-corner.

13 Q. Now, what's located here with the red dot?

14 A. That's the T-Mobile tower site 55138. That's from
15 the call detail records.

16 Q. What, if anything, is significant about this
17 T-Mobile cell tower in relation to the area of Crosland Park
18 in Aiken County?

19 A. It's the closest physically located tower to that
20 neighborhood.

21 Q. Now, moving over here there's another red dot. If
22 you could tell us what we're looking at there?

23 A. That is a different cell site for T-Mobile so that
24 one covers 35701, 35702, 35703 which is each side of the cell
25 site.

1 Q. And that particular tower is located next to what
2 road?

3 A. It's off of Sassafras Road at the intersection of,
4 just off the intersection of Sassafras and Edgefield
5 Highway.

6 Q. So what road are we looking at here that runs all
7 the way along side that tower that you just identified?

8 A. It's Highway 19 also known as Edgefield Highway.

9 Q. All right. And I'm gonna show you this photograph I
10 believe already in evidence, State's 64, and just ask you what
11 we are looking at here in relation to the map that you just
12 showed us?

13 A. So this is the aerial view of that intersection of
14 Sassafras Road here and Edgefield Highway and this is the,
15 it's actually in this case a tower. This is the cell site and
16 you can see the physical tower on it.

17 Q. All right. Also, are you familiar with where
18 Coastal Recycling is in relation to that tower that sits right
19 there at Sassafras?

20 A. Right there.

21 Q. Okay. So the cell tower, Coastal and then Edgefield
22 Highway here?

23 A. Correct.

24 Q. Now, which direction are we looking at here if
25 you're coming from Trenton into Aiken?

1 A. So Trenton would be up in this area and then you
2 would come down and head into Aiken down here.

3 THE COURT: That will be marked as 106. Mark it as
4 106.

5 (Whereupon, State's Exhibit #106 marked for
6 identification.)

7 BY MS. MAYES:

8 Q. All of the maps in this case, Detective Travis, did
9 you prepare them yourself?

10 A. Yes. I did.

11 Q. Are they a fair and accurate representation of the
12 cell mapping that you acquired in relation to this case?

13 A. They are.

14 MS. MAYES: To maybe speed things along, Your Honor,
15 if we go ahead and mark them all now.

16 (Whereupon, State's Exhibits #107 through #112
17 marked for identification.)

18 BY MS. MAYES:

19 Q. Then I'm also gonna ask you whether or not you had
20 the opportunity to observe from an aerial map those cell
21 towers that are located along the area of Vincent Avenue.
22 I'll show you this exhibit and ask you whether or not you're
23 familiar with it?

24 A. I am.

25 Q. So going back to 106 here, we're looking at this map

1 and in particular you had mentioned a cell tower there in the
2 vicinity of Vincent Avenue, Crosland Park. Do you recognize
3 whether or not that cell tower is located on that aerial
4 map?

5 A. It is.

6 Q. All right.

7 A. So here is Vincent Avenue. Just see it back here
8 and then here is that same tower location.

9 MS. MAYES: Your Honor, this would also be for
10 evidence at this time as State's 113.

11 MS. FULLWOOD: No objection.

12 MS. MAYES: 113.

13 THE COURT: 113 is in evidence.

14 MS. FULLWOOD: What is she offering?

15 THE COURT: She's -- 106 is marked and talked about.
16 Did you offer that one also?

17 MS. MAYES: 113, Your Honor.

18 THE COURT: 113 is in without objection.

19 (Whereupon, State's Exhibit #113 marked for
20 identification and entered.)

21 BY MS. MAYES:

22 Q. All right. So looking here at the Crosland Park
23 area specifically Vincent Avenue, how many T-Mobile towers are
24 within that vicinity?

25 A. On this map it shows the two closest physical

1 locations to that neighborhood.

2 Q. All right. And is it at least one of these towers
3 depicted on your map here that is State's 106?

4 A. Correct. Yes. It's this one.

5 Q. Now, does this map cover the course of actual
6 ingoing and outgoing calls after that gap in time that we
7 previously identified starting at 2:19 a.m.?

8 A. Yes. It covers all the calls on the CDR map
9 location data from 2:19 to 2:52.

10 Q. So you have already identified the gap in phone
11 service from 12:17 to 2:11 a.m. and starting with the next
12 call who is the next call to and at what time?

13 A. The 2:19 call and that is to 803-439-8[REDACTED].

14 Q. All right. What is the duration of that call?

15 A. One second.

16 Q. And what, if anything, does that indicate to you in
17 your expertise?

18 A. Either the call dropped or as soon as it was dialed
19 it was hung up.

20 Q. All right. And then what's the next call placed
21 after that?

22 A. 2:21. The call below it and that was an 8 second
23 call to the same person.

24 Q. All right. And then the next call after that?

25 A. 2:23 to the same person and a one second duration.

1 Q. All right. And then what occurs after that?

2 A. He receives a series of text messages from T-Mobile
3 that come from their visual voice mail.

4 Q. And then at 2:36 a.m. there is a search for the term
5 K57. K57. Are you able to get mapping information from a
6 search term such as that?

7 A. No. There's no location data in the Cellebrite for
8 that.

9 Q. So the extraction shows us that the search occurs
10 but it does not have corresponding location data?

11 A. Correct.

12 Q. When is the next time that you see location data
13 following that search for the term K57?

14 A. There's an incoming call from that same number that
15 lasts 8 seconds at 2:38 a.m.

16 Q. All right. And are all of, is all of that phone
17 activity depicted there on State's 106?

18 A. It is. They all occurred off this 35701 which is
19 the sector one of that tower and they are labeled here as 219,
20 221, 223, and 238.

21 Q. All right. All of those calls are hitting this
22 tower here?

23 A. Correct.

24 Q. Along Edgefield highway?

25 A. Correct.

1 Q. Can you tell us from your information about that
2 tower and its angles whether or not a person traveling down
3 Edgefield Highway towards Aiken would hit that tower?

4 MS. FULLWOOD: I'm gonna object because it assumes
5 facts not in evidence.

6 MS. MAYES: I can rephrase it.

7 THE COURT: Rephrase it. Sustained.

8 BY MS. MAYES:

9 Q. What area does this tower cover?

10 A. According to T-Mobile data as the azimuth is
11 probably easier to show on here you see the azimuth direction
12 and they give a band width of plus or minus 92 degrees so you
13 basically kind of hover there to an unknown and distance out
14 in all directions. We only know what direction it points and
15 what their projected band width is. We don't know where in
16 that area they are.

17 Q. Can you tell us whether or not that covers Edgefield
18 Highway?

19 A. It would cover part of Edgefield Highway.

20 Q. And what, if anything, does this information tell
21 you about whether or not the person using that phone,
22 Mr. Sellers' phone is moving along these times of 2:19 a.m.
23 through 2:38 a.m.?

24 A. From the data that's there there's no way to say
25 whether or not he's moving during that time period from 2:19

1 to 2:38. We just know he's hitting off that same tower. He
2 could be stationary or he could be moving within that coverage
3 area.

4 Q. All right. When do you show him moving?

5 A. The call that shows movement is gonna be the 2:48
6 call because that call starts on this sector and ends off of
7 this sector.

8 Q. All right. The call that shows movement, that is
9 the 2:48 a.m. call to what number and what person is it
10 identified, having been identified?

11 A. It went to 803-508- [REDACTED] which is identified as Joey
12 Lowe's phone number and it was for one minute and 51
13 seconds.

14 Q. All right. And is that also depicted on your map?

15 A. The starting location is depicted as pinging off of
16 35701.

17 Q. All right. So can you tell us whether or not a
18 person traveling to Trenton or from Trenton --

19 MS. FULLWOOD: Again, objection. This is facts not
20 in evidence.

21 THE COURT: She hasn't finished asking the question.
22 She's giving the facts and the basis for the question.
23 He's allowed to provide opinions if she provides him a
24 hypothetical question. He's an expert in that field.

25 MS. FULLWOOD: I thought the hypothetical would have

1 to be based on the evidence presented in the case.

2 THE COURT: Now, I overruled that. I think he's
3 allowed to provide opinions to hypothetical questions
4 provided Ms. Mayes gives him the facts to base his answer
5 on. He can offer an opinion in that regard. He can do
6 that.

7 BY MS. MAYES:

8 Q. Based on your training and experience with cell
9 phone mapping and how the towers and their angles work can you
10 tell us whether or not a person traveling to or from Trenton
11 towards Aiken would be covered by that tower at Sassafras
12 within this location?

13 A. It's possible.

14 Q. And can you tell us whether or not there's movement
15 and when that occurs specifically?

16 A. So the way the phone records are given, it tells you
17 where the call started and where the call ended. It doesn't
18 -- Right now they're not telling you what happens in between.
19 So if T-Mobile says at 2:48 this call originated on this tower
20 which is 35701 and they say a minute and 51 seconds later when
21 it discontinued it was off of this which is 35702 which is a
22 different face of the same tower, a different sector which
23 points directly down and whereas calls can transfer from tower
24 to tower generally in all my time you won't transfer on the
25 same tower without some type of movement.

1 Q. All right. Now, can you tell us whether or not you
2 would expect a person who is at this location ■0 Vincent
3 Avenue to be hitting that tower and showing that course of
4 movement?

5 A. Based on the covers T-Mobile provided for towers
6 available it would be unlikely that any call at all from that
7 location would hit off that tower. There are several that are
8 closer.

9 Q. All right. Specifically what areas of Edgefield
10 Highway would that tower, that Sassafras Road tower cover?

11 A. It could cover, you know, anywhere along here. We
12 don't know the exact range of it but within theory you know
13 it's gonna cover Edgefield Highway right next to it but we
14 don't know how far up or down it goes. It could go for miles
15 or it could be relatively short depending on numerous factors
16 in transmission.

17 Q. All right. Now, did you also have an opportunity to
18 review cell phone data regarding both Shawn Nicholson and Joey
19 Lowe?

20 A. Yes. I did.

21 Q. Did that include location data?

22 A. It did.

23 Q. To potentially tell you where they were located when
24 they're making calls to Mr. Sellers?

25 A. Correct.

1 Q. I'm gonna start with Sprint, Sprint being the cell
2 phone provider of Shawn Nicholson. Are you familiar with
3 those records?

4 A. I am.

5 Q. What are we looking at here? This is State's 108.

6 A. This is a map of all of the Sprint cell phone
7 locations that they have in that area as of October 2014.

8 Q. Throughout the course of the night if Mr. Nicholson
9 is placing a call or receiving a call, did you have an
10 opportunity to review cell phone tower data associated with
11 that?

12 A. I did.

13 Q. I'm gonna show you what is State's 107 and ask you
14 to orient us as to exactly what we're looking at here and what
15 you determined about Mr. Nicholson's cell phone use that
16 night.

17 A. This is one of Sprint's cell phone towers, tower 531
18 and this is, the blue dot again is his residence and then
19 these are all of the calls that were made during that time
20 frame off that same sector of the phone.

21 Q. All right. So when he is making a call, he is
22 hitting a tower?

23 A. Yes.

24 Q. And how many different towers does Mr. Nicholson hit
25 throughout the night being the night of October 9th, 2014 into

1 the early morning hours of October 10th?

2 A. That's the only cell site that comes up.

3 Q. So he hits the same cell tower all night?

4 A. Correct.

5 Q. What can you tell us about that cell tower in
6 relation to his home at [REDACTED] Vincent Avenue?

7 A. That is the closest one to his residence.

8 Q. Any sign of movement on the part of Mr. Nicholson?

9 A. He could be moving within this same sector.

10 Generally when there's that many calls near your home it would
11 lead one to believe they were at their home.

12 Q. Did you also have the opportunity to conduct cell
13 phone mapping for an individual by the name of Joey Lowe?

14 A. I did.

15 Q. Can you tell us who his provider was?

16 A. His was Verizon.

17 Q. First I'm gonna show you what is State's Exhibit 110
18 and can you tell us what that depicts?

19 A. That is a map of all the Verizon cell sites that
20 were listed in October 2014.

21 Q. Verizon being the provider for Joey Lowe?

22 A. Correct.

23 Q. What is the address that you were provided
24 specifically for Joey Lowe?

25 A. Down there at the bottom, [REDACTED] Hooper Drive.

1 Q. Okay. And are you familiar with the area of New
2 Ellenton and whether or not that's in Aiken County?

3 A. New Ellenton is a little bit farther down but it is
4 in Aiken County.

5 Q. What did you determine about any cell tower
6 locations that Mr. Lowe was hitting between the time of 6:38
7 p.m. on the night of October 9th on through October 10th at
8 2:48 a.m.?

9 A. He ended up utilizing three different cell sites
10 during that time period all on the south to southeast side of
11 Aiken.

12 Q. All right. Do you ever see him even come up towards
13 the city limits of Aiken where Vincent Avenue or Crosland Park
14 is located?

15 A. No. On here each one is the azimuth that he was
16 utilizing and they're all pointing towards the south.

17 Q. Can you tell us whether or not these towers would be
18 covered or these towers would cover the perimeter of his
19 home?

20 A. This one would be the closest one physically to his
21 house. You can see the azimuth points directly at it. These
22 are the next two closest but it could be he could be moving
23 around in that area but he wouldn't be able to come up into
24 Aiken and still hit on those towers.

25 Q. Now, finally I'm going to ask you whether or not you

1 reviewed the cell tower information for Billy Sellers for the
2 morning of October 8th between 8:17 and 8:55 a.m.?

3 A. I did.

4 Q. Specifically in relation to the victim Johnny
5 Hydrick's home at ■3 Windy Ridge?

6 A. I did for that time period 8:17 to 8:55 there was
7 two towers here near Trenton and then the same tower that's
8 down near Sassafras Road.

9 Q. All right. And where is Highway 19 or the Edgefield
10 Highway in relation to the victim's house and that Sassafras
11 tower?

12 A. This is Highway 19 and it turns down here.

13 Q. All right. So on the morning of October 8th how
14 many locations near the victim's residence did he hit during
15 this time frame?

16 A. There were two.

17 Q. All right. And then the next tower that he hit
18 after the last tower near Windy Ridge Road was what tower?

19 A. So it's this tower at 8:27 and then this was the
20 next tower 8:42.

21 Q. That's on the morning of the 8th?

22 A. Correct.

23 Q. Thank you. You may return to your seat.

24 A. (Witness complies.)

25 MS. MAYES: Your Honor, all of these exhibits I

1 believe are now in evidence, 106 through 113. We are
2 offering them for evidence if we haven't.

3 THE COURT: 113 is in. The rest of them have been
4 identified but not admitted. Would you like them
5 admitted?

6 MS. FULLWOOD: Did she move them in?

7 THE COURT: She just asked.

8 MS. FULLWOOD: No objection.

9 THE COURT: No objection. So that's --

10 MS. MAYES: 106 through 113.

11 THE COURT: 106, 107, 108, 109, 110, 111, 112 are
12 now admitted without objection. 113 was admitted without
13 objection earlier. They are all in.

14 MS. MAYES: I believe 64 was also admitted during
15 the course of the testimony of Detective Travis.

16 THE COURT: 64 was admitted without objection during
17 the testimony of Coastal Recycling, the big heavy set
18 boy.

19 MS. MAYES: We also have 94, Your Honor. We believe
20 it's in. If not, the State offers it at this time.

21 MS. FULLWOOD: There's no objection.

22 THE COURT: 94 is a map of the Aiken County area?

23 MS. MAYES: That's correct.

24 THE COURT: That's been admitted already.

25 BY MS. MAYES:

1 Q. Based upon your preparation of these maps and your
2 study of the call detail records for the defendant Billy
3 Sellers in the early morning hours of October 10th, 2014, when
4 is the first time that he hit the tower that's closest to his
5 home at Crosland Park?

6 A. I'm sorry. You lost me on that one.

7 Q. Okay. When is the first time that he hits the tower
8 closest to his home at Crosland Park?

9 A. During what time frame? I'm sorry.

10 Q. During the early morning hours of the 10th.

11 A. I would have to look back at the thing. I believe
12 it was around 2:52. This one? I thought you wanted Sellers?

13 Q. Yes. I'll ask it much more simply this time. I
14 apologize. When is the first time that Billy Sellers in the
15 early morning hours of October 10th hit the cell tower that's
16 closest to his own house?

17 A. 2:52 a.m.

18 MS. MAYES: Nothing further, Your Honor.

19 THE COURT: Ms. Fullwood.

20 CROSS EXAMINATION

21 BY MS. FULLWOOD:

22 Q. Good afternoon, Mr. Travis.

23 A. Good afternoon.

24 Q. You testified that you calibrated or put everything
25 in the same time using GeoTime; is that correct?

1 A. Correct. I use their CRT tool.

2 Q. Okay.

3 A. So on the T-Mobile records it gives switch names or
4 switch numbers. Those identify where they're located. During
5 that time period for T-Mobile the times that they were
6 recorded were depending on the switch they were hitting off
7 of. So since those switches were all in Pacific time that
8 meant there was three hours. There was a couple that were in
9 Las Vegas, mountain time. Those ones were adjusted. But the
10 software is made to automatically adjust to those times.

11 Q. You needed to do it because you had different phone
12 records presented in different formats, right?

13 A. In different time zones.

14 Q. Was the version of GeoTime existed that you used
15 current and updated?

16 A. It is.

17 Q. Is that a tool your office owns?

18 A. Well, we pay a yearly subscription fee.

19 Q. Okay. Now, you described for Ms. Mayes some of the
20 reasons a person's cell phone could not have any activity.
21 Isn't one other reason that it could be out of activity is
22 that it's out of range of any kind of signal on a tower?

23 A. Yes. I did say that.

24 Q. Okay. And another reason it could be out of range
25 could be that it's out of minutes, correct?

1 A. Uhm, I have not run into a scenario where that
2 occurred.

3 Q. Well, Mr. Sellers' phone was a TracFone, correct?

4 A. I don't have - I didn't get that part of the phone
5 records. All I got was the records from T-Mobile where it was
6 located.

7 Q. Okay. Well, a TracFone does sometimes run out of
8 minutes because you have to call in and get new minutes,
9 correct?

10 A. TracFones, most TracFones are pre-paid so you would
11 have to buy the time beforehand. There is automatic plans but
12 most of them are repaid for that company.

13 Q. But for some people can buy more minutes as they go
14 along, correct?

15 A. Correct.

16 Q. And so you're not sure if that can be a reason a
17 phone could be out of --

18 A. It wouldn't take the phone out of service as far as
19 off the network. It would just block it from being able to
20 make and receive calls.

21 Q. Okay. Now, you showed the cell towers in the
22 diagrams you prepared and specifically I'm referring to
23 State's number 116 that shows the activity in Mr. Sellers'
24 phone during the early morning hours of the 10th. You put the
25 towers in your chart, correct?

1 A. The towers -- So there's the map, one map with
2 T-Mobile has all the towers whether or not they were used.

3 Q. Right. I understand.

4 A. And then there was one map, and then the other maps
5 only show the towers that were used.

6 Q. You just used the two towers, right?

7 A. Mm-hmm.

8 Q. But you didn't draw in the area coverage of those
9 towers, correct?

10 A. So we wave propagation is how -- So cell phones are
11 complex radios. They cover, they use radio waves for
12 transmission and so the travel of waves through any media is
13 called propagation. Without taking a network engineer and
14 very specialized equipment you cannot know exactly where a
15 tower covers with any kind of accuracy. All you can tell is
16 what the phone company tells you which is what direction the
17 antenna points and then what the band width of that antenna
18 is.

19 Q. Can you tell from the data how far Mr. Sellers was
20 from either tower when he hit it?

21 A. No. You cannot tell that.

22 Q. Okay. And the area of coverage of a tower or of a
23 cell on a tower covers a range, correct? It's not just a
24 narrow band?

25 A. No. It's not.

1 Q. It's not just a narrow band down Edgefield Highway,
2 is it?

3 A. So each side of a tower has a different antenna and
4 has a band width. The point is to get a full coverage so in
5 theory if you were driving down Edgefield Highway, you would
6 always be able to have a signal kind of thing. That's how the
7 cell companies place the towers.

8 Q. Right. But it cover something more than that
9 narrow, correct?

10 A. Yes. It would cover a wide area.

11 Q. It covers a wide area?

12 A. Mm-hmm.

13 Q. So basically the best you can say is that the phone
14 was somewhere within that wide area, correct?

15 A. Correct. That's what I said.

16 Q. Okay. Okay. Let's see. And there's nothing in the
17 data that shows Mr. Sellers' phone hitting a tower that's
18 located north of I-20 during the evening of October 9, 2014
19 and the early morning hours of October 10, 2014, correct?

20 A. Correct.

21 MS. FULLWOOD: No further questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. MAYES: Yes, sir.

24 REDIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. So if a phone is out of minutes, do you have an
2 opinion as to whether or not their phone records would still
3 at least show they were receiving calls?

4 A. It would be -- I would believe so but I don't have
5 experience. I have never encountered a record that said they
6 were out of minutes so that their phone stopped tracking their
7 transactions.

