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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

Appellate Case No. 2021-000457

The Honorable Craig Brown, Circuit Court Judge

The State of South CarolinaRespondent,

v.

Christopher P. Cooper.....Appellant.

RECORD ON APPEAL

VOLUME I OF III

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P R O C E E D I N G S

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* * *

4

(The following proceedings were held

5

April 19, 2021.)

6

THE COURT: All right. Ladies and gentlemen,

7

as I told you when I came in, once rollcall was

8

finished, I'd take you down the homestretch, so to

9

speak, and that's what I'm going to do.

10

If at any point in time you cannot hear me in

11

the back, raise your hand, and that will give me a

12

cue to raise my voice. I don't usually speak this

13

loud, so it's an intentional act on my part.

14

Before I begin my questioning to you. That I

15

failed to do so when I first down here seated in

16

front of me Ms. Bethanie Creppon. This is a court

17

of record, ladies and gentlemen. Everything that's

18

said in here is taken down for purposes of producing

19

the transcript at a later time if need be.

20

To my immediate left is Ross scar borrow he's a

21

lawyer. He's my law clerk. I till you he is my

22

lawyer he's here to aid and assist me in carrying

23

out my responsibilities as a Judge. So that's who

24

you'll see me seated up here this week. These up

25

here thin Burgundy jackets these are the bailiffs.

1 You'll see them in and around the courtroom. As you
2 serve had this week, they're here ladies and
3 gentlemen to aid an and assist you as you serve as
4 jurors this week so if you have any questions,
5 concerns please direct me to those bailiffs and
6 reach out to me and we'll address whatever issues
7 there may be.

8 Now what I'm going to do ladies and gentlemen
9 I'm getting ready to ask you a series of questions
10 okay. The questions that I'm going to ask you are
11 required by State, required by law that I ask these
12 questions of you. Now these questions that I'm
13 going to ask of you ladies and gentlemen are not
14 meant to embarrass anyone but again state law
15 requires that I ask these questions. If during the
16 qualification process, if I ask a question and you
17 do not wish to stand in the presence of your fellow
18 jurors, please make a mental note of that question
19 and I'll give you an opportunity to come forward and
20 speak to me at side bar as well as attorneys that
21 are here for cases for trial this week. If there's
22 a question that I ask you and don't wish to stand
23 I'll give you an opportunity to do so at the
24 conclusion.

25 All right first question. Any member of the

1 jury panel who is not a citizen of the United
2 States.

3 Is any member of the jury panel not a resident
4 and citizen of Lexington County please stand. Is
5 any member of the jury panel unable to read write
6 speak or understand the English language, if so plea
7 stand. Does any member of the jury panel have less
8 than a 6th grade edge cushion or its equivalent
9 please stand. To render efficient jury service.
10 For example, does any member of the jury panel have
11 any medical condition that would prevent you from
12 serving on a jury this week. Please understand that
13 we typically run court about an hour and a half to
14 two hours between breaks. If this particular
15 situation applies to you, please stand.

16 Yes, sir. Your name?

17 PROSPECTIVE JUROR: 57. I have doctor
18 appointments tomorrow Monday, Wednesday, and Friday
19 at 3:00.

20 THE COURT: Madam Clerk, if you'll approach
21 please.

22 All right. Sir, I'm going to excuse you from
23 service this week.

24 All right. In the back, your name and number?

25 PROSPECTIVE JUROR: 110.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR: I have several reasons
3 number one is I'm a convicted felon that was
4 sentenced mere than three years.

5 THE CLERK: You're Mr. Eric Keisler?

6 THE COURT: I'm going to go ahead and excuse
7 you sir, 110.

8 Next question: Has any member of the jury
9 panel in a state or federal court of record of a
10 crime punishable by imprisonment more than a year
11 your civil rights have not been pardoned by amnesty.
12 Means you could have received an a sentence of more
13 than one year regardless of what sentence you
14 actually may have receive. If this particular
15 applies to you please stand.

16 Is any member of the jury panel a clerk or
17 deputy clerk of court, constable, sheriff or other
18 commissioned law enforcement officer. Probate Judge
19 county missioner. Magistrate or other county
20 officer or employed within the walls of any
21 courthouse? If so please stand.

22 All right. Is any member of the jury panel
23 served as a member of the Lexington County Grand
24 Jury during the past several years? If so please
25 stand. All right. Ladies and gentlemen we now move

1 to what's called jury exemptions. State law
2 provides for several exemptions to jury service. An
3 exemption does not mean you're not qualified to
4 serve it simply means you have the right to choose
5 not to serve. The first exemption involves those of
6 you 65 years of age or older. If you're 65 years of
7 age or older you may be exempt from jury service
8 this week. The Court would certainly encourage you
9 to serve if you so desire. But if you wish to any
10 exempted you may be exempted. Is there anyone 65
11 years of age or older and wishes to be released from
12 jury service please stand.

13 All right. Another exemption involves prior
14 jury service. No one is required to serve as a
15 juror more than once every three calendar years. If
16 two calendar years you may be exempt from jury
17 service this week if you choose to be exempted.
18 Please note that this exemption does not apply if
19 your jury service was in magistrate court federal or
20 city court. If you wish to be exempted, please
21 stand.

22 All right. Individuals who have served as
23 grand jurors in the last a five calendar years may
24 also be exempted. If last calendar years and who
25 wishes to be exempted, please stand.

1 All right. The next exemption deals with those
2 of you who have small children. Please listen very
3 carefully to this exemption it has several parts and
4 all of which must apply for you to be exempted on
5 this basis. You may be exempt from jury service if
6 you have a small child or children under the age of
7 seven, you have legal custody of your children. You
8 have the principal care custody and control of your
9 child or children and you are unable to make arrange
10 for the adequate care for your child or children
11 while performing jury duty. If all of these apply
12 to you, you may be exempt on this basis. If this
13 applies to you and you wish to be exempted please
14 stand at this time.

15 All right. The next exemption deals with those
16 of you who may be attending school or work in
17 capacity with a school. If this applies to you and
18 you wish to be exempted the Court at a time which
19 will not conflict with your school responsibilities.
20 Is there any member of the jury panel who is a
21 full-time student teacher school crossing guard bus
22 driver or services in any other school related
23 function this week as a result of that school
24 involvement. If so please stand.

25 Yes, sir your name and number please.

1 PROSPECTIVE JUROR: 69.

2 THE COURT: Mr. Gardner, yes, sir. You're a
3 full-time student?

4 PROSPECTIVE JUROR: I'm a teacher at DJJ, at
5 the Virtual School academy.

6 THE COURT: When will you be first finished for
7 the year?

8 PROSPECTIVE JUROR: Hopefully, the beginning of
9 May.

10 THE COURT: Can we transfer him to a term in
11 June maybe?

12 THE CLERK: Yes, sir.

13 Is your address still the same?

14 PROSPECTIVE JUROR: Yes, ma'am.

15 THE COURT: Thank you for being here this
16 morning. You're free to go. Have a nice day. All
17 right. Is there are any member of the jury panel
18 who is employed at the department of corrections at
19 a penitentiary. If so and you wish to be exempted,
20 please stand.

21 Is there any member of the jury panel who
22 performs services for a business commercial so
23 essentially to the operation of the enterprise that
24 if you were required to perform jury duty the
25 enterprise would have to close or stop functioning,

1 if so and you wish to be exempted please stand.

2 All right. Is the any member of the jury panel
3 primary care taker of a severely disabled person who
4 is unable to care for himself or herself and cannot
5 be left unattended. If so please stand.

6 All right. Finally is there any member of the
7 jury panel who is the primary care taker of a person
8 age 65 or over, if so and you wish to be exempted
9 please stand.

10 Can the lawyers approach for a minute please.
11 I'm sorry.

12 (Sidebar conference.)

13 THE COURT: Ladies and gentlemen that concludes
14 the statutory list for. No exemption this week
15 would constitute a hardship on you for a particular
16 reason. Please understand that I cannot permanently
17 excuse a qualified jury service. But under extreme
18 and compelling circumstances I may transfer you to
19 another term of court particularly those of you that
20 have not been transferred before. Please understand
21 ladies and gentlemen that general inconvenience,
22 general inconvenience is not a sufficient reason to
23 transfer you to another term of court to justify a
24 transfer, to another term of court service this week
25 must constitute an extreme hardship to you. If this

1 particular situation applies to you please stand.

2 Yes, sir your name and number.

3 PROSPECTIVE JUROR: Juror 128. I'm thin boat
4 business and this is our extremely busy time of
5 year. If you don't mind I'd like to be transferred
6 to the off season fall or winter.

7 THE COURT: Madam Clerk, you want to transfer
8 him to the fall.

9 THE CLERK: Transfer him to October.

10 THE COURT: All right. Sir I'll transfer you
11 you're free to go have a nice day thank you.

12 Yes, sir, your name and number please.

13 PROSPECTIVE JUROR: Chris James my son has a
14 scan MUS on Friday.

15 THE COURT: How about I give you protection for
16 Friday so you can ensure that you're there for that?

17 PROSPECTIVE JUROR: Okay.

18 THE COURT: Thank you, sir.

19 All right. Ladies and gentlemen, as I told
20 you -- when I told you when we first started that if
21 I ask a question of you during the qualification
22 process that you did not wish to stand in the
23 presence of you fellow jurors I told you I'd give
24 you an opportunity to come up and speak with me.
25 This is that time. Is there any member of the jury

1 panel who wishes to come forward to speak with me
2 along with the attorneys who may be involves in
3 casus this week, now is the time for you to come
4 forward.

5 Tell me your name and number, please, ma'am.

6 PROSPECTIVE JUROR: Emily Dorroh 56.

7 THE COURT: All right. Come forward, please.

8 PROSPECTIVE JUROR: Emily Dorroh, 56.

9 THE COURT: Yes, ma'am.

10 PROSPECTIVE JUROR: I have family in law
11 enforcement and I don't know if that kind of
12 interacts with this stuff.

13 THE COURT: I'm qualified you have the purposes
14 of this case, that will be one of the questions that
15 I'll ask you.

16 PROSPECTIVE JUROR: Okay. Thank you.

17 THE COURT: Has the State had an opportunity to
18 review defendant's requested voir dire.

19 MS. WEISS: Yes, sir Your Honor we have.

20 THE COURT: Any objections.

21 MS. WEISS: No, sir Your Honor. I think
22 they're very similar to the voir dire we requested.
23 So --

24 MR. WILLIAMS: No objection to hers, Your
25 Honor.

1

2

3 THE COURT: Okay. Thank you.

4 All right. Madam Assistant Attorney General,
5 do you want to call the case?

6 MS. WEISS: Yes, sir, Your Honor. The State
7 calls the case of The State versus Christopher
8 Cooper; Indictment Nos. 2017-GS32-03587;
9 2017-GS-32-03588; 2017-GS-32-03589;
10 2017-GS-32-03590; 2017-GS-32-03591; and
11 2017-GS-32-03592.

12 THE COURT: Madam Clerk --

13 THE CLERK: Yes, sir, Your Honor. I'm getting
14 them for you.

15 THE COURT: I thought so.

16 Ms. Weiss, just for clarification, you're
17 calling 3587, 3588 --

18 MS. WEISS: Yes, sir.

19 THE COURT: -- 3589, 3590, 3591, and 3592?

20 MS. WEISS: Yes, sir.

21 THE COURT: All right. Ladies and gentlemen,
22 the State has called the case of The State of South
23 Carolina versus Mr. Christopher P. Cooper.

24 Mr. Cooper is charged under several indictments
25 here: Under 3587, with the offense of burglary in

1 the first degree. This indictment reads that
2 Christopher P. Cooper did in Lexington County, South
3 Carolina, on or about July 28th, 2017, along with
4 co-defendant -- is that right, Madam Assistant
5 Attorney General?

6 Can y'all approach a minute, please?

7 (Sidebar conference.)

8 THE COURT: All right. Ladies and gentlemen,
9 as I was beginning to read -- as I said,
10 Mr. Christopher P. Cooper is charged, by indictment,
11 with burglary in the first degree.

12 Let me start over here. That Christopher P.
13 Cooper did, in Lexington County, South Carolina, on
14 or about July 28th, 2017, along with co-defendant
15 Corey Cooper, did knowingly and willingly enter a
16 dwelling; to wit: 1603 F Avenue, West Columbia,
17 South Carolina, being the dwelling of Monesha Cook,
18 without consent and with the intent to commit a
19 crime therein, and when and in effecting entry or
20 while in the dwelling or in immediate flight, he or
21 another participant in the crime was armed with a
22 deadly weapon, used or threatened the use of a
23 dangerous instrument or displayed what was or
24 appeared to be a pistol, revolver, or other firearm,
25 or cause physical injury to a person who is not a

1 participant in the crime, and/or in the entering or
2 remaining occurred in the nighttime in violation of
3 Section 16-11-311 of the Code of Laws of South
4 Carolina.

5 Now, ladies and gentlemen, you heard me mention
6 a co-defendant in this matter. For various legal
7 reasons, the State, whether it's the local
8 Solicitor's Office or the Attorney General's Office,
9 can choose, for various legal reasons, to call the
10 trial of one individual or both individuals in this
11 case as they so desire.

12 In this situation or in this case, the State,
13 for various legal reasons, has chosen to call only
14 the case of The State versus Christopher P. Cooper
15 at this time, and that's who's going to be on trial
16 this week.

17 Any exception or objection to anything I've
18 said to the jury concerning that issue, Ms. Weiss?

19 MS. WEISS: No, Your Honor, not from the State.

20 THE COURT: Mr. Williams?

21 MR. WILLIAMS: None from the defendant, Your
22 Honor.

23 THE COURT: All right. Now, the next charge,
24 ladies and gentlemen, under Indictment 3592 is a
25 charge of criminal conspiracy. That indictment

1 reads that Christopher P. Cooper did, in Lexington,
2 South Carolina, on or about July 28th, 2017,
3 knowingly and wilfully unite, combine, conspire,
4 confederate, agree, and have tacit understanding
5 with Craig Corey Cooper for the purpose of
6 accomplishing a criminal or unlawful object and/or
7 an object neither criminal nor unlawful means; to
8 wit: Burglary, armed robbery, kidnapping, and/or
9 criminal sexual conduct first degree, in violation
10 of the common law and punishable under Section
11 16-17-410 of the South Carolina Code of Laws.

12 Under Indictment 3591, that is an indictment
13 that reads as follows: For possession of a firearm
14 during the commission of a violent crime, that
15 Christopher P. Cooper did, in Lexington County,
16 South Carolina, on or about July 28, 2017, knowingly
17 and wilfully possessed a firearm during the
18 commission of a violent crime or attempt to commit a
19 violent crime; to wit: Burglary, armed robbery,
20 criminal sexual conduct in the first degree, and/or
21 kidnapping, such weapon described as a pistol, in
22 violation of Section 16-23-490 of the Code of Laws
23 of South Carolina.

24 The next indictment, under Indictment No. 3590,
25 is a charge of criminal sexual conduct first degree.

1 It alleges that Christopher P. Cooper did, in
2 Lexington County, South Carolina, on or about July
3 28, 2017, willfully and unlawfully commit a sexual
4 battery in the first degree by engaging in sexual
5 battery upon the victim, Monesha Cook, under any one
6 or more of the following circumstances: The actor
7 used aggravated force to accomplish the sexual
8 battery and/or the victim submitted to the sexual
9 battery under circumstances of forcible confinement,
10 kidnapping, robbery, extortion, burglary, or any
11 other similar offense or act in violation of Section
12 16-3-652.

13 The next charge, under Indictment 3589, is an
14 indictment for kidnapping. It alleges that
15 Christopher P. Cooper did, in Lexington County,
16 South Carolina, on or about July 28, 2017, along
17 with co-defendant, Craig Corey Cooper, knowingly,
18 willfully, and unlawfully seized, confined,
19 inveigled, decoyed, kidnapped, abduct or carried
20 away one, by any means whatsoever, without authority
21 of law, and without her consent; to wit: Prevented
22 Monesha Cook from leaving her home, in violation of
23 16-3-910 of the Code of Laws of South Carolina.

24 And, finally, under Indictment No. 3588, which
25 is an indictment for armed robbery, that indictment

1 reads that Christopher P. Cooper did, in Lexington
2 County, South Carolina, on or about July 28, 2017,
3 along with co-defendant, Craig Corey Cooper,
4 knowingly and willfully, while armed with a deadly
5 weapon; to wit, a pistol, did feloniously take from
6 the person or presence of Monesha Cook, by means of
7 force, threats, or intimidation, goods or monies,
8 being described as follows: Cash money with intent
9 to deprive the owner of the use of such property, in
10 violation of 16-11-330(a) of the South Carolina Code
11 of Laws.

12 Now, ladies and gentlemen, I have to read to
13 you several indictments in this case. Let me
14 emphasize to you that these indictments are not, are
15 not evidence in this case. They are simply the
16 charging documents which brings this case into this
17 court. The defendant, Mr. Christopher P. Cooper,
18 has pled not guilty to these charges; therefore, the
19 State of South Carolina bears the burden of proving
20 his guilt beyond a reasonable doubt.

21 Now, before we proceed any further, there are
22 several questions that I must ask of you. Is there
23 any member of the jury panel that has ever been
24 related by blood, connected by marriage, had a close
25 personal, business, or social relationship with Mr.

1 Christopher P. Cooper, Mr. Craig Corey Cooper, or
2 Ms. Monesha Cook? If so, please stand.

3 (No response.)

4 All right. The following, ladies and
5 gentlemen, is a list of potential witnesses. This
6 list is quite lengthy. And I say that to say or
7 reemphasize what I just said: Potential witnesses.
8 It doesn't mean that all these witnesses are going
9 to be called; they're potential witnesses. Okay?
10 So what I'm going to do is I'm going to break it
11 down; I'm going to call out a number of them, then
12 I'm going to ask you a question, and then I'll go
13 ahead and call out the next grouping, so to speak,
14 and ask you the same questions. So, please, listen
15 very carefully to this list of potential witnesses.

16 Monesha Cook, Jacob Cook, Jeanie Kelly, Albert
17 Brisbon, Sean Riley, Craig Cooper, Earle Cooper,
18 Heather Lybrand Clamp, Investigator M. Hamp Taylor,
19 Willie Bradley, Christopher Jimmerson, Investigator
20 Chris Morris with the West Columbia Police
21 Department.

22 Is there any member of the jury panel that has
23 ever been related by blood, connected by marriage,
24 had a close personal, business, or social
25 relationship with any of those potential witnesses?

1 If so, please stand.

2 Yes, ma'am. Your name and number, please?

3 MS. WEISS: 93, Lisa Henry.

4 THE CLERK: I'm sorry. Did you say number 39,
5 ma'am?

6 PROSPECTIVE JUROR: I'm sorry; 93.

7 THE COURT: 93, Ms. Henry?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And who off of that list?

10 PROSPECTIVE JUROR: Heather Clamp.

11 THE COURT: And how do you know Ms. Clamp?

12 PROSPECTIVE JUROR: We're not close. But she
13 was my victim's advocate in a case.

14 THE COURT: All right. If you were selected as
15 a member of the jury in this case, could you be fair
16 and impartial to both the State and the Defense?

17 PROSPECTIVE JUROR: Yes, Your Honor.

18 THE COURT: Thank you, ma'am. You may be
19 seated.

20 Yes, sir. Your name and number, please?

21 PROSPECTIVE JUROR: 74 Scott, Gleasure.

22 I used to work with Sean Riley. I don't know
23 if it's the same one. But...

24 THE COURT: All right.

25 Do you have any additional information?

1 MS. WEISS: No, Your Honor. I don't think it's
2 the same one.

3 THE COURT: All right. Well, let me ask you
4 this: You said you used to work with a Sean Riley.

5 PROSPECTIVE JUROR: Yeah.

6 THE COURT: How long ago was that?

7 PROSPECTIVE JUROR: It's been about five years.

8 THE COURT: If this is, in fact, the same
9 person, which I'm not sure it is, if it is though
10 and if you were selected as a juror in this case,
11 could you be fair and impartial to both the State
12 and the Defense?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Thank you, sir. You may be seated.

15 All right. The next group includes Officer
16 Calvin Brown with the West Columbia Police
17 Department; Officer J. Auld, West Columbia Police
18 Department; Officer Joseph Stirewalt, West Columbia
19 Police Department; Sergeant Brian McDowell, West
20 Columbia Police Department.

21 Investigator Tommy Todd, West Columbia Police
22 Department; Investigator Joe Putney, West Columbia
23 Police Department; Investigator Turner -- do you
24 have a first name?

25 MS. WEISS: Your Honor, I apologize. Stacey

1 Turner.

2 THE COURT: Investigator Stacey Turner, West
3 Columbia Police Department; Page McCraw, West
4 Columbia Police Department; Investigator Thomas
5 Griffin, West Columbia Police Department; Captain
6 Bruce Wade, West Columbia Police Department.

7 Kristen Grant Moore, formerly with the West
8 Columbia Police Department, currently works with
9 SLED; Will Norris, formerly with the West Columbia
10 Police Department, but currently with Lexington
11 Police Department.

12 Is there any member of the jury panel that has
13 ever been related by blood, connected by marriage,
14 had a close personal, business, or social
15 relationship with any of those potential witnesses?
16 If so, please stand.

17 Yes, ma'am. Juror No. 93, Ms. Henry?

18 PROSPECTIVE JUROR: Detective Todd was part of
19 that case as well.

20 THE COURT: How long ago was that?

21 PROSPECTIVE JUROR: That was two years.

22 THE COURT: Two years or thereabouts?

23 PROSPECTIVE JUROR: Thereabouts.

24 THE COURT: Okay. Once again, if you were
25 selected to be a juror in this case, could you be

1 fair and impartial to both the State and the
2 Defense?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Thank you, ma'am. You may be
5 seated.

6 All right. Next: Jennifer Clayton with SLED;
7 Katie Corley with SLED; Verona Herrera with SLED;
8 Thomas Darnell with SLED; Doris Yarborough with
9 SLED; Amy Stephens Black with SLED; Lieutenant Robin
10 Taylor with SLED; Lisa Chapman with SLED; Donna
11 Money with SLED; Charlotte Pitts with SLED; and
12 Jackie Davis with SLED.

13 Is there any member of the jury panel that's
14 ever been related by blood, connected by marriage,
15 had a close personal, business, or social
16 relationship with any of those potential witnesses?
17 If so, please stand.

18 All right. The next group: Master Deputy
19 Jonathan Abbott, Richland County Sheriff's
20 Department; Investigator Glenn Oxendine, Richland
21 County Sheriff's Department; Investigator Kevin
22 Loftis, Richland County Sheriff's Department;
23 Investigator Marsden Roe, Richland County Sheriff's
24 Department; Sergeant Holdorf; Deputy Chief J. Stan
25 Smith, Richland County Sheriff's Department; John

1 Otterbacher, retired West Columbia Police
2 Department; Deputy Kyle Ostrander, Richland County
3 Sheriff's Department; EMT Patrick Dayton Barton,
4 Lexington County EMS; Detective Harriet Boozer,
5 Lexington Medical Center; Deborah Simpson, Sexual
6 Trauma Services Of the Midlands; Kate M. Fogle,
7 Social Worker with the Lexington Medical Center.

8 Is there any member of the jury pane who has
9 ever been related by blood, connected by marriage,
10 had a close personal, business, or social
11 relationship with any of those potential witnesses?
12 If so, please stand.

13 All right. The next group: Brigitte DeGuzman,
14 forensic nurse examiner, Prisma Health and Lexington
15 Medical Center; Shellie Keisler, forensic nurse
16 examiner, Prisma Health; Julie D. James, a
17 registered nurse at Lexington Medical Center; Dr.
18 David Luallen, Lexington Medical Center; Rachel
19 Nance, West Columbia Police Department Dispatch;
20 Officer Hamrick -- do you have a first name for that
21 officer?

22 MS. WEISS: Chuck, Your Honor.

23 THE COURT: Officer Chuck Hamrick, West
24 Columbia Police Department; Michael Phipps,
25 Lexington County Sheriff's Department; James

1 Hickman, Lexington County Sheriff's Department;
2 Willie Bradley, Esquire; Nadia James; and Patrick
3 Ward.

4 What agency is he with?

5 MR. WILLIAMS: Your Honor, I believe he's with
6 SLED.

7 THE COURT: Okay.

8 Patrick Ward with SLED.

9 Is there any member of the jury panel that's
10 ever been related by blood, connected by marriage,
11 had a close personal, business, or social
12 relationship with any of those potential witnesses?
13 If so, please stand.

14 (No response.)

15 All right. At this time, I ask that the
16 attorneys introduce themselves; the State, followed
17 by defense counsel please.

18 MS. WEISS: Good morning, ladies and gentlemen.
19 My name is Heather Weiss, and I'm an assistant
20 attorney general at the South Carolina Attorney
21 General's Office for Attorney General Alan Wilson.

22 MS. RAYMER: Good morning. Megan Raymer with
23 the South Carolina Attorney General's Office,
24 Assistant Attorney General.

25 MR. WILLIAMS: I'm Theo Williams. I work at

1 the firm across the street, Williams, Stitely &
2 Brink. And I'm going to be presumptuous and
3 introduce my daughter, if she'll stand up. She's a
4 law partner at the firm, Ms. Anna Williams, and
5 she's also assisting me today.

6 I'm sorry. You want defendants also, Your
7 Honor?

8 THE COURT: You can. Yes, sir.

9 MR. WILLIAMS: This is Chris Cooper.

10 THE COURT: Thank you, Mr. Williams.

11 MR. WILLIAMS: Thank you, Your Honor.

12 THE COURT: All right. Has any member of the
13 jury panel ever been related by blood, connected by
14 marriage, had a close personal, business, or social
15 relationship, or ever been represented by any of the
16 attorneys involved in this case? If so, please
17 stand.

18 Any member of the jury panel or their immediate
19 family ever been the victim of a violent crime? If
20 so, please stand.

21 (No response.)

22 Any member of the jury panel or their immediate
23 family accused or convicted of a crime of violence?
24 If so, please stand.

25 (No response.)

1 All right. Has any member of the jury panel or
2 their immediate family ever been convicted of or
3 accused of a burglary, robbery, or sexual assault?
4 If so, please stand.

5 (No response.)

6 Has any member of the jury panel or their
7 immediate family ever been employed with West
8 Columbia Police Department --

9 Let me just ask it this way: Has any member of
10 the jury panel or their immediate family ever been
11 employed in law enforcement? If so, please stand.

12 Yes, ma'am? Your name and number, please?

13 PROSPECTIVE JUROR: 53, Stephanie Derock.

14 THE COURT: Ma'am, will you please pull your
15 mask down so that I can hear you? 53?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: And was it you or immediate family?

18 PROSPECTIVE JUROR: Immediate family.

19 THE COURT: What agency, if you recall?

20 PROSPECTIVE JUROR: I believe it was Lexington
21 County. He works for Springdale.

22 THE COURT: All right. The fact that you have
23 a relative employed in law enforcement, if you were
24 selected as a juror in this case, would you be fair
25 and impartial for both the State and the Defense?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Thank you. You may be seated.

3 Ladies and gentlemen, let me say this: When
4 you-all speak to me, you certainly can pull your
5 mask down while you speak to me, so I can understand
6 you and, more importantly, so my court reporter can
7 understand you.

8 And it's a little difficult for me to hear up
9 here. I have this air vent right over here to my
10 right that's blowing, and it affects my ability to
11 hear you-all. So, certainly, please speak a little
12 louder than you might normally do so, so I can hear
13 you and, like I said, more importantly, my court
14 reporter can.

15 Your name and number, please, sir?

16 PROSPECTIVE JUROR: 46, John Cox.

17 THE COURT: Yes, sir. Was it you or immediate
18 family?

19 PROSPECTIVE JUROR: Immediate family. My
20 father is an FBI agent.

21 THE COURT: The fact that your father is in law
22 enforcement or FBI, if you were selected as a juror
23 in this case, could you be able to be fair and
24 impartial to both the State and the Defense?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Sir?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right. Thank you. You may be
4 seated.

5 Yes, ma'am. Your name and number, please?

6 PROSPECTIVE JUROR: Emily Dorroh, 56.

7 My father is a State transport police officer.

8 THE COURT: All right. The fact that your
9 father is in law enforcement, if you were selected
10 as a juror in this case, could you be fair and
11 impartial to both the State and the Defense?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: All right. I'm going to set you
14 aside for the trial of this case. Please be seated.

15 Yes, sir? Your name and number, please?

16 PROSPECTIVE JUROR: Jason Frye, 67.

17 THE COURT: All right. Was it you or immediate
18 family?

19 PROSPECTIVE JUROR: Immediate family.

20 THE COURT: And what agency.

21 PROSPECTIVE JUROR: It regards the first
22 question you asked about sexual assault.

23 THE CLERK: A violent crime, Your Honor.

24 THE COURT: Immediate family was a victim of
25 such?

1 PROSPECTIVE JUROR: Yes, sir, Your Honor.

2 THE COURT: All right. If you were selected a
3 juror in this case, could you be fair and impartial
4 to both the State and the Defense?