8 Q. All right. And if a person were to buy minutes and
9 then have to call in to activate those minutes or go online to
10 activate those minutes, would that be reflected in their phone
11 extraction?

12 A. If they went online, if they used their phone to do
13 it, then it would be in the extraction.

14 Q. All right. Now, out of range is another question
15 that Ms. Fullwood asked you about. Could the phone not be
16 receiving calls because it's simply out of range. Are you
17 familiar with the area of Aiken city limits?

18 A. Vaguely. I've been there a few times.

19 Q. All right. And you've studied all the cell towers
20 in Aiken County for T-Mobile, all of the T-Mobile cell phone
21 locations?

22 A. Correct.

23 Q. Cell phone tower locations. Would you in your
24 training and experience expect a phone to be out of range
25 looking at that multitude of cell tower locations in Aiken

1 County?

2 A. Not unless there was some kind of extreme
3 circumstances that were blocking the signal.

4 MS. MAYES: Nothing further.

5 MS. FULLWOOD: Nothing further, Your Honor.

6 THE COURT: All right. Step down, Mr. Travis.

7 MR. MCNAIR: The State calls Joey Lowe.

8 Thereupon,

9 JOSEPH KEVIN LOWE

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

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

13 THE WITNESS: Joseph Kevin Lowe, L-o-w-e.

14 DIRECT EXAMINATION

15 BY MR. MCNAIR:

16 Q. Joey, where are you from?

17 A. From New Ellenton.

18 Q. Is that where you live now?

19 A. No. I live in Aiken. It's an Aiken address but
20 just outside the city.

21 Q. Are you currently working?

22 A. Yeah.

23 Q. Where do you work?

24 A. Augusta News Print.

25 Q. How long have you been working there?

1 A. About two years.

2 Q. All right. Do you know the defendant in this case
3 Billy Sellers?

4 A. Yes. I do.

5 Q. How do you know him?

6 A. I met him through my cousin. They worked together
7 for Allen Murray.

8 Q. What's your cousin's name?

9 A. Richard Key.

10 Q. Do you recall when you first met Mr. Sellers?

11 A. Yeah. Mm-hmm. Uhm, they had just got back from I
12 think Pennsylvania or somewhere. They were dropping my cousin
13 off at my house.

14 Q. Okay. Was it just Mr. Sellers and your cousin?

15 A. There was a whole crew of them. I don't remember
16 how many of them there were. Me and Billy kind of hit it off.
17 Had similar interests.

18 MS. FULLWOOD: Your Honor.

19 THE COURT: Yes, ma'am.

20 MS. FULLWOOD: I'm having problems hearing this
21 witness.

22 THE COURT: Okay. Pull that microphone up closer.

23 BY MR. MCNAIR:

24 Q. All right. When you say similar interests, what do
25 you mean by that?

1 A. I can't remember what I was working on in the yard
2 but, uhm, he kind of approached and we just hit it off, you
3 know. Whatever it was I was working on he was familiar
4 with.

5 Q. All right. I guess and then from that point did
6 y'all soon develop kind of a relationship?

7 A. Yeah.

8 Q. What would you say the basis of that relationship
9 was?

10 A. Doing meth.

11 Q. All right. Y'all do meth together?

12 A. Yes, sir.

13 Q. Okay. Have you sold meth to him in the past?

14 A. Yeah.

15 Q. What about your cousin Richard Key?

16 A. Yeah.

17 Q. He did meth as well?

18 A. Yeah. Mm-hmm.

19 Q. Would he also sell meth to Mr. Sellers?

20 A. Yeah.

21 Q. Now, has Mr. Sellers ever tried to, I guess, trade
22 you something for meth in the past without actually paying
23 money?

24 A. Yes, sir.

25 Q. At some point in October of 2014 did he approach you

1 and ask you to do something with him?

2 A. Yeah. He, uhm, uhm, wanted to know if I wanted to
3 do a lick with him. I'm like, what kind of lick are you
4 talking about? He's like, uhm, this guy's disabled and, uhm,
5 he gets drunk and gets pilled up and passes out and he'll be
6 an easy target and I told him I didn't want no part of it.

7 Q. All right. And that was the end of that
8 conversation?

9 A. Pretty much. Yeah.

10 Q. What was the, I guess after he had asked you to do
11 that, did the nature of your relationship with him kind of
12 change?

13 A. Yeah. I pretty much tried to kind of cut ties with
14 him. I figured if he could do that to somebody disabled, then
15 he could do - what would he do to me.

16 Q. And you didn't want any part of doing a lick?

17 A. No.

18 Q. What does a lick mean to you?

19 A. Uhm, just slang to make quick and easy money.

20 Q. You testified that he said the guy was disabled and
21 did pills and got drunk every night?

22 A. Yes, sir.

23 Q. And would be an easy target?

24 A. Mm-hmm. Yep.

25 Q. Now, after that conversation where he asked you to

1 do a lick, did you have any other conversation about that and
2 about whether or not he had actually done that lick?

3 A. Yeah. He called. It was late at night and, uhm,
4 was like, uhm, wanted to know if I wanted to trade him some,
5 he said I think a shotgun and a rifle and some pills that he
6 had gotten, uhm, and I didn't want them, uhm, but he said --

7 Q. All right. Stop there. When you say late at night,
8 do you recall approximately when that was?

9 A. Probably 2:00 or 3:00 in the morning, something like
10 that.

11 Q. Do you recall the date offhand?

12 A. No.

13 Q. All right. Tell us, I guess go through exactly, was
14 that a phone conversation?

15 A. Mm-hmm. Yes, sir.

16 Q. Tell us exactly what he told you over the phone.

17 A. He said, uhm, that, uhm, for a beating like that he
18 would have give everything he had to not get a beating like
19 that but he didn't have but a dollar in his wallet.

20 Q. What was your reaction to that?

21 A. It kind of give me, kind of turned my stomach.

22 Q. All right. Did he say anything about what was
23 stolen?

24 A. He said I'm pretty sure a shotgun and a rifle and
25 some pills.

1 Q. Was he telling you about the pills?

2 A. Uhm, he said what kind of imprint was on them but I
3 don't remember what it was.

4 Q. Why was he telling you about the pills and the
5 guns?

6 A. He just wanted to trade.

7 Q. What did he want to trade them for?

8 A. Crystal meth.

9 Q. Did you trade him crystal meth for anything that
10 night?

11 A. No.

12 Q. Your testimony was that he told you for a beating
13 like that he would have given everything he had?

14 A. Mm-hmm.

15 MR. CASTO: Objection to the leading.

16 THE COURT: Don't lead.

17 BY MR. MCNAIR:

18 Q. How was he acting when he told you that as far as
19 his demeanor?

20 A. Uhm, sounded like he was out of breath. Uhm, I
21 think he had just finished doing whatever he had done.

22 Q. You felt like he had just done whatever he had done
23 when he was talking to you?

24 A. Mm-hmm.

25 MR. CASTO: Objection to the leading.

1 MR. MCNAIR: He just testified to it.

2 THE COURT: Don't lead. Ask your question again.

3 BY MR. MCNAIR:

4 Q. Did he ever say the victim's name?

5 A. No.

6 Q. Okay. Did he ever say if anybody was with him?

7 A. No.

8 Q. Do you know where he was when he called you?

9 A. No.

10 Q. Now, I guess, how far before -- I guess the
11 conversation where he told you what he had done, how far
12 before that conversation had he asked you about doing a
13 lick?

14 A. Uhm, been several days. Probably four or five
15 days.

16 Q. All right. Do you think that conversation was in
17 person or over the phone?

18 A. I think it was over the phone to start with. Uhm,
19 I'm not really sure.

20 Q. Okay. Now, at some point did you actually learn
21 what had happened to the victim?

22 A. Yeah. Well, no. I found out. I heard it on the
23 news that somebody had like a home invasion or something and
24 that the guy was killed and, uhm, just, I guess I picked up
25 enough of the pieces of the puzzle that I figured for sure

1 that was what Billy was talking about and, uhm, yeah, and that
2 was it.

3 Q. Was that on the TV news?

4 A. Yeah. Mm-hmm.

5 Q. After you saw that news report, what happened?

6 A. Uhm, seemed like a few minutes later Billy called
7 and said that's what happened the other night or that's what I
8 done the other night. Silent. Silent.

9 Q. Silent, silent?

10 A. Mm-hmm.

11 Q. What did you decide to do at that point?

12 A. Uhm, I contacted the only person I knew in law
13 enforcement and that was Tommy Brock and he worked for the
14 Aiken County Sheriff's Department at the time.

15 Q. How do you know Tommy Brock?

16 A. I have known him all my life since I was a kid. My
17 parents used to own a restaurant in New Ellenton. I've just
18 known him since I was a kid.

19 Q. Do you recall when you contacted Tommy Brock?

20 A. Yes. I do.

21 Q. Was it right after you talked to Mr. Sellers that
22 day?

23 A. No. It took me a minute to get Tommy's cell phone
24 number and I had to go through a friend of a friend to get
25 Tommy's cell phone number and, uhm, then I talked to Tommy and

1 it was a couple days later when, uhm, Tommy or when I had
2 talked to Edgefield Sheriff.

3 Q. Okay. And what made you decide to come forward and
4 talk to law enforcement about what you knew?

5 A. Uhm, it just didn't rest easy with me. I mean, I
6 just ain't, didn't want no part of it. It just -- I don't
7 want no part of it. It's bad. I mean...

8 Q. Now, after I guess you had talked to Tommy Brock in
9 law enforcement, did Mr. Sellers continue to call you?

10 A. Yeah. Uhm, I pretty much tried to avoid it for the
11 most part and, uhm, but I would kind of call him when I was
12 talking to Mr. Ireland, uhm, trying to give him information
13 where he was at or whatever. I would call and ask Billy where
14 he was and trying to help him lock him up. I mean, I just
15 felt like he needed to go to jail.

16 Q. Was part of the reason -- I mean, obviously you
17 didn't want Mr. Sellers to know you talked to law enforcement,
18 did you?

19 A. No. No. He come over kind of in a threatening
20 manner like the last time I seen Billy and, uhm, he was, uh,
21 kind of bragging about it and, uhm, it just, he was talking
22 about Travis Murray and he went to Travis Murray's house and
23 him and his girlfriend was there and they were, uhm, he could
24 tell that they were just scared of him and he kind of got off
25 on the fact that they were scared of him.

1 Q. He liked that?

2 A. Yeah. And it was kind of a threat to like anybody
3 that, uhm, like, uhm, I didn't take it threatening to me but
4 my girlfriend later, uhm, she took it as a threat and was
5 really scared, you know, that he might come and try to do
6 something to us because we knew about it.

7 Q. Okay. Now, you don't have any pending charges, do
8 you?

9 A. Never.

10 Q. You didn't back then, did you?

11 A. No.

12 Q. So you didn't have anything to gain by coming
13 forward, did you?

14 A. No.

15 Q. Do you want to be here today involved in this?

16 A. No. I don't. But it's like my duty to be involved
17 in it though.

18 Q. This is an exhibit in evidence that's marked as
19 State's 103. Do you still have the same phone number as you
20 did back then?

21 A. 508-22[REDACTED].

22 Q. 22[REDACTED]?

23 A. Probably not. Maybe.

24 Q. All right. There's a call on 10/10 at 2:48 a.m.
25 that lasted for one minute and 51 seconds. Do you believe

1 that to be the call that you testified to where he said for a
2 beating like that he'd have given everything he had?

3 A. Yes. I do.

4 Q. Now, that was in the early morning hours of the
5 10th. When do you think you saw that news report?

6 A. Uhm, maybe seemed like the 11th maybe.

7 Q. Okay.

8 A. Could have been the 10th.

9 Q. All right. On Mr. Sellers' cell phone there's a
10 call placed to you on October 11th at 5:09 p.m.

11 A. Mm-hmm.

12 Q. Do you believe that to be the call after you had
13 seen that news report?

14 A. Yeah. That would make sense. 5:00 news.

15 Q. You said it was within minutes of you seeing that
16 news report that you got a call from Mr. Sellers?

17 A. Yeah.

18 MR. CASTO: Objection to the leading.

19 THE COURT: Sustained as to leading.

20 BY MR. MCNAIR:

21 Q. Now, do you know a guy named Hakim Talib?

22 A. No. I don't.

23 Q. Or Jersey?

24 A. No.

25 Q. Do you know a guy named Gee?

1 A. No.

2 Q. I guess just to clarify, when Mr. Sellers said he
3 only had a dollar in his wallet, who was he referring to?

4 A. Uhm, the - now I know him, Mr. Johnny Hydrick.

5 Q. The guy he had beat?

6 A. Yes.

7 MR. McNAIR: No further questions. Thank you.

8 CROSS EXAMINATION

9 BY MR. CASTO:

10 Q. Hi, Mr. Lowe. How are you?

11 A. Doing all right.

12 Q. Good. Going back on October 22nd, 2014, you never
13 told the Aiken law enforcement officials that you had sold
14 meth to Billy on several occasions, did you?

15 A. No. I didn't.

16 Q. Because if you told them that info, that could have
17 been transferred over here to Edgefield, right?

18 A. Possibly.

19 Q. Okay. And you were, in fact, interviewed by
20 Investigator Ireland on October 24th, 2014, right?

21 A. Uhm. I guess. Yeah. I'm not familiar with the
22 dates but....

23 Q. But you remember speaking with him, right?

24 A. Yes.

25 Q. And during that conversation you spoke with him,

1 right?

2 A. Mm-hmm.

3 Q. And he spoke with you, right?

4 A. Mm-hmm. Yep.

5 Q. And during that conversation you never told
6 Investigator Ireland that you had sold Billy meth on multiple
7 occasions, did you?

8 A. I didn't sell it to him on multiple occasions. I
9 think I may have sold it to him once. I think it was mainly
10 him and my cousin doing business. I think I had some for him
11 when they come into town, when they first come into town and
12 then it was him and my cousin.

13 Q. Just once?

14 A. , Mm-hmm.

15 Q. Okay. And you actually saw Investigator Ireland
16 again when he was looking for your cousin Richard Key,
17 right?

18 A. Yeah.

19 Q. And in that conversation you never told him that you
20 sold any meth to Billy, did you?

21 A. Mmm-mmm.

22 Q. Is that a no?

23 A. No. That's a no.

24 Q. And, in fact, in the four years that this case has
25 been pending you could have called him to let him know that

1 you had sold drugs to Billy, right?

2 A. Mm-hmm.

3 Q. But you didn't do that?

4 A. No. I didn't.

5 Q. Okay. You told Investigator Ireland back on October
6 24th in an interview that was recorded that you liked Billy
7 because y'all had similar interests in motorcycles, trucks and
8 building materials.

9 A. Mm-hmm.

10 Q. Right?

11 A. Right.

12 Q. But you never mentioned the common bond about you
13 selling meth to Billy, did you?

14 A. No.

15 Q. Back in that October 2014 interview you never told
16 him about your cousin Richard Key and that he would also sell
17 meth to Billy, right?

18 A. Right.

19 Q. Richard Key was your cousin?

20 A. Mm-hmm.

21 Q. Is your cousin, right?

22 A. Correct.

23 Q. And in those days Richard Key lived with you as
24 well, right?

25 A. Right.

1 Q. And the way that you first met Billy was through
2 Travis Murray and Richard Key, right?

3 A. Mm-hmm.

4 Q. I believe that those two folks as in Travis
5 Murray and Richard Key, they used to work for Allen Murray?

6 A. Correct.

7 Q. And you never said anything about Richard Key
8 selling meth to Billy at that time, did you?

9 A. Right.

10 Q. Okay. And basically you bump into Investigator
11 Ireland again when he's actually looking for Richard Key,
12 right?

13 A. I didn't actually bump into him.

14 Q. I'm sorry?

15 A. I didn't bump into him. He called looking for
16 him.

17 Q. Okay. And ultimately he talked to you and you
18 talked to him again, right?

19 A. Yeah.

20 Q. And he did not find Richard Key, did he?

21 A. Uh, not to my knowledge.

22 Q. In other words, not that day anyway, right?

23 A. Yeah. Right.

24 Q. And that's when you told him that Richard Key does
25 not like talking to law enforcement.

1 A. That's right. He been locked up about 18 years of
2 his life.

3 Q. You finally told -- Well, today you said -- Well, I
4 just asked you if you had sold meth to Billy on multiple
5 occasions and your answer was it was once --

6 A. Mm-hmm.

7 Q. -- right?

8 A. Mm-hmm. Yeah.

9 Q. And you spoke with Investigator Ireland a couple of
10 weeks ago on August 3rd, 2018, right?

11 A. I'm not familiar with the dates but yeah.

12 Q. Earlier this month?

13 A. Yes.

14 Q. Four years later, right?

15 A. Mm-hmm. Correct.

16 Q. And there you said that you sold meth to Billy on
17 more than two times, didn't you?

18 A. No. I don't think so.

19 Q. Okay.

20 A. I said we had - he would come by the house, uhm, and
21 we would do meth, not really selling it to him.

22 Q. Okay. Do you admit or deny that earlier this month
23 that you told Investigator Ireland and investigators with the
24 Solicitor's Office that you sold meth to Billy on more than
25 two occasions?

1 A. I don't. I don't admit it. I don't admit that
2 because that ain't what I said.

3 Q. Okay. You told Investigator Ireland back in 2014
4 that you first met Billy through Richard Key and Travis Murray
5 like you just told us, right?

6 A. Mm-hmm. Mm-hmm.

7 Q. Travis Murray was using meth in those days as well,
8 wasn't he?

9 A. Mm-hmm.

10 Q. Is that a yes?

11 A. Yes.

12 Q. He's taking everything we're saying down. Okay.
13 And you said in that recorded interview back in 2014 that you
14 had known Travis for about a year, right?

15 A. Mm-hmm. Mm-hmm.

16 Q. Is that a yes?

17 A. Yes.

18 Q. And in that recorded interview you say that you had
19 only seen Travis one other time in the year that you had known
20 him, right?

21 A. Mm-hmm. Yeah.

22 Q. Okay.

23 A. I just went to pick my cousin up and drop him off at
24 Allen's shop and that's when I seen Travis.

25 Q. Okay. But you had only seen one time in the past

1 year back in 2014 is what you said?

2 A. I guess. I guess that's what I said. It's a long
3 time ago.

4 Q. And Travis worked with your cousin Richard Key for a
5 while, right?

6 A. Yeah.

7 Q. And you're telling us now that Richard Key was
8 selling meth at that time, right?

9 A. He was mainly using, yeah. Using and selling.

10 Q. And you were selling meth at that time, too?

11 A. Mm-hmm.

12 Q. And you had only seen Travis one other time?

13 A. Yeah. Travis, he may have done meth but he didn't
14 come by buying it.

15 Q. Okay. In other words, Travis, you know, he used
16 meth, you sold meth but you had only seen him one time is your
17 testimony today?

18 A. Mm-hmm.

19 Q. Okay. And you knew through Travis Jessica Reeder,
20 right?

21 A. Never met her.

22 Q. Never met her. Did you know of her?

23 A. I knew he had a girlfriend. I never did meet her.
24 Never even seen a picture of her.

25 Q. Okay. And she was into drugs as well; is that

1 right?

2 A. I have no idea.

3 Q. Don't know?

4 A. Don't know.

5 Q. Okay.

6 A. I would assume if he was, she was but I can only
7 assume.

8 Q. Okay. And ultimately in this case the person that
9 you had known longer, you said back in 2014 that you had only
10 known Billy for about two weeks in that recorded interview; is
11 that right?

12 A. Billy?

13 Q. Yes.

14 A. Yeah. That's correct.

15 Q. And you had known Travis for a year?

16 A. Mm-hmm.

17 Q. At least, right?

18 A. Mm-hmm. Yep.

19 Q. In other words, you knew Travis better than Billy?

20 A. Uhm, not really because I didn't really know Travis.
21 I just seen Travis when they were dropping Richard off or I
22 was dropping Richard off or they were picking him up or
23 whatever. Me and him had no relationship where me and Billy
24 kind of talked and, uhm, had similar interests and kind of
25 hung out a little bit.

1 Q. Well, in other words, you knew Travis longer than --

2 A. Yes.

3 Q. -- you knew Billy, right?

4 A. Yeah. I knew Travis longer.

5 Q. Okay. And your testimony today is that you had
6 known Billy for about two weeks and he had asked you about
7 doing this lick; is that right?

8 A. That's right.

9 Q. Okay. And in looking at the records and cell
10 records in this case, as a matter of fact, you had actually
11 asked Billy for a gun, didn't you?

12 A. Uhm, no. Uhm, I don't remember asking him for a
13 gun. I had bought a gun from him a while back. Like when I
14 first met him. He said he had gotten it from - he was working
15 for Allen and they were cleaning out a shop or something or a
16 house or something and, uhm, got it but that was way before,
17 or not way before but it was before this happened here.

18 Q. Okay. And your testimony today is that, yes, you
19 bought a gun from Billy, right?

20 A. Yep.

21 Q. Well, your testimony today was also that you only
22 knew Billy two weeks before this happened, right?

23 A. That's right.

24 Q. Okay. So somewhere in that time frame is when you
25 bought a gun from Billy, right?

1 A. Mm-hmm. Right.

2 Q. Okay. And you had told Investigator Ireland in
3 those days that you weren't sure if a bat was used, right?

4 A. Right.

5 Q. Okay. And that you had been speaking about this
6 case with other people in those days, right?

7 A. Mm-hmm. Yep.

8 Q. Okay. You weren't sure if Johnny was in a
9 wheelchair at this time that this happened, were you?

10 A. No.

11 Q. Would it surprise you to learn that Johnny was not
12 in a wheelchair when this happened?

13 A. Yeah. It would kind of but, uhm, like I said, I
14 really don't know.

15 Q. And in speaking about the fact that you had
16 discussed this case with other people back in 2014, you admit
17 that you had done that, right?

18 A. Yeah. Talked with other people?

19 Q. Yes.

20 A. Mm-hmm.

21 Q. And back in 2014 you don't mention any of the names
22 of those individuals that you had spoken with about Johnny's
23 death, do you?

24 A. No.

25 Q. Okay. You admit that you had seen information on

1 this case on the news as well. That was your testimony on
2 direct as well, right?

3 A. Mm-hmm. Yep.

4 Q. And your testimony today on direct was that you had
5 cut ties with Billy once all of this happened, right?

6 A. Right.

7 Q. And your testimony was that he tells you all this on
8 October 10th, 2014 about what he supposedly had done, right?

9 A. Mm-hmm. Correct.

10 Q. And in between October 11th the day that Johnny
11 Hydrick was discovered and October 24th the day that you talk
12 to Investigator Ireland would it surprise you to learn that
13 you had spoken with Billy 19 other times?

14 A. My cousin used my phone talking to him so I guess we
15 just had one phone, uhm, because I know -- How long were the
16 conversations? I didn't talk to him 19 more times.

17 Q. I'm only asking you, you understand I'm only asking
18 you that those conversations, whether or not those
19 conversations exist, right?

20 A. Yeah.

21 Q. Okay.

22 A. I don't think they do.

23 Q. Okay. Well, back between October 24th, 2014 and
24 October 30th would it surprise you to learn that you through
25 calls and texts communicated with Billy 62 times?

1 A. That's a lot of times.

2 Q. That's a lot of times for someone that had cut ties
3 with him, right?

4 A. I mean, I remember him calling me, not me calling
5 him. That's close to zero me calling him.

6 Q. 62 times?

7 A. I didn't call him 62 times.

8 Q. Okay.

9 A. He may have called me 62 times.

10 Q. And Billy tells you all of this and you're aware
11 that in late October Billy's wife Cory gives birth to a baby,
12 right?

13 A. Mm-hmm.

14 Q. And you were dating in those days a girl by the name
15 of Kristin Thompson?

16 A. Mm-hmm.

17 Q. And, in fact, you and her congratulate Billy on the
18 birth of their baby, right?

19 A. I think she did.

20 Q. She did?

21 A. Kristin. I didn't congratulate them.

22 Q. And this is the same Kristin that was afraid of
23 Billy that you testified to on direct?

24 A. Mm-hmm. Yep.

25 MR. CASTO: Nothing further.

1 THE COURT: Any redirect?

2 REDIRECT EXAMINATION

3 BY MR. MCNAIR:

4 Q. Mr. Lowe, when you met with us I guess a couple
5 weeks ago, did we ask you a lot more questions than Detective
6 Ireland asked you?

7 A. Uhm, yeah.

8 Q. And when you initially came forward with information
9 about the murder, did you feel it necessary to disclose that
10 you sold meth?

11 A. Not at all.

12 Q. Did you even see why that was relevant?

13 A. Not at all.

14 Q. And all of these calls that Mr. Casto was talking
15 about, was that you calling Billy or Billy calling you?

16 A. I would say Billy calling me because like I said I
17 cut ties with him.

18 Q. If Billy was calling you, what was he wanting?

19 A. I think mainly he was just talking to my answering
20 machine. But I think the few times I did call him was when I
21 was trying to narrow down where he was at so Mr. Ireland could
22 go and put some cuffs on him.

23 Q. Now, when you met with Detective Ireland on October
24 24th of 2014, at that time didn't you tell him what Billy had
25 said to you?

1 A. Yeah.

2 Q. That for a beating like that I's have given up
3 everything I have?

4 A. Yep.

5 MR. McNAIR: No further questions.

6 MR. CASTO: Nothing further, Your Honor.

7 THE COURT: You may step down.

8 MS. MAYES: The State calls Tommy Brock.

9 Thereupon,

10 WALLACE THOMAS BROCK

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

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

14 THE WITNESS: Wallace Thomas Brock, B-r-o-c-k.

15 DIRECT EXAMINATION

16 BY MS. MAYES:

17 Q. Good afternoon, Mr. Brock. Tell us a little bit
18 about yourself. What kind of work do you do?

19 A. At this time I work at Plant Vogtle Utilities as
20 supervisor.

21 Q. How long have you been at Plant Vogtle?

22 A. I left retirement and just went back in June.

23 Q. All right. And what were you doing before your
24 current employment there at Plant Vogtle?

25 A. I was Aiken County Sheriff's Department.

1 Q. How long were you a member of the Aiken County
2 Sheriff's Department?

3 A. Three years after my retirement as of 2013 the last
4 agency.

5 Q. So you were career law enforcement?

6 A. Yes, ma'am. Just shy of 32 years.

7 Q. Now, during the course of that time with the Aiken
8 County Sheriff's Department were you familiar with the area of
9 New Ellenton in Aiken County?

10 A. Yes, ma'am. I lived there. That was also my
11 zone.

12 Q. How, if at all, did you come to know an individual
13 by the name of Joey Lowe?

14 A. I have known Joey most of his life.

15 Q. When you say most of his life, about how old would
16 he have been when you first met him and had contact with
17 him?

18 A. Probably about two or three years old.

19 Q. Did that continue during the course of his
20 childhood?

21 A. Yes, ma'am. Up through his childhood, high school
22 and so forth.

23 Q. And did he know that you were a member of law
24 enforcement?

25 A. Yes, ma'am. I was a police officer in New Ellenton

1 13 years as well. That was the town I lived in and he lived
2 in as well.

3 Q. Did you have a relationship where you were someone
4 that he could talk to outside of the professional realm?

5 A. Yes, ma'am.

6 Q. Can you tell us whether or not you knew his family
7 as well?

8 A. Yes, ma'am. I know his mother, father and
9 brother.

10 Q. So I'm gonna take you to a point of October 22nd,
11 2014 and ask you whether or not you recall having contact with
12 the Edgefield County Sheriff's Office around that time?

13 A. I don't remember talking to Edgefield County
14 Sheriff's Department at that time. I remember trying to get
15 ahold of them after talking to Joey. Is that what you're
16 referring to?

17 Q. Yes.

18 A. During that time I was with Aiken County Sheriff's
19 Department I was on road patrol and the date I'm guessing
20 right now. I can't go back and actually say that's what the
21 date was. I was on duty --

22 Q. Can you tell us whether or not you recall it being
23 October of 2014?

24 A. It was in that time frame. Yes, ma'am. I was on
25 road patrol that evening toward the end of the day shift and I

1 received a phone call from Joey and he started telling me
2 about an incident that took place in Edgefield County and he
3 said he was trying to make contact and hadn't been able to get
4 ahold of anybody. I said let me try to make contact. I know
5 some folks up there. I attempted to get ahold of Mark Howard
6 and then I found out a couple days later that Mark had been on
7 vacation from what I can remember.

8 Q. Let me stop you right there. Who is the Mark Howard
9 that you're referring to that you initially tried to get ahold
10 of?

11 A. He's a Lieutenant with the Edgefield County
12 Sheriff's Department.

13 Q. All right. And you were attempting to get ahold of
14 someone with the Edgefield County Sheriff's Department for
15 what reason?

16 A. Joey was telling me about an incident that had taken
17 place in --

18 MR. CASTO: Objection. Hearsay.

19 THE COURT: Sustained as to hearsay.

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

21 BY MS. MAYES:

22 Q. So you can't say exactly what he said to you but can
23 you tell us whether or not you were contacted by law
24 enforcement in regards to a murder investigation?

25 A. Yes.

1 Q. And can you tell us what the mood or demeanor was of
2 Joey Lowe when he initially reached out to you?

3 A. He was pretty upset about the incident and was
4 trying to get ahold of somebody so he could tell them what was
5 taking place.

6 Q. How many times do you think during the course of
7 October 2015 after you spoke with Joey Lowe you reached out to
8 a law enforcement officer in Edgefield County?

9 A. It was two or three times. That's when I found out
10 Mark Howard was on vacation.

11 Q. That Lieutenant Howard was on vacation?

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

13 Q. Ultimately can you tell us whether or not you
14 transmitted that information, contact information for Joey
15 Lowe to law enforcement?

16 A. I did.

17 Q. That includes to Investigator Ireland with the
18 Edgefield County Sheriff's Department?

19 A. Yes, ma'am.

20 Q. Now, at that point in time was Joey Lowe charged
21 with any crime?

22 A. No, ma'am.

23 Q. Did Joey Lowe based on your knowledge of this case
24 have anything to gain by coming forward?

25 A. Not that I know of.

1 MR. CASTO: Objection. Motion to Strike.

2 THE COURT: Also leading. I don't think it's a fair
3 question. I sustain it. Rephrase it.

4 MS. MAYES: All right. Well, Your Honor, this is in
5 response to some questions to the previous witness.

6 THE COURT: Come over here.

7 (Side bar off the record.)

8 BY MS. MAYES:

9 Q. Based on all of the observations that you made can
10 you tell us whether or not Mr. Lowe reached out to you
11 voluntarily?

12 A. Yes. He did.

13 MS. MAYES: Nothing further.

14 MR. CASTO: No questions for this witness.

15 THE COURT: Step down.

16 MS. MAYES: Can we approach?

17 THE COURT: Yes.

18 (Side bar off the record.)

19 THE COURT: Okay. Here's what we're gonna do. I've
20 got to talk to the parties. After this document is
21 admitted into evidence, then you're resting?

22 MS. MAYES: That's correct, Your Honor.

23 THE COURT: Okay. As soon as it comes back in.

24 That's what we're talking about. The State has presented
25 what it's gonna present except for one document that they

1 have agreed to coming in, both sides have agreed, and
2 that's the toxicology report from SLED from the deceased
3 gentleman. It's coming in, agreed to, so it's there for
4 your consideration. Upon marking of that exhibit 114,
5 the State rests. I've got to put some things on the
6 record, legal arguments that have to go on when the State
7 finishes. Then the defense goes. They present any
8 evidence they want to. We're gonna come back fresh in
9 the morning at 9:00 and let the defense present whatever
10 they want to for your consideration and it will be
11 streamlined and hopefully we will be done tomorrow, okay?

12 All right. Now, I asked you about the news report
13 that I was made aware of at lunch time. Has anybody seen
14 that at all?

15 (No response from the jury.)

16 THE COURT: All right. I didn't think so. I only
17 want to caution everybody again don't go looking for it.
18 Let's just steer clear of it. We're gonna get the best
19 of it in the courtroom under oath with a record that
20 y'all got to watch. To me it's usually helpful for me to
21 say what did that news reporter know when he wasn't here.
22 Therefore, it's a waste of time to go see what he
23 thought. I had a newspaper report that Judge Addy did
24 this, did that, and the whole time they weren't in the
25 courtroom and they put it in the newspaper that Judge

1 Addy did several in Laurens County. And we're good
2 friends and I said you got the wrong judge. You can't
3 mistake us. But I don't want anything affecting your
4 decision that y'all didn't get in here, okay? So please
5 steer clear. Don't talk about the case this afternoon or
6 tonight. Come back in the morning ready to go and we'll
7 try to finish. Steer clear of the TV. Just don't watch
8 the news. Watch something else. Big Bang Theory,
9 anything you like. So we're done for the day.

10 Let's just put on the record that the State rests.

11 (Whereupon, State's Exhibit #77 and #78 admitted.
12 State's Exhibit #114 marked for identification and
13 admitted.)

14 MS. MAYES: With that, Your Honor, at this time the
15 State will rest.

16 THE COURT: Very well. I have matters of law to
17 take up. You're free to go. See you in the morning at
18 9:00.

19 (Whereupon, the jury was released for the evening at
20 5:15 p.m.)

21 THE COURT: All right. The State has rested.
22 Directed verdict motion.

23 MR. CASTO: Yes, sir, Your Honor. At this time the
24 defense moves for a directed verdict, Your Honor. We
25 wish to at the same time renew all objections to the

1 (Whereupon, the jury entered the jury room at 9:11
2 a.m.)

3 THE COURT: For the record, Mr. Johnson, my bailiff
4 here, drew randomly from the cricket box David Mack will
5 be the 12th juror. The other gentleman will be the
6 alternate. I would like to tell them after y'all argue
7 and I charge that way they're all attentive. I don't
8 want anybody to tune out so that's who it will be. Which
9 one is Mr. Mack?

10 THE CLERK: He's the one that sits on the very
11 end.

12 THE COURT: Okay. The far corner. Fair enough.
13 Now, let's talk about the jury instructions. Let's talk
14 about closing first. State opens in full, the defense
15 will close and then I'll instruct.

16 MR. CASTO: Yes, sir, Your Honor.

17 THE COURT: Any objection to that?

18 MS. MAYES: No, sir, Your Honor.

19 THE COURT: All right. I guess Whitney was working
20 on the instructions. Failure of the defendant to testify
21 obviously. Statements of the defendant being voluntary
22 to the extent they presented them. Lesser included?

23 MS. MAYES: In this case, Your Honor, I don't
24 believe that there would be any evidence to support
25 that.

1 MS. FULLWOOD: We agree with that. We're not
2 requesting that.

3 THE COURT: I agree with y'all, too. I'm on the
4 same page. Expert witnesses. What else? All right. I
5 forgot. The malice charge. I'm thinking about going
6 something along the lines of Beatty, malice is from the
7 totality of the circumstances, depravity of human life,
8 that instruction. What do y'all think about that?

9 MS. MAYES: Your Honor, the State would request, no
10 objection to that charge of malice. The State would
11 request the standard bench book charges on reasonable
12 doubt, direct evidence and circumstantial evidence.

13 THE COURT: Okay. Is my charge different than that?

14 MS. MAYES: It has been in the past, Your Honor.

15 THE COURT: Okay. Direct evidence and
16 circumstantial evidence is different also?

17 MS. MAYES: No, sir. Not that I'm aware of.

18 THE COURT: My direct and circumstantial is, direct
19 is eyewitness testimony. Circumstantial is all the
20 circumstances point in the same direction, conclusive of
21 guilt, that kind of thing.

22 MS. FULLWOOD: We'd ask that you go with the one
23 that you usually do. I have heard that one enough.

24 THE COURT: I say it both ways. Reasonable doubt.
25 Reasonable doubt causes a reasonable person to hesitate

1 to act, leaving firmly convinced, matter of own affairs.
2 I say it both ways. I'm comfortable with mine. It comes
3 out more fluidly for me. What else you got?

4 MS. MAYES: Your Honor, hand of one hand of all. In
5 this case we did not require any indicted co-defendants
6 but there has been evidence offered from the defendant's
7 own handwriting and statements that he was not involved
8 alone so we certainly would ask for a hand of one hand of
9 all charge and also for a motion in limine to preclude
10 any reference to defendant's mental state. I don't think
11 that would happen but I just wanted to go ahead and make
12 that part of the record.

13 MS. FULLWOOD: We oppose a charge on accomplice
14 liability. It's sort of like charging as a lesser
15 included offense and in this case there's no competent
16 evidence that there was anyone else involved. There's no
17 testimony that this was the act of more than one person.
18 There are references to other people but they don't arise
19 to the level of being more than a suggestion or innuendo
20 so we don't think the evidence rises to a point where a
21 charge of accomplice liability would be appropriate in
22 this case.

23 MS. MAYES: The testimony of Phillip Griffin, Your
24 Honor, was directly from the defendant that he did it
25 with an individual by the name of Gee. There was also

1 testimony from Shawn Nicholson that he was planning it
2 with Travis Murray. We don't know how many people are
3 involved but he has made multiple statements referencing
4 the fact that he did it with someone else. That would
5 meet the any evidence standard, Your Honor. That's the
6 only evidence on the record so far is that he did it in
7 the company of someone else.

8 MS. FULLWOOD: I just feel that there hasn't again
9 been any testimony that, in fact, regardless of what
10 might have been said that at that place at that time more
11 than one person was in that house and it's more than any
12 evidence, Your Honor. It's any competent evidence and
13 here it's just a suggestion that there might have been a
14 co-defendant and for the fact as of the day before
15 yesterday there aren't any co-defendants anymore.

16 MS. MAYES: Again, it does not have to be even
17 another identified co-defendant much less an indicted
18 co-defendant. Where the competent evidence is concerned
19 there are multiple witnesses that provided information
20 that law enforcement did not even have at that point in
21 time. Mr. Griffin's testimony was that a revolver was
22 used to pistol whip the victim. That was completely
23 unknown to law enforcement so it certainly would meet the
24 standard of being competent evidence and throughout the
25 testimony of Mr. Griffin he quoted the defendant as

1 saying we did it and we did it with the revolver. And
2 then the same with Joey Lowe, he made references to doing
3 it with someone else although he did not identify that
4 other person. But there were multiple witnesses who made
5 reference to the defendant acknowledging that he did this
6 in the company of someone unknown. An unknown
7 co-defendant would still meet the standard of hand of one
8 hand of all.

9 THE COURT: That's an interesting question.

10 MS. FULLWOOD: I would refer the Court to the case
11 of Wiles v. State, 407 South Carolina 432, in support of
12 our position about the accomplice liability charge.

13 THE COURT: What case? State v. Wiles?

14 MS. FULLWOOD: Yes, sir. W-i-l-e-s.

15 THE COURT: What's the cite on that case again, Ms.
16 Fullwood?

17 MS. FULLWOOD: 407 South Carolina 432, a 2014 case.

18 THE COURT: All right. Reading that State vs. Wiles
19 it seems to me that the question of fact of whether the
20 defendant acted with somebody or somebody acted with the
21 defendant is kind of within the scope of the evidence
22 presented. He was with friends. He was with Gee. Gee
23 was with him. But who did what in the language of that
24 case is equivocal, who did what. In the Wiles case it
25 was not questioned as to who was the shooter and

1 therefore that's why accomplice liability was not a
2 problem the way I'm reading it. Are y'all reading it
3 different?

4 MS. MAYES: No, sir, Your Honor. I think where the
5 Court set out that when the jury has been presented with
6 evidence upon which it could rely to find the existence
7 or non existence of that fact, that it would include a
8 scenario such as ours where there is an existence of
9 evidence that he was involved with someone else.

10 THE COURT: I mean, it is evidence. This entire
11 case is circumstantial but there is evidence in those
12 statements if believed there's more than one person there
13 exacting the beating that took the life of Mr. Hydrick.
14 Who that is or what that is is a question of fact to me
15 but that's a question we'll try to submit to the jury.
16 What do you think, Ms. Fullwood?

17 MS. FULLWOOD: Well, I think it's more like a
18 situation they described in Wiles where it's basically
19 they want it on this idea that, well, the jury might
20 believe this part and this part, not this part but if we
21 can patch it together, they might think that and that's
22 what Wiles says you can't do to be entitled to a charge
23 on accomplice liability.

24 THE COURT: Okay. I understand your argument but I
25 think the facts presented to the jury in this case

1 entitles the State's request of hand of one hand of all
2 so I'm gonna instruct it. I'm gonna do the malice
3 inferred from all the circumstances shown there, total
4 disregard for human life charge. I'm not gonna put the
5 use of deadly weapon in there.

6 MS. MAYES: I'm sorry. I'm having trouble hearing
7 you.

8 THE COURT: I'm sorry. I'm not going to charge the
9 portion of malice that can be inferred from the use of a
10 deadly weapon. I'm gonna put the Belcher Charge and it's
11 malice can be inferred for the total disregard for human
12 life, depravity, and that language is the language I plan
13 to use. I'm gonna use my reasonable doubt charge and my
14 direct and circumstantial charge that I've been using
15 over the last couple of years but I'm gonna charge hand
16 of one hand of all. Anything else?

17 MS. MAYES: Your Honor, could we get a copy of your
18 charges from Whitney?

19 THE COURT: Yes. She's been working on them.

20 MS. MAYES: And we have a lot of exhibits, Your
21 Honor, so we just need time to pull out what we need.

22 THE COURT: Do that while she's cleaning it up a
23 little bit. It may be a little bit ragged when she get's
24 it to you but she'll get it to you here in a moment.
25 Y'all go ahead and get your exhibits organized.

1 MS. FULLWOOD: If it pleases the Court, Your Honor,
2 we would request the standard charge of mere suspicion is
3 not an adequate basis to base a verdict.