5 PROSPECTIVE JUROR: No, Your Honor.

6 THE COURT: All right. Thank you, sir. Tell
7 me your number again.

8 PROSPECTIVE JUROR: 67.

9 THE COURT: All right. I'm going to set him
10 aside for this trial as well.

11 Thank you. You may be seated.

12 All right. Juror No. 56, Ms. Dorroh, and Juror
13 No. 67, Mr. Frye, thank you--all for being here this
14 morning. You're free to go.

15 (Prospective jurors exit the courtroom.)

16 THE COURT: All right. I kind of sort of asked
17 this question a little bit ago, but I'm going to be
18 a little bit more specific: Has any member of the
19 jury panel or their immediate family or close
20 personal friend ever been represented -- I asked you
21 about Mr. Williams; but the law firm of Williams --
22 is it Stitely?

23 MR. WILLIAMS: It is, Your Honor.

24 THE COURT: -- Williams, Stitely & Brink law
25 firm? If so, please stand.

1 (No response.)

2 Has any member of the jury panel or their
3 immediate family ever been prosecuted by or involved
4 in any manner with the South Carolina Attorney
5 General's Office? If so, please stand.

6 (No response.)

7 Any member of the jury panel related by blood,
8 connected by marriage, or have a close personal,
9 business, or social relationship with any of the
10 solicitors in the Eleventh Judicial Circuit
11 Solicitor's Office? If so, please stand.

12 (No response.)

13 All right. Has any member of the jury panel
14 formed or expressed an opinion about any issue or
15 matter involved in this case? If so, please stand.

16 (No response.)

17 All right. Is any member of the jury panel
18 aware of any bias or prejudice toward either the
19 State or the Defense in this case? If so, please
20 stand.

21 (No response.)

22 Is there any member of the jury panel who is a
23 member of or contributor to any group which has as
24 its primary concern the promotion of law enforcement
25 of victim's rights? These groups might include, but

1 certainly are not limited to, MADD, SADD, or CAV,
2 Citizens Against Violent Crime? If so, please
3 stand.

4 (No response.)

5 All right. Does any member of the jury panel
6 know of any reason, any reason whatsoever, why he or
7 she should not serve as a juror in this case, with
8 particular emphasis being placed on your ability to
9 be fair and impartial to both the State and the
10 Defendant? If so, please stand.

11 (No response.)

12 All right. Does the State have any additional
13 voir dire?

14 MS. WEISS: Nothing from the State, Your Honor.

15 THE COURT: Defense counsel?

16 MR. WILLIAMS: Nothing from the Defendant, Your
17 Honor.

18 THE COURT: Can the lawyers approach, please,
19 along with Deputy Clerk, please, ma'am.

20 (Sidebar conference.)

21 THE COURT: All right. Ladies and gentlemen,
22 what we're getting ready to do here is I'm getting
23 ready to excuse you-all, and I'll ask that you be
24 back at 2:30. Okay?

25 Now let me explain a few things to you real

1 quick: In light of the pandemic, what we just did,
2 before the pandemic, we would have a complete jury
3 panel where we would be just about finished with a
4 complete jury panel in qualifying. Okay? But,
5 because of the pandemic and the necessity and need
6 for social distancing, we have another panel such as
7 yourselves coming in at 1:00, which I will have to
8 do the very same thing with that panel at 1:00 that
9 I just did with you-all. Okay?

10 So what we're going to do, as a panel coming in
11 at 1:00, I will qualify that panel just like I did
12 you-all. Then the entirety of those who have been
13 qualified will be here at 2:30, and that's when we
14 will pick a jury. Okay? That's when we'll pick a
15 jury, at 2:30, in this case.

16 Now, we're doing and the court system is doing
17 everything they can to ensure that there's proper
18 social distancing. Before the pandemic, you didn't
19 have all these screens up here or these -- this
20 Plexiglass separating everyone. We didn't have that
21 sort of thing. When you-all exit the courtroom,
22 after I excuse you here in a few minutes, there will
23 be individuals, I'm sure, that will be coming in
24 here and sanitizing where you-all have been sitting
25 so that there's no concern, hopefully, for any

1 cross-contamination, so to speak. But it's just a
2 matter of precaution.

3 We're going to do everything we can within our
4 powers up here to ensure that you-all are safe as
5 you serve this week. So that's why we're have to
6 do, in two panels today, as far as the qualification
7 is concerned.

8 I kind of am glad that it's at least two. In
9 Florence, we've been doing three panels; panel at
10 9:00, 11:00, and 2:00, and then pick a jury
11 thereafter. And so at least you-all are doing -- at
12 least I only have to sat this twice today instead of
13 three times. So I'm kind of excited about that.
14 But what we're going to do is I'm going to excuse
15 you until 2:30.

16 Now, before I excuse you, let me give you a
17 couple of instructions: I've told you very little
18 about this case. What I've told you, as I read the
19 indictments to you, which are simply, as I said, the
20 charging documents which bring this case into this
21 Court. They're not evidence in this case. They're
22 not evidence.

23 The defendant has pled not guilty. As I told
24 you before, the State has the burden of proving the
25 defendant's guilt beyond a reasonable doubt. Having

1 said that, I'm instructing you-all, ladies and
2 gentlemen, not, not to discuss this case with
3 anyone. You are not to discuss it with anyone, nor
4 is anyone to discuss this case with you. If anyone
5 tries to talk about this case with you, you need to
6 please let the Clerk's Office know immediately upon
7 your return.

8 Having instructed you not to talk to anyone and
9 told you that no one is to talk to you about it, in
10 addition, you are not -- you are not to do any
11 independent investigation about this case on the
12 Internet, Facebook, Twitter, YouTube, or whatever.
13 You are not to do any independent investigation into
14 this case.

15 If you're selected as a juror in this case, you
16 are to decide this case based solely, based solely,
17 upon the evidence and testimony that's presented
18 during the course of this trial and nowhere else.
19 Okay?

20 Now, having said that as well, let me say this:
21 When you-all return, I saw one of you out there --
22 and I'll give you further instructions on this if
23 you're, in fact, selected on a jury -- on this jury:
24 But I want you to be comfortable as you serve up
25 here this week. Some of you might think it's hot in

1 here; some of you might think it's cold in here.

2 But I want you to be comfortable as you serve.

3 If you're cold natured, please, please bring a
4 jacket. If I have anything to do with the
5 thermostat, it's going to be cold in here. I sit up
6 here a little bit elevated. And, you know, they say
7 heat rises. I'm a little elevated sitting up here.
8 In addition to sitting a little elevated, I have an
9 undershirt on, a shirt, a tie, and this robe is part
10 of my uniform. And I'm hot-natured. So I just --
11 it's probably going to be kind of cool in here. So
12 make sure, if you're cold in here right now, make
13 sure you bring a jacket back so that you're
14 comfortable in here.

15 Is there anything further from the State at
16 this time before I release this panel?

17 MS. WEISS: No, sir, Your Honor.

18 THE COURT: Defense counsel?

19 MR. WILLIAMS: Nothing from the Defendant, Your
20 Honor.

21 THE COURT: There seems to be that I'm
22 forgetting something, but I can't seem to think of
23 it right now. As soon as you-all walk out of here,
24 I'll remember it. My trusted law clerk says he
25 can't think of anything either. So between the

1 State, Defense, and my law clerk, hopefully we got
2 it all right.

3 And I say that to say, you know, we just
4 resumed jury trials here very recently, so we're
5 still kind of trying to knock some of the rust off,
6 so to speak. So I would appreciate your patience as
7 we go throughout this process. Okay? Having
8 concluded that, I'm going to excuse you at this
9 time. Again, don't discuss this case at all with
10 anyone; don't do any independent investigation at
11 all until you're instructed to do so if, in fact,
12 you're selected to serve on this jury.

13 You-all are free to go. I look forward to
14 seeing you back at 1:00 -- excuse me, 2:30. 2:30.
15 Everybody clear on that? 2:30. See you-all at
16 2:30. Thank you.

17 (The jury panel exits the courtroom.)

18 THE BAILIFF: Your Honor, this juror has a
19 question.

20 THE COURT: Name and number, please?

21 PROSPECTIVE JUROR: Sherri Cassella, 33.

22 THE COURT: Come on up, please, ma'am.

23 PROSPECTIVE JUROR: Okay.

24 (Ms. Cassella comes forward.)

25 THE COURT: Yes, ma'am?

1 PROSPECTIVE JUROR: I'm just curious of the
2 times. I have a child I pick up every day at BC --
3 she's 15 -- 4:00. So I didn't know. There's
4 nothing on the paperwork that says what time --

5 THE COURT: Well, that's something I would have
6 discussed if you were, in fact, selected on the
7 jury.

8 PROSPECTIVE JUROR: Okay. It scared me that we
9 have to come back at 2:30 and I have to be there at
10 4:00. So I --

11 THE COURT: Do you have anybody else who can
12 pick her up, maybe?

13 PROSPECTIVE JUROR: I -- we alternate every
14 week with her dad. This is my week. So, no, he's
15 out of town this week. You can guarantee me.
16 That's fine; I don't mind being here.

17 THE COURT: Is that going to be every day this
18 week?

19 PROSPECTIVE JUROR: Yes, every day this week.

20 THE COURT: We'll probably be going to beyond
21 4:00 every day this week.

22 PROSPECTIVE JUROR: I mean, I will --

23 THE COURT: I'll transfer you to another term.

24 PROSPECTIVE JUROR: Okay.

25 THE COURT: To the summer?

1 PROSPECTIVE JUROR: Yes. That would be
2 perfect, yes, because she won't be in school.
3 Sorry. I would have mentioned that. I didn't know.

4 THE COURT: That's okay. And, like I said,
5 that's something I typically wait until the panel is
6 selected. Maybe I ought to ask that. I'm glad you
7 brought it up.

8 PROSPECTIVE JUROR: Right.

9 THE COURT: I mean, we typically could break
10 anywhere from 5:00 to 6:00 at night.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: It just depends on where our
13 witnesses are and all the testimony, et cetera. On
14 occasions, we do break earlier than 4:00, but not
15 often.

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: I'll transfer you.

18 THE CLERK: Transfer to July?

19 PROSPECTIVE JUROR: That's perfect.

20 THE CLERK: Is your address still the same,
21 ma'am?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 THE CLERK: Okay. You'll get another summons.

24 PROSPECTIVE JUROR: Okay. Thank you.

25 THE COURT: Have a good day.

1 PROSPECTIVE JUROR: You, too.

2 THE COURT: The next panel is coming in at
3 1:00. Anything y'all want to do between now and
4 then?

5 MS. WEISS: No, sir, Your Honor.

6 THE COURT: You sure?

7 MS. WEISS: I think we're good.

8 THE COURT: I got the two motions you sent
9 yesterday sometime.

10 MS. WEISS: Well, one was the list of motions
11 we had talked -- and the other is the rape shield
12 motion. And then --

13 THE COURT: Do you have hard copies of those?

14 MS. WEISS: I do. I just was anticipating -- I
15 was thinking the two panels were this morning, and
16 that was after lunch, and so I left that in our
17 office across the hall.

18 THE COURT: Okay.

19 MR. WILLIAMS: Judge, we basically had two
20 major motions. Obviously, you read -- I guess you
21 got a copy of one dealing with the alleged statement
22 and confession that my client made, so we got to
23 have a hearing on that. And we do have an agreement
24 on one, and that is sequestration of the witnesses.
25 I've got extra copies, if you don't have that one.

1 THE COURT: Please. I don't know that I've
2 seen that.

3 MS. WEISS: It's only a one-page motion, Your
4 Honor.

5 MR. WILLIAMS: No. It's actually more than one
6 page.

7 THE COURT: Ms. Weiss, if you want to go grab
8 whatever hard copies you have.

9 MS. WEISS: Sure. Yes, Your Honor.

10 MR. WILLIAMS: Judge, I have only one here with
11 me. We can print a copy, I guess. It's been filed
12 and sent to the Clerk's Office. It was served on --

13 THE COURT: I have not seen this, Mr. Williams.

14 MR. WILLIAMS: Well, there's one in the file;
15 it should be. It was filed April 13th.

16 THE COURT: Mr. Williams, I didn't get an
17 e-mail from you on that.

18 MR. WILLIAMS: We e-mailed it, Judge, to the
19 Court. I'm sorry, Your Honor. We sent a copy to
20 Heather and we sent a copy to the Clerk of Court's
21 Office.

22 THE COURT: Let me ask y'all this real quick
23 while you-all are still here: Have each of you seen
24 the other side's motion?

25 MR. WILLIAMS: I just saw hers. She and I

1 talked yesterday afternoon.

2 THE COURT: Okay. Why don't y'all get
3 together? Y'all may can agree on some of it.

4 MR. WILLIAMS: We can. We've already agreed on
5 the sequestration of witnesses.

6 THE COURT: That's the easiest one.

7 MR. WILLIAMS: But, probably, we're not going
8 to agree on the keeping the statements out, Judge.

9 MS. WEISS: Yeah. The two major ones are the
10 bribery allegation and the Denno that we're probably
11 going to do motions for that; we'll have to at least
12 talk about in court and get a ruling on it.

13 THE COURT: If I have kind of an odd facial
14 expression, I'm trying to interpret what you-all are
15 saying through those masks.

16 MS. WEISS: Sorry, Your Honor. It's my first
17 trial since COVID, so --

18 THE COURT: That's okay.

19 MS. WEISS: But, no. We looked through it and
20 I think we're going to -- we'll put them on the
21 record. But I think we're going to be pretty quick
22 on the others. It's just the number 4, the alleged
23 bribery scheme. It's just an argument to suppress
24 just any mention of it. We have different views on
25 how that whole thing happened. But then, overall, I

1 think it's irrelevant and confusing and just let's
2 just suppress it so we don't get into that. But we
3 can talk about that later.

4 Then the Denno hearing on the statements. And
5 then I'll need to bring Craig Cooper up and call him
6 to the stand and just have him say what he's going
7 to do. He pled guilty. Part of the plea agreement
8 was that he had a sentence range that applied, if he
9 cooperated with his testimony that he gave that day
10 in court, and that he testify.

11 And he has indicated, prior to today, that he
12 no longer wants to go along with the plea agreement.
13 But, just to be clear, I don't want to call him just
14 for the purpose of him saying he's not going to go
15 along with it. So I wanted to put him up, make sure
16 he's aware of the plea agreement, that he loses the
17 plea agreement, just to make sure all that's on the
18 record, and then let him tell the Court what he's
19 going to do so that I don't risk later him saying,
20 well, I would have done it if you would have called
21 me or whatever. So --

22 THE COURT: Was he -- who is his lawyer?

23 MS. WEISS: His lawyer is Colin Spangler. He's
24 aware of this.

25 THE COURT: And he's going to be here?

1 MS. WEISS: Yes, sir, Your Honor.

2 THE COURT: Okay. Here's a copy of what
3 Mr. Williams filed --

4 MR. WILLIAMS: And I've got more copies coming,
5 Judge.

6 THE COURT: Okay.

7 MR. WILLIAMS: And, in all honesty, Judge, it's
8 kind of simple, but it's got more stuff in it. It
9 looks like I spent longer doing it.

10 THE COURT: Okay.

11 MS. WEISS: And, Your Honor, I think, at this
12 point, the case has been called and the bond is up.
13 So we'd ask that Mr. Cooper be taken into custody at
14 this time.

15 MR. WILLIAMS: And, Judge, I have already
16 talked to the bonding company, and they are
17 providing us a letter stating they will remain on
18 the bond. And, Your Honor, it's my understanding
19 that normally the decision of whether or not they're
20 left out or not out normally depends on after the
21 jury is sworn. And we haven't even finished
22 completing the jury -- well, the second part of the
23 jury hasn't even come in yet.

24 So we would move that the Court make that call
25 this afternoon, after the second part of the jury

1 has met.

2 THE COURT: Okay.

3 MR. WILLIAMS: He does have a monitor on his
4 leg, too, Judge.

5 THE COURT: Okay. All right. Well, I'm going
6 to allow him to remain out right now.

7 MS. WEISS: Okay.

8 THE COURT: Mr. Cooper, would you stand,
9 please, sir? Raise your right hand. I'm going to
10 swear you in real quick.

11 CHRISTOPHER P. COOPER

12 being first duly sworn, testified as follows:

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: Okay. You can put your hand down,
15 sir. Pull your mask down while you're talking to
16 me. I'm going to allow you to remain out on bond
17 right now. Okay?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: I want you to understand though,
20 your case has been called; I've already qualified
21 the first panel for selecting your jury. However, I
22 want you to understand, if you fail to appear, if
23 you fail to return, that will not halt the going
24 forward of your case. You understand that?

25 THE DEFENDANT: Yes, sir, Your Honor.

1 THE COURT: You can, under the law, be tried in
2 your absence. You understand that?

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: In fact, if you fail to reappear,
5 what will happen is the Court will issue a bench
6 warrant for your arrest. And, at some point in
7 time, you'll be picked up. If you've been
8 convicted, you'll -- I will fill out sentence
9 sheets; they'll be sealed; and you'll be returned to
10 the Court and those sentences will be unsealed and
11 imposed on you. You understand that?

12 THE DEFENDANT: Yes, sir, Your Honor.

13 THE COURT: For purposes of right now though, I
14 want to make it abundantly clear, if you fail to
15 appear, that will not hold up the process or
16 progress of you case going forward. You understand
17 that?

18 THE DEFENDANT: Yes, sir, Your Honor.

19 THE COURT: All right. Do you have any
20 questions you want to ask me?

21 THE DEFENDANT: No, sir, Your Honor.

22 THE COURT: Okay. Thank you. You may be
23 seated.

24 All right. Anything else at this time?

25 MS. WEISS: No, sir, Your Honor.

1 THE COURT: All right. If you-all would go
2 ahead and, to the extent that you hadn't already,
3 talk about what is going to be before me after we
4 pick a jury this afternoon so we can run through,
5 you know, what y'all agree upon and what you -- and
6 move right into what we need to deal with.

7 MS. WEISS: Yes, sir, Your Honor. And just so
8 I understand, the next panel comes in at 1:00.

9 THE COURT: Yes.

10 MS. WEISS: At 2:30, this panel comes back with
11 the next panel. And they all come up here or is it
12 just a --

13 THE CLERK: They're all going to be in here.

14 MS. WEISS: Okay. So it's going --

15 THE CLERK: I think it's 60 that can sit out
16 there.

17 MS. WEISS: I just didn't know if it was going
18 to be, like, just the selection panel or if it's
19 going to be everybody. But it's going to be
20 everybody --

21 THE CLERK: Yes, ma'am.

22 MS. WEISS: -- and then you'll have -- do you
23 do strike sheets or no?

24 THE CLERK: Not in general sessions; we don't
25 provide strike sheets.

1 MS. WEISS: Not a problem. I just wanted to
2 make sure I understood what was going to be
3 happening.

4 THE CLERK: Yes, ma'am. The only ones that get
5 strikes sheets is the Judge, his clerk, the court
6 reporter, and me.

7 MS. WEISS: Perfect. Not a problem. Thank you
8 so much.

9 THE COURT: Ten and five on the strikes?

10 MR. WILLIAMS: Yes, sir.

11 MS. WEISS: Yes, sir.

12 THE COURT: One or two alternates? Two
13 alternates?

14 MS. WEISS: Yes, please, Your Honor.

15 MR. WILLIAMS: Yes, sir.

16 THE COURT: One and two on each alternate.

17 THE CLERK: All right, sir.

18 THE COURT: All right. We'll see you back at
19 1:00.

20 MR. WILLIAMS: Thank you, Your Honor.

21 MS. WEISS: Thank you, Your Honor.

22 (Trial in recess 11:12 AM - 1:17 PM.)

23 THE COURT: Good afternoon, ladies and
24 gentlemen. I hope you-all are doing well today. My
25 name is Craig Brown. I am from Florence. I had the

1 privilege of driving up here this morning. You-all,
2 ladies and gentlemen, have been summoned for a
3 one-week -- and I emphasize a one-week, not a
4 multi-week term -- for jury service in what is
5 called General Sessions or, better known as,
6 criminal court in this state.

7 What we're going to do here -- before we go any
8 further, let me introduce you to a couple people.
9 To my immediate right down here is Mrs. Bethanie
10 Creppon. She's my Court Reporter. This is a court
11 of record. What is said in here is taken down
12 and -- for the purpose of producing a transcript at
13 a later time, if need be. So, as we go through this
14 qualification process, please speak loud and clear
15 to make sure she hears you. In fact, when you do
16 stand and then speak, it's okay if you remove your
17 mask while you speak and then put it back up after
18 you speak. Okay? I want to make sure the record is
19 clear and so that everyone can hear you up here.

20 To my left is Ross Scarborough. He has
21 graduated from law school, taken and passed the Bar.
22 He is my law clerk. I tell people he is my lawyer.
23 He is here to aid and assist me in the carrying out
24 of my job responsibilities as a circuit court judge.

25 This young lady here in this burgundy jacket is

1 one of the bailiffs here. You'll see them around
2 here and one behind me. They're the bailiffs here
3 in court, and they're here to aid and assist you as
4 you serve as jurors during this one-week term. If
5 there are any issues that come up, please notify
6 them and, if need be, they'll reach out to me, and
7 we'll address accordingly.

8 Now, before we begin this qualification
9 process, let me emphasize and say again how much I
10 appreciate you-all being here. Our judicial system
11 cannot function without people such as yourselves.
12 This is only the second jury term of court that I
13 have held since they reinitiated jury trials. They
14 were started back up last month, but when they
15 started back up in Florence, they didn't have any
16 jury terms scheduled at the time. So we're trying
17 to get things going again, so to speak, in jury
18 trials.

19 And, having said that, I can't emphasize to you
20 the importance of your service. As you can imagine,
21 jury trials were shut down for approximately a year,
22 due to the pandemic. And, as you can further
23 imagine, the dockets in civil court, which is Common
24 Pleas court in this state, and criminal court, which
25 is General Sessions court, is backed up pretty

1 significantly.

2 So as you serve here this week, I understand,
3 ladies and gentlemen, that you have lives outside of
4 this courtroom. And I will do everything within my
5 power to make sure that your time is as efficiently
6 used as possible; however, knowing that we can't
7 function without you. Okay?

8 Now, having said that, we're going to qualify
9 you to serve here this week. And the qualification
10 process is a multi-step process, the first of which
11 is rollcall. It will be conducted by the Clerk of
12 Court's Office. Once rollcall is completed, I will
13 have a litany of questions that I have to ask of you
14 that is required by state law. But we'll get
15 through this as quickly as possible.

16 At this time, therefore, I'll turn it over to
17 the Clerk's Office, Madam Clerk, for rollcall.

18 THE CLERK: Please stand and raise your right
19 hand.

20 (Jury panel sworn.)

21 THE CLERK: Rollcall is complete, Your Honor.

22 THE COURT: Thank you.

23 All right. Ladies and gentlemen, you all are
24 now qualified to serve as jurors during this
25 one-week term of jury service. And what we're going

1 to do now, is we're going to move straight into
2 qualifying you as jurors to serve on this first case
3 that's up for trial this week. Therefore, I'm going
4 to recognize Ms. Weiss with the Attorney General's
5 Office to call this case, please, ma'am.

6 MS. WEISS: Thank you, Your Honor. The State
7 calls the case of The State of South Carolina versus
8 Christopher P. Cooper;
9 Indictment Nos. 2017-GS-32-03587 through
10 2017-GS-32-03592.

11 THE COURT: All right. Ladies and gentlemen,
12 the State of South Carolina has called the case of
13 State of South Carolina versus Mr. Christopher P.
14 Cooper. Mr. Cooper is charged, by several
15 indictments, with several different charges. And
16 please listen very carefully as I read the charges
17 in these indictments.

18 The indictment under -3587 is an indictment for
19 burglary in the first degree. It alleges that
20 Christopher P. Cooper did, in Lexington County,
21 South Carolina, on or about July 28, 2017, along
22 with co-defendant Craig Corey Cooper did knowingly
23 and willfully enter a dwelling; to wit:
24 1603 F Avenue, West Columbia, South Carolina, being
25 the dwelling of Monesha Cook, without consent and

1 with the intent to commit a crime therein and, when
2 in effecting entry or while in the dwelling or in
3 immediate flight, he or another participant in the
4 crime was armed with a deadly weapon, used or
5 threatened the use of a dangerous instrument, or
6 displayed what was or appeared to be a pistol,
7 revolver, or other firearm, or caused physical
8 injury to a person who was not a participant in the
9 crime, and/or the entering or remaining occurred in
10 the nighttime, in violation of Section 16-11-311 of
11 the Code of Laws of South Carolina.

12 Now, ladies and gentlemen, you heard me mention
13 a codefendant's name in this case, Craig Corey
14 Cooper. I will tell you that Christopher P. Cooper
15 is the only individual that's on trial this week.
16 For various legal reasons, the State can choose to
17 try one or both defendants at the same time. But
18 the State, in this particular case, has only chosen
19 to try Mr. Christopher P. Cooper at this time.

20 Any exception or objection to what I have
21 conveyed to the jury concerning the co-defendant,
22 Madam Solicitor -- or Madam Assistant Attorney
23 General?

24 MS. WEISS: Yes, Your Honor.

25 THE COURT: Any objection?

1 MS. WEISS: No objection.

2 THE COURT: Defense counsel?

3 MR. WILLIAMS: No objection, Your Honor.

4 THE COURT: All right.

5 Now, under Indictment -3588, Mr. Christopher
6 Cooper is charged with armed robbery. That
7 indictment reads that Christopher P. Cooper did, in
8 Lexington County, on or about July 28, 2017, along
9 with co-defendant Craig Corey Cooper, knowingly and
10 willfully, while armed with a deadly weapon, to wit,
11 a pistol, did feloniously take from the person or
12 presence of Monesha Cook by means of force, threats,
13 or intimidation, goods or monies being described as
14 follows: Cash money, with intent to deprive the
15 owner of use of such property, in violation of
16 Section 16-11-330(a) of the South Carolina Code of
17 Laws.

18 Indictment -3589 charges the defendant with
19 kidnapping. And that indictment reads that
20 Christopher P. Cooper did, in Lexington County,
21 South Carolina, on or about July 28, 2017 along with
22 co-defendant Craig Corey Cooper, knowingly,
23 willfully, and unlawfully seized, confined,
24 inveigled, decoyed, kidnapped, abduct, or carried
25 away one, by any means whatsoever, without authority

1 of law, and without her consent; to wit: Prevented
2 Monesha Cook from leaving her home, in violation of
3 Section 16-3-910 of the Code of Laws of South
4 Carolina.

5 Indictment -3590 alleges a charge for criminal
6 sexual conduct first degree. It alleges that
7 Christopher P. Cooper did, in Lexington County,
8 South Carolina, on or about July 28, 2017, willfully
9 and unlawfully commit a sexual battery in the first
10 degree by engaging in sexual battery upon the
11 victim, Monesha Cook, under any one or more of the
12 following circumstances: The actor used aggravated
13 force to accomplish the sexual battery, and/or the
14 victim submitted to the sexual battery under
15 circumstances of force or confinement, kidnapping,
16 robbery, extortion, burglary, or any other similar
17 offense or act, in violation of Section 16-3-652 of
18 the Code of Laws of South Carolina.

19 Indictment -3591 is an indictment for
20 possession of a firearm during a violent crime.
21 That indictment reads that Christopher P. Cooper
22 did, in Lexington County, South Carolina, on or
23 about July 28, 2017, knowingly and willfully
24 possessed a firearm during the commission of a
25 violent crime or attempt to commit a violent crime,

1 to wit, burglary, armed robbery, criminal sexual
2 conduct in the first degree, and/or kidnapping, such
3 weapon described as a pistol, in violation of
4 Section 16-23-490 of the Code of Laws of South
5 Carolina.

6 And, finally, under Indictment -3592, the
7 defendant is charged with criminal conspiracy. It
8 alleges that Christopher P. Cooper did, in Lexington
9 County, South Carolina, on or about July 28, 2017,
10 knowingly and willfully unite, combine, conspire,
11 confederate, agree, and have a tacit understanding
12 with Craig Corey Cooper for the purpose of
13 accomplishing a criminal or unlawful object and/or
14 an object neither criminal nor unlawful, but by
15 criminal or unlawful means; to wit, burglary, armed
16 robbery, kidnapping, and/or criminal sexual conduct
17 first degree in violation of the common law under
18 16-17-410 of the South Carolina Code of Laws.

19 Now, ladies and gentlemen, each of these
20 indictments that I just read to you are not evidence
21 in this case; they are simply the charging documents
22 which bring this case to this Court. Now, to these
23 charges, Mr. Christopher P. Cooper, the defendant,
24 has pled not guilty; therefore, the State of South
25 Carolina bears the burden of proving his guilt to

1 you, the jury, beyond a reasonable doubt.

2 Now there are certain questions that I must ask
3 of you, ladies and gentlemen, to qualify you to
4 serve on this particular jury:

5 Is there any member of the jury panel that has
6 ever been related by blood, connected by marriage,
7 had a close personal, business, or social
8 relationship with Mr. Christopher P. Cooper, Craig
9 Corey Cooper, or Monesha Cook? If so, please stand.

10 (No response.)