4 THE COURT: I'm pretty certain I have that in
5 there.

6 MS. FULLWOOD: I think it's in your regular charge.

7 THE COURT: Mere presence. Is that the one you're
8 talking about?

9 MS. FULLWOOD: No, sir. It's the mere suspicion
10 charge. I think it's a little different than mere
11 presence. We're not requesting a mere presence charge.

12 THE COURT: Okay. I think I've got it. Okay. All
13 right. Y'all get y'all's exhibits organized while we're
14 down and let me and Whitney work on this thing a little
15 bit. I'll still read that other version with that other
16 defendant's name in there. If I read it improperly, but
17 I'll read it properly just so y'all know. What we'll do
18 is let you argue and then let the jury have a break.
19 During the break we'll go over the instructions again.
20 That way y'all can, we can get moving, okay?

21 MR. CASTO: Actually just a housekeeping thing. I
22 credit Mr. McNair. The Court hasn't inquired with
23 Mr. Sellers about whether he wanted to testify or not.
24 Obviously the answer is no since we rested but I didn't
25 know if the Court wanted to include that in the record

1 evidence and that sort of thing and then y'all get the
2 evidence back in the jury room and begin your
3 deliberations.

4 I have the proposed verdict form, Ms. Mayes, if
5 y'all need to see that while you're arguing. It's real
6 simple. It's just the singular charge that's shown in
7 the indictment. But the lawyers summaries to you, it's
8 not evidence but it's what they believe the evidence has
9 shown. So give your close attention to the lawyers. Ms.
10 Mayes is gonna go first and then Mr. Casto will go
11 second, then we'll take a break and then I'll give you my
12 instructions, all right?

13 MS. MAYES: May it please the Court.

14 THE COURT: Yes, ma'am.

15 MS. MAYES: Good morning. Y'all have paid careful
16 attention throughout this trial and the State thanks you
17 for that. There's been a lot of testimony and a lot of
18 evidence and the time has been painstaking to have to
19 listen to in detail but all of it was necessary in the
20 presentation of the State's case.

21 Time always reveals the truth. No matter what
22 efforts he took to conceal it, to hide it, to destroy
23 that evidence in his phone, time always reveals the truth
24 and that's what's brought us here. You know the one
25 thing that he will never be able to explain is Joey Lowe.

1 Joey Lowe was that second to last witness that you heard
2 from yesterday. Joey Lowe was his friend. You heard
3 about all the communications that they had even through
4 the month of October. Joey Lowe is somebody that was
5 trusted enough to do drugs with, to buy drugs from, and
6 Joey Lowe is the person who he made those phone calls to
7 on his way back from Trenton and into Aiken County. He
8 was desperate to find Joey Lowe that night because now he
9 had something to trade. He needed meth and he needed it
10 right then and he believed that Joey had it.

11 So what he got from going into a man's home, robbing
12 him as he slept, beating him to death, was just pills.
13 His statement to Joey Lowe, Joey Lowe said it made his
14 stomach turn. It made him ill to hear it. He said for a
15 beating like that I would have given up everything I had.
16 But he only had a dollar in his wallet. That's what he
17 got out of this. He took Johnny's life. He got Johnny's
18 pills. He stole that revolver from Johnny Hydrick's
19 house, the long gun and shotgun and he got Johnny's pills
20 and that's the one thing he will never be able to
21 explain.

22 And I won't get another chance to get back up here
23 to speak. Mr. Casto will and I'm sure you will hear over
24 and over and over again about reasonable doubt,
25 reasonable doubt. This fact alone is proof alone beyond

1 a reasonable doubt and that is as you heard Joey Lowe
2 went to the police the day after this happened. He
3 actually met with this investigator on October 24th just
4 14 days after Johnny's murder and he testified he told
5 them all this. He told them what Billy said to him on
6 the phone, that for a beating like that I would have
7 given up everything I've got. But he only had a dollar.
8 The thing is he didn't know who that information was
9 coming from. All he knew is that somebody turned him in.
10 His whole focus is on blaming an innocent man by setting
11 up Jersey.

12 Let's go back to Joey Lowe because that is the heart
13 of this case. It's Joey's heart that brought us here.
14 It's Joey's heart that brought us the truth to life, that
15 he could not live with knowing that this man took part in
16 a murder, he was not gonna stand by and look the other
17 way like Billy wanted him to. So how do we know that
18 Joey's statement to police on October 24th was absolutely
19 credible? How do we know that his testimony from this
20 stand is absolutely credible? Let's go back to October
21 24th and that information he gave to law enforcement.
22 And you heard from Tommy Brock, the former Aiken County
23 sheriff's officer who explained he had known Joey his
24 whole life and so it's not like Joey just reached out one
25 day and said, well, I'm gonna call the police and turn

1 him in. For days he thought about it. Knew he had to do
2 something. Knew he had to reach out to somebody he could
3 trust, and that was his friend Tommy Brock. He goes to
4 Tommy Brock. Tommy Brock's explanation is he made
5 several calls over here to Edgefield County to tell them
6 about it. Lieutenant Howard was on vacation so he just
7 couldn't meet up. All of that had taken place even
8 before that first meeting on October 24th, 14 days after
9 the murder.

10 Finally when he meets with the Sheriff's Department
11 here in Edgefield what does he tell them? He tells them
12 not only what he said but that he called me that night
13 right after he did it. He sounded out of breath and he
14 told me he had pills that he wanted to trade me and he
15 told me the imprint on the pills. That was before his
16 phone was even seized. His phone was not seized by law
17 enforcement until October 30th. How is it that Joey Lowe
18 knew? He could back it up with a phone call. How is it
19 that Joey Lowe knew, he found the imprint on those pills,
20 K57. That's Johnny's pills. You heard from the
21 pharmacist right here in Edgefield. It's Johnny's pills.
22 Nobody else's pills. Those were Johnny's with that K57
23 on them.

24 This is what we know is that he goes completely off
25 the grid. He's completely MIA between 12:17 a.m. and

1 2:11 a.m. Shawn Nicholson, his friend who seen him
2 earlier that night is calling him. Well, not only is he
3 not answering the phone but Shawn's calls aren't even
4 showing up on his phone records. So this isn't like a
5 situation where I call you and you just don't happen to
6 pick up. That should still be on your phone record.
7 These phones aren't even showing on his phone records.
8 Those calls aren't even on there. You heard the
9 testimony from the two experts on cell phones, both
10 Detective Brian Travis and Detective Agent Jeremy
11 Hembree. That happens when you cut your phone off.

12 They can talk all they want about, oh, maybe he was
13 out of minutes. Out of minutes? And then he goes and
14 buys minutes at 2:00 in the morning and the first thing
15 he does is start calling Joey Lowe? And doing a search,
16 a web search on his phone for K57? That's crazy. And
17 the best thing about being on the jury, and I don't know
18 if any of you have ever before or if this is the first
19 time, but the best thing about it is that you don't have
20 to leave your common sense at home when you're on the
21 jury. And the Judge will charge you later about exactly
22 what your responsibilities are as members of the jury.
23 But you get to rely on that same common sense that we all
24 use everyday. What makes sense and what doesn't.

25 And the law does not require that murders be

1 committed on videotape and with witnesses all around. If
2 that were the fact, people rarely if ever be convicted of
3 murder. So under the law direct evidence and
4 circumstantial evidence are equally sound and the Judge
5 will charge you later on exactly what direct evidence and
6 circumstantial evidence means. But this is
7 circumstantial evidence but it's supported by direct
8 evidence and that direct evidence is Joey Lowe who heard
9 it from his mouth when he made that phone call.

10 So let's look at what happens when he finally comes
11 off the grid. We know he's missing 12:17 a.m. to 2:11
12 a.m. Nowhere to be found. We know that those yellow
13 highlighted portions, those show where Shawn is making
14 calls to him and the calls aren't being received. I
15 submit there's substantial overwhelming evidence that his
16 phone was off. Now, why is his phone off? That's
17 something that anybody who wants to commit a crime can
18 pick up from just watching CSI. You cut your phone off
19 so your location can't be tracked. So at midnight in
20 Aiken he goes off the grid. He's missing for almost two
21 hours. And then when he comes back on the grid finally
22 what happens? 2:19 he's returning Shawn's calls. Now
23 let's look at where he is in realtime. Where he is is in
24 a location that causes him to hit this tower right here,
25 the corner of Sassafras Road, just a little road with the

1 cell tower on it basically right out there where Coastal
2 Recycling is but what's important about that is that's
3 right on Highway 19, the road you take when you're coming
4 back from Trenton on your way back to Aiken.

5 How do we know that that's the tower that he hits if
6 he's taken that route? Let's go back to the day before.
7 Remember the morning before when Shawn testified that
8 they were out there scrapping by Johnny's house, he was
9 talking already about doing a lick with Travis Murray.
10 And momentarily I'm gonna talk about hand of one hand of
11 all. We may never know who he did this crime with
12 because he covered his tracks as best he could. But
13 under the law in this state the hand of one is the hand
14 of all and as his buddy Shawn said, he could tell Shawn
15 didn't want to be here. He didn't want to be any part of
16 this. He was a co-worker who got caught up in something
17 that Shawn was never a part of. Shawn was out there
18 scrapping with them the morning before and heard him
19 talking about doing that lick and when they went by
20 Johnny's house said he was an easy target.

21 This route shows exactly what happened. You heard
22 Shawn's testimony that they were at that abandoned house
23 just across from Johnny and that's why you see Billy
24 Sellers' phone hitting right there by Johnny's house, [REDACTED]
25 Windy Ridge Road, you see him hitting these two towers

1 right here in Trenton that morning at 8:17 and 8:27. And
2 then you take it just 14 minutes later, what tower does
3 he hit? They're on their way to Coastal. You heard
4 Shawn say that's exactly the route they took. They scrap
5 and then they came to Coastal and on that way from
6 Trenton to Aiken he hits that Sassafras tower 14 minutes
7 later as he's driving in towards Coastal. Also hits it
8 at 8:55. That's the same route he took that night after
9 the murder. Look at it right here. It's absolutely
10 clear. His phone is off when he's up here in Trenton,
11 then he comes back on the grid, takes 19 right back down
12 and as you heard multiple, multiple calls hit that
13 Sassafras tower 2:19, 2:21, 2:23, 2:38 and then finally
14 2:48.

15 You heard Detective Travis explain there's movement
16 because there's a change in the sector. He's not at
17 home. If he was at home, he would be hitting that tower
18 right there by Crosland Park. He doesn't hit that tower
19 until 2:52 a.m. That's when he makes that call to Shawn
20 and says, hey, I'm outside. Let me in. Shawn said it
21 was about three when he got that call, went to the door
22 to let him in. He goes, hey, uhm, I had to park my van
23 down the street. I don't want Cory to know I'm here. So
24 he's hidden the van, comes back to Shawn's for the night.
25 But before he makes that final call to Shawn in Crosland

1 park at 2:52 he's making all these calls to Joey Lowe.

2 Right before he calls Joey Lowe he does that search
3 right there. Goes onto a smart phone at 2:36 a.m. still
4 in between Sassafras tower because we know that call is
5 from the Sassafras tower and we know that call is from
6 the Sassafras tower. He was still on his way up 19 back
7 to Aiken. He enters that search term K57. He took
8 Johnny's pills. He just wants to make sure what the K57
9 means so he can get rid of them. That's at 2:36 a.m.
10 2:48 a.m. now we see that call to Joey Lowe. Right
11 there. One minute 51 seconds to Joey, 2:48 a.m. and
12 that's the call. I got pills. You got meth. Man, for a
13 beating like that I'd give up everything I got. But he
14 only had a dollar and he's bragging and he's laughing and
15 that's what Johnny's life meant to him.

16 Joey didn't want the pills. We know Joey is not
17 involved. We have seen his cell phone maps. Joey's way
18 down there close to New Ellenton in south Aiken all
19 alone. You saw Shawn. Shawn is at home all night long.
20 They're not a part of this at all. So Joey doesn't want
21 those pills but he's heard enough to know this is serious
22 business. And as you heard later from his cellmate
23 Phillip Griffin who had undeniable details that only the
24 killer would know, he tells Phillip Griffin, well, he was
25 unconscious but he was alive when I left so, you know, I

1 mean, I'm surprised that it was murder.

2 So then the body is found. You heard the testimony
3 about that. The body found early on October 11th.
4 Police are already out there by the middle of the day.
5 They know it's a homicide right away. When it hits the
6 news, you heard Joey explain what happened after that.
7 After it hits the news, he sees it on the news and then
8 he gets a call right here, this one, he gets that call on
9 October 11th just after 5:00. 5:09 p.m. Talked to Joey
10 47 seconds, 5:09 p.m. on 10/11, right after the body is
11 found and it hits the news. Joey saw it on the news.
12 Joey is already putting it all together. But you know
13 who else saw it on the news? He did. Billy Sellers saw
14 it on the news. The first thing he does is place that
15 call to Joey Lowe where he says, hey, what you heard the
16 other night, silent. Silent.

17 Joey explained after that he didn't know what to do
18 with this situation. What do you do in that situation
19 standing in his shoes? You've got a friend who has done
20 a terrible crime and you're not only a meth user but
21 you're a meth dealer. What do you do? Do you go to the
22 police? That could come back on you pretty bad, couldn't
23 it? Because then you've got to explain how you even know
24 this man. You know him because he's selling meth. Do
25 you think this was easy for Joey Lowe? Hardest decision

1 he ever had to make. One thing they can't explain about
2 Joey Lowe, he didn't have pending charges. Didn't have
3 any then. Doesn't have any now. He has absolutely
4 nothing to gain by turning in his friend except the truth
5 and that it's gonna allow him to sleep at night.

6 So he did the right thing. And that's what brought
7 us here. And Joey has nothing to gain from it but he had
8 everything to lose. And yet still came in here and told
9 us what he heard that night right out of his mouth and
10 that's information only the killer would know, that he
11 had beaten Johnny Hydrick to death and he had given him
12 the imprint on the pills. There's no way Joey Lowe could
13 have given that information to law enforcement before his
14 phone was even seized. So that's where we are with Joey
15 Lowe.

16 But the evidence doesn't stop there. After his
17 arrest, he's in a cell with Phillip Griffin. Phillip
18 Griffin is from Georgia. He's got no connection to any
19 of these people. Phillip Griffin wasn't even locked up
20 the same time he was initially. He wasn't put in there
21 until late November on a burglary charge. And then as he
22 explained it they started talking, telling him about his
23 burglary charge, he starts telling him about his charge
24 and eventually he tells Phillip Griffin information again
25 that only the killer would know, that even law

1 enforcement did not know. And so Phillip Griffin comes
2 to this officer in December, early December and then
3 again on December 15th. What does he tell law
4 enforcement? Said he was beat to death with a revolver.
5 That's brand new to law enforcement. They didn't know
6 how he was beaten. The only one who would know that is
7 Billy Sellers.

8 So how is it that his cellmate Phillip Griffin is
9 able to give these details to law enforcement again that
10 even law enforcement did not have? So they can come up
11 here and talk all day long about he had a search warrant
12 and maybe the search warrant was in his cell. Maybe
13 somebody read the search warrant. That search warrant as
14 you heard from this officer said nothing in the world
15 about being pistol whipped or beaten with a revolver.
16 Law enforcement didn't know that. They had no idea what
17 that weapon was. That came from his mouth to Phillip
18 Griffin. Then ultimately he puts it in his confession.
19 So this is when things really go off track for Billy
20 Sellers. He comes up with this idea that because he has
21 sold that gun to Jersey, what better person to blame it
22 on. He doesn't have the gun anymore. He can blame it on
23 whoever he wants to. And so he tells his cellmate Wesley
24 Brown, hey, I'm gonna write a letter and I'm gonna have
25 all the details of the crime in it, and again these are

1 details that even law enforcement doesn't have yet, but
2 yet he does because it's virtually his confession, except
3 he's not gonna say it's from him, he's gonna find a way
4 to set up Jersey and then get Wesley Brown to say he
5 heard it, he wrote the letter..

6 Wesley Brown doesn't even know someone named Jersey.
7 But number 1 he wasn't on board with it. In this letter
8 he starts talking about the .38 revolver and the victim
9 being beaten with a .38 revolver. That revolver hasn't
10 even been found. The only thing law enforcement knows
11 about it is that Phillip Griffin heard from him that he
12 did it with a revolver. Law enforcement has no idea
13 about a revolver and they don't know who Jersey, Hakim
14 Talib is. Never even heard from Aiken PSD. All this
15 stuff that he puts in the letter about Jersey getting
16 busted and Jersey turns him into Aiken PSD is all a lie.
17 It's a complete and total fabricated lie because he
18 doesn't know that the real informant is his friend Joey
19 Lowe. So he comes up with this plan to blame it on
20 Jersey. But that falls apart when Wesley Brown realizes
21 he can't go to law enforcement and keep this story
22 together. He writes, Billy Sellers on January 18th and
23 19th wrote this letter for me to make investigators think
24 that a guy named Jersey told me that he beat Johnny
25 Hydrick unconscious which led to him dying. He wanted me

1 to put it in my own handwriting.

2 The thing is we know from the SLED handwriting
3 analysis he wrote that. All these details that he put in
4 here to try to blame it on Jersey, that's his confession.
5 He's trying to pin it on an innocent man. But it also
6 falls apart when Wesley Brown explains that it didn't
7 turn out the way he planned. They can talk all day long
8 about Wesley Brown's charges. Yeah, he's been arrested
9 and rearrested and rearrested again for drugs. What you
10 didn't hear was that Wesley Brown has ever been charged
11 or arrested for beating somebody or committing a murder.
12 You know, that's where you draw the line. So regardless
13 of how others may feel about drug use, we're talking
14 about murder. A completely different crime. You draw
15 the line there. Wesley wanted no part of this, turns him
16 in, too. And there's no mistaking who wrote that letter.

17 SLED analyzed four different handwriting samples
18 from this man Billy Sellers including handwriting samples
19 from way back in November when he was first arrested.
20 All of them match up to him writing that letter. Again,
21 the information in there about that .38 being used to
22 beat Johnny to death, law enforcement never had that.

23 Finally they go and track down Talib, minding his
24 own business in Aiken. What do they say about him? He
25 came in here and was up front with you. Yeah, he's dealt

1 drugs. Not doing it anymore. Cost him his relationship.
2 His relationship with that man was selling him weed and
3 was buying that gun from him. You heard even his buddy
4 Shawn corroborate going out there buying weed from
5 Jersey. After the murder he walked to the back of the
6 van with Jersey. Jersey explained he first tried to show
7 him a shotgun that he had under the tarp back there in
8 the back of the van. He doesn't want a shotgun. That's
9 not something he can turn around. Later on he buys that
10 handgun because that is something he can turn around.
11 When you look at his phone calls that night, he's the one
12 initiating all of that contact. First with Jersey and
13 it's a short call. Jersey explains if he ever calls him
14 it's either because he's looking for weed or looking for
15 Gee. Who is Gee? Gee is a guy he knows that he has in
16 his phone. He's the one who spends all night long
17 looking for Gee. When you look at those phone records
18 how many times do we see him trying to track down Gee?
19 He wants somebody to ride out there with him.

20 Again, we don't have to prove who took part in this
21 with him. This is an ongoing investigation. One day
22 there's a hope and expectation that everyone responsible
23 for this will be brought to justice but right now this is
24 his day in court and this is his day for justice, the
25 justice that he so richly deserves.

1 Let's take a look at some of the proof and evidence
2 in this case. When we look at the phone evidence in this
3 case from his own phone, again, that phone wasn't seized
4 until long after Joey Lowe had come forward so how is it
5 that his phone confirms every single thing Joey Lowe said
6 happened, every single thing about the calls and the
7 imprint on the pills. We know when he comes back on, he
8 hits that tower on Edgefield Highway. We know he does
9 that search for oxycodone K57 at 2:36 a.m. We know he
10 admitted to Joey Lowe for a beating like that I'd have
11 given up everything. We know he told Joey Lowe silent
12 two days later after the body was found. Finally, we
13 know that he deleted all of his texts from that night.
14 Look at that gap in time from when he deletes his text.
15 You've got texts all through 9:28, then 10:13 is the next
16 time text appears. We know he had his phone that night.
17 We know he was using it. We've seen his phone records.
18 We know he had multiple text back and forth with a lot of
19 different people but every single conversation he made
20 that night is gone from his phone. Does that sound like
21 the action of an innocent man?

22 Let's talk about that ridiculous line that he put in
23 his letter, his confession, when he was gonna try to set
24 Jersey up. He said, Jersey had his cousin who was
25 serving the white boy at the time. This isn't even

1 credible if Wesley Brown had tried to sell it to law
2 enforcement. He had Jersey, so Jersey had his cousin
3 start printing certain information in the white boy's
4 phone but didn't say what. He said the white boy was a
5 duck and trusted anyone. Again, this is him writing his
6 own letter that he's gonna try to pass off as someone
7 else's statement. Putting certain information in the
8 white boy's phone. You mean his own information? You
9 mean his own search? People can't backtrack and fake
10 that stuff. So he's gonna try and say Jersey or Gee or
11 somebody got ahold of his phone and they was able to
12 backtrack and put a search in there for 2:36 a.m. on the
13 night of the murder? That's impossible. Absolutely
14 impossible. And that's how ridiculous that statement is.

15 Now, let's talk about proof in general. As I
16 stated, the Judge will charge you on the hand of one hand
17 of all because under South Carolina law when a crime is
18 committed by two or more people who are acting together
19 in committing a crime, the act of one is the act of all.
20 We are not required to prove who all else may have been
21 involved. But what we know beyond a reasonable doubt is
22 that he was there. He told Joey he was there. He told
23 Phillip Griffin he was there. And later on he even told
24 Wesley Brown he was there. Wesley Brown said, well, I
25 can't just give them a letter talking about somebody

1 confessing to a crime to me. I've got to have details.
2 I've got to know something. Then he got frustrated and
3 said he beat him with a .38. Then he adds that to his
4 confession. Hand of one is the hand of all.

5 When we look at additional proof, we know that he
6 tried to get Joey to do that lick before he even did it
7 and we know that he told Joey that he was gonna do a lick
8 on a disabled guy that stays pillled up and gets drunk.
9 You know what about Johnny? Life is hard. Johnny was in
10 chronic pain. Johnny was disabled. Johnny had worked
11 many years. He was struggling like many do. No one
12 deserves to die like that. Doing everything he could to
13 keep a roof over his head, make ends meet. He was just
14 surviving. No one deserves that. We know exactly who he
15 is talking about, the disabled guy who uses pills, stays
16 drunk, those were his words to Joey Lowe. We know that
17 night Johnny had alcohol in his system. We know he had
18 oxycodone in his system. We know he had that
19 prescription. Doesn't change anything. We know he
20 wanted to trade the pills and guns to Joey Lowe for meth.
21 We know that Joey came forward voluntarily with nothing
22 to gain.

23 We know Shawn Nicholson heard Billy talking about it
24 that morning, the morning before this happened about
25 doing a lick on an easy target while they were on that

1 dirt road going right by Johnny's house. We know that he
2 admitted details to Griffin that only the killer would
3 know, that he was beat with his revolver for pills. He
4 even told Phillip Griffin Johnny just got his pills
5 filled. How would he know that? He's the only one that
6 knew that.

7 You heard about his statement to law enforcement.
8 Said he had bought pills from Johnny before. He knew.
9 He had been there. All this talk about an easy target.
10 Who knows how long he had been planning it but that
11 doesn't matter because the law on malice and malice
12 aforethought doesn't require any set period of
13 premeditation. It doesn't require that you premeditate
14 something for an hour, two hours or a even day
15 beforehand. If you have malice in your heart and you
16 commit that crime, when he went in Johnny's house, by the
17 time he's striking Johnny with multiple blows to the
18 head, that's malice. He's there. He's a part of it,
19 that he is taking part in it. Hand of one hand of all.
20 He is guilty of murder and one strike with that firearm
21 to Johnny's face is malice and he says they left him to
22 die.

23 We know from Dr. Ross that there was, in fact, blunt
24 force beating to the head with an object and now we know
25 what that object is. We know this gun Jersey bought from

1 that man right there when he pulled up in his van that
2 gun is Johnny's and it's got Johnny's blood on it.
3 That's the gun he used to beat Johnny.

4 Finally we know that time and time again we keep
5 hearing details that only the killer would know even
6 before law enforcement knew them. So when we talk about
7 murder under South Carolina law it's actually very
8 simple. It's the killing of any person with malice
9 aforethought whether expressed or implied, whether you
10 say you're going to do it or you just do it. How do we
11 know that there was malice aforethought? Because he was
12 talking about it before he did it to Joey Lowe, to Shawn
13 Nicholson. We know when he went in his house that he
14 already had malice because he cut his phone off. He cut
15 his phone off so his location couldn't be traced. We
16 know it was malice aforethought. Not just one blow but
17 multiple blows over and over again. We know he had on
18 gloves. That is uncontroverted. I submit there's no way
19 that you go in there and you commit a crime like this and
20 you use tape to wrap up somebody that tightly and the
21 only fingerprint on that tape is Johnny's and the only
22 DNA on that tape is Johnny's. He had planned it. He had
23 on gloves when he went in there. That's why there's no
24 DNA. That's why there's no latent prints. Absolutely
25 unthinkable that you could put tape on somebody that

1 tightly, touch all that stuff in that house and not leave
2 a shred of DNA or latent prints behind. We know he had
3 on gloves.

4 Your job as jurors is to deliver a verdict that
5 speaks the truth. As I said before, these crimes of
6 murder, they're not like other crimes. It's not like an
7 armed robbery that might happen in a store where there's
8 surveillance tape rolling the whole time and it's caught
9 on videotape. Murders like this, they happen behind
10 closed doors with no witnesses and they're planned so
11 that you don't leave DNA and you don't leave prints. But
12 what he wasn't planning on was his friend Joey. He
13 wasn't planning on his friend Joey turning him in. He
14 didn't know that that K57 search would come back to haunt
15 him like it did. Joey Lowe did the right thing to come
16 forward with the truth.

17 I submit your job as jurors is to deliver a verdict
18 that speaks the truth. A crime like this no matter
19 where, no matter when is always intolerable for our
20 society. Johnny Hydrick deserves to be here today with
21 his family that cherished him. With his brothers. Billy
22 Sellers deserves justice that only a jury can render.
23 The correct verdict in this case is guilty of murder
24 whether the hand of one or the hand of all, whether he's
25 acting alone or in concert with another, Billy Sellers is

1 guilty of murder. Thank you.

2 THE COURT: Mr. Casto.

3 MR. CASTO: Thank you very much, Your Honor. May it
4 please the Court.

5 From the outset of this case I stood right here and
6 said this was a case of allegations but no physical
7 evidence and that's exactly what we have here,
8 allegations but no physical evidence. There is no
9 fingerprints, no DNA, no fingerprints or physical
10 evidence whatsoever that links Billy Sellers to this
11 murder. And as the trial played out we also learned
12 something else, something relatively unexpected. There
13 was no motive. There was no motive presented whatsoever
14 that indicates that Billy had any motive, any desire to
15 kill Johnny Hydrick. None whatsoever.

16 So our next question is this: If Billy didn't have
17 the motive, then who did? Two people. Travis Murray and
18 Jessica Reeder. The same two people that were also
19 arrested and charged with the murder and burglary of
20 Johnny Hydrick. The same two people that had the motive
21 to kill Johnny Hydrick. Investigator Ireland got it
22 right when he arrested both of them on September 28th,
23 2015 in Greensboro North Carolina.

24 Now, how did we learn about them? And at what point
25 in the trial do we learn about Travis Murray and Jessica

1 Reeder? We first learn that Travis Murray and Jessica
2 Reeder were charged with the murder and burglary of
3 Johnny Hydrick when we asked Investigator Ireland that
4 very question. In other words, what I'm telling you is
5 this, you didn't learn that fact from the State. You
6 learned that fact when we asked about it. You learned
7 about it from us.

8 Reasonable doubt. Reasonable doubt is alive and
9 well in this case and like the State said you will hear
10 about reasonable doubt from us but more importantly than
11 anything else that I tell you, more importantly you will
12 hear about reasonable doubt from the Judge in this case.
13 And what's our definition of reasonable doubt?

14 Reasonable doubt goes like this. It is the type of doubt
15 that would cause an ordinary person to pause or to
16 hesitate before they act. Do you have a doubt in this
17 case about Billy's guilt and do you have a doubt that you
18 can give a valid reason for? Do you have a valid reason
19 for that doubt? It's alive and well in this case.

20 Let's look specifically at what we learned about
21 Travis Murray and Jessica Reeder. What is their
22 relationship look like? It's rocky. That's very much an
23 under statement. It's toxic in the words that have been
24 used to describe their relationship in this courtroom
25 from that witness stand a relationship of jealousy, a

1 relationship of anger. We learned about this from the
2 very first witness the State called, Richard Hydrick, one
3 of the first witnesses called in this case, Johnny
4 Hydrick's brother. What does he say? He tells us that
5 Johnny had been seeing Jessica Reeder. That Jessica had
6 a boyfriend named Travis Murray and that was the reason
7 that Travis Murray and Johnny Hydrick did not get along.
8 And there was even a time that he knows of that Jessica
9 Reeder was living with Johnny Hydrick.

10 What do we learn from Investigator Ireland about all
11 of this in this situation? That Jessica would go see
12 Johnny over at Johnny's house. That Jessica Reeder
13 wasn't just spending time with him but he was giving her
14 money. He was giving her his prescription medication.
15 And who else testifies to that? Jessica Reeder's friend
16 Karen Scalf who came up here and spoke about that. What
17 did she see? Guess what. She saw exactly that take
18 place. We know that Jessica was into drugs.
19 Specifically that what she wanted was Johnny's pain
20 medication and that was the object of her desire and so
21 who had pain medication? Johnny himself.

22 What else do we know about Jessica Reeder is that
23 when Investigator Ireland went to their house the same
24 day that Johnny Hydrick's was found on October 11th,
25 2014, what did Jessica seem like standing there speaking

1 with Investigator Ireland? She seemed fearful to talk to
2 Investigator Ireland while what was going on? While
3 Travis Murray her boyfriend was standing right there. We
4 know that Travis Murray was angry that Jessica had even
5 spoke with Investigator Ireland and even went to the
6 Sheriff's Office that day to talk with him further. What
7 else do we know as it has played out in this case about
8 Jessica Reeder? That she is violent. Approximately a
9 month before Johnny was murdered she got into an argument
10 with Johnny Hydrick. The argument turned physical and
11 during the argument Jessica grabbed a bat and hit Johnny
12 with it and that was just a month before Johnny was
13 beaten to death. Is this a coincidence? No. No, it's
14 not.

15 Also we know what effect Jessica Reeder's
16 relationship with Johnny Hydrick had on Travis Murray.
17 For that we turn to Shawn Nicholson that the State
18 called. What does he say? That Shawn tells us that he
19 heard Travis telling Billy that Johnny was having sex
20 with his girlfriend Jessica. Travis Murray was naturally
21 very upset about this and he was going to do something to
22 Johnny Hydrick. Interestingly enough when does Travis
23 tell Billy this? On October 8th, 2014, the day before
24 Johnny was murdered. Shawn is very, very clear about
25 this. It is Travis telling Billy what Travis is going to

1 do and that's the day before. Who had the motive to see
2 Johnny Hydrick dead? Two people. Jessica Reeder who is
3 violent. She does pills. And Travis Murray. Jessica
4 Reeder and Travis Murray. Those two people. That is
5 where the motive in this case lies.

6 Do you have a doubt about Billy's guilt and do you
7 have a reason that you can give for that doubt? Again,
8 Investigator Ireland tracks down more witnesses and he
9 even locates some that are out of state. He does not
10 quit. He talks to a person by the name of Ross Hensley
11 and that interview takes place on September 22nd, 2015, a
12 year after this happened. Interestingly enough a week
13 later, September 28th, 2015 Travis Murray and Jessica
14 Reeder have arrest warrants for the murder and burglary
15 of Johnny Hydrick. They are arrested and charged with
16 the murder and burglary of Johnny Hydrick that same day
17 and they are taken into custody where they are both found
18 in Greensboro, North Carolina. Travis and Jessica have
19 that motive. They're both violent people based not only
20 on what other people say about them but what they said
21 themselves to other people. What they did to other
22 people.

23 Reasonable doubt. Do you have a doubt about Billy's
24 guilt in this case and do you have a reason for that
25 doubt? And what we said was this at the beginning. I

1. stood here and said this was a case about allegations but
2. no physical evidence and that's right. There is no
3. physical evidence whatsoever that connects Billy to this
4. crime whatsoever. And the great thing about physical
5. evidence is this: Physical evidence has no reason to
6. lie. Physical evidence has no reason to misrepresent.
7. Physical evidence has no reason to hurt people, to ruin
8. lives. Physical evidence has no enemies to punish or
9. friends to reward. Physical evidence, the thing about
10. physical evidence is that it is what it is and it does
11. not lie. What do we know about that? We look at
12. Johnny's phone and the many items that were collected.
13. We look at the duct tape on both of Johnny's wrists and
14. in a clump that laid beside him. They were collected.
15. They were tested at SLED and no fingerprints and no DNA
16. belonging to Billy whatsoever.

17. Blood smears appear on the wall at different
18. locations throughout this home. They appear on the
19. refrigerator. They appear on the front of the
20. refrigerator. They appear on the top of the
21. refrigerator. They appear on the kitchen counter and
22. these swabs were collected and tested for DNA. Billy's
23. DNA was not found anywhere in these smears. Those
24. ceramic jars that were collected that are in evidence,
25. they were found on the top of the kitchen counter. They

1 had blood on top of them. They were collected and tested
2 for DNA. Billy's DNA was not found anywhere on the
3 ceramic jars. Johnny's shorts were also found on the
4 kitchen counter. It's likely that Johnny was wearing
5 those because of the condition that we saw Johnny's body
6 in. He's laying there and he's only wearing his
7 underwear. In other words, it's likely that he was
8 wearing those shorts when this assault happened. Even
9 those items were collected by law enforcement but they
10 weren't sent to SLED for testing until this year. Why?
11 We don't know. But whose fault is that? It's not
12 Billy's fault.

13 The burden of proof, the burden of proving their
14 case lies on the State in this case and the Judge will
15 talk about where that burden of proof lies when he gives
16 you his final instructions. What are we without in this
17 case? The bloody handprints found on Johnny's legs on
18 each of his knees were never swabbed for DNA. There were
19 no tests performed there and even more important than
20 that no measurements were taken of those handprints. It
21 would be very telling if those handprints were from hands
22 that were very small like hands from a female but we
23 don't have any measurements at all because no
24 measurements were even taken. What about the blanket?
25 That blanket was found draped over the top half of Johnny

1 Hydrick and it's unlikely that he put it there. Why?
2 Because his hands, they were bound and you saw those
3 pictures. It was collected but it was never sent to
4 SLED. And the State tried to explain it away that SLED
5 has a policy about sending household items into SLED.
6 Well, if that's the case about household items, then why
7 did they send the shorts? Why did they send the ceramic
8 jars? Certainly those constitute household items. The
9 bottom line is this, the blanket was never tested for
10 DNA.

11 Other problems. Law enforcement took a hammer into
12 custody. You have the picture there. It's the hammer
13 with a blue handle below the window and it was never sent
14 to SLED for testing. But it was collected by law
15 enforcement and it was finally tested earlier this month.
16 There was also a bat that was also collected. Well, it
17 was also seen at the murder site and it was not
18 collected. What do we know about that? It was not even
19 collected and it wasn't even brought to the Sheriff's
20 Department for four years. Richard Hydrick brings that
21 bat up to the Sheriff's Department when it was finally
22 tested just for blood but it was never submitted to do
23 DNA testing at SLED. He has to bring that bat to them
24 and that bat was there when all of this happened. It's
25 the same bat that Jessica used to hit Johnny only a few

1 weeks before all of this stuff happened. What's the
2 reason given why that happened? Who is to blame for
3 that? It's not Billy. The reason that was given for
4 that is the fact that, hey, we don't believe that that
5 was used in this case. Well, guess what? If that's
6 true, then the little bottle of rubbing alcohol found by
7 Johnny's head, well, there's no evidence that that was
8 used but even that little seemingly inconsequential
9 bottle of rubbing alcohol, even that was tested for
10 fingerprints that day and they don't test a bat.

11 There is no evidence that Johnny's vehicle was even
12 searched. If someone went into the house, they also
13 could have gone into Johnny's vehicle which as
14 Investigator Ireland pointed out is parked out front and
15 we'll never know whether there was any evidence in that
16 van whatsoever. If somebody rummaged through this home,
17 it's not entirely far fetched that they did rummage
18 through the car as well and the car never got the
19 opportunity to speak in this case. It was never ever
20 looked at.

21 The bottom line is this: In Johnny Hydrick's home
22 we know there was a struggle. We know that there was a
23 fight and there wasn't a hair, a drop of sweat, a drop of
24 blood, DNA, fingerprints that belonged to Billy found
25 there. They say that they can't get DNA from everywhere

1 but this place where this crime is located is not on a
2 street corner. It's not in a place susceptible to
3 moisture or climate or wherever. This took place inside
4 someone's home, somewhere with controlled atmosphere and
5 controlled conditions and they couldn't get any DNA
6 whatsoever. We have no fingerprints were able to be
7 recovered from anyone inside that whole house.

8 What the State dying to have you believe about that
9 is that these folks whoever did this were wearing gloves.
10 The problem is is that we don't have a fingerprint from
11 anyone in that home even the people that live there.
12 It's almost comical to think were they wearing gloves
13 when they lived there? No. We even have evidence where
14 Richard Hydrick, what does he do when he first
15 approaches? He goes to check on his brother. He finds
16 the door and it's closed. He touches the handle. He
17 turns it. He opens it. He sees what's going on. He
18 leaves and he walks out. We don't even have fingerprints
19 there. So this idea that these folks were just perfect
20 and wearing gloves is nonsense because we know that
21 someone lived there and we still don't have any
22 fingerprints in this case inside of the home, not one
23 that's abandoned but where someone lived.

24 The burden of proof is on the State. Do you have a
25 doubt about Billy's case? Do you have a doubt about his

1 guilt and can you give a reason for that doubt? Yes.
2 You can. Things belonging to Billy that were also
3 tested, his van was taken in possession on October 30th,
4 2014. There was no DNA found in that van at all
5 belonging to Johnny Hydrick. The State tried to say,
6 well, hey, it had been a month since this all happened,
7 uhm, you know, and ultimately that could hurt the ability
8 to recover DNA. But whose fault is that? And we don't
9 know the answer to that question. Here's what we do
10 know. It's not Billy's fault. There was no DNA from
11 Johnny Hydrick inside his van. How clean was the van?
12 Well, it was clean enough to be returned to Billy's wife
13 in 2015. If it was even thought for a second that the
14 van could produce any evidence whatsoever, do you think
15 that law enforcement would have turned that van back over
16 to Billy's wife? No.

17 Billy's home was even searched in this case and
18 we'll speak more about this momentarily. His home was
19 searched on October 30th, 2014 and several items were
20 collected from his home. Two pairs of blue jeans, a home
21 security system and monitor, a computer and some other
22 items. The whole house was searched and law enforcement
23 did not give Billy a heads up when they were coming by.
24 No testimony to that whatsoever. And nothing, nothing
25 found in Billy's home that connects him to this crime at

1 all. The home security system, nothing found. The
2 computer, nothing found. The blue jeans were actually
3 tested for DNA. No DNA from Johnny Hydrick found on
4 those blue jeans. Do you have a doubt about Billy's
5 guilt and do you have a reason to give for that doubt?
6 Yes. You do.

7 The fact that there's no physical evidence in this
8 case is a huge, huge problem for the State. And it
9 reminds me basically of a story that was written a couple
10 hundred years ago by one of the greatest authors that
11 ever lived. His name was William Shakespeare. Don't
12 worry. This thing isn't about to take the turn, be
13 relatively high brow or anything like that. William
14 Shakespeare wrote a play called Othello and what it was,
15 what it was about was a guy that was basically a prince.
16 He had an awesome relationship with his wife. He was
17 madly in love with her. She was madly in love with him.
18 And ultimately people started to approach Othello and
19 saying, Othello, and whispering in his ear, Othello, your
20 wife is being unfaithful to you and slowly but surely as
21 those people came forward and whispered in his ear and
22 said that, he began to change the way that Othello saw
23 his life and specifically it began to change the way that
24 Othello saw his wife. The play ends in unspeakable
25 tragedy with Othello's death. And the truth, she was

1 never unfaithful to him at all but he let those things
2 sink in and wash over him and become part of his belief
3 system.

4 That's what the State is forced to do in this
5 case is to parade before you folks, informants rather
6 whether they're in or out of jail that cannot be trusted.
7 And why is that? Because the State is not happy with the
8 fact that there is no physical evidence in this case.
9 Remember, one of the things that the Judge is going to
10 talk to you about is mere suspicion and mere suspicion is
11 not enough, is not enough to convict someone in a
12 criminal case. These informants whether they're in jail
13 or out of jail or people that can't be trusted, they have
14 their own motives to misrepresent and manipulate the
15 truth about what happened in this case. And the key
16 thing to understand and see, the first two informants
17 brought before you is this: Investigator Ireland, we
18 asked him about getting a search warrant, didn't we? And
19 he followed protocol and he did what he should have and
20 in America thankfully based on our constitution law
21 enforcement cannot just storm into someone's home for no
22 reason at all. What do they need? Well, they need a
23 search warrant. What is that? It's a piece of paper
24 that documents what they believe that they will find
25 there. And what did that search warrant say? It said

1 guns, other miscellaneous items, a slot machine. Pretty
2 unusual item. Slot machine.