11 All right. The following, ladies and
12 gentlemen, is a potential list of witnesses in this
13 case. Let me emphasize that they're potential
14 witnesses. It does not mean that all of them are
15 going to be called; they are simply a list of
16 potential witnesses. And this list is quite
17 lengthy, okay, so I'm going to break it down into
18 several different groups and, after each group, ask
19 you a series of questions as it relates to that
20 particular group. Please listen very carefully.
21 Some of these names may be repetitive in the outset.

22 Potential witnesses include Monesha Cook; Jacob
23 Cook; Jeanie Kelly; Albert Brisbon; Shawn Riley;
24 Craig Cooper; Earle Cooper; Heather Lybrand
25 Clamp with the 11th Circuit Solicitor's Office;

1 Investigator M. Hamp Taylor, Lexington County
2 Sheriff's Department; Willie Bradley; Christopher
3 Jimmerson; and Investigator Chris Morris with the
4 West Columbia Police Department.

5 Is there any member of the jury panel that's
6 ever been related by blood, connected by marriage,
7 had a close personal, business, or social
8 relationship with any of those potential witnesses?
9 If so, please stand.

10 (No response.)

11 The next group: Officer Calvin Brown, West
12 Columbia Police Department; Officer Jay Auld, West
13 Columbia Police Department; Officer Joseph
14 Stirewalt, West Columbia Police Department; Sergeant
15 Brian McDowell, West Columbia Police Department;
16 Investigator Tommy Todd, West Columbia Police
17 Department; Investigator Joe Putney, West Columbia
18 Police Department; Investigator Stacey Turner, West
19 Columbia Police Department; Page McCraw, West
20 Columbia Police Department; Detective Thomas
21 Griffin, West Columbia Police Department; Captain
22 Bruce Wade, West Columbia Police Department; Kristen
23 Grant Moore, formerly with West Columbia Police
24 Department, currently with SLED, which is South
25 Carolina Law Enforcement Division; Will Norris,

1 formerly West Columbia Police Department, but
2 currently with Lexington Police Department.

3 Is there any member of the jury panel that's
4 ever been related by blood, connected by marriage,
5 had a close personal, business, or social
6 relationship with any of those potential witnesses?
7 If so, please stand.

8 (No response.)

9 All right. The next group: Jennifer Clayton
10 with SLED; Katie Corley with SLED; Andrea Simmons,
11 SLED; Verona Herrera, SLED; Thomas Darnell, SLED;
12 Doris Yarborough, SLED; Amy Stephens Black SLED;
13 Lieutenant Robin Taylor, SLED; Lesa Chapman, SLED;
14 Donna Money, SLED; Charlotte Pitts, SLED; and Jackie
15 Davis, SLED.

16 Is there any member of the jury panel that's
17 ever been related by blood, connected by marriage,
18 or had a close personal, business, or social
19 relationship with any of those potential witnesses?
20 If so, please stand.

21 Name and number, please, sir?

22 PROSPECTIVE JUROR: Ted Lassiter, 122.

23 THE COURT: Yes, sir.

24 PROSPECTIVE JUROR: I am a contractor for SLED.

25 I run the Computer Crimes Department. I don't know

1 any of the SLED agents, per se, but I am employed
2 there.

3 THE COURT: Mr. Lee?

4 THE CLERK: Lassiter.

5 THE COURT: I'm sorry. 122. You're a
6 contractor with them?

7 PROSPECTIVE JUROR: Yes, sir. For about the
8 last eight years, I've been in charge of the
9 computer crimes.

10 THE COURT: But you do not know any of those
11 officers I named?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: All right. If you were selected as
14 a juror in this particular case, could you be fair
15 and impartial to both the State and the Defense?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Thank you. You may be seated.

18 All right. The next grouping: Master Deputy
19 Jonathan Abbott, Richland County Sheriff's
20 Department; Investigator Glenn Oxendine, Richland
21 County Sheriff's Department; Investigator Kevin
22 Loftis, Richland County Sheriff's Department;
23 Investigator Marsden Roe, Richland County Sheriff's
24 Department; Sergeant Travis Holdorf, Richland County
25 Sheriff's Department; Deputy Chief J. Stan Smith,

1 Richland County Sheriff's Department; Jay -- excuse
2 me, Jan Otterbacher, retired West Columbia Police
3 Department; Deputy Kyle Ostrander, Richland County
4 Sheriff's Department; Patrick David Barton,
5 Lexington County EMS; Dr. Harriet Boozer, Lexington
6 Medical Center; Deborah Simpson, Sexual Trauma
7 Services of the Midlands; Kate M. Fogle, Social
8 Worker with Lexington Medical Center.

9 Is there any member of the jury panel that's
10 ever been related by blood, connected by marriage,
11 or had a personal, business, or social relationship
12 with any of those potential witnesses? If so,
13 please stand.

14 (No response.)

15 All right. The next group: Brigette DeGuzman,
16 Forensic Nurse Examiner, Prisma Health and Lexington
17 Medical Center; Shellie Keisler, Forensic Nurse
18 Examiner, Prisma Health; Julie D. James, Registered
19 Nurse, Lexington Medical Center; Dr. David Luallen
20 Lexington Medical Center; Rachel Nance, dispatch
21 with West Columbia Police Department; Officer Chuck
22 Hamrick, West Columbia Police Department; Michael
23 Phipps, Lexington Sheriff's Department; James
24 Hickman, Lexington County Sheriff's Department;
25 Nadia James and Patrick Ward with SLED.

1 Is there any member of the jury panel that's
2 ever been related by blood, connected by marriage,
3 or had a close personal, business, or social
4 relationship with any of those potential witnesses?
5 If so, please stand.

6 Name and number, please?

7 PROSPECTIVE JUROR: 158, Josh Nuelken.

8 THE COURT: Yes, sir?

9 PROSPECTIVE JUROR: I was a co-worker of
10 Brigette DeGuzman for a number of years at Prisma
11 Health.

12 THE COURT: You are or were?

13 PROSPECTIVE JUROR: Were.

14 THE COURT: How long ago was that, sir?

15 PROSPECTIVE JUROR: Mid-2000s.

16 THE COURT: Okay. If you were selected -- the
17 fact that you previously worked with her, if you
18 were selected as a juror in this case, could you be
19 fair and impartial to both the State and the
20 Defense?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: Thank you, sir. You may be seated.

23 All right. At this time, if the attorneys
24 would introduce themselves; the State, followed by
25 defense counsel, please.

1 MS. WEISS: Good afternoon. My name is Heather
2 Weiss. I'm an Assistant Attorney General at the
3 South Carolina Attorney General's Office working for
4 Alan Wilson.

5 MS. RAYMER: Good afternoon. Assistant
6 Attorney General Megan Raymer.

7 MR. WILLIAMS: I'm Theo Williams. I practice
8 law across the street at the firm of Williams,
9 Stitely, & Brink.

10 MS. WILLIAMS: Good afternoon. Anna Williams.
11 I also practice at Williams, Stitely, & Brink.

12 THE COURT: Is there any member of the jury
13 panel that's ever been related by blood, connected
14 by marriage, or had a close personal, business, or
15 social relationship, or ever been represented by any
16 of the attorneys involved in this case? If so,
17 please stand.

18 (No response.)

19 Has any member of the jury panel or their
20 immediate family ever been the victim of a crime of
21 violence? If so, please stand.

22 (No response.)

23 Has member of the jury panel or their immediate
24 family member ever been accused or convicted of a
25 crime of violence? If so, please stand.

1 PROSPECTIVE JUROR: 186.

2 THE COURT: Yes, sir.

3 PROSPECTIVE JUROR: My son is a felon. He was
4 convicted of robbery and burglary.

5 THE COURT: Okay. All right. The fact that
6 you stood in response to that question, if you were
7 selected as a juror in this case, could you be fair
8 and impartial to both the State and the Defense?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Thank you. You may be seated.

11 Has any member of the jury panel or their
12 immediate family ever been a victim of or accused of
13 burglary, robbery, or sexual assault? If so, please
14 stand.

15 (No response.)

16 Has any member of the jury panel or their
17 immediate family ever been the victim of or accused
18 of sexual assault? If so, please stand.

19 (No response.)

20 Is any member of the jury panel or their
21 immediate family currently or previously employed
22 with any law enforcement agency? If so, please
23 stand.

24 (No response.)

25 Has any member of the jury panel or their

1 immediate family previously been represented by or
2 currently represented by any of the attorneys at
3 Williams, Stitely, & Brink law firm? If so, please
4 stand.

5 (No response.)

6 Any member of the jury panel or their immediate
7 family been ever been prosecuted by or involved in
8 any manner with the South Carolina Attorney
9 General's Office? If so, please stand.

10 (No response.)

11 Is there any member of the jury panel who is
12 related by blood, connected by marriage, or had a
13 close personal, business, or social relationship
14 with any of the prosecutors or solicitors in the
15 11th Judicial Circuit? If so, please stand.

16 (No response.)

17 Has any member of the jury panel formed or
18 expressed an opinion about any issue or matter
19 involved in this case? If so, please stand.

20 (No response.)

21 Is any member of the jury panel aware of any
22 bias or prejudice towards either the State or the
23 Defendant in this case? If so, please stand.

24 (No response.)

25 Is there any member of the jury panel who is a

1 member of or contributor to any group which has as
2 its primary concern the promotion of law enforcement
3 or victim's rights? These groups might include, but
4 certainly are not limited to, MADD, SADD, or CAV,
5 Citizens Against Violent Crime? If so, please
6 stand.

7 (No response.)

8 Does any member of the jury panel know of any
9 reason, any reason whatsoever, why he or she should
10 not serve as a juror in this case, with particular
11 emphasis being placed upon your ability to be fair
12 and impartial to both the State and the Defendant?
13 If so, please stand.

14 (No response.)

15 All right. Does the State have any additional
16 voir dire?

17 MS. WEISS: No, Your Honor.

18 THE COURT: Defense counsel?

19 MR. WILLIAMS: None for the Defendant, Your
20 Honor.

21 THE COURT: All right. Can the lawyers
22 approach, please, and Madam Clerk.

23 (Sidebar conference.)

24 THE COURT: All right. Ladies and gentlemen,
25 what I'm getting ready to do is I'm going to give

1 you a break of about 20 minutes or so. At 2:30, the
2 first panel, as well as you-all, are going to come
3 back in here, and we're going to select a jury for
4 the trial of this case.

5 I want to just give you a few instructions
6 before I give you a break: You know very little
7 about this case, other than what I've told you and
8 reading these indictments to you. As I said before,
9 the indictments are not evidence in this case.

10 When I give you a break here, do not discuss
11 this case at all with anyone right now. Okay?
12 Don't discuss the case at all with anyone right now.
13 Furthermore, do not do any independent investigation
14 on your own. And that will be if you get selected
15 on this jury, those two instructions will be
16 throughout, until the case is given to the jury to
17 decide.

18 Do not discuss the case with anyone; nobody
19 should come up to you and talk to you about the
20 case; do not do any independent investigation about
21 this case. You're to decide this case based solely,
22 solely, upon the evidence and testimony that's
23 presented in this courtroom and nowhere else. Okay?

24 So what I'm going to do is I'm going to give
25 y'all a break. I'll ask that you be back in here at

1 2:30, and then we'll move forward promptly at that
2 time in selecting the jury for the trial of this
3 case. Okay? Thank you.

4 (Jury pool excused.)

5 Juror No. 209, would you come forward please,
6 sir?

7 (Juror No. 209 comes forward.)

8 (Off-the-record discussion.)

9 THE COURT: Juror 209 didn't object to being
10 excused.

11 (Pause in the proceedings 2:09 PM - 2:37 PM.)

12 THE COURT: Anything from the State before we
13 commence the selection of the jury?

14 MS. WEISS: Nothing from the State, Your Honor.

15 THE COURT: Defense counsel?

16 MR. WILLIAMS: Nothing from the Defendant, Your
17 Honor.

18 THE COURT: All right. Madam Clerk, ready when
19 you are. Five and ten on the strike with two
20 alternates; one and two on the alternates each.

21 THE CLERK: Yes, sir.

22 Okay. As I call your name and number, please
23 come forward. You'll come through the gate, stand
24 up here at this podium, and remain there until I
25 give you further instructions.

1 Number 132, Ted Lassiter.

2 (Mr. Lassiter comes forward.)

3 THE CLERK: What say you for the State?

4 MS. WEISS: Please present the juror.

5 THE CLERK: What say you for the Defense?

6 MR. WILLIAMS: Please excuse the juror from the
7 trial of this case.

8 THE CLERK: Return to your seat, please, sir.

9 Number 8, Wayne Bannan.

10 (Mr. Bannan comes forward.)

11 THE CLERK: What say you for the State?

12 MS. WEISS: Please present the juror.

13 THE CLERK: What say you for the Defense?

14 MR. WILLIAMS: Please swear the juror.

15 THE CLERK: Have a seat in the jury box, sir.

16 Number 185, Christopher Senn.

17 (Mr. Senn comes forward.)

18 THE CLERK: What say you for the State?

19 MS. WEISS: Please present the juror.

20 THE CLERK: What say you for the Defense?

21 MR. WILLIAMS: Please swear the juror.

22 THE CLERK: Have a seat in the jury box, sir.

23 Number 58, Randell Dreyer.

24 (Mr. Dreyer comes forward.)

25 THE CLERK: What say you for the State?

1 MS. WEISS: Please present the juror.

2 THE CLERK: What say you for the Defense?

3 MR. WILLIAMS: Please excuse the juror from the
4 trial of this case.

5 THE CLERK: Return to your seat, please, sir.

6 Number 60, Carl Epps.

7 (Mr. Epps comes forward.)

8 THE CLERK: What say you for the State?

9 MS. WEISS: Please present the juror.

10 THE CLERK: What say you for the Defense?

11 MR. WILLIAMS: Please excuse the juror from the
12 trial of this case.

13 THE CLERK: Return to your seat, please, sir.

14 41, Carlos Collins.

15 (Mr. Collins comes forward.)

16 THE CLERK: What say you for the State?

17 MS. WEISS: Please excuse this juror.

18 THE CLERK: Return to your seat, please, sir.

19 Number 96, Michael Huber.

20 (Mr. Huber comes forward.)

21 THE CLERK: What say you for the State?

22 MS. WEISS: Please excuse the juror.

23 THE CLERK: Return to your seat, please, sir.

24 Number 182, Meredith Scott.

25 (Ms. Scott comes forward.)

1 THE COURT: What say you for the State?

2 MS. WEISS: Please present the juror.

3 THE CLERK: What say you for the Defense?

4 MR. WILLIAMS: Please excuse the juror from the
5 trial of this case.

6 THE CLERK: Return to your seat, please, ma'am.
7 48, Carrie Dalton.

8 (Ms. Dalton comes forward.)

9 THE CLERK: What say you for the State?

10 MS. WEISS: Please present the juror.

11 THE CLERK: What say you for the Defense?

12 MR. WILLIAMS: Please swear the juror.

13 THE CLERK: Have a seat in the jury box, ma'am.
14 Number 4, Michael Artlip.

15 (Mr. Artlip comes forward.)

16 THE CLERK: What say you for the State?

17 MS. WEISS: Please present the juror.

18 THE CLERK: What say you for the Defense?

19 MR. WILLIAMS: Please swear the juror.

20 THE CLERK: Have a seat in the jury box, sir.
21 74, Scott Gleasure.

22 (Mr. Gleasure comes forward.)

23 THE CLERK: What say you for the State?

24 MS. WEISS: Please present the juror.

25 THE CLERK: What say you for the Defense?

1 MR. WILLIAMS: Please excuse the juror from the
2 trial of this case.

3 THE CLERK: Return to your seat, please, sir.
4 Number 85, Tina Gullo.

5 (Ms. Gullo comes forward.)

6 THE CLERK: What say you for the State?

7 MS. WEISS: Please present the juror.

8 THE CLERK: What say you for the Defense?

9 MR. WILLIAMS: Please swear the juror.

10 THE CLERK: Have a seat in the jury box, ma'am.
11 151, Kelly Mixson.

12 (Ms. Mixson comes forward.)

13 THE CLERK: What say you for the State?

14 MS. WEISS: Please present the juror.

15 THE CLERK: What say you for the Defense?

16 MR. WILLIAMS: Please excuse the juror from the
17 trial of the case.

18 THE CLERK: Return to your seat, please, ma'am.
19 208, Waylon Trakas.

20 (Mr. Trakas comes forward.)

21 THE CLERK: What say you for the State?

22 MS. WEISS: Please present the juror.

23 THE CLERK: What say you for the Defense?

24 MR. WILLIAMS: Please swear the juror.

25 THE CLERK: Have a seat in the jury box, sir.

1 149, Richard Metts.
2 (Mr. Metts comes forward.)
3 THE CLERK: What say you for the State?
4 MS. WEISS: Please present the juror.
5 THE CLERK: What say you for the Defense?
6 MR. WILLIAMS: Please excuse the juror.
7 THE CLERK: Return to your seat, please, sir.
8 65, Brittany Franceschina.
9 (Ms. Franceschina comes forward.)
10 THE CLERK: What say you for the State?
11 MS. WEISS: Please present the juror.
12 THE CLERK: What say you for the Defense?
13 MR. WILLIAMS: Please swear the juror.
14 THE CLERK: Have a seat in the jury box, ma'am.
15 134, Devon Lybrand.
16 (Mr. Lybrand comes forward.)
17 THE CLERK: What say you for the State?
18 MS. WEISS: Please excuse the juror.
19 THE CLERK: Return to your seat, please, sir.
20 216, Amber Wells.
21 (Ms. Wells comes forward.)
22 THE CLERK: What say you for the State?
23 MS. WEISS: Please present the juror.
24 THE CLERK: What say you for the Defense?
25 MR. WILLIAMS: Please swear the juror.

1 THE CLERK: Have a seat in the jury box, ma'am.

2 168, Jason Reeves.

3 (Mr. Reeves comes forward.)

4 THE CLERK: What say you for the State?

5 MS. WEISS: Please present the juror.

6 THE CLERK: What say you for the Defense?

7 MR. WILLIAMS: Please excuse this juror from

8 the trial of this case.

9 THE CLERK: Return to your seat, please, sir.

10 139, Shawn Martin.

11 (Mr. Martin comes forward.)

12 THE CLERK: What say you for the State?

13 MS. WEISS: Please present the juror.

14 THE CLERK: What say you for the Defense?

15 MR. WILLIAMS: Please seat the juror.

16 THE CLERK: Have a seat in the jury box, sir.

17 125, Sheila Leaphart.

18 (Ms. Leaphart comes forward.)

19 THE CLERK: What say you for the State?

20 MS. WEISS: Please present the juror.

21 THE CLERK: What say you for the Defense?

22 MR. WILLIAMS: Please swear the juror.

23 THE CLERK: Have a seat in the jury box, ma'am.

24 103, Angela Johnson.

25 (Ms. Johnson comes forward.)

1 THE CLERK: What say you for the State?

2 MS. WEISS: Please present the juror.

3 THE CLERK: What say you for the Defense?

4 MR. WILLIAMS: Please excuse the juror from the
5 trial of this case.

6 THE CLERK: Return to your seat, please, ma'am.
7 100, Paige Jackson.

8 (Ms. Jackson comes forward.)

9 THE CLERK: What say you for the State?

10 MS. WEISS: Please present the juror.

11 THE CLERK: What say you for the Defense?

12 MR. WILLIAMS: Please swear the juror.

13 THE CLERK: Have a seat in the jury box, ma'am.
14 107, Matthew Jones.

15 (Mr. Jones comes forward.)

16 MS. WEISS: Please excuse the juror.

17 THE CLERK: Return to your seat, please, sir.
18 39, Tyrell Coleman.

19 (Mr. Coleman comes forward.)

20 THE CLERK: What say you for the State?

21 MS. WEISS: Please present the juror.

22 THE CLERK: What say you for the Defense?

23 MR. WILLIAMS: Please swear the juror.

24 THE CLERK: Have a seat in the jury box, sir.
25 Proceed with alternates, Your Honor?

1 THE COURT: Yes, ma'am.

2 THE CLERK: 215, Kayla Watkins.

3 (Ms. Watkins comes forward.)

4 THE CLERK: What say you for the State?

5 MS. WEISS: Please present the juror.

6 THE CLERK: What say you for the Defense?

7 MR. WILLIAMS: Please excuse the juror from the
8 trial of this case.

9 THE CLERK: Return to your seat, please, ma'am.

10 46, John Cox.

11 (Mr. Cox comes forward.)

12 THE CLERK: What say you for the State?

13 MS. WEISS: Please present the juror.

14 THE CLERK: What say you for the Defense?

15 MR. WILLIAMS: Please excuse the juror from the
16 trial of this case.

17 THE CLERK: Return to your seat, please, sir.

18 197, James Spencer.

19 (Mr. Spencer comes forward.)

20 THE CLERK: What say you for the State?

21 MS. WEISS: Please present the juror.

22 THE CLERK: What say you for the Defense?

23 MR. WILLIAMS: Please swear the juror.

24 THE CLERK: Have a seat in the jury box, sir.

25 That's Alternate 1, Your Honor.

1 Number 70, Kendra Garrett.

2 (Ms. Garrett comes forward.)

3 THE CLERK: What say you for the State?

4 MS. WEISS: Please present the juror.

5 THE CLERK: What say you for the Defense?

6 MR. WILLIAMS: Please swear the juror.

7 THE CLERK: Have a seat in the jury box, ma'am.

8 That's Alternate 2, Your Honor.

9 THE COURT: Any matters of law we need to take
10 up in regards to the jury selection from the State?

11 MS. WEISS: Not from the State, Your Honor.

12 THE COURT: Defense counsel?

13 MR. WILLIAMS: None by the Defendant, Your
14 Honor.

15 THE COURT: All right. Can the lawyers
16 approach a minute, please?

17 (Sidebar conference.)

18 THE COURT: Ladies and gentlemen, those of you
19 seated in the jury box, you-all have been selected
20 as fair and impartial jurors to serve in this case.
21 I'm going to release you-all, but I want to go over
22 a few quick things with you-all before I do so.
23 Okay?

24 During your service as jurors, I want you to
25 understand that you will not be allowed to have your

1 cell phone in the jury room; you will not be able to
2 access any kind of electronic devices, whether it be
3 a phone, smart watch, or anything such as that.
4 You'll be asked to give that to the bailiff before
5 entering in the jury room or during trial.

6 If an emergency occurs -- Madam Clerk, do they
7 already have a phone number that they can give to
8 their family if they need to reach out?

9 THE CLERK: Yes, sir, on their paperwork from
10 us.

11 THE COURT: Okay. On your paperwork, the
12 Clerk's Office tells me that you-all -- there should
13 be a phone number on there. You can give that to
14 any family or whomever you think might need to get
15 in touch with you if an emergency occurs. You'll
16 be -- they'll be able to get in touch with quicker
17 that way than they would by trying to reach you on
18 your cell phone, okay, because you're not going to
19 be able to have a cell phone back in the jury room.

20 Now, during your service this week, before you
21 broke today and came back at 2:30, I told you-all
22 not to talk with anyone about the case and,
23 furthermore, that no one was supposed to talk to you
24 about the case. During your service this week on
25 this jury, I would further tell you that you're not

1 to have any contact with any of the parties that may
2 be involved in this case.

3 My advice -- I mean, I read out a litany of
4 names that are potential witnesses in the case. And
5 you-all did not -- if I recall correctly, none of
6 you-all that are on this list knew of any of them.
7 Okay? The best advice I can give you is to stay to
8 yourself or with your fellow jurors during your
9 service this week. Innocent conversations could be
10 misconstrued and, therefore, the best thing to do is
11 either stay to yourself or with your fellow jurors
12 as you're up here this week, serving as jurors.
13 Okay?

14 As you serve this week, please, ladies and
15 gentlemen, be prompt. If you-all, as a jury, been
16 asked to be back here at a certain time and one of
17 you is not here, we can't proceed. Okay? And if we
18 haven't heard from you, I'm going to have to send
19 one of Lexington County's sheriff's deputies looking
20 for you. Okay? So if something comes up, car
21 trouble, whatever it may be, make sure that you
22 reach out to the Clerk's Office up here and let
23 somebody know what's going on so we're aware of it.
24 Okay? Otherwise, if you're asked to be here and
25 you're not here, we're going to send somebody

1 looking for you. Okay?

2 As you serve this week, you know, we typically
3 start at 9:30 in the mornings. It may be different
4 some days, but typically 9:00 or 9:30; it just
5 depends on where we may be in a trial and what other
6 matters that we may be dealing with on other cases,
7 so to speak. But we typically start at 9:00 or 9:30
8 in the morning; we'll go for about an hour and a
9 half, take a midmorning break, go for about an hour
10 and a half, and take a lunch break.

11 There's no set time of 12:00 or 12:30 or 1:00
12 that we go to lunch. That largely depends on where
13 we're at with the witnesses. Okay? If the State
14 tells me or one of the lawyers tells me that the
15 next witness is going to be lengthy, and it might be
16 11:30 or a quarter to 12:00 or something, I'm going
17 to let you go right then to lunch and bring you back
18 earlier. Okay? It just depends on where we are.

19 But we'll typically break somewhere between
20 12:00 and 1:00. That's typical operation. Break
21 between 12:00 and 1:00 for lunch. I will typically
22 give you about an hour and 15, hour and a half for
23 lunch so you're not having to rush tremendously out
24 to get something and get back here. We'll resume
25 2:00 and 2:30 or somewhere between 2:00 and 2:30.

1 And, like the morning, we'll go for about an hour
2 and a half and break and then go for about an hour
3 and a half.

4 We typically break somewhere between 5:00 and
5 6:00. I don't sit up here and as soon as that clock
6 back there strikes 5:00 say we're stopping for the
7 day. Okay? If there's a witness on the stand, it
8 would be my intention to try to finish that witness
9 for the day. Okay? Under very, very, and let me
10 emphasize, very, if you didn't hear that, under very
11 rare circumstances would you be here beyond 6:00.
12 Okay?

13 Having said that, if at, say, 4:30 the lawyers
14 say, Judge, this next weekend may be lengthy, we may
15 break at 4:30 for the day. It all just depends on
16 where we are with witnesses and how the trial is
17 progressing. Okay?

18 And I know I'm giving you a lot of
19 generalities, but I'm trying to, as much as I can,
20 give you as much information that you can prepare as
21 we go through, through this week. I think I told
22 some of you before we broke in the first panel, I
23 want you to be comfortable as you serve up here this
24 week.

25 If you're cold-natured, please bring a jacket

1 because, like I said earlier, I like it cool in the
2 courtroom because I've got three layers of clothes
3 on up here, and I'm hot-natured. So -- and, if I
4 can help it, it's going to be cool in the courtroom.
5 But I want you-all to be comfortable. And if you
6 need to bring a jacket, please do so. Okay?

7 Now, you all-have noticed, ladies and
8 gentlemen, there are a lot of things in place to try
9 to keep everyone as protected as possible in light
10 of the pandemic. It's been several years since I've
11 been to Lexington to hold court. But last time I
12 was in Lexington, none of this Plexiglass was up;
13 none of these barriers were up during that period of
14 time because this pandemic was not something we
15 needed to worry about.

16 In the past, I've told jurors that when you
17 come in and out of the courtroom, that you could sit
18 wherever you wanted to in the jury box. I will
19 instruct you-all, ladies and gentlemen, that when --
20 going forward, since things have changed, once you
21 pick your seat in here, that's going to be your
22 seat. Okay? I don't want any potential for any
23 cross-contamination, so to speak, or any concerns
24 that you-all may have.

25 Also, when you-all return tomorrow morning --

1 and I'm getting ready to release you until tomorrow
2 morning because we have some matters that we need to
3 deal with outside of your presence. When you-all
4 return tomorrow morning, I want you-all to select a
5 foreperson. Okay? I will tell you that your
6 foreperson cannot be Mr. Spencer or Ms. Garrett.
7 They've been selected as alternates in this case.
8 It doesn't lessen your value any, in any regards,
9 and in your importance to this jury, but I will tell
10 you that Mr. Spencer nor Ms. Garrett can be your
11 foreperson. Okay?

12 When you-all -- make sure, please, madam
13 bailiff, that there's some paper and pen in the jury
14 room for them. When you-all select a foreperson
15 tomorrow morning, write that down on a piece of
16 paper for me, give it to my bailiff, and she'll give
17 it to me when you-all come back in the courtroom.

18 The foreperson will sit in this seat where this
19 gentleman in the white-and-blue-striped shirt is
20 closest to me. Is that where your foreperson
21 normally sits?

22 THE BAILIFF: Yes, sir.

23 THE COURT: Okay. That will be the
24 foreperson's seat, and that will be that person's
25 assigned seat throughout the trial of this case.

1 And the remainder of you, once you select your seat
2 in the morning once you-all leave here today, I'm
3 assuming that they're going to disinfect and
4 everything before tomorrow morning.

5 Once you-all come back in the morning, come
6 into this courtroom, and then pick your seat in the
7 jury box, make sure that's your seat throughout.
8 Okay? And, likewise, when you go to the jury room,
9 make sure you sit in the same seat in there as well.
10 Okay?