3 And then what else did the search warrant say?
4 Well, there's another place where it lists, well, why do
5 we think things involved in this crime are gonna be found
6 in there and it spells out the evidence in this case or
7 what was believed about Billy at the time. And then what
8 does the search warrant also have? It has a list at the
9 end once they go and they conduct their search of, hey,
10 here's what we found and here's what we took from the
11 house and we record it and we document it and then what
12 you do with it is you give it to the person whose home
13 that you searched and that was easy because Billy was
14 real easy to find October 30th, 2014. That was the day
15 he was in custody. Investigator Ireland puts that piece
16 of paper in his hand that day after he was already in
17 custody.

18 The first two informants say that Billy didn't have
19 any paperwork at all. Investigator Ireland told us that
20 he does. And specifically what was included in that
21 piece of paper. The first witness the State called was
22 Dennis Amerson one of the most interesting folks that we
23 met throughout the course of the case. We met him late
24 Tuesday afternoon and he said all this stuff, stealing
25 things, this is what Billy actually did. Uhm, he's not

1 saying what he's accused of and that Billy took a slot
2 machine. Billy took a slot machine and the slot machine
3 was never taken at all. Richard Hydrick thought one was
4 because he was there the week or a couple of days before
5 Johnny was murdered and he saw one. There was some
6 testimony there from another individual that hadn't been
7 to Johnny's house in a year. She thought maybe he had
8 two of them. But he says there was one and it was on the
9 counter and when he came back in, it wasn't there and he
10 thought that it was gone. It was believed at that time
11 that a slot machine was taken but in reality one was not.
12 Because why? Because he found it later.

13 What does that mean? That Billy doesn't even know
14 the facts of his own case. In other words, what does
15 that mean? Dennis Amerson is not being truthful. Why oh
16 why would Billy lie about an item that wasn't even stolen
17 when all of this happened? It's because Dennis Amerson
18 is lying. We saw Mr. Amerson's true nature when he was
19 up on the stand and he was basically uncontrollable,
20 argumentative. And led us to ask the question of, well,
21 what's so good about you that made you feel that Billy
22 could trust you in all of that? We saw his true nature.
23 Is he trustworthy? Absolutely not. And in fact, he did
24 go on to admit that, hey, did the sentencing judge that
25 you had, did he know about the fact that you had provided

1 information to law enforcement? Yes. He did. And what
2 did Dennis Amerson get? What did he get? He was on
3 probation. He had 10 years hanging over his head which
4 means that he could have been sentenced to prison for up
5 to that long. But did he go to prison? No. He did not.
6 He went to rehab. He got what he wanted and even more so
7 he got what he wanted again because he got transferred to
8 another jail based on the information that he provided to
9 them. Can you trust Dennis Amerson? No. You cannot.

10 The same thing with Phillip Griffin. But his is
11 much more subtle. For some reason, and you have to look
12 closely at it, Phillip Griffin went into the specifics
13 about what Billy said that he had on. White shirt, blue
14 jeans, steel toed work boots and Phillip Griffin says
15 those work boots, he says that they were black. They're
16 brown. And who tells us that? The only pair of boots
17 mentioned in this case that were tested at SLED, SLED
18 tells us that they're brown. Who are you gonna trust,
19 phillip Griffin or SLED with regard to the facts of this
20 case?

21 The security system, the van taken, the computer and
22 DNA, these are all things that Phillip Griffin says that
23 Billy is worried about and he also says that Billy is in
24 jail and he doesn't have any paperwork. That's not true.
25 What is that paperwork he has? It's paperwork that lists

1 all of those items. And Billy is worried according to
2 Phillip Griffin about an awful lot of stuff that he need
3 not be worried about. No DNA was found on the jeans.
4 Nothing was found in relationship to the computer.
5 Nothing was found with regard to the cell phone. Nothing
6 was found with regard to the security monitor he had.
7 Nothing was found in his van. That was seized the same
8 day that Billy was arrested and so he knows about that.
9 And the slot machine does not appear on one of the items
10 that was returned on that search warrant.

11 You cannot trust Phillip Griffin. Phillip Griffin
12 is in a much different place than he was back then. He
13 is in prison now but that's not where he was back in
14 2014. Where was he? He was charged with burglary, with
15 grand larceny. There was also a drug offense and all
16 totaled up he faced 50 years in prison and prior to
17 pleading guilty to burglary and grand larceny he talked
18 to law enforcement about Billy. When asked did the judge
19 know whether or not you talked to law enforcement about
20 this, he was asked that question. What was his response?
21 He didn't know.

22 Ladies and gentlemen, there are certain times in
23 your life where you're gonna know what's going on and we
24 submit to you that one of those times is when you're
25 standing up in front of a judge and with the stroke of a

1 pen he can give you 50 years if he or she wanted to.
2 You're gonna be paying attention. The funny thing about
3 ones life is it happens to you and ultimately with the
4 stroke of a pen the judge gave him 18 months. But for
5 Phillip Griffin it got even better than that. He only
6 had to do 11 months. And he doesn't know whether or not
7 the judge knew that he had talked with law enforcement.
8 He cannot be trusted. What he says is not credible.

9 The State brought before you Wesley Brown and Wesley
10 Brown can be summed up as this, he's a professional
11 snitch. He's a professional informant. Well, like most
12 professionals he has a track record and Wesley has such a
13 track record. He talked and communicated with law
14 enforcement on a case back in 2005. That's what Wesley
15 Brown said. That he spoke with law enforcement about
16 this case and that he's also currently speaking with law
17 enforcement this year in March of 2018. Well, why is
18 that? Because it's really worked very well. It's worked
19 very well to his benefit, hasn't it? He's got a track
20 record of it helping him. Wesley Brown was charged with
21 two distribution of marijuana third offenses, possession
22 with intent to distribute marijuana third offense,
23 possession with intent to distribute cocaine third
24 offense, four selling drugs within proximity of a school,
25 park or playground, two failures to stop for a blue light

1 and possession with intent to distribute marijuana and on
2 those charges he's looking at mandatory time. He's
3 looking at strikes under our three strikes laws and the
4 first group of charges he was arrested the night of
5 January 17th, 2014.

6 And Wesley Brown's specifics are this: His bond was
7 over \$400,000.00 and he was placed in a cell with Billy
8 on the 18th and on the 19th of January 2015 and it was on
9 the morning of the 20th that he gave a statement to law
10 enforcement and amazingly in about 48 hours Billy had
11 just spilled his guts to him in that statement there and
12 that's what happened and that's what Wesley Brown would
13 have us believe. And why do we hear testimony from the
14 State about how that handwriting had been tested? In
15 other words, why does what Wesley Brown says need to be
16 verified? You can interpret that as the State doesn't
17 even have full faith and credibility in what Wesley Brown
18 says happened.

19 Those tests are forwarded to folks at SLED but they
20 don't know what happened in that cell and in 48 hours
21 when Wesley Brown says that he doesn't know Billy, that
22 he confides in him about all of this, it does not make
23 sense. And in order to get to the truth about what
24 happened or at least get the story about what happened
25 you have to turn to unfortunately one individual and

1 that's Wesley Brown. Somebody that has this terrible
2 track record. Because look what happens to him. Well,
3 his tract record to help him with law enforcement, his
4 bond, when he was first placed in jail it was over
5 \$400,000.00 and the following week after he gave the
6 statement it was mysteriously reduced to \$100,000.00.
7 Wesley Brown is able to pay some money and get out of
8 jail. Then he gets arrested on another charge and the
9 State moves to revoke his bond. In other words, if you
10 pay your money to get out of jail, one of the promises
11 you have is that you've got to stay out of trouble and he
12 didn't and the State revoked his bond. So he's sitting
13 in jail with no way to pay his way out of there.

14 Then in 2017 his attorney asked another judge for a
15 bond and he's given a \$100,000.00 bond and one thing
16 noted in that judge's order was Wesley Brown gave
17 information to law enforcement about this case. He's
18 back in the game and he gets a \$100,000.00 bond and he
19 pays money to get out. Then he gets arrested again and
20 he gets another failure to stop for a blue light charge
21 and he doesn't have a bond on those charges for a period
22 of time. He's given another bond of \$20,000.00 by
23 another judge and the State does not move to revoke his
24 bond even after he had gotten in trouble again. Then
25 there's what he said over the phone about his plans. He

1 described what he did as a lick and he says in the same
2 breath when he's up there talking with all of us, I'm a
3 good person. I'm a good person. Somebody with a track
4 record like his and he says that I'm a good person. And
5 then all of a sudden what does he describe this as. You
6 know, you have to think about it in terms of if I'm
7 going, or a reasonable or ordinary person is going to
8 report a crime to law enforcement and be honest about it
9 who in the world would describe that as a lick? Wesley
10 Brown.

11 That's what he said. He said, you know, on this
12 recorded phone conversations that, hey, what he had given
13 law enforcement was enough for him to walk and he was mad
14 at one point later because guess what, it wasn't enough
15 for him to walk. And he's upset about it. They reduced
16 his bond but he wanted more. What does that tell you?
17 He wanted more and eventually, hey, conveniently for him
18 he's given them more. He's cooperating in a case right
19 now against an individual he says named Craig Gant. That
20 person is being prosecuted in this county by the same
21 Solicitor's Office. Wesley Brown cannot be trusted.
22 What does he say his nickname is? Head. He says he
23 doesn't know Hakim Talib. But when we asked Hakim Talib,
24 do you know Head? He said yes. Hakim Talib said yes.
25 Someone from his past. What does Hakim Talib's past look

1 like? It's one of selling marijuana from his place of
2 business. Where is that? Selling marijuana out of his
3 home. The two know each other. Wesley Brown denies it.
4 But Joey Lowe -- Or I'm sorry. Hakim Talib, he admits
5 that he knows --

6 MS. MAYES: Objection, Your Honor. That's a
7 mischaracterization of testimony.

8 THE COURT: All right. Please confine your
9 arguments to the facts. You may continue.

10 MR. CASTO: Yes, sir. Wesley Brown told us his
11 nickname was Head and we asked Hakim Talib whether he
12 knew Head and he said yes. Back when he was --

13 MS. MAYES: Objection again to mischaracterization
14 of testimony.

15 THE COURT: Continue on.

16 MR. CASTO: Thank you, Judge. The bottom line is
17 this: The two knew each other. Joey Lowe. Joey Lowe
18 was also introduced in this case. He was the meth dealer
19 in the case and the mysterious thing about him is he only
20 did it one time based on his statement and he said that
21 he had only known Billy two weeks prior to the murder.
22 All of a sudden magically again Billy confides in him
23 after such a short period of time just two weeks and he
24 talks about Johnny Hydrick before the murder and he talks
25 about Johnny Hydrick after the murder but look at what

1 Joey Lowe actually tells us and it doesn't make sense.

2 When Joey Lowe first talks, he actually says that
3 Billy had asked him for a gun. But when we asked him
4 about that, he said, well, actually, you know, when we
5 asked him did you ask Billy for a gun and he admitted
6 yes, I actually bought a gun from Billy. Well, when was
7 that? Thankfully he already testified that he had only
8 know Billy for two weeks so it was two weeks before the
9 murder so it was within that two week window that Joey
10 Lowe is asking Billy for a gun. Was he going to
11 volunteer that information before we asked? No. He was
12 not. It doesn't make any sense. And the truth is not in
13 Joey Lowe or his allegations. Nothing about his
14 conversation back with law enforcement in 2014 does he
15 ever mention selling meth to Billy. And it wasn't until
16 earlier this month on August 3rd that he finally reveals
17 that fact four years later. Joey, could you have called
18 Investigator Ireland and told him that within the four
19 years? Yes. I could have. But did you? No. I didn't.

20 On August 3rd he finally, of this year, he finally
21 comes clean about all of that. And specifically we asked
22 him about whether or not he made a statement to
23 Investigator Ireland and members of the investigative
24 team for the Solicitor's Office that he had sold meth to
25 Billy on more than two occasions and he said no. That's

1 wrong. I only did it one time. Can Joey Lowe be
2 trusted? Simply stated if you're gonna lie about the
3 little stuff, you're gonna lie about the big stuff. Joey
4 Lowe never said anything about selling meth to Richard
5 Key back when he talked in 2014 and he finally talked
6 about Richard Key this month as well. Again the truth is
7 not in Joey Lowe. One thing I would ask you to think
8 about was his body language, his mannerism, how he
9 presented himself when he was on the witness stand. He
10 spoke with other people about Johnny's murder back in
11 2014 and he does not name names. How do those folks know
12 anything about this? We don't know.

13 One of the things he said was that he cut ties with
14 Billy once Billy told him this information but then when
15 he realized we actually had the records, he admitted that
16 he had been in contact through calls or texts with Billy
17 19 days between the day Johnny Hydrick was found and
18 October 24th of 2014 the day that Joey Lowe had spoken
19 with Investigator Ireland. 19 times. He said he had cut
20 ties with him. Think about it. His whole testimony is
21 Billy shows up and tells him this terrible thing. He
22 still keeps up with him. And then after that between
23 October 24th and October 30th the day Billy was arrested
24 six days later another sixty some times. Cut ties? Then
25 we get a story about, well, you know, it's probably just

1 him calling me.

2 What I would ask you to do is look at the phone
3 records in the case because what the State introduced was
4 a document showing how many times Billy and Joey had been
5 in communication and that was over a hundred. Cut ties?
6 I don't think so. Did Billy really say that? I don't
7 think so. Because anybody who says that is really gonna
8 cut ties. Did Joey Lowe cut ties? No. He didn't. His
9 girlfriend at the time Kristin Thompson he said that she
10 was afraid of him but later in October she's
11 congratulating Billy on the birth of his baby. Does that
12 sound like somebody that's afraid? Did these
13 conversations ever take place? No. They didn't. Joey
14 Lowe cannot be trusted.

15 These are allegations but there is no physical
16 evidence. Can we hang on every word that Joey Lowe told
17 us? No. Because why? Because even we can infer that
18 the State feels that way. After he testified they tried
19 to bring somebody else in after to try and kind of
20 rehabilitate what Joey Lowe had said. But the question
21 is this: Can Joey Lowe be trusted? Can we hang on every
22 word he said? Are we getting the truth from him? No.
23 We are not. If you're gonna lie about the small stuff,
24 you're gonna lie about the big stuff.

25 Shawn Nicholson. Shawn Nicholson heard Travis

1 telling Billy, he's very clear, he heard Travis telling
2 billy about Johnny Hydrick having sex with his
3 girlfriend. Travis was gonna do something to Johnny
4 Hydrick and he was telling Billy about this, not the
5 other way around. The State wants to make a big deal out
6 of scrapping over there near Johnny Hydrick's home the
7 week of and the day before this happened. But the thing
8 is is that they actually find scrap metal over there. In
9 other words, this is not a stake out. They go over
10 there. They find scrap metal. And how do we know that's
11 true? Because the guy from the scrap yard actually came
12 in and said, yes. They brought me stuff. Better yet on
13 October 16th, 2014 Investigator Ireland speaks with Billy
14 and Investigator Ireland asks him, well, on October 16th,
15 2014 have you ever been scrapping over there on Windy
16 Ridge Road? Yes. I have. Do you know Johnny Hydrick?
17 Yes. I do. How do you know Johnny Hydrick? He's my
18 pill guy. I bought pills from him. And that was the
19 first interaction that he had with Billy. And what does
20 Billy do? He tells him the truth about that. He tells
21 him the truth about that. Was that a stake out mission?
22 No. It was not.

23 Shawn heard Billy talking on his phone. He wasn't
24 sure who he was talking to but he knew that him and Cory
25 had an argument that night and that Billy had just had a

1 fight with her and Billy parked his van down the street
2 and the State tried to say, well, that was just to hide
3 the van to cover his tracks. Well, what did Shawn say?
4 No. That's happened before so that his wife didn't know
5 where he was. That was not the first and only time that
6 happened and Shawn was very clear about that that that
7 was a tactic for Billy that he would use because he had
8 just had a fight with his wife and he left to get out of
9 there. He would go to Shawn's house and he didn't
10 know where his wife - he didn't want his wife to know
11 where he was.

12 Did you think about this when I stood here and I
13 talked to you in the beginning of the trial and thinking
14 about things that were not said. What does Shawn not
15 tell us? When he sees Billy at or around 3:00 a.m., he
16 doesn't see any signs. There's no testimony whatsoever
17 of blood on Billy. He doesn't seem -- Well, he does say
18 that Billy appeared to be high like we always did. What
19 did Shawn say that Billy and he used to do? They used to
20 use marijuana and specifically they used to use ice or
21 meth basically. You know, the interesting thing about
22 that is if we follow the State's theory of the case is
23 that Billy went to all of this trouble and he goes up and
24 he goes up to Johnny Hydrick's home that night and Johnny
25 Hydrick, the only thing that he's ever been mentioned in

1 this is having pills. But for whatever reason, you know,
2 Billy comes back down and goes to Shawn's eventually and
3 all of a sudden he wants to use meth after he's gone
4 through all that trouble to get the pills. That doesn't
5 make sense at all.

6 It causes you to take way too big of a jump with the
7 evidence in this case, evidence that's not there. You
8 cannot fill in holes in the State's case, holes that are
9 there at all.

10 Shawn admits that he knows Jersey. We even get the
11 story about, you know, dropping by to give Jersey a gun
12 and all I want you to do is think about it like this:
13 Shameka Watkins, Jersey's girlfriend and Shawn tell two
14 radically different stories about how all of that went
15 down, don't they? They are totally, totally different.

16 MS. MAYES: Objection. Again mischaracterization
17 and misrepresentation of testimony.

18 THE COURT: This is just closing argument. Closing
19 arguments are a summary of the facts and not evidence.
20 I'll give the jury an instruction to that extent.

21 MR. CASTO: Thank you, Your Honor.

22 So what does Shawn not tell us? He doesn't see any
23 sign of blood on Billy and Billy is high. How does he
24 know? He's high like we always did. What did they used
25 to do? Do meth. He admits he knows Jersey. And

1 speaking of Jersey, Hakim Talib, he's also a person that
2 wasn't sure whether or not the judge knew that he had
3 communicated with law enforcement when he spoke with them
4 back in 2015. You know, it's one of those things that is
5 one of the main events in your life and you're gonna know
6 and remember when you're standing in front of the judge
7 and he says he doesn't know. He tells us, what does he
8 say? He tells us that he was in a gang. He used to sell
9 marijuana from his place of business from his home and he
10 said when he was first interviewed by Detective Ireland,
11 where did he get that again, well, I got it from Sam. He
12 was confused about what gun Ireland was asking him about
13 is what he testified to and interestingly enough he
14 doesn't know Sam's last name. He doesn't know Gee's real
15 name and the interesting thing about it is him and Gee,
16 that's the closest relationship that we have in this
17 case.

18 What did he tell us about Gee? Well, Hakim Talib's
19 nickname is Jersey. Gee is also from Jersey. They're
20 both from Camden, New Jersey of all places and then of
21 all places they're all of a sudden down in the Aiken area
22 now. And what do we know about them based on what Hakim
23 tells us? That they used to be at the same school and
24 they at least tried out for the same basketball team and
25 you're telling us that you don't know his real name. The

1 funny thing about your life is that it happens to you and
2 you want to come in here and say that you don't know his
3 own name. If you're gonna lie about the little stuff,
4 you're gonna lie about the big stuff. And the big stuff
5 in this case, we talked about when Jersey's house, or
6 Hakim Talib's house was raided, it was found in a black
7 backpack. What else was found in there?

8 What else did the State not talk about? It was
9 found with two other forms of identification. Both
10 Caucasian males. Both middle aged. One person Hakim
11 Talib claims to know. He is a marijuana customer. The
12 other person he does not know and he does not give a
13 description as to how that ended up there and of all the
14 places to keep this gun, that's where you put it in that
15 backpack. Both ID's are together. They were also found
16 with a wallet. Another gun was found in a shoe box with
17 a broken up cell phone. And again we ask, if you're
18 gonna lie about the little stuff, you're gonna lie about
19 the big stuff. And we asked the question, all of a
20 sudden is that really little stuff. How does he end up
21 with this stolen stuff? How does he end up with these
22 ID's of folks that he doesn't know? He tells us he found
23 a wallet and that's just dumb luck and it's also with
24 this gun. And that's that same gun taken from Johnny
25 Hydrick.

1 There's also a card in there with a scrap metal
2 dealer on it. Coincidence? No. And he says that when
3 we asked him directly, did you know someone named Head?
4 And he said yes. Yes. I did. Back when I used to, you
5 know, sell marijuana, was in a gang he knew somebody
6 named Head. Coincidence? No way. We don't know, we
7 don't have any information about Hakim Talib's social
8 media information. We don't have any information about
9 Wesley Brown's social media information. We don't have
10 the contacts list or anything like that in this case.
11 But Hakim Talib says that he knows or used to know
12 somebody named Head. Hakim is asked about a gun. He was
13 confused by the lead investigator in this case? No way.
14 It doesn't make sense. And he was asked about Billy
15 Sellers in January of 2015 by Investigator Ireland.