11 They've told me that you-all are going to be
12 downstairs on the third floor. There's a couple
13 rooms connected down there to allow or enable
14 you-all to maintain the necessity and required
15 social distancing down there as well. Okay?

16 But, don't forget, when you come back in the
17 morning -- and make sure everyone is back in the
18 morning before you select a foreperson. And go
19 ahead and reduce that to writing, give it to my
20 bailiff, and she'll give it to me -- or he, whoever
21 is down there with them will, in turn, give that to
22 me when you-all come back in. Okay?

23 Anything from the State before I release this
24 jury for the balance of the day?

25 MS. WEISS: No, sir, Your Honor, nothing from

1 the State.

2 THE COURT: Defense counsel?

3 MR. WILLIAMS: Nothing from the Defendant, Your
4 Honor.

5 THE COURT: All right. You-all are free to go.
6 This young lady is going to take you where you need
7 to go and show you where you need to go. If you-all
8 will be back at 9:30 in the morning, we'll start as
9 promptly at that time as we can. Okay? Thank you.
10 You-all have a nice evening.

11 (The jury exits the courtroom at 3:04 PM.)

12 THE COURT: All right. Ladies and gentlemen,
13 those of you who are seated out in the audience,
14 what I'm getting ready to do is I'm going to release
15 you. When I release you, you're done for the week.
16 I've been advised that this trial is going to take
17 the better part of the week. And you-all could
18 probably imagine that from the number of potential
19 witnesses that I called out earlier today in
20 qualifying you-all.

21 I want to thank you-all, ladies and gentlemen,
22 for being here today. I can't stress to you the
23 importance of your service as jurors. I know that
24 jury service never ever comes at a convenient time.
25 But it's not something that we want to do away with

1 in this country I can promise you that.

2 I told a gentleman earlier a story. When I was
3 practicing law in Florence, I was the only lawyer in
4 my office. And sometimes I tell this story at the
5 outset of jury selection, and I didn't do so this
6 morning. But I was the only lawyer practicing law
7 in my office; I was the only person bringing in any
8 income. And I had three people working for me.

9 And I was summoned for jury duty in city court
10 in Florence. And I said to myself, well, surely,
11 surely the Judge will let me out of jury duty since
12 I'm the only person in my office working and I'm the
13 only person bringing in money.

14 So I go over to the courthouse Monday morning.
15 The judge looks at me and says, Mr. Brown, I'm
16 sorry; you're going to serve. So then my next
17 thought was, well, surely none of these lawyers will
18 put me on a jury because I practiced law against all
19 these lawyers. And, to my surprise, was I not put
20 on one jury that week, I was put on five juries that
21 week. Okay?

22 And so, having said that, all five of those
23 cases, in some way, shape, or form ended up being
24 resolved throughout the week. But, in any event,
25 what it meant was I was at my office probably at

1 6:00 or before in the morning, doing work until I
2 needed to be at the courthouse for jury service, and
3 I was over at the courthouse for jury service until
4 I was released and I was back at my office until
5 whatever time of that night that I needed to be
6 there to finish whatever work I needed to do.

7 That was not fun and that was not convenient
8 for me, I can promise you, and certainly not
9 convenient for me and my wife because, at the time,
10 we had three small children. But it was something
11 that I had to do and it was something that was a
12 sacrifice that I had to make. And I know that
13 you-all made some sacrifices in some way, shape, or
14 form today.

15 But I can't stress to you and convey to you how
16 much I appreciate you being here. I tell juries
17 this quite often: That you wouldn't want me or any
18 other judge walking in the courtroom on a Monday
19 morning and looking at the local sheriff's
20 department saying, go find the first 12 -- or, in
21 this case, with two alternates, 14 people on the
22 street that you can find, bring them up here, and
23 let's try this case, nor would you want me or a
24 panel of judges sitting up here making these
25 decisions.

1 You would want people exactly like yourselves
2 that are seated out in the gallery here serving on a
3 jury if you were on this side of the bar, so to
4 speak, making a decision about your case. You
5 wouldn't want just any and everybody coming in off
6 the street and doing it.

7 Our jury system in this country is really the
8 only, the only remaining service that we have in
9 this country. There's not a situation where your
10 grandparents, or great grandparents, for that
11 matter, that were drafted into the military that had
12 to go serve for a couple years or maybe even longer.
13 We don't have that in this country anymore. Jury
14 service is the only remaining service that you have
15 in this country.

16 And it's a sacrifice, it's a sacrifice, worth
17 making to ensure that your jury service remains
18 intact. In jury service, you can only be chosen or
19 called to come up here once every three years. Some
20 people go a lifetime and never get called. But, up
21 here, you can only be called once every three years.

22 But I hope that if you're summoned for jury
23 duty in the future, whether it be in civil court or
24 criminal court, whether it be in city court or
25 magistrate's court, that you will remember how

1 important your service is, not only to this
2 community, but to this state and to this country.
3 Thank you-all again for being here. I hope you-all
4 have a wonderful week and I hope to see you again
5 soon. Y'all have a nice day. You're free to go.

6 (Remaining jury panel excused.)

7 THE COURT: Do y'all wish to stand down for a
8 few minutes before we start or do you want to just
9 go right into whatever we need to do?

10 MS. WEISS: May we have a brief, like, five
11 minutes to make sure we have everything?

12 THE COURT: Yes, ma'am.

13 MS. WEISS: Thank you, Your Honor.

14 THE COURT: All right.

15 (Brief recess.)

16 THE COURT: Is the State ready to proceed?

17 MS. WEISS: State is ready, Your Honor.

18 THE COURT: Defense counsel?

19 MR. WILLIAMS: Defense is ready, Your Honor.

20 THE COURT: All right. The State handed me up
21 some motions this morning, numbers 1 through 5, as
22 well as a stipulation and a motion in limine
23 complaint with the rape shield law statute. Are
24 there any other defense motions?

25 MR. WILLIAMS: Defendant only has the --

1 THE COURT: Jackson v. Denno.

2 MR. WILLIAMS: Jackson v. Denno. And the
3 sequestration, we agreed to. There's an issue --
4 the Attorney General has an issue, which we see that
5 as being something that --

6 THE COURT: Huh?

7 MR. WILLIAMS: There is an issue, Judge. It's
8 very unique. I will go ahead and tell you that
9 right now, Judge. It's a motion that deals with --
10 there were some things which transpired in this case
11 dealing with some allegations of extortion --

12 THE COURT: Yes, sir.

13 MR. WILLIAMS: -- which led to the Attorney
14 General's Office taking this case versus the
15 Solicitor's Office. She's got a motion in limine
16 about that. Obviously, I'm going to try to get into
17 that. So, at some point in time, it will have to be
18 discussed.

19 THE COURT: Okay.

20 THE CLERK: But I don't know if she wants to
21 lead with that.

22 THE COURT: Well, let's do them in the order on
23 her list.

24 MR. WILLIAMS: Yes, sir.

25 THE COURT: All right.

1 Ms. Weiss?

2 MS. WEISS: Thank you, Your Honor. Our first
3 pretrial motion is the motion to suppress any
4 mention of arrest in Jacob Cook in 2020 and in 2021.
5 Jacob Cook is the husband of Monesha Cook. Monesha
6 Cook, his wife, was the one at home when the
7 incident we're about to try this case about
8 occurred, but -- and Jacob was not there.

9 It got brought up in another hearing about the
10 fact that he has two arrests, one from the summer of
11 2020 and one from, I believe it was, February of
12 2021 that have nothing to do with the 2017 incident,
13 and neither are convictions. And, Your Honor, I
14 just wanted to put this out there before anything
15 started that we'd move to suppress any mention of
16 arrest under the theory that everyone is innocent
17 until proven guilty and that it's not relative to
18 this case.

19 And I believe I spoke to Mr. Williams about
20 this, and he said, well, but if the door is open. I
21 was like, well, if the door is opened, that's a
22 whole different thing; that goes for his client as
23 well and anybody else. If the door is opened,
24 that's different. But I'm talking about direct
25 mentioning of arrests where there are no

1 convictions.

2 MR. WILLIAMS: Obviously, Your Honor, I've been
3 doing this a minute. I didn't intend on bringing up
4 the fact that somebody has been arrested.

5 The comment I made was it may come in if
6 there's some -- if somebody opens the door about the
7 violent nature or something like that as far as --

8 THE COURT: What were the arrests for,
9 Ms. Weiss?

10 MS. WEISS: I believe last summer was assault
11 and battery third and a pointing and presenting, and
12 then in February was an attempted murder and
13 possession of a weapon during a violent crime or one
14 of the possession-of-weapon charges.

15 But I agree with Mr. Williams; opening the door
16 is a different --

17 THE COURT: A&B third and what else?

18 MS. WEISS: Pointing and presenting. And, Your
19 Honor, I just bring that up because it was brought
20 up in another hearing, not with Mr. Williams.

21 THE COURT: Okay. Well, I mean, I tend to
22 agree with both of you that unless the door is open,
23 it's not relevant here in this case. And I don't
24 know if he's one of your witnesses or -- certainly,
25 if he gets on the stand and opens that door by

1 virtue of making some comment that he's never been
2 arrested or never been a violent person or something
3 along those lines, then I think he probably would
4 kick the door wide slam open at that point. But
5 unless that door is open, then neither one of you
6 are permitted to go into that. Okay?

7 MS. WEISS: Thank you, Your Honor.

8 Your Honor, the second motion is one that
9 Mr. Williams has agreed to; motion to suppress any
10 mention of gonorrhoea or chlamydia from medical
11 records. It was in the forensic exam and we just --
12 but Mr. Williams agrees with us that that's not
13 relevant; it doesn't tie to anything.

14 THE COURT: Is that right, Mr. Williams?

15 MR. WILLIAMS: That's absolutely correct, Your
16 Honor.

17 THE COURT: So that one's agreed upon.

18 MS. WEISS: The third motion that the State has
19 is to limit the mention of where the victim, Monesha
20 Cook, worked on the day of the offense.

21 Your Honor, it's not -- she worked at a spa and
22 at Platinum West. I think mostly because we don't
23 want it to become something where it becomes about
24 the places and some sort of issue having to do with
25 the places and trying to impugn her character by

1 where she was working.

2 So the first motion would be to just not -- you
3 know, she was working, but not to mention where she
4 was working. And if the Court feels that the place
5 she was working is important, then no further
6 exploration of the activities that could occur at
7 each of the locations, just because it's not
8 relevant to what occurred and the incident.

9 THE COURT: Where was she working again?

10 MS. WEISS: She was working at Platinum Plus
11 [sic] and at a spa. Platinum West is a gentleman's
12 club, Your Honor.

13 MR. WILLIAMS: Your Honor, I have absolutely no
14 intent to describe what happens at Platinum West.
15 But I think the Defendant's got a right to t least
16 ask where she works.

17 And it is meaningful in one matter, Your Honor,
18 and that goes to the -- to that deal about the
19 extortion and -- the allegations are that the
20 brother of the defendant met her at some point in
21 time after this event at that location.

22 But we don't intend on talking about what type
23 of dance is done there, what type of drinks are done
24 there, how anyone is dressed. Other than the fact
25 that she works at -- and she could have been hand

1 ing out Coca-Colas or something. It's not important
2 for anything other than she was working there. So I
3 don't intend on going into anything about what
4 happened at Platinum West. I've never been there,
5 so I couldn't.

6 THE COURT: Ms. Weiss, anything else? I mean,
7 I'm obviously not from Lexington, so I have no idea,
8 without you all sharing with me, what Platinum Plus
9 or Platinum West was --

10 MS. WEISS: It's a gentleman's club, Your
11 Honor. It's -- that's what it is. My submission is
12 that it's not relevant. I understand what
13 Mr. Williams is talking about. That's next motion
14 we'll be talking about.

15 THE COURT: Let me ask you this, Mr. Williams:
16 What's really the difference between testimony
17 coming in that she worked at Platinum Plus -- is it
18 West or Plus?

19 MS. WEISS: West.

20 THE COURT: Platinum West. Excuse me.

21 -- and that maybe that's where your client's
22 brother met her versus she was employed and his --
23 your client's brother met her at her place of
24 employment.

25 MR. WILLIAMS: Well, once he testifies as to

1 what transpired, it may be important as to --

2 THE COURT: Depending on what --

3 MR. WILLIAMS: As to what occurred.

4 THE COURT: Depending on what my ruling is on
5 that?

6 MR. WILLIAMS: Yes, sir.

7 THE COURT: Let's see my what ruling is going
8 to be on that. And -- because if I rule that that's
9 not admissible, then I clearly don't think it's
10 relevant as to the Platinum West versus her place of
11 employment when she was employed.

12 MR. WILLIAMS: The only way that would be
13 important, Your Honor, where she worked aside from
14 that is in regards to time. There's a timeline that
15 talks about when she left work and what time she got
16 home. That, obviously, would be important as to
17 where she was working. But none -- none other than
18 for the location and where she was working, not from
19 what transpired there.

20 THE COURT: What do you mean as far as the
21 timeline --

22 MR. WILLIAMS: Well, the allegations in the
23 case are that she came home at a particular time and
24 it was late at night, as I remember, and then her
25 husband left and went to the Waffle House. So

1 timing: Where she was before, when she came home;
2 her husband was there; he got up, he got dressed, he
3 left and went to the Waffle House, and then she
4 proceeded to go, that would be the only importance.
5 If she'd gone somewhere else before or something
6 like that, just to describe the events of the day,
7 Your Honor.

8 MS. WEISS: And the timeline, she was at work,
9 actually at the spa, I believe, that day, then went
10 to dinner and --

11 MR. WILLIAMS: Then she'd say she was at the
12 spa, if that's what she says.

13 MS. WEISS: And then came home. So I don't
14 think there's a timeline issue with where she was
15 working. I think she can just say she was working.

16 THE COURT: All right. Well, I'm going to kind
17 of hold off on that right now.

18 MS. WEISS: Yes, sir.

19 The next motion that Mr. Williams keeps
20 bringing up is the motion to suppress any allegation
21 of bribery.

22 As you can tell from the way Mr. Williams and I
23 keep mentioning this case, there are two very
24 different versions of what happened regarding the
25 alleged bribery, attempted bribery, of the victim in

1 the case. And the brother of the defendant is the
2 one that's involved. And there are a few facts, I
3 think, that we can agree on and --

4 MR. WILLIAMS: Your Honor, as opposed to just
5 arguing this, I would move that the brother who was
6 the participant be allowed to testify and Your Honor
7 make his decision based on the testimony as opposed
8 to the characterization by the attorney general of
9 what it's about.

10 MS. WEISS: Your Honor, I would like to explain
11 what the motion is and what the concern is before
12 any testimony is taken --

13 THE COURT: Well --

14 MS. WEISS: -- because, honestly, opening the
15 door to testimony on this could take us a couple
16 days.

17 THE COURT: I'm going to let her, as you put
18 it, Mr. Williams, give me her characterization, and
19 then I'm going to let you give me your
20 characterization. How about that?

21 MR. WILLIAMS: Yes, sir.

22 THE COURT: Then we'll go from there.

23 MS. WEISS: Thank you, Your Honor.

24 So after the charges were made, the next year,
25 2018, the victim was at work when the defendant's

1 brother came to her place of business. And she --
2 he asked if she was -- based on her story, asked if
3 she was Monesha. She said she was. They recognized
4 immediately where they knew each other -- or, not
5 immediately. But they recognized where they knew
6 each other from. And that's -- and the story
7 changes at this point as to how the conversation
8 went.

9 Going forward from there -- and the victim is
10 here and she can testify or we can play all the
11 recordings of all of the interviews. There's a lot
12 of different ways.

13 But, basically, she says he offered her money.
14 She -- she got very upset, called her husband, tried
15 to get him thrown out of the club, the bouncer
16 wouldn't do it. She sent an e-mail to the
17 Solicitor's Office saying he approached me, he
18 offered me money, I'm scared, I need help.

19 So she goes to his place of business -- that's
20 not disputed -- to try to talk to him in what she
21 feels like is a more public place where he works in
22 the daytime and leaves him her number. They talk at
23 that point. And she's like, what were you doing at
24 my place of business? He says, I'm the good
25 brother; I just want to help you; I'm sorry for what

1 happened to you; it wasn't right; I know you've lost
2 a lot; I want to help you.

3 And I think -- I think that -- and then it
4 diverges from there. They continue talking about
5 whether or not he's going to give her money. That
6 conversation moves forward. But, basically, we have
7 the investigator that investigated it and wrote the
8 report on it.

9 But, basically, it moves forward where she
10 believes he wants to help her. She sends an e-mail
11 back to the Solicitor's Office saying, I was wrong;
12 I'm not scared anymore; I think he really does
13 genuinely want to help me; he's not the one who
14 committed the crime; I'm sorry I wasted your time or
15 whatever to the Solicitor's Office. We have that
16 e-mail.

17 She sent that because she, I think, believed
18 that she genuinely thought he just wanted to help
19 her; that he was like, I'll keep -- you know, I'll
20 make sure that he doesn't bother you; what happened
21 to you wasn't not right, that type of thing.

22 And, as they kept meeting and then they're
23 asking about money and he was giving money, not
24 giving money, you know, she's talking to the
25 Solicitor's Office; he's talking to his attorney

1 and, at some point, his attorney talks to Lexington
2 County who talks to Richland County who to talks to
3 the brother who talks back to -- I mean, this goes
4 around and around where he starts to say, you know,
5 they're trying to bribe me and -- so that she'll
6 drop the charges, change the story, or whatever.

7 There was never anything on the victim's side
8 that says she was ever going to change her story,
9 she was ever going to say to drop charges. She sent
10 the e-mail; she talked to multiple people; that
11 remains consistent that she was going forward; she
12 thought he was trying to help her.

13 He, based on what he says, through his attorney
14 and directly, and he talked to another attorney as
15 well, eventually started to think that this was some
16 sort of bribery thing to drop charges. Eventually
17 the conversations cease because both sides have gone
18 to law enforcement; one being extorted, one being
19 bribed. It's that kind of thing.

20 So Investigator Taylor from Lexington County
21 eventually gets the case, investigates it. He
22 reviews the recording that the victim had of the
23 initial conversation at Reunited Auto Sales where
24 the other brother worked. And, you know, it
25 definitely says some different things than what the

1 brother said in the recorded interview with his
2 attorney there to law enforcement.

3 There are just two different versions. And my
4 whole point for this motion is just that. This is a
5 whole separate case. Earl Cooper is not Chris
6 Cooper; Earl Cooper is an older brother. This was,
7 as law enforcement ultimately -- the conclusion of
8 any conclusion they came to was that this was two
9 different people just honestly believing two
10 different things.

11 I don't necessarily agree with that;
12 Mr. Williams may not necessarily agree with that.
13 That's what they came to and that's kind of -- this
14 muddies the water. Under 403, even if it were
15 relevant, which I submit it's irrelevant, because
16 Earl Cooper is not Chris Cooper. We don't have any
17 reason to believe he's an agent for Chris Cooper.
18 And so whether -- you know, his going and saying I
19 want to help you, you know, that doesn't -- it
20 scared her that that was the brother. But, beyond
21 that, there's a recording of him saying I want to
22 help you; you know, I want to give you money.

23 So what it's going to do is we're going to end
24 up with a trial on this bribery/extortion that takes
25 up chunks of this trial that have absolutely nothing

1 to do with what happened the night that our victim
2 had her home broke into, was robbed, and was
3 sexually assaulted. Those things happened one
4 evening. She was not involved in the law
5 enforcement court system or anything. She had
6 gotten information about, you know, the attorney
7 that had been hired and what he was capable of
8 doing. She was going through a lot, and then guy
9 offers her -- to try to help her. She lost her home
10 because of this and was living with her dad. There
11 was a lot going on.

12 But, Your Honor, I just don't think any of that
13 is relevant to the case at the bar. We're trying an
14 armed robbery, burg first, CSC, possession of
15 weapon, criminal conspiracy, and kidnapping. All of
16 this does nothing but take the eye off the ball of
17 what actually happened that night. Whether or not
18 Chris Cooper is guilty or not guilty, we can all
19 characterize happened in 2018. But, I submit to
20 you, Your Honor, that even if you found it's
21 relevant, it is going -- it'll be confusing to the
22 jury, it will confuse the issues, and it is not
23 necessary for the telling of the case, and that
24 there is not -- other than like Mr. Williams said,
25 him putting Earl Cooper on the stand and getting a

1 version, we can go through all the versions; it
2 doesn't further this case at all. There is nothing
3 that ever says that Monesha Cook was ever going to
4 change her story. She maintains the same story to
5 this day that she had back in 2017, and so whether
6 this was a bribery or extortion, obviously, at the
7 end of the day, it's not relevant. If you find it
8 relevant, it's confusing and just takes the eye off
9 of what we are -- what our mission is here this
10 week.

11 THE COURT: Mr. Williams?

12 MR. WILLIAMS: In its simplest terms, Your
13 Honor, I don't even think it comes up, except by way
14 of impeaching her testimony under 404; meaning --
15 meaning, I don't think it's ever part of the case,
16 unless she takes the stand and if a question is
17 asked of her if she attempted to get money from the
18 brother and she says no.

19 That's -- and the reason why it's important, if
20 you look at 404(b), it says: It may be admissible
21 to show motive, identity, the existence of a common
22 scheme or plan, and the absence of a mistake, or an
23 accident, or intent.

24 So it is only in regards to that it wouldn't be
25 admissible. The stories are different, obviously,

1 Your Honor. As we would -- the short version, as we
2 would say it, is that Earl Cooper saw her at
3 Platinum West; neither one of them knew who they
4 were, and Earl left her a tip and then, all of the
5 sudden, she disappears. He was surprised by a --
6 when he got to work, where he works at the car lot
7 on his shift, and there was a note that says: This
8 is my number, Monesha.

9 So she and her sister came to his place of work
10 and left a note for him to call her. There was
11 discussions throughout this whole thing about money.
12 And he -- obviously, he didn't know what to do, so
13 it was reported to the solicitor of the Eleventh
14 Judicial Circuit who had to -- her name was Kate
15 Usry -- who had to find some way to investigate this
16 and do something about this. So she originally
17 contacted the West Columbia Police Department. And
18 supposedly, I think it's Stacey Turner -- whoever
19 Stacey Turner is, if it's an investigator or if
20 it -- but, anyway, that particular person was in
21 contact with Mr. Cooper, with Earl Cooper. And he
22 was, you know, sending messages like how much --
23 should I give them money; should I not give them
24 money, whatever.

25 I think Kate Usry would tell you -- well, I

1 don't know if she will tell you. But she was
2 obviously in too deep because she was prosecuting a
3 case where the victim could be seen -- whether she
4 was or wasn't -- as attempting to get money from
5 him. So it was send to the Attorney General's
6 Office.

7 It was then sent to Hamp Taylor. Greg Shockley
8 who is second command Lexington County Sheriff's
9 Department; signed it to Hamp; Hamp investigated it.
10 You've got -- the whole deal is, was she trying to
11 pay him or was he just trying to be nice to her?
12 Talking about Earl Cooper.

13 Judge, it's a question of fact for the jury in
14 regards to her character only. The big reason why
15 this is important, Your Honor, is that, obviously,
16 in State vs. Finley, which is a 1989 case, an old
17 case, dealing with extortion. It was a sex case,
18 believe it or not, like a sexual rape case. And
19 they found that they could talk about what had
20 occurred by this -- the guy was going to testify
21 that he had had sex with her or something like --
22 which is terrible; it was in violation of the rape
23 shield statute.

24 But they allowed the case to come in because it
25 felt like it was establishing motive, bias, and

1 prejudice on the part of the prosecuting witnesses.
2 The only reason why it's important to me that is --

3 THE COURT: What's the cite on that case,
4 Mr. Williams? I'm sorry.

5 THE CLERK: I have a copy of it. I'll get it
6 for you, Your Honor.

7 THE COURT: Thank you.

8 MR. WILLIAMS: There is -- the other thing that
9 the prosecutor was talking about, there is indeed a
10 text message which was provided to us from the
11 Solicitor's Office from Monesha Cook who had sent an
12 urgent e-mail to Heather Clamp who is the victim's
13 witness person in the 11th Judicial Circuit. And
14 she was basically saying everything is fine; I don't
15 worry about Earl; he's great.

16 The story behind this is that she supposedly
17 told Earl that she had done this much, so that was
18 good faith to showed that she was willing to help
19 out. She -- it was provided to us from the
20 Solicitor's Office.

21 And the only reason why any of this is
22 important, Your Honor, is the most recent case is a
23 February 3rd, 2021 case, Vanover vs. The State of
24 South Carolina. It involves one poor lawyer from
25 Lexington County who was being PCRed. I'm sure

1 you've read it, Your Honor; it's a split verdict,
2 Your Honor, two for me and one against me, where the
3 question was whether or not someone needed to bring
4 forth the fact that -- a victim had alleged
5 something which was subsequently proven to be untrue
6 and used to impeach her testimony in regards to her
7 allegations against her father or something. You
8 can read the case, Judge. It's a split verdict.
9 And there was a -- I think it was Justice Lockemy
10 who decided that that lawyer should have done a
11 little bit more. So that lawyer is doing a little
12 bit more this time, because it should be addressed.

13 THE COURT: Should be what?

14 MR. WILLIAMS: Should be addressed so that they
15 can't use that again.

16 THE COURT: All right. Anything else,
17 Mr. Williams?

18 MR. WILLIAMS: No, sir.

19 THE COURT: Ms. Weiss, anything in response?

20 MS. WEISS: Yes, Your Honor. First of all, I
21 get that it's being addressed. And we intended to
22 address it, and I think Mr. Williams -- we're all
23 addressing it right now. I don't believe that it's
24 appropriate to address it in front of the jury in
25 this case.

1 The -- what the defense counsel said is, did
2 she attempt to get money? Has -- and whether that
3 goes to motive, scheme, or plan is not what we're
4 talking about here. There's nothing illegal about
5 somebody who has been offered money because they're
6 a victim of a crime; in recognition, they're the
7 victim of crime, a horrible crime, and somebody
8 offers money to help -- which there's a recording of
9 that -- that they even have a conversation. That
10 occurred after the crime; it was totally unrelated.

11 His timeline of the events, it was sent to the
12 AG and then to Hamp Taylor, that is not what
13 happened, Your Honor. This whole -- all this
14 going to -- from the West Columbia was because --
15 so, originally, the Solicitor's Office got this, got
16 the report, from Monesha Cook that she was
17 terrified.

18 The investigator at the Solicitor's Office
19 called the Lexington County Sheriff's Department and
20 spoke to Investigator Creech trying to get him to
21 investigate it. So this was not a call West
22 Columbia, see if they'll do it.

23 My understanding is, there's some statements by
24 other people that either Theo Williams or Earl
25 Cooper or somebody may have tried to talk to the

1 victim advocate at the West Columbia Police
2 Department, but -- and that she may have talked to
3 her supervisor but then that -- and then -- and then
4 Theo Williams called Greg Shockley at the sheriff's
5 department, frustrated that the West Columbia Police
6 Department wasn't doing anything, and then Greg
7 Shockley called Stan Smith, and Stan Smith gave it
8 back -- talked to Earl Cooper and then gave it back
9 to Greg Shockley who gave it back to Hamp Taylor who
10 investigated it.

11 It was after all of this, and the Solicitor's
12 Office had both of these things going on, and then
13 Theo Williams said to the Solicitor's Office that he
14 believed that there was an e-mail other than those
15 that had been provided, which we have no reason to
16 believe there is; there's never been any information
17 of another e-mail. But then he said -- and he said
18 he was going to call everyone involved in the
19 Solicitor's Office as a witness in the trial. At
20 that point, it was sent to the Attorney General's
21 Office because they weren't sure if they would end
22 up being witnesses in the trial.

23 As you saw, Heather Clamp was on our witness
24 list because of this issue right here. So, you
25 know, I guess, at the end of the day, at least

1 somebody might -- you know, might end up. But, I
2 submit, this is not -- the extortion case that was
3 handed up to you is totally distinguishable from
4 this case. This is not -- there is not -- there is
5 no evidence of extortion in this case. There's
6 evidence that they were discussing whether he was
7 going to give her money. He thought one thing; she
8 may have thought another, because he clearly said
9 something different. But, at the end of the day,
10 you know, this has been addressed. But trying to
11 muddy the waters with all of this, going forward
12 with the trial, is going to do just that and muddy
13 the waters.

14 There's no evidence to say that Earl Cooper was
15 being extorted. And, if there was, there'd be a
16 charge and a separate case for that. But the
17 evidence is that each of these people thought
18 different things; the best evidence that law
19 enforcement came up which, clearly, Mr. Williams and
20 I don't agree with.

21 But -- and, as you can see, my understanding of
22 what happened might in some way be advantageous to
23 the victim in the case. I think it still takes the
24 eye off the ball. I don't want to get into what we
25 think about this case, because that really doesn't

1 matter. What matters is what's important for the
2 jury to know. And there's nothing to impeach the
3 credibility. And to ask Monesha Cook did she
4 attempt to get money has no basis for anything.

5 Whether she attempted to get money after it was
6 offered to her by Earl Cooper is nothing to do with
7 this case, other than maybe Earl Cooper thought his
8 brother did something that wasn't good, I don't
9 know, or maybe something -- you know, I know
10 Mr. Williams has a different version. But even
11 asking that question is not relevant to this trial.

12 And there's nothing inappropriate about her
13 attempting to get money after he offered her money.
14 It's just -- it may not be the way Mr. Williams
15 would do things or other people, but it's just --
16 there's nothing illegal about it. I think we've
17 addressed it. But it is irrelevant to this case and
18 definitely confusing.

19 MR. WILLIAMS: Your Honor, obviously, since I'm
20 the only one that was around when this case was
21 going, Heather was not dealing with this case, I
22 would remember exactly what transpired in regards to
23 what I said or didn't say.

24 But I think any time you try to get money from
25 the family of the alleged defendant, there's

1 something wrong with that, particularly if it's --
2 if -- if it has the appearance of wrongdoing, if
3 nothing else, Your Honor. Why would she go there?
4 It just doesn't make sense. Why would she go there?
5 Why would she even talk about money with the
6 defendant's family?

7 THE COURT: Your position is that she went
8 there because money was already offered.

9 MR. WILLIAMS: Therein lies the issue, I guess,
10 Judge.

11 THE COURT: Well, and then --

12 MR. WILLIAMS: The chicken or the egg.

13 THE COURT: Well, and -- and I'm thinking
14 beyond that. And y'all have mentioned some
15 recordings. And I don't -- did Ms. Cook make the
16 recordings or was it somebody was wired and --

17 MR. WILLIAMS: She and her sister both had
18 separate cell phones and went there.

19 THE COURT: And made the recordings?

20 MR. WILLIAMS: Yes.

21 MS. WEISS: That --

22 MR. WILLIAMS: And I don't know why you need
23 separate cell phones to record stuff, but that's
24 what they did.

25 THE COURT: What were you going to say,

1 Ms. Weiss?

2 MS. WEISS: Your Honor, there is a recording
3 that was made. So when she went to the car
4 dealership, there was a recording made at that time.
5 And then there are recordings of what Earl Cooper
6 told Stan Smith happened; there's a recording of
7 what Earl Cooper told Hamp Taylor happened. And,
8 you know, he didn't know there was a recording from
9 the car dealership at that time, so those stories do
10 not mesh.

11 It could just be people's recollection being
12 different, but they don't mesh, which only adds more
13 confusion to this case. And we start trying to
14 figure out what version of that and whatever Earl
15 Cooper -- what version of Earl Cooper's statement of
16 facts happened is not relevant to what's going on
17 here.

18 MR. WILLIAMS: And Willie Bradley, who is
19 listed as the witness, is the attorney Willie
20 Bradley --

21 THE COURT: Okay.

22 MR. WILLIAMS: -- who was seated in the car
23 with Earl Cooper when the phone call was made
24 talking about money.

25 THE COURT: All right. Was there ever an offer

1 from Ms. Cook to change her story or drop the
2 charges?

3 MS. WEISS: No.

4 THE COURT: Would you agree with that,
5 Mr. Williams?

6 MR. WILLIAMS: I would agree that that
7 statement you just made was correct. There was an
8 offer to help, but there was no --

9 THE COURT: An offer from your client's brother
10 to help?

11 MR. WILLIAMS: No. I think -- and I'm -- as
12 you know, Your Honor -- well, maybe you don't know.
13 I'm a pretty straight guy. I think there was talk
14 of money. And I think that the impression, clear
15 impression, from my client, was that if he -- from
16 my client's brother, I should say, that if he paid
17 her like \$25,000 and these charges were going to go
18 away, he was going to help in some way.

19 The e-mail deal comes in because that was
20 presented as evidence that she was trying to help.
21 I don't know why the e-mail comes in except for that
22 reason. It's like some song and dance going on
23 between these two parties, Your Honor. Clearly, one
24 party didn't trust the other party; there's no
25 question about that. But it just looks --

1 THE COURT: How long after the alleged incident
2 was -- did all of this take place?

3 MS. WEISS: Approximately a year, Your Honor.

4 MR. WILLIAMS: Maybe there's some way that it
5 can be restricted in some way.

6 THE COURT: Well, I see these issues as a
7 double-edged sword for your client.

8 MR. WILLIAMS: I see that too. I see that if
9 the jury could believe that Monesha -- that he was
10 trying to pay her to keep her testifying, then it
11 could be an indication of his guilt.

12 MS. WEISS: Your Honor, it's not about his
13 guilt. He's not the defendant in this case. That's
14 the issue the State has with all of it.

15 MR. WILLIAMS: Well, it's problematic.

16 MS. WEISS: And, Your Honor, you know, I think
17 money just is trying to impugn the character, which
18 is exactly what he's trying to do, on something that
19 doesn't -- it just doesn't work the way he's trying
20 to make this work.

21 She never said she was going to change her
22 story. And when she said, well, here, I want you to
23 go tell Theo Williams -- you know, let's go do this
24 with Theo Williams, she was like, oh, wait a minute;
25 I thought you were trying to help; if this isn't

1 just a trying to help me, then forget it. And they
2 stopped talking, Your Honor, at the point that I
3 think everybody sort of said we're not saying the
4 same thing, they walked -- everybody walked away.

5 MR. WILLIAMS: I love my name getting involved.
6 That was not -- that was not involved. The reason
7 Kate Usry was even contacted is because I represent
8 my client.

9 THE COURT: Well, I can see -- I mean, I see
10 both sides of it. I mean, I see -- you know, if I
11 were to allow it and Ms. Cook got on the stand and
12 she was asked, you know, was she trying to get money
13 and the answer is no, then, I mean, where does that
14 rabbit trail end, so to speak? You understand what
15 I'm saying?

16 MR. WILLIAMS: I do, Your Honor.

17 THE COURT: Which totally diverts away from
18 what the issues are in this case.

19 MR. WILLIAMS: I do. I hate that I understand
20 what you're saying, but I do understand what you're
21 saying.

22 THE COURT: You know, if I allow that question
23 to be asked, then are you limited solely to what her
24 response is? If she says no -- because I think,
25 under the rules, you can't prove it by extrinsic

1 evidence, I think you'd be stuck with the answer.
2 Because, I mean, it's not a --

3 MR. WILLIAMS: Unless I ask her: Did you offer
4 to assist to help him in regards to his charges upon
5 the payment of \$25,000 --

6 THE COURT: Correct.

7 MR. WILLIAMS: -- and she denies that, then
8 Earl Cooper would be a witness to say --

9 THE COURT: And then you go chasing that rabbit
10 hole trying to disprove her character on that issue.

11 MR. WILLIAMS: That's true. That's true.

12 THE COURT: And that's a concern that I have,
13 too.

14 And the other reason I asked about how long
15 after this occurred, that doesn't change the alleged
16 facts from July 17th or 28th of 2017. That doesn't
17 change the facts as alleged to have occurred in July
18 of 2017 or anything thereafter in what law
19 enforcement investigated and what they -- what their
20 conclusions were.

21 I mean, that doesn't change any of those facts.
22 And so, I mean, I certainly see what the State's
23 arguing here, and I certainly see what you're
24 arguing and why you may -- may or may not want it
25 out there. As I said before, I mean, I can see it

1 as a double-edged sword for your client that,
2 obviously, his brother must have thought he was
3 guilty or he wouldn't have been offering her money
4 trying to help with -- \$25,000, I mean --

5 MR. WILLIAMS: If he was the one who
6 approached.

7 THE COURT: Well, then you get into, again,
8 chasing a rabbit hole.

9 MR. WILLIAMS: I know. I know.

10 THE COURT: And the rabbit is who approached
11 who. And here you've got an alleged extortion as
12 well as an alleged bribery, which are uncharged
13 defenses, which the rules require that uncharged
14 offenses have to be proven by clear and convincing
15 evidence to be admissible. So, I mean, it just --
16 and I think I answered my question in part there,
17 that it's not clear and convincing. And, in
18 essence, what you're trying to do is bring out --
19 well, I don't know if it goes to uncharged offenses.
20 But charges without convictions certainly have to be
21 proven by clear and convincing evidence, because
22 then when you default back to 404(b), which, you
23 know, you handed me this case up on, the Finely case
24 and the Vanover case.

25 So what I'll do is I'm going to take a look at

1 these two cases you handed up. I mean, I can tell
2 you that I'm leaning in not allowing it. But,
3 certainly and fully -- I've known you a long time,
4 Mr. Williams. You've been in front of me before and
5 I have utmost respect for you and I've known
6 Ms. Weiss and have the utmost respect for her as
7 well, but certainly understand and respect where
8 you're coming from on this. And --

9 MR. WILLIAMS: And, obviously, I think both of
10 us will abide by your ruling, Your Honor, whatever
11 it is.

12 THE COURT: Well, and I know you will. And I'm
13 not concerned about that at all. But, by the same
14 token, and I say this quite often too: If I do and
15 I tell you I'm leaning towards not allowing it, but
16 I'm going to look at it a little more closely, and
17 if I decide not to allow it, then I'm going to let
18 you proffer whatever you need to proffer for your
19 client to protect his interest if I'm wrong on that.

20 I want the record clear. So if I am wrong, I
21 want it straightened out, you know, if he gets
22 convicted and I decided not to allow it. So I --
23 and I think the rules certainly -- you know, you
24 have to proffer that testimony to protect your
25 client's interest in that situation, I'll certainly

1 allow you, at the appropriate time, to do that.

2 Okay?

3 MR. WILLIAMS: Thank you, Your Honor.

4 THE COURT: Next matter.

5 MS. WEISS: Thank you, Your Honor.

6 Your Honor, we have two more issues. One --
7 before we get to the Denno hearing. But one would
8 be the -- we need to bring in Craig Cooper -- his
9 attorney, Colin Spangler, is here -- and call him to
10 the stand for the purposes of making sure he
11 understands what choice he's making.

12 Your Honor -- sorry. To be a little more
13 clear: So Craig Cooper is the co-defendant in this
14 case, Your Honor. Back in November of 2020, he pled
15 guilty to burglary second, armed robbery, criminal
16 conspiracy -- criminal conspiracy, kidnapping, CSC
17 first, and possession of a weapon during a violent
18 crime.

19 Your Honor, he was offered -- both defendants
20 were given the same offer. He was offered a range
21 10 to 19 years, if he agreed to testify truthfully
22 in accordance with what he told law enforcement and,
23 after, under oath, in front of the Court, which he
24 did during the plea, say that -- which statement was
25 true, which one happened first, clarifying those

1 issues on the record, under oath, in front of Judge
2 Keesley.

3 And part of that was to be able to meet with
4 him to prepare so we could provide Mr. Williams with
5 any information that may be different from anything
6 we had already in discovery.

7 And, Your Honor, that happened. We were
8 supposed to go to trial, I think it was, December
9 7th. And that's the week that courts shut down.
10 Mr. Williams was also ill, but it just so happened
11 to also be the week that courts shut down, so we
12 wouldn't have been able to try it regardless.

13 So in January, Craig Cooper requested a bond
14 hearing. We had a bond hearing; it was denied.
15 Then in March of 2021, a motion to withdraw plea was
16 filed by Colin Spangler on behalf of his client,
17 Craig Cooper. That hearing was held in front of
18 Judge Keesley. And, Your Honor, Judge Keesley ruled
19 and issued an order last week saying that he was not
20 going to allow Craig Cooper to withdraw his plea.

21 At that time, we set up to meet with Craig
22 Cooper, as we had originally planned, and it was
23 indicated that he had nothing to say. So, Your
24 Honor, just to be clear -- well, first of all, I'd
25 ask that we clear the courtroom, if we could, of

1 anybody other than the defense counsel, the -- this
2 is a family situation. And I just want to make sure
3 that Mr. Spangler, Mr. Williams, and their clients
4 are the only family members -- I would ask, Your
5 Honor, that there be only the family members in here
6 at the time that these questions are asked of
7 Mr. Cooper.

8 And I also just want to make it clear, because,
9 obviously, I don't want to get into a position
10 where, at sometime later, it's brought up that
11 Mr. Cooper would have testified had I only called
12 him. Because this is part of plea agreement that he
13 agreed to, he faces consequences of the decision
14 that he makes at this point and I just want to make
15 sure that the information is clear and that he makes
16 his decision on the record so that we know exactly
17 how we're moving forward.

18 THE COURT: Okay. All right. Let's do that.
19 You want to clear the courtroom? We'll do that and
20 let you figure out who we need to --

21 MS. WEISS: It's just -- we just have the
22 victim and law enforcement. But if Mr. Williams --

23 MR. WILLIAMS: If Mr. Williams what?

24 MS. WEISS: He asked if we wanted to clear
25 anybody on our side. I said I --

1 MR. WILLIAMS: Well, I mean, I know it doesn't
2 look overbearing over there. I assume we're wanting
3 the witness to testify without being under duress or
4 something.

5 MS. WEISS: That's -- I mean, sure.

6 MR. WILLIAMS: How about the attorney general
7 and the investigating officer and the victim?

8 MR. SPANGLER: And, Judge, as the attorney for
9 Craig Cooper.

10 MS. WEISS: Exactly.

11 MR. SPANGLER: We would ask that it just the
12 attorneys in the room and a party representative, so
13 --

14 MS. WEISS: Your Honor, Page McCraw is the
15 evidence custodian, so she's sitting next to her
16 evidence.

17 THE COURT: Okay.

18 MS. WEISS: Which was going to be another issue
19 on the sequestration we were going to bring up
20 because she can't leave her evidence, so -- unless
21 you want her to take it all out --

22 THE COURT: I'm going to let her stay in here
23 with the evidence. Okay?

24 MS. WEISS: Yes, sir.

25 And we have the victim, victim advocate, and we

1 have our law clerk and paralegal.

2 MR. SPANGLER: No issue with that, Judge.

3 MS. WEISS: Okay.

4 THE COURT: All right. Y'all want to bring him
5 out?

6 Mr. Cooper, if you'd come over here and be
7 sworn, please, sir. How are you doing today, sir?

8 MR. CRAIG COOPER: I'm doing well. How are
9 you?

10 THE COURT: I'm doing okay.

11 THE CLERK: You wish him to take the witness
12 stand, Your Honor?

13 THE COURT: Yes, ma'am.

14 MS. WEISS: State calls Craig Cooper.

15 CRAIG COOPER

16 being first duly sworn, testified as follows:

17 THE WITNESS: Yes, I do.

18 THE CLERK: Thank you, sir. Have a seat right
19 up there.

20 THE COURT: Come sit right up here, Mr. Cooper.
21 Okay?

22 THE CLERK: Once you're seated, state your full
23 name, and spell your last, please.

24 THE WITNESS: Craig Cooper, C-O-O-P-E-R.

25 THE COURT: Ms. Weiss?

1 DIRECT EXAMINATION

2 BY MS. WEISS:

3 Q. Mr. Cooper, what is your relationship to
4 Christopher Cooper?

5 A. He's my first cousin.

6 Q. And back in November of 2020, do you recall
7 entering a guilty plea?

8 A. Yes.

9 Q. Okay. And you entered that guilty plea as a
10 result of a plea agreement between the State and
11 you, with your counsel?

12 A. Correct.

13 Q. And part of that plea agreement was a set
14 sentencing range, a reduction of one charge to lower
15 the sentencing range, and then a sentencing range of
16 10 to 19 years?

17 A. Yes.

18 Q. And the agreement was that, in order for you to
19 get that range, that you would cooperate with the
20 State and testify, if needed, truthfully as to the
21 statements that you gave law enforcement and in
22 accordance with the statements that you gave under
23 oath that day during the guilty plea?

24 A. Correct.

25 Q. Okay.

1 THE COURT: I need you to speak up, please.

2 THE WITNESS: Correct. But, at that time, you
3 know -- the bottom line: I'm innocent of it. I
4 have nothing to say else about any of that. I'm not
5 agreeing to anything. At that time, only thing I
6 was doing is what y'all wanted me to say. So I
7 totally am innocent of it. And I -- you know,
8 that's all that was -- what y'all wanted me to say
9 at that time is what I was saying.

10 BY MS. WEISS:

11 Q. Okay. So --

12 A. I disagree with any of it right now. I'm
13 innocent.

14 Q. So is that the testimony you intend --

15 A. Yes.

16 Q. -- to give in the trial?

17 A. Absolutely.

18 Q. Okay.

19 MS. WEISS: So we'll be calling him during the
20 trial, and he can give his testimony at that time.

21 THE COURT: Do what?

22 MS. WEISS: I said we can call him during the
23 trial, and he can give his testimony at that time.

24 THE COURT: You can -- you are going to call
25 him?

1 MS. WEISS: Yes, Your Honor. That is the
2 intention as of right now. Yes, Your Honor.

3 THE COURT: Let the record reflect, certainly,
4 that his attorney, Mr. Spangler, is in here while
5 he's on the stand and while he's testifying here
6 today.

7 Mr. Williams, you got any questions?

8 MR. WILLIAMS: I'm not sure I have standing,
9 Judge.

10 THE COURT: I don't know that you do either,
11 but I was just giving you the opportunity --

12 MR. WILLIAMS: But thank you, Your Honor.

13 THE COURT: All right. Anything else?

14 MS. WEISS: Your Honor, to be clear.

15 BY MS. WEISS:

16 Q. Mr. Cooper, are you under duress or threats of
17 harm to -- to change --

18 A. No, ma'am.

19 Q. -- your testimony or anything else?

20 A. No, ma'am.

21 Q. Have you been told what to say by anybody else?

22 A. No, ma'am.

23 Q. And you're testifying of your own free will?

24 A. Yes, I am.

25 THE COURT: And it's my understanding -- and

1 let me just make this clear for the record -- that
2 Mr. Cooper has already pled guilty. Correct?

3 MS. WEISS: Yes, sir, Your Honor.

4 THE COURT: The motion was filed to withdraw
5 that plea, correct?

6 MS. WEISS: Yes, sir, Your Honor.

7 THE COURT: And that motion to withdraw the
8 plea was denied by Judge Keesley --

9 MS. WEISS: Yes, sir, Your Honor.

10 THE COURT: -- within the last week?

11 MS. WEISS: Yes, sir, Your Honor.

12 THE COURT: Okay. Which takes off the table
13 completely of the sentencing range of 10 to 19?

14 MS. WEISS: Yes, sir, Your Honor.

15 THE COURT: All right. And so, at this
16 juncture, the sentencing will be wide open,
17 depending upon what Judge Keesley or the sentencing
18 Judge imposes?

19 MS. WEISS: Yes, Your Honor. And Judge Keesley
20 did not retain jurisdiction. He said he wanted to
21 make it as easy as possible for the case to move
22 forward, so he did not retain jurisdiction for
23 sentencing so we could do it in concordance with the
24 trial or --

25 THE COURT: So was the burglary second degree

1 violent or nonviolent that he plead guilty to?

2 MS. WEISS: Violent, Your Honor.

3 THE COURT: So zero to 15 on that; armed
4 robbery, 10 to 30?

5 MS. WEISS: Yes, sir.

6 THE COURT: Conspiracy, zero to five --
7 criminal conspiracy, zero to five?

8 MR. SPANGLER: It is, Judge.

9 MS. WEISS: Sorry. I don't have that file in
10 front me at this --

11 THE COURT: Kidnapping is up to 30?

12 MS. WEISS: Yes, sir, Your Honor.

13 THE COURT: CSC first, 25 --

14 MS. WEISS: Yes, sir, Your Honor.

15 THE COURT: -- or life? Is that right? Or
16 under 25 on this charge?

17 MR. SPANGLER: Judge, the CDR code we have on
18 the sentencing sheet has it as zero to 30.

19 THE COURT: Zero to 30 on the CSC?

20 MR. SPANGLER: First degree.

21 MS. WEISS: CSC first.

22 THE COURT: And then possession of a weapon is
23 zero to five, right?

24 MS. WEISS: Yes, sir, Your Honor.

25 THE COURT: So, the max, he's looking at up to

1 a hundred years in a penitentiary?

2 MS. WEISS: Yes, sir, Your Honor.

3 THE COURT: All right. And the ten years are
4 certainly on the -- and a hundred years if the
5 convictions were to run consecutive, obviously.

6 And if they were to run concurrent, the minimum
7 would be ten years -- anywhere from 10 to 30, if
8 they were to run concurrent?

9 MS. WEISS: Yes, sir, Your Honor.

10 THE COURT: Well, I just want to make it clear
11 on the record, and I'm sure his lawyer has explained
12 that to him, but I wanted him to hear it from me in
13 my evaluation of what he's looking at, pursuant to
14 the position that he certainly has every right to
15 take at this juncture. I understand that.

16 And, you know, I'm not trying to step on your
17 shoes, Mr. Spangler. I just wanted him to hear it
18 from the Court.

19 MR. SPANGLER: Yes, sir. And I appreciate it,
20 Judge.

21 THE COURT: But he's looking at up to a hundred
22 years in a penitentiary 100 if they were run
23 consecutively, and a minimum of 10, up to 30, if
24 they were to run concurrent.

25 Anything further, Ms. Weiss?

1 And more than one of these charges are violent
2 and most serious, which means they're day-for-day,
3 too, no-parole offenses.

4 MS. WEISS: Yes, sir, Your Honor.

5 THE COURT: So do you understand all of that,
6 Mr. Cooper?

7 THE WITNESS: Yes, I do, Your Honor.

8 THE COURT: All right. Anything you want to
9 say?

10 THE WITNESS: No, sir.

11 THE COURT: All right. Thank you. You can
12 step down. Thank you, Mr. Cooper.

13 Anything?

14 MS. WEISS: No, sir, Your Honor.

15 THE COURT: Okay. All right. So 3 and 5 is
16 dealt with on your pretrial motions; 3 and 4 are
17 matters that are somewhat -- I'm going to look at a
18 little bit more in depth on those.

19 MS. WEISS: Yes, sir, Your Honor. And then we
20 have the rape shield motion. And that is
21 Mr. Raymer's. I'll let her address that.

22 THE COURT: Mr. Williams, you agree with that
23 motion or --

24 MR. WILLIAMS: I don't understand what they
25 think that I would violate a Rape Shield motion on.

1 MS. RAYMER: Just so we would receive notice if
2 there was anything he did intend to use. I believe
3 that this is settled.

4 MR. WILLIAMS: Yes, sir.

5 THE COURT: I think the statute is pretty clear
6 on that.

7 MR. WILLIAMS: Yes, it is.

8 THE COURT: And, you know, obviously, I don't
9 know any facts about this case, other than what
10 y'all have told me at this juncture; and that being
11 the reading of the indictments, as well as what
12 you-all have argued with me in here.

13 And, certainly, the statute requires notice of
14 any intention --

15 MR. WILLIAMS: Yes, sir.

16 THE COURT: -- prior to a defense being put up
17 with regards to any intentions the Defense may have
18 may concerning any of those issues specified in the
19 Rape Shield Statute.

20 MR. WILLIAMS: I don't intend on doing anything
21 with respect to that.

22 MS. RAYMER: Thank you, Your Honor.

23 THE COURT: But, again, kind of going back to
24 the -- I guess, the State's motion on the arrest
25 issues, I mean, that door can be thrown open, too.

1 So just instruct your witnesses accordingly. All
2 right?

3 All right. It looks like the last matter we
4 need to address is the Jackson vs. Denno hearing.
5 Is that right?

6 MS. WEISS: Yes, sir, Your Honor.

7 If I may, just on the sequestration, did we say
8 we're in agreement for Page McCraw to stay here with
9 her evidence during the trial? Are we okay with
10 that, as far as sequestration?

11 MR. WILLIAMS: Yes, Your Honor.

12 MS. WEISS: Okay. I just wanted to make sure
13 we addressed that.

14 And if we can have about -- I don't know. My
15 five minutes was a little long last time. I'm not
16 going anywhere. I just want to get a couple things
17 marked just to make things easier as we get going
18 with Denno --

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

20 MS. WEISS: It may take a couple minutes to do
21 that. Thank you, Your Honor.

22 MR. WILLIAMS: Your Honor, I'm going to gather
23 the rest of my witnesses and get them back in --

24 MS. WEISS: Certainly.

25 MR. WILLIAMS: -- if that's all right with the

1 Court.

2 THE COURT: All right. We'll stand at ease for
3 a few minutes.

4 MS. WEISS: The State is ready, Your Honor.

5 THE COURT: Okay. Go ahead.

6 MS. WEISS: Thank you, Your Honor. The State
7 calls Investigator Joe Putney to the stand.

8 JODY LEE PUTNEY

9 being first duly sworn, testified as follows:

10 THE WITNESS: I do.

11 THE CLERK: Have a seat, please, sir. Once
12 you're seated, you can remove your mask. I need you
13 to state your full name, spelling your last on the
14 record, please.

15 THE WITNESS: Jody Lee Putney, P-U-T-N-E-Y.

16 DIRECT EXAMINATION

17 BY MS. WEISS:

18 Q. Mr. Putney, what is your position at the West
19 Columbia Police Department?

20 A. I'm a narcotics detective.

21 Q. And was that your position back in August of
22 2017?

23 A. It was not.

24 Q. What was your position then?

25 A. Criminal detective --

1 Q. Okay.

2 A. -- investigator.

3 Q. Okay. So were you working on the afternoon of
4 August 1st, 2017?

5 A. I believe so. Yes.

6 Q. Do you recall being involved in the -- being
7 involved in the interviews on the Cooper case that
8 afternoon?

9 A. I do.

10 Q. Okay. And was there a point that afternoon
11 where you were instructed to go and pick up somebody
12 in particular or to go find somebody in particular?

13 A. There were several times.

14 Q. Okay. After the interview of Craig Cooper --

15 A. Okay.

16 Q. Whish you were there for that, correct?

17 A. Correct.

18 Q. Based on information that you received from
19 Craig Cooper, did you then -- were you then
20 instructed to go locate someone else?

21 A. Yes.

22 Q. Who was that? Chris --

23 A. Was it Christopher --

24 Q. Christopher Cooper?

25 A. Correct. At Reunited Auto Sales. We went to

1 pick him up from there -- or went to speak to him
2 there.

3 Q. Okay. Would you tell us about how that
4 happened.

5 A. We found out where he lived -- or where he was
6 working. And we went up there to see if he was
7 working and see if he'd come back to the police
8 department for an interview.

9 Q. Okay. And did you find him when you got there?

10 A. We did.

11 Q. And did you talk with him?

12 A. We did.

13 Q. And what happened next?

14 A. We asked him if he would come down to the
15 police department for an interview, talk to us about
16 some things that happened. And --

17 Q. What did he say?

18 A. He said yeah. He didn't have a problem. He
19 hopped in the car with us and we went back to the
20 police department.

21 Q. Okay. And what happened when you arrived back
22 at the police department?

23 A. Myself and Investigator Morris put him in an
24 interview room and gave Miranda.

25 Q. Okay. And who was the lead investigator on

1 this case?

2 A. Investigator Morris.

3 Q. Just to be clear, I'm going to show you State's
4 Exhibit 2 for identification. Do you recognize this
5 document?

6 A. I do.

7 Q. Okay. And is that your signature at the bottom
8 of the document?

9 A. It is.

10 Q. Okay. What is this document?

11 A. This is a Miranda rights warning.

12 Q. Okay. And what does your signature at the
13 bottom of that document signify?

14 A. That I witnessed Investigator Morris read
15 Miranda to Mr. Cooper, he acknowledged it, and I was
16 a witness.

17 Q. Did you threaten Mr. Cooper in any way?

18 A. No.

19 Q. Did you handcuff and drag him back to West
20 Columbia?

21 A. No.

22 Q. Was he given Miranda rights just after you got
23 back to headquarters?

24 A. Yes, ma'am.

25 Q. Did he ask for any help or did he ask to go to

1 the bathroom or anything else that you recall?

2 A. Not that I recall, no.

3 Q. Was he denied those requests -- any requests?

4 A. We don't deny anybody requests like that.

5 Q. Okay. Thank you.

6 MS. WEISS: I have no further questions for
7 this witness at this time.

8 MR. WILLIAMS: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q. It's Investigator Putney?

13 A. Yes, sir.

14 Q. You look a little different since the last time
15 I saw you.

16 A. Yeah. COVID.

17 Q. I hear you. I hear you.

18 So you remember on August 1st of 2017 that you
19 were interviewing Craig Cooper who had given y'all a
20 statement at that point in time. Do you remember
21 what time of the day it was that he gave you the
22 statement?

23 A. It seemed like early -- early morning, late
24 morning timeframe.

25 Q. All right. And after receiving that statement,

1 were you directed to go pick up Chris Cooper or did
2 you decide on your own to go pick him up?

3 A. I would have spoke to my supervisor before I
4 went and made a decision like that.

5 Q. And who was your supervisor?

6 A. Captain Wade.

7 Q. All right. But when you talked to Captain
8 Wade -- you've already indicated that the officer in
9 charge of this case is Morris, right?

10 A. Correct.

11 Q. So Morris didn't ask you to go with him -- or
12 did you go with him to go pick up Chris Cooper?

13 A. No.

14 Q. All right. So you spoke to Captain Wade and
15 you asked Captain Wade if you could go pick up Chris
16 Cooper because he was a potential defendant in the
17 case involving -- that we're talking about, the --

18 A. I'm not quite sure how the while conversation
19 went down as far as why we needed to go and try to
20 pick him up and talk to him.