16 And here's how we know that Hakim wasn't confused.
17 Because four days later Hakim calls investigator Ireland
18 back. Investigator Ireland didn't call him. Hakim Talib
19 calls Investigator Ireland back and says, uhm, about that
20 gun, he says then and only then that he got it from Billy
21 and it finally dawns on him that maybe, just maybe
22 something that was involved in a murder is a very bad
23 thing to happen at his house and he calls Investigator
24 Ireland and he says that just four days later. What's
25 the relationship there? We don't know because it wasn't

1 followed up on.

2 And so what does all this, all of those people that
3 were paraded in front of us, what does that look like?
4 You know, in other countries one of the most valuable
5 items isn't just gold and money or anything like that.
6 It's actually silk believe it or not and when you go to
7 one of those fine silk stores or what have you, what
8 you're gonna see is you're gonna see people at the front
9 of the store, you're gonna see people who have taken the
10 silk from inside and they go outside that're holding it
11 up and what they're doing is they're holding it up to the
12 light and what they're doing is they're measuring the
13 value of that silk because it's in some cases worth as
14 much as gold. If they see a slight imperfection, they
15 put it back. That's what these witness were like.

16 That's what the State is forced to do is parade that
17 in front of you over and over again. We talked about the
18 cell phone stuff. And we talked about the fact that the
19 phones of Travis and Jessica and Hakim Talib that we
20 don't have data in their phones with regard to locations.
21 How convenient. It's perfect because those, Travis and
22 Jessica are the two people with the motive in this case
23 and the State's giving Billy a hard time because they
24 can't account for every single second of his day. And
25 what does the State say? Hey, you know, uhm, this is the

1 direct result of Billy turning off his cell phone. Well,
2 what does the cell phone, their own cell phone expert
3 say? Well, no. It could be attributed to four things.
4 He could also not have been in a coverage area. In other
5 words, didn't get a signal. There could be a dead
6 battery in the phone. The phone could have been off. Or
7 it could be as iPhone users know could be in airplane
8 mode. So was there only one conclusion and one
9 conclusion only to draw from that? No. There wasn't.
10 Four different ones. Four different ones.

11 Reasonable doubt. Do you have a doubt about Billy's
12 guilt in this case and can you give a reason for the
13 doubt that you feel? Yes. There are many. The burden
14 of proof is on the State. You hear all this stuff about
15 K57. Well, where is the location data that comes with
16 K57? Oh, that's right. There is none. What does this
17 all tell you? They don't know where he is and the
18 interesting thing about it, the cell phone stuff is
19 wildly complicated. You saw their experts. They had two
20 of them. You saw us sitting with another expert sitting
21 over there trying to figure all this stuff out ourselves.
22 What do you need to know about the cell phone and where
23 the towers used were? There are no towers, there are no
24 towers that Billy used the night of the murder that are
25 north of Interstate 20.

1 Go back there and look at those maps. We're not
2 ashamed of that at all. It only confirms what we have
3 been saying all along. No towers. And let's follow
4 that. What they do have is one where they say, well, you
5 know, there's a tower that is somewhat closer to his home
6 but we don't think that he was home and there's a tower
7 that was really close to his home and that way we can
8 tell that he was home. Let's flesh that out. In other
9 words, Billy went to all of this trouble according to
10 them to put on gloves, to not get any blood spatter on
11 him, not get any transfer blood on him. He turned his
12 cell phone off. He went in and he got pills and for
13 whatever reason on the way home he elected to do meth or
14 what have you, but he goes through all of that trouble
15 and then for whatever reason with his sophisticated plan
16 here before he gets back to his home he just decides to
17 pop his cell phone back on. It doesn't make any sense at
18 all. And that's because that's not what happened. The
19 truth is --

20 MS. MAYES: Objection, Your Honor. Objection to
21 that phrase by counsel.

22 THE COURT: What was it? I didn't hear it. Don't
23 repeat it.

24 MR. CASTO: The truth is the State's theory of the
25 case does not make sense. What you need to know about

1 the cell phone information is that Billy's cell phone
2 does not ping off of a tower north of Interstate 20.

3 The Judge will tell you -- Believe it or not
4 momentarily I'll sit down and I'll shut up. The Judge
5 will tell you that mere suspicion is not enough to
6 convict anybody. The standard is reasonable doubt. So
7 one of the places that I work along with Ms. Fullwood who
8 has joined us throughout the life of the case is
9 Lexington County. The thing about that courthouse is
10 it's four floors and a lot of times it's kind of
11 separated out. The first floor are probate issues,
12 things like that. The second floor is family court.
13 Very important stuff happens there. The power to assess
14 child support, take your kids away, handle juveniles.
15 But with regard to family court cases the standard there
16 is less than it is in this case. It's preponderance of
17 the evidence. It's kind of if you believe one side a
18 little bit more, then you go with that and that's not our
19 standard in this case.

20 On the third floor a lot of times they use those
21 courtrooms for civil cases and in a civil case when you
22 evaluate that the standard is preponderance of the
23 evidence and if you believe somebody just slightly more
24 than the other person, they win. And that's not what
25 reasonable doubt is. Normally those cases are heard in

1 the top floor of the Lexington County Courthouse. That's
2 the highest burden there is in a criminal case and that's
3 reasonable doubt. Really what we're talking about is
4 burden. The burden of proof is on the State. It's not
5 on us and the State stands here and they ask you to take
6 a leap of faith based on what they presented to you and
7 it's one way, way too far to jump because the evidence
8 that they have is full of holes.

9 Reasonable doubt. How has that been defined? The
10 type of doubt that would cause an ordinary person to
11 pause or to hesitate before they act. That's what it
12 looks like. To pause or hesitate before you decide,
13 that's reasonable doubt. And do you have a doubt about
14 Billy's guilt in this case? And do you have a valid
15 reason for that doubt that you can give? No physical
16 evidence. Things not found in Billy's home. Is he
17 really sophisticated enough to not leave prints, DNA,
18 anything in his car or home or Johnny Hydrick's home?
19 No.

20 You saw that this case is tragic. You saw the crime
21 scene. You saw it. Is he really that sophisticated?
22 The State has not met their burden. Do you have a doubt
23 and do you have a valid reason for that doubt? I
24 respectfully as I stand here now at the close of all the
25 evidence and ask you to find Billy not guilty of this

1 crime. Thank you very much for listening.

2 THE COURT: All right. Let's take a short break.
3 Y'all step in the jury room and we'll get you back out
4 here shortly. Don't discuss the case yet because you
5 haven't heard the instructions. Step in the jury room.
6 I know y'all need a break because I do, too.

7 (Whereupon, the jury entered the jury room at 11:50
8 a.m.)

9 (Short break.)

10 THE COURT: The instructions, y'all have been
11 reviewing them during the summaries. Any suggestions or
12 additions before I give them?

13 MS. FULLWOOD: Yes, sir.

14 THE COURT: Okay.

15 MR. McNAIR: You can start.

16 MS. FULLWOOD: Okay.

17 MS. MAYES: The State has no objections, Your
18 Honor.

19 THE COURT: Okay. What you got, Ms. Fullwood?

20 MS. FULLWOOD: Okay. Starting on page 12 going onto
21 page 13, the sentence, I would ask that Your Honor delete
22 the sentence concerning malice. It is the intentional
23 doing of a wrongful act without just cause or excuse and
24 with an intent to inflict an injury under circumstances
25 that the law will infer an evil intent. I think that the

1 phrase without just cause or excuse can be, could be
2 construed as burden shifting. In other words, shifting
3 the burden onto the defendant to supply a cause or excuse
4 and in that way it would deprive him and violate his
5 rights under the Fifth, Sixth and Fourteenth Amendments
6 of the United States Constitution and the comparable
7 provisions of the state constitution. I know it's in the
8 charge books but I always object to it because I think
9 it's wrong.

10 THE COURT: That's how charges get amended and
11 changed. You want to be heard Ms. Mayes or Mr. McNair?

12 MS. MAYES: No, sir, Your Honor. We have no
13 objection with the standard charge.

14 THE COURT: I'm gonna stick with the standard
15 charge. Do you know oddly I have my granddad's old
16 charge book and he retired in '67 and this charge is in
17 there still. I'm always amused at people that say that
18 Judge so and so wrote the charge. They came on and left
19 the bench before my granddaddy and after my granddaddy.
20 This has been here a long time. That doesn't mean it's
21 never gonna be overturned either though.

22 MS. FULLWOOD: Well, without waiving my position on
23 that, if Your Honor wants to -- Well, Your Honor is gonna
24 charge that. Can I ask the Court in that case to amend
25 it by stating under circumstances that could lead to an

1 inference of malice depending on your view of the
2 evidence?

3 THE COURT: I don't read them verbatim so y'all are
4 asking me to do something that I'm probably gonna modify
5 as I'm telling it so where do you want me to put that?
6 I'm not sure I have ever read a charge verbatim. I'm
7 confident I haven't.

8 MS. FULLWOOD: On page 13 the second line it says or
9 under circumstances that, and then it reads could lead to
10 an inference of malice depending on your view of the
11 evidence.

12 THE COURT: All right. I'll think about that. What
13 else you got?

14 MS. FULLWOOD: On pages 14 and 15 I understand that
15 Your Honor has already made his ruling on the hand of one
16 charge but I would suggest that the paragraph that starts
17 on page 14 prior knowledge and then continues down and it
18 ends on page 15 be eliminated because it deals with
19 matters that really don't seem to pertain to the evidence
20 in this case.

21 THE COURT: Just that sentence?

22 MS. FULLWOOD: The entire paragraph.

23 MS. MAYES: Beginning with prior knowledge on page
24 14 and ending where?

25 THE COURT: The entire paragraph halfway down the

1 page.

2 THE COURT: What do you all think State?

3 MS. MAYES: One moment, Your Honor.

4 MS. FULLWOOD: I just think its confusing.

5 THE COURT: It is. It can be.

6 MS. FULLWOOD: I mean, under these facts.

7 MS. MAYES: No objection. No objection to that
8 removal.

9 THE COURT: Good. Because I think under these facts
10 I would probably skip it when I was reading it so I tend
11 to agree with you both on that.

12 MS. MAYES: So beginning with prior knowledge at the
13 bottom of 14.

14 THE COURT: And all the way down about 10 lines,
15 that paragraph. So it will pick up the hand of one is
16 the hand of all and continuing with a principal is any
17 crime is one that either acts or commits and it goes on
18 from there.

19 MS. FULLWOOD: Yes, sir. Yes, sir.

20 THE COURT: Anything else?

21 MS. FULLWOOD: Yes, sir. In the court's section of
22 reasonable doubt we would ask the Court to add the
23 following sentence or two sentences. Your verdict may
24 not be based on surmise, conjecture or speculation. If
25 after considering the evidence as a whole you conclude

1 that the evidence merely raises a strong suspicion of
2 guilt, you must find the defendant not guilty.

3 MS. MAYES: We believe, Your Honor, that the
4 standard charge is sufficient.

5 MS. FULLWOOD: And, Your Honor, I have seen
6 variations of what I'm suggesting in charges over the
7 years.

8 THE COURT: I have given charges similar to that.
9 You know, when law clerks go looking for charges, they go
10 digging in the computer and there are variations of that.
11 Conjecture and speculation, I have given that
12 instruction.

13 MS. FULLWOOD: Yes, sir.

14 THE COURT: Any prior record of any witness
15 instruction?

16 MS. FULLWOOD: Sir.

17 THE COURT: Prior records of a witness. You want
18 that?

19 MS. MAYES: The State is not requesting that, Your
20 Honor.

21 THE COURT: All right. I have the sentence I put in
22 my conclusion several times. The defendant is entitled
23 to a verdict of not guilty, your verdict may not be based
24 on conjecture or speculation and mere suspicion is not
25 sufficient to prove or to support a conviction and then

1 it goes on. It went on back into the conclusion,
2 emphasizing the fact that he didn't testify in front of
3 the jury should not even be considered. It was kind of
4 located there at the very end.

5 MS. FULLWOOD: So it's gonna be in the --

6 THE COURT: Conclusion portion.

7 MS. FULLWOOD: In the what?

8 THE COURT: It was in the conclusion.

9 MS. FULLWOOD: The conclusion?

10 THE COURT: And it's toward the end. It kind of
11 restates several things in the reasonable doubt. Failure
12 to testify so it fits in there very well.

13 MS. FULLWOOD: Yes, sir. Well, I mean, the language
14 --

15 THE COURT: And I added note taking because some of
16 the jurors took notes. I intend to give an instruction
17 on note taking.

18 MS. FULLWOOD: Yes, sir. And I think the language
19 that you just read to us is basically the same as the
20 sentences or sections that I was suggesting be put in.

21 THE COURT: Yes. Okay. All right. I'm gonna leave
22 the malice alone. I have taken out the paragraph you
23 both agreed to and then I added back in. Additionally
24 there note taking and the note taking doesn't trump
25 listeners. They're to consider all the evidence no

1 matter what. That paragraph. And then my conclusion
2 I'll add in the conjecture and speculation sentence not
3 based upon conjecture or speculation, mere suspicion is
4 not sufficient to support a conviction.

5 MS. FULLWOOD: Yes, sir.

6 THE COURT: Got that, that sentence. All right.
7 We're gonna print this up real quick. If you need to
8 step out and go to the restroom or something. I do.
9 Then we'll get the jury in here.

10 (Short break.)

11 THE COURT: All right. Let's have our jury.

12 (Whereupon, the jury entered the courtroom at 12:20
13 p.m.)

14 THE COURT: All right. My instructions won't be
15 quite as long as the lawyers' closing summaries.

16 Ms. Mckie and members of the jury, my instructions
17 will start and after I finish, we'll inventory the
18 evidence and make certain everything that was admitted
19 gets gathered up and brought to the jury room and the
20 verdict form. That's when you begin your deliberations.

21 But as far as my instructions, the State of South
22 Carolina charges Mr. Sellers with one count of murder.
23 Bear in mind that he's pled not guilty to that charge and
24 by that plea he's denied the allegations in the
25 indictment, therefore, the State is under the burden of

1 proving this case. He comes into court cloaked with the
2 presumption of innocence and that presumption of
3 innocence remains and stays with him throughout the case
4 and entitles him to a verdict of not guilty unless and
5 until it is dispelled by the evidence satisfying you, all
6 12 jurors, beyond a reasonable doubt of his guilt of this
7 offense charged. I tell you the State must prove all of
8 the elements, each of them beyond a reasonable doubt.

9 I told you in the preliminary instructions that the
10 constitution and laws make me the instructor of the law
11 and I told you and I'll repeat this is that if you have
12 an understanding or heard, presumed from whatever source
13 of what the law should be or ought to be or what you
14 believe it to be and it differs from my instructions here
15 today, you must set aside your belief and accept the law
16 as instructed here right now. If I make a mistake in
17 instruction of the law, let's hope I don't, but if I do,
18 there's another time and another place to consider that
19 error and if necessary correct it. But for our purposes
20 you must accept the law as I'm giving it to you.

21 Now, as I have told you in criminal prosecution the
22 Court of General Sessions the State has the burden of
23 proving guilt of the defendant because he has no burden
24 whatsoever because he's presumed innocent. According to
25 our constitution the prosecution must prove their case to

1 the standard of proof called beyond a reasonable doubt
2 before a finding of guilt may occur and if the State does
3 not meet that burden, then Mr. Sellers is entitled to a
4 verdict of not guilty.

5 Now, you 13 still, 12 once the deliberations begin,
6 are the judges of the fact. The constitution of South
7 Carolina which makes me the instructor of the law makes
8 you 12 the finders of fact. As finders of fact it is
9 necessary but more or less your job to evaluate the
10 evidence and the testimony and in considering the
11 evidence and testimony you're basically evaluating the
12 credibility or believability. You're evaluating the
13 believability of the evidence that was presented, the
14 believability of the witnesses that testified.

15 Now, you may use anything in your collective
16 judgment and common sense that you use every day to
17 evaluate believability or credibility. You may also
18 consider other things that perhaps you're not aware of
19 that you do when evaluating a person's credibility is you
20 can consider the manner and appearance to which the
21 witness testified, how or were they straightforward in
22 answering any questions posed to them, were they hesitant
23 in answering. You can consider how the witness came to
24 know the facts that he or she testified to, and you can
25 consider what was that witness' ability to recollect any

1 of the facts they testified to. You can consider if
2 there's some reason a witness would want to give
3 testimony which would help or hurt one side or the other.
4 In other words, was the witness biased or prejudiced in
5 any way toward one side or the other. You can consider
6 whether the testimony of a witness is strengthened or
7 weakened by other testimony or other evidence. You can
8 consider one witness against many, many against one. You
9 can believe part of a witness' testimony and disbelieve
10 the rest. It is your job to determine the credibility
11 and believability of any and all of the testimony and
12 evidence that's been presented and the fact the testimony
13 is not controverted does not mean you must accept it as
14 true and undisputed. You still gauge credibility from
15 the source of a witness and determine its believability
16 of the fact offered through testimony.

17 Now, I allowed many of you to take notes and I
18 believe most all of you did. In note taking remember
19 that some people are better note takers than others.
20 Jurors' notes are not to be given any greater weight than
21 a person's memory who recollects testimony. The reason
22 for that is there are different types of learners. Some
23 people are doers and take things apart and put them back
24 together. Some people are visual learners and they read
25 it and understand it. Some people are auditory learners.

1 They hear it and they learn it. It makes no matter. You
2 can utilize whichever method you desire whichever you're
3 comfortable with but each of the 12 of you on the jury
4 have an equal vote and therefore a note taker's notes
5 don't trump a non note taker's memory. Everyone has an
6 equal say when you're discussing and evaluating the
7 evidence.

8 Now, our rules of evidence normally don't permit
9 people to provide opinion testimony but there is an
10 exception to that rule and that's when a person is
11 qualified as an expert witness. There were several
12 experts qualified in this case in several fields of
13 expertise which was heard during the trial. A person can
14 be qualified as an expert because of their education,
15 their experience and their training. They can become an
16 expert in any art or science or calling. To the extent
17 they're an expert in that field they can offer opinion as
18 to relevant material matters which they claim to be an
19 expert in and they may also state the reasons for giving
20 that opinion in that field. I tell you that you should
21 consider any expert opinion received in evidence in the
22 case and like any other evidence give it the weight you
23 believe it deserves. If you believe the opinion of an
24 expert is not based upon sufficient education, experience
25 or you conclude the reasons given are not sound or that

1 the opinion is outweighed by other evidence, you may
2 disregard the opinion entirely. I tell you that an
3 expert's opinion testimony is to be given no greater weight
4 but given the same weight as other lay witnesses. You
5 are not required to accept an expert's opinion even
6 though it's not controverted.

7 Now, in weighing evidence, I've been using that
8 term, weighing evidence is entirely a mental process.
9 You use in weighing evidence you're using your collective
10 good judgment and common sense. There are generally two
11 types of evidence presented in trials. In this case
12 there were. There's direct evidence and there's
13 circumstantial evidence. The first being direct. That's
14 testimony of a person who claims to have actual knowledge
15 of the facts such as an eyewitness. I saw this. I
16 smelled that. Their actual perception of something that
17 was in their purview.

18 Circumstantial evidence is slightly different. It's
19 proof of a chain of facts and circumstances indicating
20 the existence of another fact. Our law makes no
21 distinction between the weight or value to be given of
22 direct evidence over circumstantial evidence. There is
23 no greater degree of proof required of circumstantial
24 evidence than that of direct evidence. I tell you you
25 should weigh all of the evidence in the case but to the

1 extent the State relies upon circumstantial evidence all
2 of the circumstances must be consistent with one another
3 and when taken together point conclusively to the guilt
4 of the accused beyond a reasonable doubt. If the
5 circumstances merely portray his behalf as suspicious,
6 then the proof has failed. So I tell you after weighing
7 all of the evidence whether it be direct or
8 circumstantial, or any combination of those, weigh it
9 all. But after doing that if you're not convinced of his
10 guilt beyond a reasonable doubt, you must find him not
11 guilty.

12 Reasonable doubt has been utilized as a term. The
13 State must prove its case beyond a reasonable doubt.
14 What is a reasonable doubt? A reasonable doubt is simply
15 this: It's the kind of doubt which would cause an
16 ordinary person to hesitate to act. Reasonable doubt may
17 arise from the evidence in the case or from the lack of
18 evidence in the case. Proof beyond a reasonable doubt is
19 proof that leaves you firmly convinced of the defendant's
20 guilt, is the doubt to which one can assign a reason if
21 the assignment can be done reasonably and firmly
22 convincing. A reasonable doubt is the kind of doubt to
23 make a reasonable, conscientious and honest person to
24 hesitate to act in a matter of their own affairs.

25 I charge you that a defendant is entitled to every

1 reasonable doubt which may arise in a case and what that
2 means is that if you have a doubt about anything during
3 the trial, you are required to resolve that doubt in his
4 favor.

5 Now, I tell you also the very fact that you have as
6 a group a full and free discussion on the issue of guilt
7 and non guilt does not automatically create a reasonable
8 doubt. You the jury must make a determination of whether
9 or not a reasonable doubt exists as to his guilt and if
10 you find the State has not met that burden, then he is
11 entitled to a verdict of not guilty.