21 Q. All right. Somebody told you you needed to
22 pick him up?

23 A. I can't attest to that either.

24 Q. Well, why did you think you were going to pick
25 him up?

1 A. Well, if I'm going to pick somebody up, I'd
2 imagine that he's part of the case and he needs to
3 be interviewed.

4 Q. And because you're picking him up, did you
5 think he was a defendant or he was going to be
6 charged with something?

7 A. Well, I assumed he might have been a
8 co-defendant and he needed to be interviewed.

9 Q. Right. So there's no question in your mind
10 that the reason you were going to pick him up was
11 that he was a co-defendant in a case, you had just
12 spoken to a cousin who had already implicated he was
13 involved in this assault and burglary and all that.
14 So you were going to pick him up, get his statement,
15 and arrest him, or whichever order you wanted to do
16 it, right? You were going to do that?

17 A. Well, we needed to interview him. We can't
18 just arrest people without probable cause.

19 Q. Well, you already had your probable cause,
20 didn't you?

21 A. To interview him. To --

22 Q. Yeah. You didn't have your probable cause to
23 arrest him at that time, based on what the
24 co-defendant had told you?

25 A. I don't recall. No.

1 Q. You don't. But you were present during what
2 Craig Cooper had testified to?

3 A. I was, yeah.

4 Q. And, in his statement, he indicated that Chris
5 Cooper was present when all this was going on,
6 right?

7 A. Right.

8 Q. So did you drive by yourself to pick Chris
9 Cooper up?

10 A. I did not.

11 Q. Who went with you?

12 A. Investigator Todd.

13 Q. All right. Now, what type of vehicle were you
14 in?

15 A. I'd imagine it was a Crown Vic. But --

16 Q. Is that the car you drove back then?

17 A. Yes, sir.

18 Q. All right. And were both of y'all in plain
19 clothes?

20 A. Probably dressed the way I am now --

21 Q. Okay.

22 A. -- suit and tie.

23 Q. So where did you go?

24 A. Reunited Auto Sales.

25 Q. Where is that located?

1 A. On Broad River Road. So I don't know an
2 address.

3 Q. Well, it's Richland County, right?

4 A. Yes.

5 Q. So the two of y'all went over to Richland
6 County to pick him up from the place that he was
7 working. And is that the car dealership that his
8 brother owns?

9 A. I'm not sure who owned the dealership. I just
10 know that he worked there. I'm not --

11 Q. Tell me how you went up to the car dealership.
12 What did you say when you went up there when you
13 said -- did you say I'm looking for Chris Cooper or
14 did you have a picture of him? How did you know you
15 got Chris Cooper versus Theo Williams or something
16 like that?

17 A. I don't -- I don't honestly recall. I know we
18 went up there. We would have asked to speak with
19 Christopher Cooper, maybe checked identification,
20 and say, hey, you got some -- we need to speak with
21 you about incidents that occurred down at the West
22 Columbia Police Department, you mind riding with us?
23 And he willingly rode with us back to the police
24 department.

25 Q. All right. You really don't have any

1 independent recall of doing all of this, do you?

2 A. No. I have -- I have -- I don't have
3 specifics. I know we went there, asked him --

4 Q. I gotcha.

5 A. -- do you want to come with us?

6 Q. So did you put him in the back seat?

7 A. I don't recall -- no. We always put people in
8 the front seat and the other investigator would be
9 in the back seat. So he would have rode in the
10 front seat.

11 Q. That way, if he got out of hand, the guy in the
12 back seat could handle him, right?

13 A. No. It's just somebody -- if we don't know who
14 they are, it's better to have somebody --

15 Q. In the front seat --

16 A. -- in the front and back.

17 Q. Was he cuffed?

18 A. No, sir.

19 Q. So when he's riding down, did -- you didn't
20 tell him what he was going to be interviewed about?

21 A. No, sir.

22 Q. You just said, I want to interview you about
23 some stuff that happened over in West Columbia?

24 A. Pretty much.

25 Q. And you picked him up from Richland County and

1 brought him over there?

2 A. Correct.

3 Q. You didn't have a Richland County detective
4 with you or anything like that?

5 A. No, sir.

6 Q. Okay. And when you put him in the car and then
7 you drive him over to the West Columbia Police
8 Department -- now, this is the West Columbia Police
9 Department on 12th Street, correct?

10 A. Yes, sir.

11 Q. It's the new one?

12 A. If you say.

13 Q. Well, you remember the old one, don't you?

14 A. I do not.

15 Q. Oh. I thought you -- sorry.

16 MR. WILLIAMS: If you only knew how old the old
17 one was, Judge.

18 BY MR. WILLIAMS:

19 Q. So it's the -- it's the pretty one that's real
20 big. It's right there where the 12th Street is, the
21 fancy one?

22 A. It's on the corner of 12th and --

23 Q. So did you, driving into the -- you drove into
24 the parking lot. And two of y'all got him out and
25 walked him in the --

1 A. Correct.

2 Q. To the front door, right?

3 A. Probably the side door.

4 Q. Side door. On -- the side door on the
5 right-hand side as you were facing the West Columbia
6 Police Department?

7 A. On the left side.

8 Q. Gotcha.

9 All right. So when you take him in there, you
10 take him into an interview room, don't you?

11 A. Yes, sir.

12 Q. Neither of you had uniforms and had body mics
13 on or anything like that, right?

14 A. No, sir.

15 Q. So you take him in to interview room and you
16 take him into a room that's got a camera in it,
17 don't you?

18 A. I believe there was cameras in there at that
19 time.

20 Q. All right. Let me show you a picture.

21 MR. WILLIAMS: May I approach the witness, Your
22 Honor?

23 THE COURT: Yes, sir.

24 BY MR. WILLIAMS:

25 Q. Let me ask you if that picture looks like your

1 interview room with a camera there. Right?

2 A. It looks like it. Yes.

3 MR. WILLIAMS: Your Honor, I'd move to
4 introduce this as Defendant's Exhibit No. 1.

5 THE COURT: All right. Any objection?

6 MS. WEISS: No objection.

7 (Defendant's Exhibit No. 1 admitted into
8 evidence.)

9 MR. WILLIAMS:

10 Q. So all this time that you're riding over,
11 there's absolutely no communication with either you
12 or Investigator Todd with Chris Cooper?

13 A. There might have been communication.

14 Q. Well, do you remember Chris Cooper asking if he
15 could have an attorney there or have somebody ride
16 along with him or something like that? You don't
17 remember anything like that?

18 A. No.

19 Q. Did you have a recorder that would cover any
20 type of conversation that was going on in the car on
21 your drive over?

22 A. I did not.

23 Q. Okay. So when you get him in there, who is in
24 the investigative room?

25 A. I'm not sure. There might not have been nobody

1 in there when we first sat him down in there.

2 Q. Okay. Who sat in there when you -- when you
3 did -- were you a witness on the interrogation of
4 Mr. Cooper?

5 A. I can't recall. I know I was a witness to the
6 Miranda.

7 Q. Well, how do you know you were the witness to
8 Miranda?

9 A. Because my signature is on the Miranda sheet.

10 Q. Do you remember Miranda being read to him?

11 A. I do.

12 Q. You don't?

13 A. I do.

14 Q. All right. So who was in the room when that
15 was going on?

16 A. Investigator Morris.

17 Q. All right. So whatever happened to
18 investigator Todd? He wasn't there?

19 A. No, he was not.

20 Q. So when you get there, Morris comes into the
21 room, Todd leaves, and you remain in the room; is
22 that correct?

23 A. Correct.

24 Q. And the first thing that Morris does is give
25 him his Miranda warnings?

1 A. Correct.

2 Q. Did he tell him why he was there?

3 A. I don't -- I don't think so. At that time, no.

4 Q. So he says, come on over, and, he says, sign
5 these Miranda warnings?

6 A. Well, after he's read them to him first.

7 Q. Right.

8 A. Correct.

9 Q. And he just signed them and didn't know what he
10 was over there for?

11 A. Well, he'd be explained what he was over there
12 for after he was advised of his rights.

13 Q. All right. At no point in time when you were
14 in there -- you weren't in there with Morris, right,
15 with -- did -- were you in there the entire time
16 span in which he gave his statement?

17 A. I don't believe so.

18 Q. So you're not a witness to the statement that
19 he gave? You don't know what he said; you were just
20 in there for the Miranda reading of the warrant?

21 A. Correct.

22 Q. So who was in there when he supposedly made
23 some sort of statement in regards to what his
24 violations of the law were?

25 A. I can't recall.

1 Q. How long was he in there?

2 A. I can't recall that either.

3 Q. Did you have any other contact with him?

4 A. No, sir.

5 MR. WILLIAMS: That's all I have, Your Honor.

6 MS. WEISS: Thank you. I have no further
7 questions for this witness, Your Honor.

8 THE COURT: Sir, you may step down. Thank you.

9 THE WITNESS: Thank you.

10 MS. WEISS: State calls Investigator Chris
11 Morris.

12 CHRISTOPHER MORRIS

13 being first duly sworn, testified as follows:

14 THE WITNESS: I do.

15 THE CLERK: Have a seat, please, sir. You can
16 remove your mask, once you're seated. State your
17 full name and spell your last.

18 THE WITNESS: Christopher Morris, M-O-R-R-I-S.

19 DIRECT EXAMINATION

20 BY MS. WEISS:

21 Q. Investigator Morris, where are you currently
22 employed?

23 A. At the West Columbia Police Department.

24 Q. How long have you been there?

25 A. A little over nine years.

1 Q. What is your role there?

2 A. I'm a criminal investigator.

3 Q. And what does that mean?

4 A. I investigate major crimes.

5 Q. And in West Columbia, if you're the
6 investigator for a major crime, what does that mean?
7 What does that entail?

8 A. Your more serious offenses such as homicides,
9 robberies, kidnappings, sexual assaults.

10 Q. What do you have to do on those cases?

11 A. Interview witnesses, victims, possibly process
12 crime scenes, just anything to do with the
13 investigation role of developing a case, to further
14 the case.

15 Q. Okay. Was that your role back in August --
16 late July/early August of 2017?

17 A. It was.

18 Q. And how did you get initially involved in the
19 case that is now the State versus Christopher
20 Cooper?

21 A. I was the on-call investigator that night, and
22 I was called to the crime scene after the victim had
23 called.

24 Q. Okay. So you had this from the very beginning?

25 A. Absolutely. Yes, ma'am.

1 Q. At some point, were you able to develop a
2 suspect? Did you know, from the beginning, who your
3 suspects might be?

4 A. From the very beginning, when I first arrived
5 on scene, I had no idea. The suspects were
6 developed over a few days' period.

7 Q. Okay. And how did you identify the first
8 suspect that you interviewed?

9 A. The first suspect being Mr. Craig Cooper, we
10 developed him by evidence I collected from the crime
11 scene that was sent to the State Law Enforcement
12 Division labs, and they provided a DNA CODIS hit on
13 Mr. Craig Cooper.

14 Q. And after interviewing the victim and
15 processing the scene, how many suspects were you
16 looking for?

17 A. At that time -- well, we were looking for two
18 suspects because the victim had indicated there were
19 two people involved.

20 Q. And did you have the opportunity on August 1st
21 of 2017 to interview Craig Cooper?

22 A. I did.

23 Q. And based on that interview, did he identify a
24 second suspect in the case?

25 A. He did.

1 Q. And who did he identify?

2 A. His cousin Christopher Cooper.

3 Q. And did you know who Christopher Cooper was?

4 A. I had no idea who he was.

5 Q. So what was the next step that you took in your
6 investigation once he gave you that name?

7 A. Once he gave us that name, I confirmed the
8 identity of Christopher Cooper through a lineup.

9 And, from there, we probably would have had a
10 discussion with other investigators to go forward to
11 talk to Mr. Christopher Cooper to further the case.

12 Q. Okay. And is it pretty typical for you to ask
13 somebody to come back to talk to you at
14 headquarters?

15 A. Absolutely.

16 Q. What's the purpose of that?

17 A. Just to further the case. We might have more
18 questions to check the reliability of what
19 information we already have and to corroborate with
20 anything else.

21 Q. Okay. So why didn't you go and pick up
22 Christopher Cooper? Why would you send somebody
23 else?

24 A. Could have been tied up with something else;
25 there was a search warrant going on at the time;

1 getting paperwork; checking backgrounds; things like
2 that --

3 Q. So when --

4 A. -- just --

5 Q. Sorry.

6 A. Sorry. Just doing other things at the time.

7 Q. So when you're working a major case is it sort
8 of all-hands-on-deck?

9 A. Yes. We've got a small department, and all the
10 investigators work together on bigger cases.

11 Q. So investigators Putney and Todd, they were
12 there; they were part of that team?

13 A. Correct.

14 Q. And, at this point, were you trying to get
15 Christopher Cooper back to West Columbia so you
16 could arrest him?

17 A. No.

18 Q. So what was the reason for asking Putney and
19 Todd to go talk to Christopher Cooper?

20 A. To further the investigation; to ask him
21 questions that were brought up to us regarding the
22 incident. Like I said, he was named by his cousin
23 as being involved. We wanted to verify that and
24 talk to him more to find out what was going on.

25 Q. And to be clear, at this point, you had a CODIS

1 hit for Craig Cooper?

2 A. Correct.

3 Q. You had the victim's statement, but not -- but
4 she didn't know either of the people, so you didn't
5 have names for her. And then you had Craig Cooper
6 identifying Christopher Cooper in a lineup and
7 giving you his name, saying it's his cousin?

8 A. Yes.

9 Q. Okay. And so the next step was to try to talk
10 to him?

11 A. Correct.

12 Q. When he was brought back to the West Columbia
13 Police Department, do you remember when he was
14 brought in?

15 A. I do remember. He was brought in and sat in
16 the interview room unattended for a few minutes
17 while I gathered paperwork.

18 Q. Okay. And, 2017, did you record suspect
19 interviews?

20 A. No, we did not.

21 Q. Do you record them today?

22 A. No, we do not.

23 Q. And why is that?

24 A. Per our policy and the way we were trained --
25 or I was trained, and the investigators at the

1 department, we don't record interviews. They're
2 handwritten, unless the person giving the statement
3 cannot read or write, then we can use alternative
4 methods of video and audio recording.

5 Q. Okay. And I'll show you what's been entered as
6 Defendant's Exhibit 1. Do you recognize this photo?

7 A. Yes.

8 Q. And what is that?

9 A. That is our interview room.

10 Q. And was that the same interview room in 2017?

11 A. Yes.

12 THE COURT: Defendant's 1? Did you refer to it
13 as Defendant's 1 or State's 1?

14 MS. WEISS: Defendant's 1.

15 THE COURT: Okay. I'm sorry. I misunderstood
16 you. I'm sorry. Go ahead.

17 BY MS. WEISS:

18 Q. And, in that picture, there is a camera right
19 next to what appears to be a one-way mirror or
20 whatever those are. Was that camera there in 2017?

21 A. Yes.

22 Q. Okay. And does that camera record anything?

23 A. No.

24 Q. What is that camera there for?

25 A. That camera is there for a live feed to my

1 supervisor's office and to a TV in the detective
2 office to view interviews.

3 Q. Okay. And has that ever been recorded in your
4 time at West Columbia Police Department?

5 A. No.

6 Q. So on August 1st of 2017, what was your -- you
7 said the -- the person that you had brought in,
8 Mr. Cooper, was put in the interview room by
9 himself. And who went in there to talk to him
10 first?

11 A. Myself and investigator Putney.

12 Q. Okay. And what is your process when you go in
13 to talk to somebody in an interview?

14 A. First thing I usually ask --

15 Q. But before you go in there.

16 A. Oh. Before I go in there?

17 Q. Uh-huh.

18 A. I disarm myself of all my weapons. My gun, my
19 knife -- I usually carry a pocket knife -- I put
20 those in a safe that's located outside the office;
21 lock it, and enter the interview room.

22 Q. And is that just something that you do or is
23 that the policy for all officers at the West
24 Columbia Police Department?

25 A. That is the policy for all the officers.

1 Q. So you and Investigator Putney went into the
2 room after both of you had completely disarmed?

3 A. Correct.

4 Q. And I'm going to show you what's been marked as
5 State's Exhibits 1, 2, and 3. Can you identify what
6 these are?

7 A. Yes. A copy of Mr. Christopher Cooper's
8 driver's license, which he would have had to
9 voluntarily give me to --

10 THE COURT: What number is that?

11 MS. WEISS: State's Exhibit 1, Your Honor.

12 THE COURT: Sorry. Go ahead.

13 A. At that point, I would --

14 Q. Before we talk about these, I just want to
15 identify these three and then we'll go through each
16 one.

17 A. Okay. Driver's license, Miranda form, and a
18 voluntary statement form.

19 Q. And State's Exhibit 3 is the statement form?

20 A. Yes.

21 Q. I'm trying to keep them separate so we don't
22 get confused about which document we're talking
23 about.

24 So, referring to State's Exhibit 1, will you
25 please tell the Court about why and how you obtained

1 that.

2 A. We obtained this to positively identify who
3 we're speaking with and who we're talking to and
4 that we have the correct information on the person
5 that we're speaking with. We make a photocopy of
6 it, and then we also have them review the copy and
7 sign and date it to verify who they are.

8 Q. Okay. And when during the interview is that
9 done?

10 A. That's the very first thing when we come in.

11 Q. And you put it in your file?

12 A. Yes.

13 Q. Just like that?

14 A. Yes.

15 MS. WEISS: Your Honor, at this time, we'd ask
16 to admit State's Exhibit 1 into evidence.

17 THE COURT: Any objection?

18 MR. WILLIAMS: No objection, Your Honor.

19 THE COURT: Admitted.

20 (State's Exhibit No. 1 admitted into evidence.)

21 BY MS. WEISS:

22 Q. What do you do next?

23 A. After that, I present a Miranda form. I have
24 them fill out the top portion of that with all their
25 information.

1 Q. And the Miranda form you're referring to, is
2 that State's Exhibit 2?

3 A. It is. And, from there, I have them fill out
4 the top portion, which are the name, address, phone
5 number, date of birth, social security number, what
6 grade they finished in school, and I ask them if
7 they can or cannot read and please circle which
8 applies and initial it.

9 Q. Okay. And what time of day was this form
10 filled out?

11 A. It appears it was filled out at 4:54. And that
12 would be p.m.

13 Q. So right before 5:00?

14 A. Correct.

15 Q. On August -- what was the date?

16 A. August 1st.

17 Q. The case number, who fills that out?

18 A. I filled that out.

19 Q. Okay. Who fills out the date and the time?

20 A. Normally, the person we're interviewing.

21 Q. Okay. And what's the significance of that
22 time?

23 A. It is close to time to get off work or for the
24 other investigators to leave.

25 Q. But that's the time you begin the interview --

1 A. Correct.

2 Q. -- officially?

3 Okay. Do you recall talking with Christopher
4 Cooper in the interview room when you began this?

5 A. I do.

6 Q. Was anyone else present when you were going
7 over the Miranda rights?

8 A. Investigator Putney.

9 Q. How -- what was Mr. Cooper's appearance?

10 A. Very clean-cut. I think he had just gotten off
11 work. I think he had a polo on -- I can't
12 remember -- I think a bright blue, possibly.

13 Q. Did he appear to be under the influence of
14 anything?

15 A. No.

16 Q. Did you notice any physical or mental
17 disabilities or concerns as you were talking to him?

18 A. None.

19 Q. Did he seem to understand what you were saying?

20 A. Yes.

21 Q. Did you tell him at this point why you were
22 reading him his Miranda rights, what you were going
23 to be talking to him about?

24 A. At that point, I may have told him his name
25 came up in an investigation; I simply want to ask

1 you some questions about what's going on.

2 Q. Okay. And did the Miranda rights, the
3 interview, did it all take place in the interview
4 room from the photo?

5 A. Yes.

6 Q. Do you remember approximately how long the
7 interview lasted?

8 A. I don't think it was longer than a couple
9 hours. It was probably less than two hours.

10 Q. And is there something that happened
11 approximately two hours later that helped you
12 remember that?

13 A. Yes. I had to -- after speaking with them, I
14 had to go do a search warrant, and I've got that
15 time documented.

16 Q. Okay. Were there any breaks taken during the
17 course of the interview?

18 A. No.

19 Q. Was he allowed access to a bathroom?

20 A. If he needed one, yes.

21 Q. Did he request to use one, as far as you
22 remember?

23 A. No.

24 Q. If he had requested --

25 A. I would have walked down the hall with him.

1 Q. Did he request to make any phone calls?

2 A. No.

3 Q. What if he had wanted to, if he had asked to?

4 A. He would have been free to do so.

5 Q. Was he threatened in any way prior to the
6 Miranda warnings?

7 A. No.

8 Q. Was he promised anything to waive his Miranda
9 rights and talk to you?

10 A. No.

11 Q. And at the time of the interview, was he under
12 arrest?

13 A. No.

14 Q. All right. I'll go back to the Miranda rights
15 form. You said you've been an investigator for nine
16 years -- you've been in law enforcement for nine
17 years?

18 A. Correct.

19 Q. How long have you been an investigator?

20 A. Seven -- roughly seven years.

21 Q. Okay. And at what point in your training do
22 they go over how to administer the Miranda rights?

23 A. Multiple times in the police academy, and when
24 I came to the division, I was field trained on how
25 to give the Miranda and when to give the Miranda.

1 Q. And, at some point, once you became an
2 investigator, or maybe even before, did you come up
3 with sort of your pattern of how you did it and the
4 order that you did things?

5 A. Yes.

6 Q. So, if you would, go through that. Did you do
7 this statement the same way that you had become --
8 that you had started doing with each of your Miranda
9 statements?

10 A. Yeah. Early on when I came an investigator, I
11 developed a pattern, and that pattern continued.

12 Q. Would you please walk us through how you go
13 through the Miranda rights.

14 A. Like I said before, have them fill out date,
15 time, name, all their information; indicate if they
16 can or cannot read. He put on here that he can and
17 he initialed. At that point, I don't allow them to
18 go any further. I said let me -- I said, I've got
19 to read over these.

20 So, at that point, I read it verbatim from the
21 form, the constitution requirement that you've been
22 informed of your rights. Number 1 is you have the
23 right to remain silent; number 2, anything you say
24 can and will be used in court as evidence against
25 you.

1 Do I need to go through all of them?

2 Q. Please.

3 A. Then 3, you are entitled to talk to a lawyer
4 now and have him or her present now or at any time
5 during questioning. If you cannot afford a lawyer,
6 one will be appointed for you without cost. And at
7 number 5, I ask them if they understand those
8 rights. On this form, he initialed 1 through 5. I
9 asked him if he understood his rights. He indicated
10 yes by circling yes and initialing.

11 Number 6, continuing on, if you decide to
12 answer any questions now without a lawyer present,
13 you still have the right to stop answering questions
14 at any time, and you also have the right to stop
15 answering questions at any time to speak to a
16 lawyer. Mr. Cooper initialed number 6 as well. And
17 on the line of signature of suspect, he signs it. I
18 just asked him to sign it that I went over these.
19 He indicated he did.

20 Then I moved on to the waiver of Miranda: I'm
21 willing to make a statement and answer questions. I
22 understand and know what I'm doing; no promises or
23 threats have been made to me; no pressure or
24 coercion of any kind has been used against me. And
25 usually I go just a little further and say this just

1 means I'm not going to threaten you, throw a
2 phonebook at you, beat you like in the movies, or
3 anything like that; I just simply want to ask just
4 asking questions.

5 Q. And then what?

6 A. At that point, he understood he knew his rights
7 and he waived his rights, signed and dated it. And
8 I witnessed it and so did Investigator Putney.

9 Q. And Investigator Putney was sitting there as
10 you went through all of this?

11 A. Correct.

12 Q. What did you do next --

13 A. At that point --

14 MS. WEISS: Your Honor -- I'm sorry -- I'd like
15 to admit State's Exhibit 2 into evidence.

16 THE COURT: Any objection?

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: So admitted.

19 BY MS. WEISS:

20 Q. Sorry. Go ahead, Investigator.

21 A. At that point, I let him know why we were
22 wanting to talk to him. According to my notes, it
23 looks like I started the interview off by asking him
24 when the last time was that he was in West Columbia,
25 trying to establish a timeline, and asked him if he

1 knew who Craig Cooper was. He indicated that was
2 his first cousin.

3 He had made -- I think, as we were talking
4 about West Columbia, asking him, I made a note in my
5 handwritten notes about Cleo entered -- Chris's
6 friend, who was a stripper, he indicated that; that
7 he then indicated on Thursday, he was at home by
8 himself, still establishing that timeline and his
9 whereabouts during the time of the incident. He
10 indicated he was not in West Columbia on Thursday or
11 Friday.

12 So, at that point, then it looks like the
13 interview shifted where he started indicating it was
14 a mutual decision, indicating him and Craig Cooper
15 were involved in this incident.

16 Q. So how does he know what incident that you're
17 talking about at this point?

18 A. I believe, at that point, Investigator Putney
19 had left the room. He -- it was close to 5:00
20 already. He had to go home because my supervisor
21 would have told him that he had to leave as far as
22 to keep overtime and everything of the budget down.

23 At that point, I believe, Captain Wade entered
24 the interview with me. And I think we indicated
25 we've already talked to your cousin; he told us what

1 happened. And, at that point, he began -- he pretty
2 much hung his head and said it was a mutual decision
3 and started going into details of what occurred
4 during the incident.

5 Q. And this was a verbal interview that you did
6 initially?

7 A. Correct.

8 Q. Okay. Was -- did the defendant voluntarily
9 talk to you?

10 A. Yes.

11 Q. And was he free to go during questioning?

12 A. At that -- once he --

13 Q. Prior to saying --

14 A. Correct.

15 Q. -- it was a mutual decision for the two of them
16 to go over there, was he free to go?

17 A. Yes.

18 Q. So he was already a suspect, just in the sense
19 of he had been mentioned by his cousin?

20 A. Correct.

21 Q. And then at that point --

22 MR. WILLIAMS: Your Honor, if I could hear the
23 witness testify instead of the prosecutor on this.

24 THE COURT: All right. Rephrase your question,
25 please.

1 BY MS. WEISS:

2 Q. Was Mr. Cooper considered a suspect when you
3 started talking to him or a person of interest?

4 A. Definitely a person of interest. We wanted to
5 corroborate some more facts.

6 Q. Okay. And did he willingly respond to your
7 questions as you're asking them?

8 A. Yes.

9 Q. And I know you just testified, but was he
10 advised of the nature of this investigation?

11 A. Yes.

12 Q. Did the defendant, at any point, ask to stop
13 talking?

14 A. No.

15 Q. Okay. At any point, did he ask to speak to an
16 attorney?

17 A. No.

18 Q. Based on what you observed about Christopher
19 Cooper, was he giving the statement freely and
20 voluntarily?

21 A. Absolutely.

22 Q. Okay. And if you would, just continue at this
23 point. So --

24 A. So once he hung his head and began saying it
25 was a mutual decision, from there, he began telling

1 -- he told me that a friend basically put him on to
2 this person, which is Ms. Cook's, the victim's
3 husband, indicating they thought he had a lot of
4 money and that he was possibly a drug dealer.

5 And then he got into the details of actually
6 arriving to the residence and what occurred. He
7 started off by saying Craig had kicked in the back
8 door, which matched what I had located on the crime
9 scene. They -- he indicated they were looking for
10 cash inside. They -- he indicated there was a young
11 lady upstairs, referring to the victim, Ms. Cook;
12 said Craig opened the door to the bedroom, and she
13 screamed.

14 They were directed that there was money in some
15 ceramic statues downstairs in the living room.
16 Looks like they were -- he began saying that they
17 couldn't find what they were looking for, and Craig
18 said we got to get something out of this, and he
19 indicated he received oral and anal sex from the
20 victim.

21 He also indicated a very specific thing that
22 happened; was that the victim indicated she couldn't
23 have vaginal sex and --

24 Q. And why was that?

25 A. That's because their -- she had a yeast

1 infection at the time. She had indicated to me
2 previously, the night I responded, that she actually
3 showed them that she had a yeast infection. And he
4 continued on and said that that's when they
5 proceeded to have anal intercourse and oral
6 intercourse with the victim.

7 He also indicated, looking at the notes, that I
8 must have asked him who, basically, put him on to
9 the residence, and indicated Albert Brisbane, who is
10 a friend of his, and Albert was currently in
11 Alvin S. Glenn. Continued on: Albert told him
12 Jacob Cook, the victim's husband, is a drug
13 trafficker, and that he drives a blue Chrysler 200;
14 looks like he indicated to me the gun that was used
15 in this incident was at his house at 132 Windridge
16 Road; he indicated he spent the money he had -- they
17 had taken from the residence. And he indicated they
18 got a total of 1,700 -- approximately 1,700, and he
19 got about \$860 for helping with the incident.

20 Q. Okay. And are you referring to something to
21 help you remember this information?

22 A. Yeah. My handwritten notes.

23 Q. And did you take those notes contemporaneously
24 with the interview?

25 A. I did.

1 Q. After you finished with the interview, what do
2 you do next?

3 A. After the interview -- or the oral interview, I
4 asked if he would be willing to give a statement.
5 And he agreed and he provided me a written
6 statement.