12 Now, one of the necessary elements in most crimes is
13 criminal intent. It must be proven by the State beyond a
14 reasonable doubt. Criminal intent is always a matter
15 which must be determined by you the jury from the
16 circumstances surrounding the situation. There's no way
17 that you can prove intent to a mathematical certainty.
18 Medical science does not allow us to dissect a person's
19 brain and determine what he or she had in mind. Our laws
20 state that criminal intent may be inferred from the
21 circumstances which are shown to have existed before and
22 after the fact. You the jury must make a determination
23 whether or not that element requiring intent is present
24 and existed or not. Criminal intent is a state of mind
25 that operates jointly with an act or an omission to act

1 in the commission of a crime. Criminal intent is a
2 conscious state of wrongdoing. It's up to you the jury
3 to determine what the defendant intended to do based upon
4 the circumstances shown to have existed. The State must
5 prove this element of criminal intent beyond a reasonable
6 doubt just as they must prove the other elements of the
7 offense charged.

8 Now, there were several statements presented in
9 evidence and testified to which were alleged to have been
10 made by the defendant and which were admitted into
11 evidence during the trial. I had to make a determination
12 whether the statements were admissible under the legal
13 rules and I instruct you that you must make the ultimate
14 decision whether or not the defendant made those
15 statements. If the defendant did make the statement or
16 not you must determine whether the statement was made by
17 him voluntarily of his own free will. That means that
18 you must make or decide whether the statement was not
19 caused by pressure, force, coercion, fear, intimidation
20 or threats or by the hope or promise of any leniency or a
21 reward of any kind. In determining whether the statement
22 was voluntary you consider both the characteristics of
23 the defendant and the details of the question. Some
24 factors that you may consider would be the age of the
25 defendant, his education or lack of education, his mental

1 ability or capacity, his IQ or his intelligence, the
2 defendant's background and environment, the place and
3 length of the detention and the questioning, the nature
4 of the questioning itself and the advice or lack thereof
5 to the defendant of his constitutional rights to remain
6 silent, that a statement can be used against him in a
7 court of law, the right to have a lawyer present. Even
8 if they couldn't afford one a lawyer would be appointed
9 to represent him without any cost, and that he could stop
10 making any statement at any time during the questioning.

11 You carefully consider all of the surrounding
12 circumstances before you give any weight to any alleged
13 statement. The State has to prove beyond a reasonable
14 doubt that the statement was voluntary. If you determine
15 it was, you may give the statement any further
16 consideration which you deem appropriate and proper and
17 you decide what weight should be given to the alleged
18 statement. If you find or determine that the statement
19 was not a free and voluntary statement of the defendant,
20 you should not consider it at all.

21 In regard to the specific elements of the crimes
22 charged Mr. Sellers is charged with the offense of
23 murder. In order to sustain a conviction for murder the
24 State must prove beyond a reasonable doubt that he, a
25 person, the defendant killed another person with malice

1 aforethought.

2 Now, I tell you that malice is defined as hatred,
3 ill will, hostility towards another person. It is the
4 intentional doing of a wrongful act without just cause or
5 excuse or with an intent to inflict danger or under the
6 circumstances which the law infers an evil intent or
7 malice. Malice aforethought is not required, that the
8 malice exists for any particular length of time before
9 the act is committed. But the malice must exist in the
10 mind of the defendant just before and at the time that
11 the act is committed. There must be a combination of the
12 previous evil intent and the act itself. Malice
13 aforethought may be expressed or inferred. Expressed or
14 inferred do not mean different kinds of malice but merely
15 the way the malice may have been shown to existed that is
16 either by direct evidence or by an inference from the
17 facts and circumstances which have been proven by the
18 State.

19 Expressed malice is shown when a person speaks words
20 of expressed hatred or ill will towards another when the
21 person prepared beforehand to do an act which was later
22 accomplished. For example, lying in wait for a person to
23 get home. Preparation before showing the deed was in the
24 mind of the defendant could be or would be a showing of
25 expressed malice. Malice may also be inferred from the

1 conduct showing a total disregard for human life. Now, I
2 tell you the State must prove that Mr. Sellers killed
3 another person with malice aforethought.

4 Also, I instruct you on the law of hand of one hand
5 of all. If a crime is committed by two or more people
6 who are acting together committing a crime, the act of
7 one is the act of all. A person who joins another to
8 commit an unlawful act is responsible criminally for
9 everything done by the other which happens as a probable
10 and natural consequence of the acts done and the carrying
11 out of the common plan and purpose. Two people can be
12 guilty of killing another person when only one of the two
13 had a gun and there's only one bullet, only one of the
14 two fired the shot that caused the death but if the two
15 or more people are acting together assisting each other
16 in committing the offense, the act of one is the act of
17 all or as it is sometimes said the hand of one is the
18 hand of all.

19 A principal in a crime is the one who either
20 actually commits the crime or is present in aiding and
21 abetting or assisting in the commission of the crime.
22 When a person does an act in the presence of another or
23 with the assistance of another, the act is done by both.
24 Where two or more acting with a common plan or intent and
25 are present at the commission of a crime, it does not

1 matter who actually commits the crime, all are guilty.
2 The hand of one is the hand of all. Presence at the
3 commission of a crime means to be sufficiently near to
4 aid and abet and assist in the commission of that crime.
5 However, mere presence at the scene of the crime is not
6 sufficient to convict one as a principal under the theory
7 of aiding and abetting. Intent is also a necessary
8 element because there must have been a common design or
9 an intent to commit the crime and the crime must have
10 been committed pursuant thereto with the person aiding
11 and abetting by similar act.

12 Intent means intending the result which actually
13 occurs and not accidentally or involuntarily. Intent
14 may be shown by the acts and conduct of the defendant and
15 the other parties in circumstances from which you may
16 naturally and reasonably infer intent. The State must
17 prove those elements beyond a reasonable doubt.

18 Now, I instruct and I emphasize to you that
19 Mr. Sellers has elected to exercise his constitutional
20 right to remain silent, therefore, the fact he did not
21 testify should not be considered by you in any way in
22 your deliberation and in your consideration of the
23 question of guilt or the innocence of him. It must not
24 be discussed or considered by you in any manner. A
25 person accused of a crime has the constitutional right to

1 remain silent and a person's assertion of this right must
2 not be considered by you in any manner whatsoever. So I
3 tell you under your oath you are to draw no conclusions
4 whatsoever from the fact that he in this case did not
5 testify. The fact that he didn't testify should not even
6 be discussed in the jury room. The burden of proof
7 remains upon the State. The defendant is not required to
8 prove his innocence. The burden of proof remains on the
9 State to prove its case beyond a reasonable doubt.

10 Ms. Mckie and members of the jury, as y'all retire
11 at the end into the jury room and begin deliberations, I
12 would like to express the hope that each of you are
13 mindful of the importance of your responsibility. I tell
14 you this: This case has been a while in coming to a jury
15 trial. This case is the day in court for these parties
16 both the victim, the State, and the defendant. It's very
17 important that I made every effort as the officer of the
18 court to try to rule fairly and impartially and apply the
19 legal rules appropriately. It is your responsibility to
20 make certain that your verdict is fair and just.

21 Now, if you find the State has not met its burden of
22 proof, then Mr. Sellers is entitled to a verdict of not
23 guilty. I tell you that your verdict may not be based on
24 conjecture or speculation. The mere suspicion is not
25 sufficient proof to support a conviction. I emphasize

1 the fact that he did not testify is not a fact to be
2 considered by you in any way in your deliberations on the
3 question of guilt or innocence. A person has that
4 constitutional right to remain silent and assertion of
5 that right must not be considered.

6 Now, in this trial it's been my responsibility as
7 the judge to see to it that every person receives fair
8 and impartial justice. I can't tell you how to decide
9 the case. That's not my job. It's your job to make
10 determinations of fact basically by applying the
11 instructions I have given you to the evidence and
12 testimony you have heard in the courtroom and
13 disregarding any influences from outside the jury room
14 and using your common sense in reaching a unanimous
15 verdict. That's y'all's task.

16 Now, I have prepared a verdict form. It's quite
17 simple. It has the name of the case on it, the
18 indictment number, charge of murder. It says not guilty,
19 guilty, signature line and then a date.

20 Now, I tell you I'm gonna put y'all in the jury room
21 and I get an opportunity to ask the lawyers were my
22 instructions sufficient and complete. Many times the
23 lawyers will say, well, Judge, you glossed over this
24 aspect of the law or that aspect of the law or will you
25 please reinstruct or give additional instructions on this

1 aspect and sometimes I do. I hope I got it fairly close
2 today. I think I have. But anyway, they get to make
3 those comments shortly on the record but y'all will be in
4 the jury room while we do that and while we make certain
5 that all the exhibits that have been admitted are in the
6 group of exhibits that come back to the jury room.

7 So I know y'all have ordered lunch. Lunch it
8 coming. We have to check on exhibits, the verdict form
9 and whatnot so I'm gonna put you in the jury room. We're
10 gonna inventory the evidence that has been admitted, ask
11 the lawyers about my instructions. Once you receive the
12 evidence and the verdict form, y'all can begin your
13 deliberations. You can deliberate until the pizza gets
14 here and then take a break. I'm going to tell you you
15 work at your own pace, going through the evidence,
16 however y'all determine appropriate, all right? If you
17 want a break and somebody wants to steps outside, stop
18 deliberations. Take a break, step outside. We can make
19 those arrangements for you. You don't have to come and
20 ask the bailiff or me, we would like to take a break.
21 Can we? You can. You just tell us we're gonna take a
22 break. If somebody steps outside, no discussions, no
23 deliberations. Once everybody gets back in the jury
24 room, deliberations resume. If you have a question about
25 my instructions or about anything, write it on a piece of

1 paper and give it to the bailiff by the jury door.
2 They'll bring it to me and I'll discuss it with the
3 lawyers and we'll try to respond to your question. Maybe
4 y'all want to hear some parts of the instructions again
5 and if I can send it to you in writing, I will and y'all
6 can address it in that fashion. If you need to come back
7 in the courtroom to hear instructions again, we'll do
8 that also.

9 So step into the jury room. Don't start
10 deliberating until you get the verdict form and the
11 evidence but y'all kind of manage working, eating and
12 taking a break, or eating and keep working, whatever you
13 want. It's up to y'all. Y'all are on your time now,
14 okay?

15 (Whereupon, the jury entered the jury room at 12:42
16 p.m.)

17 THE COURT: Mr. Mack, you're in the jury. My other
18 alternate, who is it? You're the other alternate?

19 JULIAN MCMEANS: Yes.

20 THE COURT: Okay. You go back there but once they
21 start deliberations I'm gonna pull you out. But you can
22 have pizza. You can go back there with them until we
23 deal with all this in here and I'll have you back out.

24 THE COURT: Any exceptions to the instructions from
25 the State?

1 MS. MAYES: None from the State, Your Honor.

2 MS. FULLWOOD: None other than what we have already
3 discussed on the record.

4 THE COURT: And we've made a record of those. Okay.

5 (Whereupon, Court's Exhibit #3 and #4 marked for
6 identification.)

7 (Whereupon, the jury began deliberations at 1:00
8 p.m.)

9 (Deliberations break.)

10 (Whereupon, the jury returned a verdict at 2:45
11 p.m.)

12 THE COURT: Ms. Mckie, have y'all reached a verdict?

13 KENYATTA MCKIE: Yes.

14 THE COURT: All right. Was it unanimous?

15 KENYATTA MCKIE: Yes.

16 THE COURT: All right. Will you hand it to my
17 bailiff and he'll hand it to me.

18 BAILIFF: (Proffering.)

19 THE COURT: Thank you, sir. Mr. Clerk, please
20 publish the verdict.

21 THE CLERK: Will the defendant please stand?

22 MR. SELLERS: (Complies.)

23 THE CLERK: The case of the State of South Carolina,
24 County of Edgefield, the State versus William C. Sellers,
25 the Eleventh Judicial Circuit for General Sessions

1 verdict form 2016-GS-19-00044, we the jury find as
2 follows: On the count of murder we find the defend
3 guilt. Madam forelady and ladies and gentlemen of the
4 jury, if that is your verdict, please indicate by raising
5 your right hand. All hands are raised.

6 THE COURT: All right. Any issues for the jury, Mr.
7 Casto?

8 MR. CASTO: We would ask the jury to be polled, Your
9 Honor.

10 THE COURT: Do it by their juror number.

11 THE CLERK: The verdict of the jury reported to the
12 Court was guilty. When I call out your juror number, if
13 this was still your verdict, answer yes or no when your
14 number is called. Juror number 119.

15 JUROR NUMBER 119: Yes.

16 THE CLERK: Juror number 63.

17 JUROR NUMBER 63: Yes.

18 THE CLERK: Juror number 110.

19 JUROR NUMBER 110: Yes.

20 THE CLERK: Juror number 5.

21 JUROR NUMBER 5: Yes.

22 THE CLERK: Juror number 7.

23 JUROR NUMBER 7: Yes.

24 THE CLERK: Juror number 73.

25 JUROR NUMBER 73: Yes.

1 (Short break.)

2 BAILIFF: All rise.

3 THE COURT: Be seated. All right. Mr. Casto, are
4 they coming back in the courtroom? Mr. Casto, y'all have
5 any legal issues you want to put up?

6 MS. FULLWOOD: Yes, sir. At this time we move for a
7 new trial on this charge. The grounds for the motion are
8 all the objections we made and exceptions we took during
9 the course of this trial.

10 THE COURT: Okay. Respectfully I believe the trial
11 was conducted fairly and in accordance with the rules,
12 and consistent with my rulings I'm gonna deny a motion
13 for new a trial, but you're protected for the Court of
14 Appeal on the record. All right. Anything else?

15 MS. FULLWOOD: No, Your Honor.

16 THE COURT: All right. The notice of intent to seek
17 life without parole was properly served. Mr. Casto, do
18 y'all want to be heard? Ms. Fullwood? That kind of ties
19 my hands a little bit or a lot of bit. Okay.

20 MR. CASTO: No, Your Honor.

21 THE COURT: Okay. All right. Understanding the
22 State sent notice which was filed here in the Edgefield
23 court notice of intent to seek life without parole, there
24 was proper notice given with accompanying reference to
25 the State of Florida of a burglary first degree I

1 believe.

2 MS. MAYES: Armed while in a dwelling.

3 THE COURT: Armed while in a dwelling which would be
4 consistent with a burglary first and that would be
5 considered an out of state most serious I believe. Is
6 that your understanding, Mr. Casto and Ms. Fullwood?

7 MR. CASTO: Yes, sir.

8 THE COURT: Okay. That being the case the jury
9 returned a verdict unanimously of guilt in this case.
10 The sentence is life. He gets credit for whatever days
11 he's down toward that sentence. Is there anything else?

12 MR. CASTO: No, sir, Your Honor.

13 THE COURT: Okay. All right. I hope this brings
14 closure to everyone.

15 MS. MAYES: Thank you, Your Honor.

16 THE COURT: All right. Court is adjourned. Have a
17 good weekend. Good luck to everyone.

18 WHEREUPON, THE TRIAL WAS CONCLUDED.

19

20

21

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23

24

25

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.
Philip Jeremy Griffin

INDICTMENT/CASE#: 2015-GS-19-20
A/W#: 2014A1910100511
Date of Offense: 11/21/2014
S.C. Code §: 16-13-0030(B)
CDR Code #: 3420

AKA: _____
Race: White Sex: M Age: 29
DOB: _____ SS#: _____
Address: Tobacco Road
City, State, Zip: Augusta, GA 30906
DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Philip Jeremy Griffin \$2,000 to \$10,000

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-13-30(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3420
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Philip Griffin
Solicitor

Philip Griffin
SC Bar#

Philip Griffin
Defendant

Philip Griffin
Attorney for Defendant

Philip Griffin
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 18 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5%)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$3.90
TOTAL		\$133.90

Clerk of Court/Deputy Clerk

Court Reporter: Brenda Sigwald

SCCA/217 (03/2011)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☒

Random Drug/Alcohol testing ☒

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: H145

Sentence Date: 1/14/15

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Edgefield
STATE VS.
Philip Jeremy Griffin

AKA: _____
Race: White Sex: M Age: 29
DOB: _____ SS#: _____
Address: Tobacco Road
City, State, Zip: Augusta, GA 30906
DL#: _____ SID#: _____

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Burglary 2nd Violent

in violation of § 16-11-1312(B) of the S.C. Code of Laws, bearing CDR Code # 086
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Paul Myers SC Bar# _____ Neil Chism SC Bar# 1212
Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 18 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 2

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$19.90
TOTAL		\$1248.90

Clerk of Court/ Deputy Clerk Shirley Newby

Court Reporter: Brenda Sigward

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2015-GS-19-21
A/W#: 2014A1910100513
Date of Offense: 11/21/2014
S.C. Code § : 16-11-0312(B)
CDR Code #: 0086

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☒
Random Drug/Alcohol testing ☒
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☒ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge [Signature]

Judge Code: 2195

Sentence Date: 14 JAN 15

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

HONORABLE EUGENE C. GRIFFITH, JR. CIRCUIT COURT JUDGE

Case No.: 2015-GS-19-044

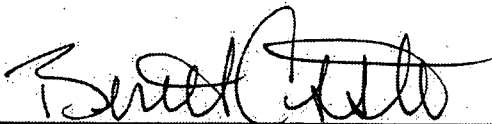
The State, ... Respondent.

V.

WILLIAM C SELLERS, ... Appellant.

NOTICE OF APPEAL

WILLIAM C. SELLERS, appeals his trial and sentence in this case. The trial commenced on August 28, 2018 and concluded on August 31, 2018. The Honorable Eugene C. Griffith, Jr. presided over the trial and imposed sentence. The court reporter was Steve. Leblanc, Post Office Box 184 Lexington, SC 29071.



Bennett Casto
Eleventh Circuit Public Defender's Office
202 East Main Street
Lexington, SC 29072
(803) 957-8873

OTHER COUNSEL OF RECORD:

Suzanne Mayes,
Assistant Solicitor
Lexington County Courthouse
Lexington, SC 29072

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Court of General Sessions

HONORABLE EUGENE C. GRIFFITH, JR. , Circuit Court Judge

Case No.: 2015-GS-19-044

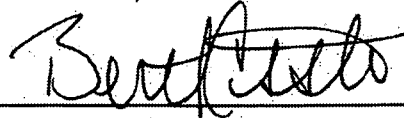
The State, ... Respondent.

v.

WILLIAM C. SELLERS Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Robert Dudek ,and Suzanne Mayes by depositing a copy of it in the United States Mail, postage prepaid, on September 6, 2018, addressed to Suzanne Mayes, Assistant Solicitor, Lexington County Courthouse, Lexington, SC 29072, and Robert Dudek, Chief Appellate Defender, P O Box 11433, Columbia, SC 29211.



Bennett Casto
Eleventh Circuit Public Defender's Office
202 East Main Street
Lexington, SC 29072

757

WITNESSES

ECSO

IRELAND

ARREST WARRANT NUMBER

2014A1910100476

ACTION OF GRAND JURY

Peter H. Hoffmann

Foreperson of Grand Jury

Date: JAN 12 2015

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2015-GS-19- 044

The State of South Carolina

County of EDGEFIELD

COURT OF GENERAL SESSIONS

JANUARY TERM 2015

THE STATE

vs.

WILLIAM C. (BILLY) SELLERS

CDR#0116

Indictment for

MURDER

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)

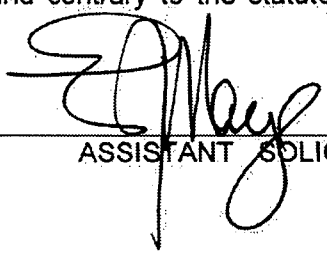
INDICTMENT FOR

MURDER

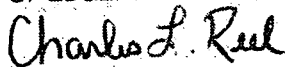
At a Court of General Sessions, convened on January 12, 2015 the Grand Jurors of Edgefield County present upon their oath:

That WILLIAM C. (BILLY) SELLERS, did in Edgefield County on or about October 9, 2014, feloniously, willfully and with malice aforethought, kill Johnny Hydrick, the victim, by means of beating and that the said victim died in Edgefield County as a proximate result thereof, in violation of the Common Law and §16-3-10, South Carolina Code of Laws, 1976, as amended, with penalties provided for in §16-3-20, South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

THE ABOVE IS A TRUE COPY OF THE ORIGINAL
WHICH IS ON FILE IN THE OFFICE OF THE
CLERK OF COURT OF EDGEFIELD COUNTY, SC



CHARLES L. REEL, CLERK OF COURT
OF GENERAL SESSIONS AND
COMMON PLEAS, E.C.S.C.

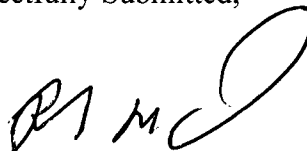
9-5-18
DATED

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED
MAR 19 2020
SC Court of Appeals

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of March, 2020.