7 Q. Okay. And I've shown you State's Exhibit 3.

8 A. Yes.

9 Q. Is that the statement form that you're
10 referring to?

11 A. Yes.

12 Q. Okay. So how do you go about taking the
13 written statement?

14 A. Pretty much the same process as the Miranda
15 form. I ask them to fill out the top portion of the
16 voluntary statement form, and basically ask them,
17 what you just explained to me, I want you to put
18 down in your own words.

19 Q. Okay. And then what do you do?

20 A. From there, I give them time to write out their
21 statement.

22 Q. Do you stay in there while they're writing or
23 do you leave? What is your process?

24 A. With his, I stayed in the room. Sometimes I
25 may go directly across the hall and watch on the

1 video as they're filling it out. But, on that one,
2 I remember staying in the room.

3 Q. Okay. In looking at this, can you tell us,
4 whose handwriting is whose on here?

5 A. The -- I don't have the statement in front of
6 me.

7 Q. Oh. Showing you State's Exhibit 3, is this the
8 voluntary statement form you're referring to?

9 A. Yes.

10 Q. Now, looking at the statement, can you please
11 tell us whose handwriting is whose?

12 A. The top portion where it says I, Christopher
13 Cooper, he would have filled that out; 132 Windridge
14 Road, he would have filled that out; his phone
15 number, he filled out, (803) 622-8219; he filled out
16 his date of birth, 1/8/86, and his social security
17 number.

18 And then underneath that, where it says I
19 volunteer to freely answer your questions and make
20 the following statements is where he began writing a
21 paragraph of approximately six lines.

22 Q. Okay. And, if you would, just read what he
23 road wrote.

24 A. We went over to the residence, saw no one was
25 there because the guy's car was gone; we got in

1 through the back door, searched for the money; got
2 upstairs; when Craig opened the bedroom door, the
3 girl that was there screamed; I continued to search,
4 found nothing; the girl opened the safe, told us
5 where the \$1,700, comma, then we left after only
6 finding this amount. Upon leaving, we had anal and
7 oral sex with the dealer's girl.

8 Q. Okay. And whose handwriting is on the next
9 line?

10 A. The next line is my handwriting. It starts
11 off: Investigator C Morris, in the
12 question-and-answer format; I put Q after my name
13 with a hyphen: Where is the residence located?

14 I would have wrote his name, C. Cooper, and the
15 letter A for answer, hyphen. He, in his handwriting
16 that he wrote, is off of Knox Abbott Drive.

17 Continue on?

18 Q. Keep going. That would be good.

19 A. Same thing. I write out: What does the
20 residence look like, question mark; write C. Cooper,
21 A, and, in his handwriting, he puts duplex. Again,
22 I ask: Who had the firearm? He responded: I
23 brought the firearm that Craig had.

24 Continue on to page 2 of 2, I ask: Who is
25 Craig? He answers: Craig Cooper is my cousin.

1 Next question: Who showed you this residence? He
2 answers: A friend showed us a month ago.

3 I asked him: What type of gun did you give
4 Craig? He responded: 9mm handgun, black and
5 silver. I asked him: What time of day did this
6 occur? He responded: Nighttime. I asked him: How
7 much money did you get from this? He responded:
8 \$840. I asked him: Where was the money stored? He
9 responded: Two piggybanks and then put in
10 parenthesis or -- yeah, parenthesis, black. I asked
11 him: What happened to her phone? He said: We
12 placed it in the trash out back.

13 I asked: Did you ejaculate and where? He
14 responded: In her mouth. Final question was: Why
15 didn't you have vaginal intercourse? He responded:
16 She had an infection.

17 Q. And did you tell him what to write for any of
18 these answers?

19 A. No.

20 Q. Did you instruct him what to write as he was
21 writing the answers?

22 A. No.

23 Q. So what do you do next?

24 A. After that, I believe I presented a Permission
25 to Search form and asked him read -- would read over

1 the permission to search to collect a buccal swab
2 from him for DNA for comparison.

3 Q. Did he consent to that?

4 A. He did.

5 Q. What did he do next?

6 A. From that point --

7 Q. I'm going to go back to the statement. Once
8 you finish the question-and-answer part of that,
9 what do you do next with the statement forms?

10 A. Oh, I'm sorry. I have him sign that he was the
11 person giving the statement. And he indicated that
12 he was by signing his signature for person giving
13 the statement on page 1. And, on page 2 of 2, he
14 also dated both of those. And I signed as a
15 witness.

16 Q. Okay. Do you go over the statement with him or
17 do you just sign it once it's done?

18 A. We -- yeah. I'll read over it, as well as have
19 him read over it. And, after that, he -- we move
20 forward to the buccal swab. But, yeah, I read over
21 his statement with him. And then, from there, I
22 moved to have him sign it and to get the buccal
23 swab.

24 Q. Okay. There's a second witness signature
25 block.

1 A. Yes.

2 Q. And that's blank on my copy. Is that blank on
3 yours?

4 A. Yes.

5 Q. Okay. And you said earlier that Captain Wade
6 was in and out of the interview with Christopher
7 Cooper.

8 A. Yes.

9 Q. Was he there when the statement was written?

10 A. No.

11 Q. Okay. Where was he?

12 A. He -- Captain Wade would have probably gone
13 home because Christopher Cooper had already
14 confessed at that point and there was no -- and
15 Captain Wade probably would have witnessed him
16 starting to write -- writing the statement and left
17 at that point.

18 Q. Okay. So was there anybody there to sign the
19 witness signature block?

20 A. No.

21 Q. At any point, did Christopher Cooper ask to
22 stop answering questions?

23 A. No.

24 Q. At any point, did he ask to talk to an
25 attorney, call his mom, call his brother, anything?

1 A. No.

2 Q. And he was aware that he could have had an
3 attorney present?

4 A. Yes.

5 Q. And he waived that before you started asking
6 him any questions?

7 A. When I went over his Miranda rights, he
8 indicated he would talk to me after being advised of
9 his rights, and he indicated that on the Miranda
10 form.

11 MS. WEISS: At this time, I'd move to have this
12 written statement moved into evidence.

13 THE COURT: Any objection?

14 MR. WILLIAMS: Not placing it in evidence, Your
15 Honor. We don't have any issues with that. In
16 terms of this hearing, we would object to the use
17 until I get a chance to cross-examine him.

18 THE COURT: All right. I'm going to allow it
19 over objection -- the objection at this point. I'm
20 going to allow it into evidence as far as this
21 hearing.

22 MR. WILLIAMS: All right, sir.

23 BY MS. WEISS:

24 Q. Just to be clear, back on the Miranda form, did
25 he indicate his highest level of education?

1 A. Yes, he did.

2 Q. And did you ask about that and clarify that?

3 A. Yes. Just like standard procedure, every time
4 I go over it, I ask: What is the last grade you
5 finished in school? If you have anything further
6 than a 12th grade education, I ask to indicate that
7 by saying 12, 13, 14, however many years to it.

8 Q. And you asked him if he could or could not
9 read, correct?

10 A. Yes.

11 Q. And what did he put on there?

12 A. He indicated that he could read.

13 Q. Okay. And when you were talking to him about
14 the gun and where the gun was located, did he tell
15 you where the gun was located?

16 A. He indicated that the gun was at his house.

17 Q. And did you know where in his house to look?

18 A. I didn't document it in there, but I believe I
19 found it in the closet. I'm not sure if he told me.
20 I think he told me it was in a shoebox in his
21 closet.

22 Q. But you don't have that written down?

23 A. I don't have it written down.

24 MS. WEISS: Thank you. I don't have any
25 further questions at this time, Your Honor.

1 MR. WILLIAMS: May it please the Court?

2 CROSS-EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Investigator, would you object to sharing your
5 notes with me or could we have a copy of it?

6 Because we didn't get it in discovery.

7 A. You should -- I handed everything I had over --

8 Q. So you don't mind if we have a copy of these?

9 MS. WEISS: Your Honor?

10 THE COURT: Ma'am?

11 MS. WEISS: If I may, we provided these in
12 discovery.

13 THE COURT: Okay.

14 MR. WILLIAMS: If I could have -- if she can
15 make a copy of that later on. I don't need it for
16 the purposes of this.

17 BY MR. WILLIAMS:

18 Q. I just want to make that I understand what
19 you're saying. And that is that, essentially -- I'm
20 going to shorten it down. For purposes of Chris
21 Cooper's statement, you were the only person who
22 witnessed the Chris Cooper statement? He was in
23 there for two hours; you were the only person who
24 witnessed his statement. Is that correct?

25 A. I'm the only one that signed and witnessed the

1 actual statement, yes.

2 Q. Okay. And you said normally you go by routine,
3 meaning that you don't have a standard pattern of
4 what you do, correct?

5 A. Yes, sir.

6 Q. So when you did Monesha's statement, you had
7 two witnesses on that, didn't you?

8 A. I'm not sure that I took Monesha's statement.
9 I did verbally on the scene.

10 Q. Let me ask you to look to see if you had two on
11 Monesha's statement.

12 A. Yes.

13 Q. All right. So you had two on Monesha's
14 statement. Now, what about Craig Cooper's
15 statement? Did you have two witnesses on that?

16 A. I did.

17 Q. And even when you interviewed the individual
18 who was in jail that you talked to about how they
19 may or may not have known about robbing it, you had
20 two witnesses on that, too, right?

21 A. Correct.

22 Q. So the only time you didn't have two witnesses
23 was on the one statement where he was the only
24 person in the room, except you say that the captain
25 came periodically in and out; is that correct?

1 A. Correct. It was after business hours.

2 Q. Now, the camera, which you have talked about,
3 the camera which goes directly to your -- is that
4 your captain's room that he can view what's going
5 on?

6 A. Yes, sir.

7 Q. So you say that the camera was working and that
8 someone was able to see what was testified to, but
9 it was just not recording?

10 A. I'm not sure if any -- I'm not sure of who
11 would have been viewing the video.

12 Q. But you've testified that it just doesn't
13 record, but somebody in the other room would be able
14 to see -- would be seeing it on a TV or a monitor of
15 some kind?

16 A. Correct. They could view it. Absolutely.

17 Q. So you certainly have the ability of having a
18 witness who could observe everything that's going on
19 when you're asking him questions and you could
20 record it if you wanted to?

21 A. I don't have the capability to record it.

22 Q. Did you have -- do you have anybody who can
23 testify that they observed everything that went on
24 when you were interviewing him?

25 A. I'm not sure who would have been viewing the

1 camera. But I assume Captain Wade would have been
2 viewing the camera.

3 Q. Now, at what point in time did you arrest him?

4 A. Later on, after the -- after he provided a
5 buccal swab.

6 Q. So he was free to go at any point in time until
7 he gave you a buccal swab?

8 A. At that point, I didn't have a warrant.

9 Q. So he -- so you didn't go through the
10 formalities of placing him under arrest? You didn't
11 say you're under arrest?

12 A. I did after the interview.

13 Q. So did you send Putney out there to pick him up
14 in Richland County?

15 A. I wouldn't have sent him. I'm not his
16 supervisor.

17 Q. Did you know that Chris Cooper didn't have a
18 vehicle at that location, so the only way he was
19 going to West Columbia is if he was being escorted
20 by West Columbia Police Department?

21 A. I had no idea.

22 Q. So when you bring him in, did -- is it your
23 testimony that neither you nor anyone that you know
24 of heard him talk about the fact that he wanted to
25 have his attorney present?

1 A. He never asked to have an attorney present.

2 Q. And did -- at some point in time, did the
3 captain come in there and slam a copy of the
4 statement of Craig Cooper down there and tell him
5 that Craig Cooper was going to get a better deal
6 than he was going to get?

7 A. I have no idea.

8 Q. Would you have been present the entire time
9 period?

10 A. Yes.

11 Q. You already had a written copy of Craig
12 Cooper's statement, didn't you?

13 A. I did.

14 Q. Did you show it to Chris Cooper?

15 A. No.

16 MR. WILLIAMS: That's all the questions I have
17 for him, Your Honor.

18 THE COURT: Any redirect?

19 MS. WEISS: Not for this witness, Your Honor.

20 THE COURT: All right. Sir, you may step down.
21 Thank you.

22 MS. WEISS: Beg the Court's indulgence just a
23 moment.

24 THE COURT: Yes, ma'am.

25 THE CLERK: Do I need to make a copy of this,

1 Your Honor?

2 THE COURT: Please, ma'am.

3 MS. WEISS: Your Honor, that completes the
4 presentation from the State.

5 THE COURT: All right.

6 Mr. Williams.

7 MR. WILLIAMS: Your Honor, we'd call Chris
8 Cooper to testify.

9 THE COURT: Sir, if you would, come around to
10 be sworn, please.

11 CHRISTOPHER COOPER

12 being first duly sworn, testified as follows:

13 THE DEFENDANT: Yes, ma'am.

14 THE CLERK: Have a seat, please, sir. Once
15 you're seated, you can pull your mask down. State
16 your full name, spelling your last.

17 THE DEFENDANT: Full name is Christopher
18 Cooper, C-O-O-P-E-R.

19 DIRECT EXAMINATION

20 BY MR. WILLIAMS:

21 Q. Chris, you graduate from high school?

22 A. Yes, sir.

23 Q. And do you remember the events of August the
24 1st of 2017?

25 A. Yes, sir.

1 Q. What happened on that date?

2 A. Around 3:30 --

3 THE COURT: Speak up, okay, please, sir.

4 THE DEFENDANT: Yes, sir.

5 Between 3:30 and 4:00, I was approached at my
6 place of business. They asked if my name was Chris
7 Cooper.

8 MR. WILLIAMS:

9 Q. Who approached you and asked you?

10 A. The two investigators.

11 Q. Okay.

12 A. I told them yes. He said come with me. Yes,
13 sir. Okay. I follow them out to the car. When we
14 get to the car, you know, I ask them, why am I being
15 taken from work? He started kind of talking small
16 talk --

17 Q. Who was?

18 A. The smaller gentleman, Mr. -- with the long
19 hair.

20 Q. Putney.

21 A. Yeah. I told him, sir, with all due respect,
22 you know, why am I being taken down to the police
23 department? He said, we'll talk about it down
24 there. So, immediately, when he said that, I told
25 him I don't have anything to say; I want a lawyer

1 present with me. He backed off; he got quiet, the
2 guy in the back seat.

3 After that, it was silent. We got to the
4 police department. I went into the interrogation
5 room. The second gentleman that was riding behind
6 me, we went into the interrogation room. He starts
7 questioning me even further. I told him, sir, I
8 need a lawyer here with me. He kept trying to pull
9 me a little bit. Then he went out after I didn't
10 give him what he wanted. He went out.

11 The third -- the third one, I guess that was
12 his supervisor, he came in, guns blazing, yelling --

13 Q. Let me slow you down here. You said second
14 gentleman. Do you recall this gentleman here?

15 A. Yes.

16 Q. Is he what you're referring to as the second
17 gentleman?

18 A. Yes.

19 Q. All right. And the first gentleman you're
20 referring to is the gentleman with the long hair?

21 A. Yes. He's the one that -- he -- he-- he's the
22 only one who backed off in the car.

23 Q. Okay. All right. So this gentleman didn't
24 come over with you from Richland County, did he, or
25 did he meet you there?

1 A. No. I believe it was him and the other
2 gentleman that was in the car.

3 Q. Okay. So go ahead. What happens in regards to
4 this gentleman?

5 A. He's questioning me. I told him I need a
6 lawyer present. That was the second time hearing me
7 say that. He kind of eased up and was threatening
8 me. He was, oh, well, had it been me, you know, I'd
9 have killed you, you know, this, that, and the
10 third. I'm getting --

11 Q. Said what?

12 A. Had it been me, I'd have killed you.

13 I don't have a clue what you're talking about,
14 sir, but I need a lawyer present. It's a totally
15 different world for me. I was just taken from work
16 into an interrogation room. Super nervous. He
17 left. I was still holding to it, my word of needing
18 a lawyer present. He went. And I guess that's his
19 supervisor that he went and got. Supervisor came in
20 there with a totally different tone --

21 Q. Describe the supervisor.

22 A. He was baldheaded, light skin, kind of big with
23 glasses.

24 Q. So when you say light skin, you're referring to
25 a light skin black person?

1 A. Yes.

2 Q. Okay. And that's his supervisor?

3 A. I assume so, because he had to go and get him
4 after I told him I wanted a lawyer.

5 Q. Okay.

6 A. He comes in. He's yelling, oh, this that and
7 the third; your cousin, he don't care about you; he
8 don't care about you; look at this; look at this;
9 look; whose name is this on this statement --

10 THE COURT: Slow down. Okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: So my court reporter can get
13 everything.

14 THE DEFENDANT: Yes, sir. Yes, sir.

15 So he's promising me all these years and that
16 I'm going to get 35 years. I said, sir -- even with
17 him, I said, sir, I need someone -- a lawyer present
18 with me. And I made that, you know, clear to
19 everybody. Just kept going and kept going and kept
20 going.

21 After seeing that it wasn't going to change
22 anything with me asking for a lawyer, if it's a
23 fight-or-flight situation, I'm taking the first
24 flight out of there. So I'm just, okay, you know
25 what, we'll rectify this later; just get me out

1 here. I'm super nervous; I'm sweating in there. I
2 had to be escorted to the restroom because I lost my
3 bowels. It was just a horrific situation that I was
4 encountered in.

5 Q. So are you saying that you had to be escorted
6 to the restroom in the midst of all this or at the
7 end of you signing the --

8 A. At the end of me signing it.

9 Q. All right. And who escorted you?

10 A. It was -- I don't remember who escorted me.
11 But I believe it was Mr. Morris.

12 Q. All right. And so did you think you were
13 getting ready to leave if you wrote the statement or
14 what?

15 A. That that would be my only way out.

16 Q. And what happened? When did he tell you you
17 were under arrest?

18 A. He told me that I was under arrest after they
19 told me -- after the restroom and everything, after
20 they took me in the back and -- it was in -- and
21 this wasn't an interrogation room. This was like a
22 booking. It had two cells back there also. That's
23 when I got actually read my rights.

24 Q. Was it before or after you had the buccal swab?

25 A. After.

1 Q. Okay.

2 MR. WILLIAMS: That's all the questions I have,
3 Your Honor.

4 THE COURT: Cross-examination?

5 MS. WEISS: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. WEISS:

8 Q. Mr. Cooper, I'm going to show you what's
9 already been entered into evidence as State's
10 Exhibit 1. Do you recognize this license?

11 A. Yes.

12 Q. Whose license is that?

13 A. It's mine.

14 Q. Okay. Whose signature is that under your
15 license?

16 A. Mine.

17 Q. And what's the date on there?

18 A. 8/1/2017.

19 Q. And you put the date on there as well?

20 A. Yes.

21 Q. And did you give law enforcement your license?

22 A. Yes.

23 Q. At what point did you give them your license
24 and do this?

25 A. That was after the whole interrogation.

1 Q. After everything?

2 A. Yes.

3 Q. I'm going to show you State's Exhibit 2. Do
4 you recognize this form?

5 A. Yes.

6 Q. Very top, it says: I, Christopher Cooper. Who
7 is that?

8 A. That's me.

9 Q. Okay. And then it has your -- has an address
10 of 112 Morning Echo Drive. Whose address is that?

11 A. My address.

12 Q. And whose handwriting is that in?

13 A. My handwriting.

14 Q. Okay. And has a phone number. Whose phone
15 number is that?

16 A. That was my phone number.

17 Q. Okay. If you could speak into the microphone
18 so that --

19 A. I said that was my phone number.

20 Q. Okay. Thank you.

21 Date of birth, 1/8/86. Whose birthday is that?

22 A. That's my birthday.

23 Q. And is that your social security number?

24 A. Yes.

25 Q. And is it true that you finished the 12th grade

1 in school?

2 A. Yes.

3 Q. Where did you go to high school?

4 A. Spring Valley High.

5 Q. What year did you graduate?

6 A. 2004.

7 Q. And did you go to any school after that?

8 A. Yes.

9 Q. Where did you go?

10 A. I went to Coastal Carolina.

11 Q. For how long were you at Coastal Carolina?

12 A. A year.

13 Q. A year. So did you -- you actually did another
14 year after 12th grade?

15 A. Uh-huh.

16 Q. So --

17 THE COURT: Is that a yes?

18 THE DEFENDANT: Yes, sir.

19 Q. So you can read and write, and that's what you
20 circled here?

21 A. Yes, ma'am.

22 Q. And C.C., those are your initials?

23 A. Yes.

24 MS. WEISS: Your Honor, if I may, I think it
25 may just be easier to -- may I have a second just to

1 pull down the --

2 THE COURT: Yes, ma'am.

3 BY MS. WEISS:

4 Q. I'll ask you to bring your attention to the
5 screen. We went through here: Christopher Cooper,
6 Morning Echo Drive, your phone, date of birth,
7 number social security, and you finished the 12th
8 grade which, in fact, you finished your freshman
9 year of college at Coastal Carolina and you
10 graduated from Spring Valley High School, and can
11 read. And those were your initials and that is your
12 handwriting. So are you able to read this line
13 right here?

14 A. Yes.

15 Q. What does it say?

16 A. You have the right to remain silent.

17 Q. Are those your initials next to it?

18 A. Yes.

19 Q. Do you understand what that means?

20 A. Yes.

21 Q. After that, what -- the next one says?

22 A. Anything you can say -- anything you say can
23 and will be used in court as evidence against you.

24 Q. Okay. And those are your initials there?

25 A. Yes.

1 Q. What about number 3?

2 THE COURT: Did he respond?

3 THE DEFENDANT: Yes, sir.

4 Q. What about number 3.

5 A. You are entitles [sic] to talk to a lawyer now
6 and to have him or her present now or at any time
7 during questioning.

8 Q. And those are your initials next to it?

9 A. Yes.

10 Q. Okay. And number 4: If you cannot afford a
11 lawyer, one will be appointed. And do you
12 understand these rights?

13 And what did you circle there?

14 A. Yes.

15 Q. And what was the last one?

16 A. If you decide to answer questions now without a
17 lawyer present, you will still have the right to
18 stop answering questions at any time. You also have
19 the right to stop answering questions at any time
20 until you talk to a lawyer.

21 Q. And those are your initials there?

22 A. Yes.

23 Q. And that is your signature there?

24 A. Yes, ma'am.

25 Q. Okay. And so you did go ahead and sign that?

1 A. Yes.

2 Q. Okay. And below that, if you could, read this
3 part for us.

4 A. I'm willing to make a statement and answer
5 questions. I understand and know what I am doing.
6 No promises nor threats have been made to me, and no
7 pressure or coercion of any kind have been used
8 against me.

9 Q. Okay. And you read that. And is that your
10 signature right there?

11 A. Yes.

12 Q. And you put the date right there?

13 A. Yes.

14 Q. And you're not contesting that you signed that?

15 A. I did sign it.

16 Q. And you understood what you were signing?

17 A. Yes.

18 Q. Do you recognize this form?

19 A. Yes, ma'am.

20 Q. And whose handwriting is this?

21 A. That's mine at the top.

22 THE COURT: What exhibit is that?

23 MS. WEISS: I'm sorry. This is State's Exhibit

24 3.

25 THE COURT: Okay. Thanks. I'm sorry.

1 BY MS. WEISS:

2 Q. Now, on this, you put that you live where?

3 A. 132 Windridge Road.

4 Q. You put on this form that you live where?

5 A. 112 Morning Echo Drive.

6 Q. Okay. Where did you live?

7 A. 132 Windridge Road.

8 Q. Why did you put Morning Echo on here?

9 A. That's my permanent address.

10 Q. Whose address is that?

11 A. My mother's.

12 Q. But on here you put 132 Windridge?

13 A. Correct.

14 Q. And that's the same phone number, your phone
15 number?

16 A. Yes.

17 Q. Date of birth, you social security number?

18 A. Yes, ma'am.

19 Q. And then it says -- why don't you go ahead and
20 read it? What is the next line?

21 A. I volunteer to freely answer questions and make
22 the following statement.

23 Q. Okay. And whose handwriting is that?

24 A. It's my handwriting.

25 Q. And what did you write?

1 A. What the investigator was explaining to me.

2 Q. You wrote down -- so you graduated high school,
3 went to a year of college, and this is your
4 handwriting?

5 A. Yes.

6 Q. Okay. And you're saying that you wrote what
7 the officer -- the investigator told you to. Which
8 investigator was telling you what the write?

9 A. Norris.

10 Q. Norris?

11 A. Yes.

12 Q. Okay. Who -- how do you know Norris?

13 A. After seeing him in here and hearing his name
14 again.

15 Q. Can you identify who you're calling Norris?

16 A. Yes.

17 Q. Okay. Please identify him.

18 A. He's right behind you with the red tie on.

19 Q. So that's Investigator Morris.

20 A. Morris, yes.

21 MS. WEISS: Okay. Sorry, Your Honor. There's
22 actually an Investigator Norris. I was just
23 clarifying.

24 BY MS. WEISS:

25 Q. So you wrote this and then Investigator Morris

1 wrote this?

2 A. Yes.

3 Q. And he said: Where is the residence located?

4 And you wrote: Off of Knox Abbott Drive. Right?

5 A. Yes.

6 Q. And he wrote: What did it look like?

7 Duplex.

8 He said: Who had the firearm?

9 THE COURT: Can you move that up?

10 MS. WEISS: Yes. I apologize.

11 BY MS. WEISS:

12 Q. Who had the firearm? And what was your answer?

13 A. I brought the firearm that Craig had.

14 Q. Okay. So you -- you're saying that the
15 officer -- the investigator told you to write that?

16 A. Yes. He was basically telling me the events
17 that were going on. By that time, I was just trying
18 to get out of there.

19 Q. Do you know where the firearm was located?

20 A. Yes.

21 Q. Where?

22 A. At my home.

23 Q. Which home?

24 A. 132 Windridge.

25 Q. 1332 Windridge Road. And who did you live at

1 132 Windridge with?

2 A. Alone.

3 Q. Alone. That's where the firearm was located?

4 A. Yes.

5 Q. But you're telling us that this investigator
6 told you that?

7 A. He told me the events that happened. Yes.

8 Q. And then you told him, I brought the firearm
9 that Craig had and it's at my house?

10 A. Yes.

11 Q. He asked: Who is Craig? So, just to clarify,
12 you answered that Craig Cooper was your cousin -- is
13 your cousin?

14 A. Yes.

15 Q. And then he asked you what type of gun it was.
16 Right?

17 A. Right.

18 Q. And you wrote the answer to that?

19 A. Right.

20 Q. You told him it was a nine-millimeter handgun,
21 black and silver?

22 A. Yes.

23 Q. And that gun was located at your house, and you
24 told him that.

25 He asked you how much money you got from this.

1 And you put the answer?

2 A. Yes.

3 Q. What was that answer?

4 A. 840.

5 Q. Okay. Next question: Where was the money
6 stored? What was your answer to that?

7 A. Two piggybanks, black.

8 Q. What does black mean?

9 A. That's a color.

10 Q. Color of what?

11 A. The piggybanks.

12 Q. And that's in your handwriting?

13 A. Yes.

14 Q. So you're telling this Court that the
15 investigator told you to write two piggybanks,
16 black, even though the piggybanks were actually
17 Buddha statues?

18 A. I mean, I obviously didn't know what the
19 objects were. I just made up something.

20 Q. Or you put down what you remembered, not what
21 the investigator told you.

22 A. Just to speed things along to get me out of
23 there, yeah.

24 Q. Did you ejaculate and where? What was your
25 answer to that?

1 A. In her mouth.

2 Q. Okay. And why didn't you have vaginal
3 intercourse?

4 A. She had an infection.

5 Q. So you're saying that the investigator told you
6 to put in there that you ejaculated in her mouth --
7 that you did ejaculate and that you ejaculated in
8 her mouth?

9 A. He told me the stream of events that happened.

10 Q. Stream of events that happened. Can you be
11 more specific?

12 A. As I was getting questioned in the
13 interrogation room, he was kind of telling me, and
14 I'm just, oh, okay, sir, yeah, oh, after I'm seeing
15 that I can't get a lawyer.

16 Q. You're seeing that you can't get a lawyer?

17 A. Yes.

18 Q. But you signed all this?

19 A. But I requested it.

20 Q. But you signed all this?

21 A. I requested it.

22 Q. You understood what you were signing?

23 A. After I wasn't allowed to get a lawyer.

24 Q. You didn't put on here I want a lawyer. And
25 you didn't say I'm not signing it. You didn't write

1 I'm not signing it or I want a lawyer. That's
2 nowhere on here, correct?

3 A. But it was stated --

4 (Brief interruption.)

5 Q. Is it written anywhere on here that you
6 didn't -- that you wanted a lawyer?

7 A. It's not written anywhere on there because it
8 was -- I said it verbally before anything was asked.

9 Q. And you know how to read and write?

10 A. Yes.

11 Q. Okay. And so, right here, where it said: If
12 you decide to answer without a lawyer present,
13 you'll still have the right to stop answering at any
14 time, you didn't any markings, I want a lawyer, or
15 refuse to sign, right? You signed it?

16 A. Yes.

17 Q. Right here: I am willing to make a statement
18 and answer questions. I understand and know what
19 I'm doing. No promises or threats have been made to
20 me and no pressure or coercion of any kind has been
21 used against me. You signed that as well?

22 A. Yes.

23 Q. You didn't cross it out; you didn't refuse to
24 sign. You signed it?

25 A. Yes.

1 Q. And you're saying that you wanted a lawyer from
2 the moment West Columbia started talking to you.
3 Those two people showed up at your dealership, and
4 you wanted a lawyer?

5 A. In the car, yes, ma'am.

6 Q. Okay. And did they threaten you?

7 A. Indirectly.

8 Q. Indirectly. How did they indirectly threaten
9 you?

10 A. As I stated before, you know, they were
11 automatically aggressive in the interrogation room
12 telling me what they would have done to me, this,
13 that, and, you know.

14 Q. I'm going back to Reunited Auto Sales.

15 A. Right.

16 Q. You said they were automatically aggressive.
17 I'm not talking about the interrogation room. Tell
18 me about what happened at Reunited Auto Sales.

19 A. When he -- when both them walked into the
20 dealership, said, are you Chris Cooper, I said yes.
21 They said, come with me. I proceeded to follow
22 them, you know, to the car.

23 I asked them what was I being, you know, taken
24 for. He said, we'll talk about it down at the -- in
25 the police department. I told them -- at that

1 point, that's when I said I need a lawyer present
2 with me. Nobody just get picked up from work for no
3 reason. I need a -- I want a lawyer.

4 Q. So you said I'm not going with y'all, have a
5 nice day?

6 A. No. I got in the car with them.

7 Q. Wait. Got in the car with them?

8 A. Yes.

9 Q. Two guys come to you. You want a lawyer,
10 you're not going with them, but you got in the car
11 with them. Why would you do that?

12 A. Just to comply.

13 Q. To comply with two aggressive guys at your
14 family's dealership with your -- where your friends
15 and family are around, and you just get in the car
16 because they're implicitly aggressive?

17 A. No. I said when they approached me at the
18 vehicle -- I mean, at the dealership, there was no
19 aggression. But once we got into the car, after I
20 requested a lawyer, that's when the tone changed.

21 Q. Okay. So let me just make sure I understand.
22 So when they came in the dealership, they asked if
23 you were Chris Cooper, would you come with them; you
24 said sure, you got in the car, and that's when you
25 asked for a lawyer?

1 A. Yes. Once he didn't tell me what was going on.

2 Q. Okay. And you said that you just didn't
3 understand what was happening, and that's why you
4 were asking for a lawyer.

5 A. Right.

6 Q. Okay. So you got to the police department and
7 they took you to the interrogation room. And it's
8 your statement that you said that again?

9 A. Yes, ma'am.

10 Q. Is it also your statement that you wouldn't
11 have just sat down and written this unless you were
12 being forced to?

13 A. Right.

14 Q. Well, you've been arrested before?

15 A. No, I haven't.

16 MS. WEISS: Mark this as State's Exhibit 4,
17 please.

18 (State's Exhibit No. 4 marked for
19 identification.)

20 BY MS. WEISS:

21 Q. In fact, you were arrested for trafficking
22 cocaine and possession of a weapon during a violent
23 crime in 2016 by the Richland County Sheriff's
24 Department. Correct?

25 A. Yes.

1 Q. So what you just said was untrue?

2 A. I've never been taken -- picked up from my job
3 and taken to an interrogation room.

4 Q. That wasn't the question.

5 A. I haven't.

6 Q. Okay. I'll show you what's been marked as
7 State's Exhibit 4. Do you recognize this document?

8 A. Yes.

9 Q. Okay. At the top, whose name is that?

10 A. That is my name.

11 Q. And the place, what is that?

12 A. 5623 Two Notch Road.

13 Q. Do you happen to know where that is?

14 A. Yes.

15 Q. Where is that?

16 A. That is our old dealership.

17 Q. Is that your dealership or is that the
18 sheriff's department?

19 A. Yes, the sheriff's department.

20 Q. So that is the Richland County Sheriff's
21 Department, correct?

22 A. Yes.

23 Q. Okay. And the officer was B. Maxwell, the date
24 was August 29th, 2016, the time, 2200. You would
25 agree that that's what's written on here, correct?

1 A. Yes.

2 Q. What's at the top of this form?

3 A. Interrogation Advice of Rights.

4 Q. Advice of Rights. And just below that, what is
5 right here that's underlined?

6 A. Your rights.

7 Q. Okay. What is the first one?

8 A. Before we ask you any questions, you must
9 understand your rights.

10 Q. Okay. What's the second one?

11 A. You have the right to remain silent.

12 Q. What's the third one?

13 A. Anything you say can be used against you in
14 court.

15 Q. What's the next one?

16 A. You have the right to talk to a lawyer for
17 advice before we ask you any questions and to have a
18 lawyer with you during any questioning.

19 Q. What's the next one?

20 A. If you cannot afford a lawyer, one will be
21 appointed for you before any questioning, if you
22 wish.

23 Q. And what's the last one?

24 A. If you decide to answer questions now without a
25 lawyer present, you still have the right to stop

1 answering any time. You also have the right to stop
2 answering at any time until you talk to a lawyer.

3 Q. And whose signature is that?

4 A. That is mine.

5 Q. Okay. Below that, what does it say?

6 A. 5623 Two Notch Road, Columbia --

7 Q. No. Right here. Right below your first
8 signature.

9 A. Waiver of rights.

10 Q. Okay. And if you'll read this.

11 A. I have read this statement of my rights and
12 understand what my rights are. I am willing to talk
13 and answer questions. I understand and know what I
14 am doing. No promises have been made to me, and no
15 promises or coercion of any kind has been used
16 against me.

17 Q. And who signed right there?

18 A. I did.

19 Q. Okay. This was August 2016, almost one year
20 before you were at the West Columbia Police
21 Department, correct?

22 A. Correct.

23 Q. And you waived your rights there, correct?

24 A. Correct.

25 Q. I'll show you page 2 of State's Exhibit 4.

1 Now, this is a little different; this is typed. I'm
2 assuming you didn't type this.

3 A. No, I didn't.

4 Q. Okay. At the top, it says: Statement of
5 Christopher Cooper. Same date of birth, the 132
6 Windridge Road, address, made at Columbia, South
7 Carolina, this 29th day of August, 2016, at 2200
8 hours. Do you know what time that is?

9 A. Yes.

10 Q. What time is that?

11 A. 10.

12 Q. Okay. 10:00 p.m., right?

13 A. Yes.

14 Q. In the presence of Investigator Maxwell. And
15 at the top, it says again that you have the right to
16 remain silent; anything you say could be used
17 against you; you can have a lawyer with you; if you
18 want to stop, you can have one appointed for you; if
19 you want to stop, then they'll stop until you talk
20 to a lawyer.

21 However, you went ahead and made the following
22 statement. You said you understood your rights; you
23 were stopped by law enforcement at 10136 Two Notch.
24 Were you the driver and lone occupant of the 2012
25 red --

1 MR. WILLIAMS: Your Honor, objection to -- I
2 have no objection to the quizzing about the Miranda.
3 But the facts alleged in the statement have no --
4 have nothing to do with the charge or anything else
5 that we're trying today.

6 THE COURT: I understand. It's
7 cross-examination. I'm going to allow it.
8 Objection so noted.

9 BY MS. WEISS:

10 Q. Were you the driver and lone occupant of the
11 2012 red Chevrolet Impala? What was your answer?

12 A. Yes.

13 Q. Who owns the vehicle you were in tonight? What
14 was your answer?

15 A. Reunited Auto Sales.

16 Q. And where is Reunited Auto Sales located?

17 A. On Broad River Road.

18 Q. How much money did you have on your persons
19 tonight? What was your answer?

20 A. 700.

21 Q. Question: Was there cocaine inside the
22 vehicle? What was your answer?

23 A. Yes.

24 Q. What was the rest of your answer?

25 A. Under an ounce.

1 Q. Question: Where was it located? What was your
2 answer?

3 A. Got scared when I saw the blue lights, so I
4 threw the cocaine down on the passenger's side of
5 the car.

6 Q. Question: Were you at the Red Lobster at 10136
7 Two Notch Road to meet someone? Answer?

8 A. No. I felt like I was being followed, so I
9 quickly pulled in there.

10 Q. Question: Were you going to meet someone in
11 that same shopping center? What was your answer?

12 A. Yes. I was to meet him at the Kroger.

13 Q. Question: What were your intentions when
14 meeting with that person? What was your answer?

15 A. I was going to sell him an ounce of cocaine.

16 Q. Question: Do you reside at 132 Windridge Road
17 in Columbia? What was your answer?

18 A. Yes, since 2011.

19 Q. Question: Does anyone live there with you?
20 What was your answer?

21 A. No. I do have a female friend living there
22 temporarily while she gets back on her feet.

23 Q. Question: Was there any more narcotics at your
24 home? What was your answer?

25 A. Yes. There was another half ounce of cocaine

1 and a small amount of weed.

2 Q. Question: Were those items found in your
3 bedroom? What was the answer?

4 A. Yes.

5 Q. Question: Did the narcotics belong to you?
6 What was your answer?

7 A. Yes.

8 Q. Question: There were two handguns found in
9 your bedroom. Did those weapons belong to you?
10 What was the answer?

11 A. Yes.

12 Q. Question: Who did you meet at CVS at
13 Sparkleberry Road and Clemson Road? What was your
14 answer?

15 A. Michael.

16 Q. Michael who?

17 A. Baker.

18 Q. What did you meet with Michael Baker for was
19 the question. What was your answer?

20 THE COURT: Can you slide it up more, please?

21 MS. WEISS: Oh, I'm sorry.

22 THE COURT: It's okay.

23 BY MS. WEISS:

24 Q. What did you meet with Michael Baker for was
25 the question.

1 A. He was fronting me an ounce of cocaine. I was
2 to pay him later that night. I owed him 1,200 for
3 the ounce. I owed him another 600 for the half
4 ounce.

5 Q. Continue.

6 A. He fronted me last week.

7 Q. Question: What was Michael Baker driving?
8 What was your answer?

9 A. A darker green newer Suzuki Grand Vitara.

10 Q. Okay. Keep going.

11 A. It has a fifth wheel on the back.

12 Q. Okay. Says on the bottom: I have made the
13 foregoing statement freely and voluntarily without
14 fear, threat, promise or a reward or hope of reward
15 of any kind. Who signed that?

16 A. I did.

17 Q. Question: How often have you bought from
18 Michael Baker? What did you answer?

19 A. Twice, last week and tonight.

20 Q. Continue, please.

21 A. I used to deal with him a lot several years
22 ago, from 2010 to 2013. I got about an ounce of
23 weed from him during this timeframe. I probably got
24 close to 100 ounces of cocaine from him.

25 Q. Okay. And they asked you to identify Michael

1 Baker. And what was your answer?

2 I showed you a photo of a subject. Was that
3 Michael Baker? What was your answer?

4 A. Yes.

5 Q. Is this statement true? What was your answer?

6 A. Yes.

7 Q. Is there anything else you would like to add?

8 A. No.

9 Q. And then there's space here. You didn't write
10 anything there?

11 A. No.

12 Q. And whose signature is that?

13 A. I did.

14 Q. So you were taken by law enforcement to the
15 Richland County Sheriff's Department one year before
16 the case we're here about today. You were given a
17 Miranda Advice of Rights that you signed and waived
18 your rights. And then you were asked questions that
19 you answered and signed. Are you going to tell this
20 Court -- are you saying to this Court that you
21 answered these questions truthfully?

22 A. Yes.

23 Q. So was somebody telling you what to answer on
24 these questions?

25 A. No.

1 Q. Okay. So you went there. You were given
2 Advice of Rights; you were asked questions; and you
3 admitted to a crime. You gave them extra
4 information; you told them -- took them to your
5 house, gave them the guns and more drugs, and told
6 them who your dealer was and how much you were
7 getting from him. You did all of that voluntarily,
8 correct?

9 A. Yes.

10 Q. One year before. And so you had no idea of
11 what was going on or what to do when it was West
12 Columbia that was coming to talk to you?

13 A. I knew what to do. I just wasn't given that
14 option after I asked for a lawyer.

15 Q. You signed the Advice of Rights?

16 A. After I asked for a lawyer.

17 Q. And you handwrote your answers on those
18 questions?

19 A. Yes, ma'am, after I asked for a lawyer.

20 Q. And you signed that form saying it was freely
21 and voluntarily given?

22 A. Yes.

23 Q. Did you have a phone on you?

24 A. No.

25 Q. No? You didn't have your cell phone?

1 A. No, ma'am.

2 Q. Not when you were at the car dealership?

3 A. No, ma'am.

4 Q. Why not?

5 A. It was broken.

6 Q. You gave a phone number on the form.

7 A. Yes. But I didn't have the cell phone.

8 Q. Okay. And did you tell anybody at the

9 dealership, hey, somebody call my lawyer?

10 A. No.

11 Q. You had a lawyer?

12 A. Not at that time.

13 Q. You didn't have a lawyer?

14 A. No, ma'am.

15 Q. Well, you'd been charged for a year at that

16 point with drug trafficking.

17 A. In Richland County, yes.

18 Q. Okay. So you knew you had a right to a lawyer

19 for that?

20 A. Right.

21 Q. I mean, lawyers -- you know that lawyers are

22 licensed in the state, right?

23 A. Uh-huh.

24 Q. Okay.

25 THE COURT: Is that a yes?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay.

3 THE DEFENDANT: Yes, sir.

4 BY MS. WEISS:

5 Q. Okay. But, yet, you didn't ask anybody to call
6 a lawyer. And you signed everything; didn't make
7 any notations. And -- and the information you gave
8 was true because the gun was found at your house,
9 correct?

10 A. There was a gun at my house.

11 Q. The gun that you described was found at your
12 house?

13 A. There was a gun at my house.

14 Q. You described the black and silver gun,
15 correct?

16 A. I described -- I gave a description of a gun.
17 Yes.

18 Q. And the DNA that was eventually found matched
19 what you put in this statement, correct?

20 A. I'm not understanding. You said the DNA?

21 Q. Yes. The DNA that is in discovery that your
22 attorney has gone over with you matched what you put
23 in the statement?

24 A. Yes.

25 Q. And you agree that law enforcement did have

1 those results at the time?

2 A. I'm drawing a blank on the -- I'm not totally
3 understanding the question.

4 Q. You know what? I think --

5 MS. WEISS: Beg the Court's indulgence. But I
6 think we're good.

7 BY MS. WEISS:

8 Q. So just to be clear, when I asked if you'd been
9 arrested, you said no, right?

10 A. Yes.

11 Q. But you had been, one year before?

12 A. Yes.

13 Q. So you lied about that, right?

14 A. I didn't lie. I was -- I didn't understand,
15 like, totally what you were asking. I didn't know
16 if you were meaning conviction-wise or just picked
17 up.

18 Q. Okay. I'm sorry. I asked you have you ever
19 been arrested -- were you arrested before this. And
20 you said no. Arrested? No. Okay?

21 So -- but you want us to believe now that this
22 whole thing that you're telling us now happened and
23 that you asked for an attorney and that you're
24 telling the truth now about something that you
25 didn't indicate on these forms or anywhere else?

1 A. Yes, ma'am.

2 Q. Even though it's exactly how you answered the
3 questions one year earlier on a different crime?

4 A. Yes.

5 Q. Thank you.

6 MS. WEISS: No further questions, Your Honor.

7 MR. WILLIAMS: One question for redirect.

8 REDIRECT EXAMINATION

9 BY MR. WILLIAMS:

10 Q. Do you have any idea what she's talking about
11 with DNA?

12 A. No. No, sir.

13 MR. WILLIAMS: I have one quick witness, Your
14 Honor. It's Captain Wade, the gentleman back there,
15 I think, with the blue suit and the blue tie.

16 THE COURT: You have any redirect?

17 MS. WEISS: No, Your Honor.

18 THE COURT: Sir, you may step down. Thank you.

19 (Brief pause in the proceedings.)

20 BRUCE WADE

21 being first duly sworn, testified as follows:

22 THE WITNESS: Yes.

23 MR. WILLIAMS: Have a seat, please, sir. Once
24 you're seated, you may remove your mask. State your
25 name, spelling your last, please.

1 THE WITNESS: My name is Bruce Wade, W-A-D-E.

2 DIRECT EXAMINATION

3 BY MR. WILLIAMS:

4 Q. Are you Captain Wade?

5 A. I am.

6 Q. All right. And would you be the supervisor of,
7 I guess, Morris?

8 A. Yes, sir.

9 Q. And were you present when Chris Cooper gave his
10 statement?

11 A. I was.

12 Q. And were you viewing that from a camera?

13 A. No. I was present for the interview.

14 Q. I'm sorry. I didn't hear that.

15 A. I was present for his interview.

16 Q. Were you viewing any of his questioning from a
17 camera from your office?

18 A. Not that I recall. I remember being present
19 for the interview.

20 Q. Did you view any of his questioning from your
21 office?

22 A. Not that I recall.

23 Q. All right. Are you capable of viewing --

24 A. I am. Yes, sir.

25 Q. So in your office, do you have a TV that allows

1 you to record the interview and what is going on in
2 that office?

3 A. No, sir.

4 Q. Is it a TV or just a monitor?

5 A. TV.

6 Q. Okay. So you didn't sign anywheres on here
7 that you witnessed his statement, did you?

8 A. That's correct.

9 Q. Did you, at any point in time, come in there
10 and present a statement from Craig, who would have
11 been, I guess, his first cousin, and say that he's
12 already given us a statement, so why don't you give
13 us a statement, or anything along those lines?

14 A. No, sir.

15 Q. What was your participation in that?

16 A. I remember going to the interview room. I
17 remember at first he was telling us that he hadn't
18 been there. And, eventually, I said, look, you may
19 as well stop playing. We got Craig's DNA and Craig
20 just came back here and told us what happened; you
21 need to come on and be honest with us and tell us
22 what happened. And, at that point, that's when
23 he -- his head hung down, and he started telling us
24 what happened.

25 Q. So he initially denied doing anything until you

1 confronted him with Craig's confession, right?

2 A. That's correct.

3 Q. And did you have that written confession in
4 your hand?

5 A. Not that I recall. That's not my normal
6 practice. I don't think I did.

7 Q. And did you talk in hard terms about the amount
8 of time he was going to get if he didn't go ahead
9 and confess?

10 A. No, sir. I don't bring up how much time
11 someone's going to get because I can't tell you
12 what -- how much time he's going to get.

13 Q. Is that all you said to him?

14 A. I'm not sure.

15 Q. Did he ask for an attorney in your presence?

16 A. No, not at all.

17 Q. But there's no question that you were the one
18 that brought up the fact that Craig had already
19 given a statement, so he needed to go ahead and give
20 a statement too?

21 A. I'm pretty sure I did.

22 Q. All right.

23 MR. WILLIAMS: That's all the questions I have,
24 Your Honor.

25 THE COURT: Any cross?

1 MS. WEISS: Briefly, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. WEISS:

4 Q. Captain Wade, you are the supervisor for
5 Investigator Morris, right?

6 A. That's correct.

7 Q. And at 5:00, is it your call as to whether or
8 not investigators who have worked a full day need to
9 cut and go home?

10 A. That's correct.

11 Q. Okay. And what is your practice as to that?

12 A. It's always a nightshift investigator there
13 Monday through Friday. And if the nightshift
14 investigator comes in, normally I'll send everybody
15 on dayshift home.

16 Q. Okay. And that's even if they're sitting in an
17 interview, an ongoing interview?

18 A. This particular interview had just started.
19 And I decided I would go into this interview just to
20 get another investigator off the clock.

21 Q. Okay. So -- and that other investigator would
22 be Putney?

23 A. Yes.

24 Q. And you sent him home?

25 A. Yes.

1 Q. And you remember that?

2 A. Yes.

3 Q. Okay. And you're in your office, watching, I
4 guess, when you realize that, or do you remember
5 where you were?

6 A. I don't recall where I was. But it's just my
7 normal practice. 5:00, y'all got to go home,
8 because we have a budget that I can't go over.

9 Q. Okay. And you said the interview had just
10 started. So is it your practice to make sure that
11 there's more than one investigator in there for an
12 interview --

13 A. That's correct.

14 Q. -- with a suspect?

15 A. Yes.

16 Q. Okay. So who was in there?

17 A. Me and Investigator Morris.

18 Q. Okay. Now I'm going to show you what's been
19 entered as State's Exhibit 3. Do you recognize this
20 form?

21 A. I do.

22 Q. Okay. So there are two witness blanks at the
23 bottom. One is signed by Investigator Morris; the
24 other is blank. You said that you were in there.
25 Would that not have typically been your signature

1 that should have gone there?

2 A. Yes, ma'am, if I would have witnessed the
3 statement. I witnessed the confession; I did not
4 witness him do this statement. Once he started
5 doing the statement, I feel like Investigator Morris
6 is competent of taking a written statement, so I --
7 I don't get paid at all after 5:00. I'm just there.
8 I don't get any comp time.

9 So my thing is, this guy just confessed,
10 Investigator Morris is competent of getting a
11 handwritten statement, so there's no need for me to
12 stay.

13 Q. So you went home?

14 A. Yes.

15 Q. And so that's why your signature is not on that
16 statement --

17 A. That's correct.

18 Q. -- because you didn't witness him writing the
19 statement?

20 A. That's correct.

21 Q. Did you threaten Christopher Cooper?

22 A. No.

23 Q. Did you threaten that he was going to get extra
24 time if he didn't confess right then?

25 A. No, ma'am.

1 Q. Did you beat on the desk?

2 A. No, ma'am.

3 Q. Did you hear him say he wanted an attorney?

4 A. No, ma'am.

5 Q. And you have that live video feed, so you could
6 have watched him from the time he came into
7 headquarters?

8 A. Yes, ma'am.

9 Q. And, at any time, did you ever hear him say he
10 wanted an attorney?

11 A. No, ma'am.

12 Q. If you had heard that, what would you have
13 done?

14 A. I would have immediately made them stop and the
15 interview would have ceased at that point.

16 Q. Is it unusual for a defendant to say -- or a
17 suspect, I'm sorry, to say I'd like an attorney
18 before I answer questions?

19 A. Quite a few of them tell me that. And I just
20 stop the questioning.

21 Q. So you have some that you just stop
22 questioning?

23 A. Yes, ma'am.

24 Q. And others sign their Miranda, waive their
25 rights, and give statements?

1 A. That's correct.

2 Q. And -- but you're very clear on your process
3 for each one?

4 A. Yes, ma'am.

5 Q. And there's no question in your mind that Chris
6 Cooper never asked for an attorney?

7 A. No. He never asked for an attorney.

8 Q. Did Chris Cooper ever say he wanted to stop
9 talking?

10 A. No, ma'am.

11 Q. And did Chris give his statement or did Chris
12 Morris tell him what happened?

13 A. No, ma'am. Mr. Cooper was clear and he gave us
14 a statement voluntarily. Investigator Morris didn't
15 tell him what to write down. I was present when --
16 because my thing is, the next day, when I came in, I
17 looked at this statement, and it was pretty much the
18 exact same thing that he told in my presence.

19 Q. He told, meaning Christopher Cooper?

20 A. Yeah -- excuse me? Yeah --

21 Q. Christopher --

22 A. -- Christopher Cooper.

23 Q. -- Cooper told that and then wrote it down?

24 A. Correct.

25 Q. So Christopher Morris did not tell Christopher

1 Cooper and then tell him to write it down?

2 A. No, ma'am.

3 Q. So you stayed long enough to watch that?

4 A. Yes, ma'am.

5 MS. WEISS: Beg the Court's indulgence a
6 moment.

7 Your Honor, I have nothing further. Thank you.

8 THE COURT: Redirect?

9 MR. WILLIAMS: I have nothing on redirect.

10 THE COURT: Captain, you may step down. Thank
11 you.

12 THE WITNESS: Thank you.

13 THE COURT: Anything further, Mr. Williams?

14 MR. WILLIAMS: No, Your Honor.

15 THE COURT: Anything by way of argument?

16 MS. WEISS: Your Honor, we'd just submit that
17 this statement was given with a knowing waiver of
18 rights. And we would ask that you admit the
19 statement into evidence.

20 Also, for purposes of this hearing, I'd like to
21 enter State's Exhibit 4 into evidence.

22 THE COURT: Just for purposes of this hearing?

23 MS. WEISS: Yes, Your Honor.

24 (State's Exhibit No. 4 admitted into evidence.)

25 THE COURT: Anything, Mr. Williams?

1 MR. WILLIAMS: No, Your Honor. Clearly, it's a
2 question of whether or not you believe what my
3 client said or whether or not you believe what these
4 other people have indicated.

5 THE COURT: Well, I think it boils down to the
6 totality of the circumstances.

7 MR. WILLIAMS: Yes, sir.

8 THE COURT: And, taking into consideration the
9 totality of the circumstances, there's been
10 testimony -- conflicting testimony. And what I mean
11 by that is, law enforcement said one thing;
12 obviously, your client said something totally
13 different.

14 Law enforcement testified that there were no
15 threats of violence; that the statement was not
16 obtained by any direct or implied promises; not any
17 slight promises or threats, for that matter; no
18 indication that there was any improper influences,
19 from the testimony of law enforcement; no
20 withholding of food, water, drink, restroom, et
21 cetera.

22 The location, obviously, was at the West
23 Columbia Police Department. The length of the
24 interrogation or questioning of the defendant, it
25 was testified to, was approximately two hours long

1 or thereabouts. The defendant's age -- I do not
2 remember exactly how old he was at the time, but age
3 does not give me any concern. Certainly, the
4 defendant graduated from high school; testified that
5 he had went to Coastal Carolina for at least a year.

6 There was no testimony concerning the facts and
7 circumstances of why he left such. There was no
8 testimony from the defendant or otherwise that the
9 defendant had any kind of mental or physical
10 condition that would have raised any concerns about
11 his ability to know and understand what was going
12 on.

13 The conduct and characteristics of the
14 defendant, you might could say that the defendant
15 denoted himself in this courtroom in a very
16 professional and mannerly method. There's nothing
17 that -- as far as -- that would rise or give me any
18 concern about his conduct or characteristics of a
19 defendant in his ability to know and understand what
20 he was doing.

21 The law enforcement testified that the
22 defendant was advised of his rights prior to
23 questioning and, I believe, that was State's Exhibit
24 No. -- was it 3 or 2?

25 MS. WEISS: 2.

1 THE COURT: Excuse me. The Waiver of Rights
2 form was State's Exhibit No. 2, which was testified
3 by law enforcement that they thoroughly went through
4 this Waiver of Rights form. And, on
5 cross-examination, the defendant acknowledged that
6 law enforcement went over the Waiver of Rights with
7 him; that he understood it; placed his initials by
8 each statement within that Waiver of Rights
9 concerning his right to an attorney, as well as his
10 knowledge that he could stop the interview at any
11 time.

12 And the defendant, concerning his ability to
13 read, the defendant, on the Waiver of Rights form,
14 indicated he could read. And he certainly exhibited
15 that here in court today in reading from the
16 teleprompter or video, however y'all -- whatever
17 y'all call that piece of equipment that you put up
18 on that screen.

19 The defendant was able to read from the witness
20 stand. The teleprompter is probably about, I don't
21 know, 15 yards maybe -- maybe 15 to 20, 15 to 17
22 yards, but was able to clearly read the entire
23 forms. I say forms because multiple forms were put
24 up there for him to read. He had absolutely no
25 problem reading those forms in court, and he

1 exhibited his ability to read and understand what
2 was going on.

3 The manner in which the confession was
4 obtained, while there's conflicting testimony
5 concerning that, law enforcement indicated that
6 no -- again, no threats, coercion, et cetera, were
7 exhibited or expressed towards the client for
8 purposes of obtaining a statement. Again, there was
9 some conflicting testimony with regards to that;
10 whether or not the defendant was in custody at the
11 time of the confession, you know, kind of a walking
12 a fine line there. I don't think the defendant was
13 initially in custody at the time. It was testified
14 to by law enforcement and even further testified to
15 by the defendant.

16 Testimony from law enforcement was that he
17 wasn't actually -- wouldn't have been in custody
18 until he actually confessed to this incident. But
19 the defendant, according to law enforcement, had
20 already given him his rights. While the defendant
21 indicated that he asked for an attorney, there was
22 nothing on any of the forms indicating that he
23 didn't -- one, didn't understand those rights, nor
24 was there anything on the forms ever indicating that
25 the defendant, in writing or otherwise, expressed an

1 intent or desire for an attorney.

2 And what is -- I think it boils down to a
3 credibility issue, which, I think, under the law,
4 goes to weight, not the admissibility. Furthermore,
5 when the defendant was asked about his arrest and
6 asked the question, it was -- in the Court's
7 opinion, it was abundantly clear when the State
8 asked the defendant if he had ever been arrested, I
9 specifically typed the language and the exact
10 question that was asked by the State whether or not
11 he had been arrested, the defendant denied ever
12 being arrested, which was clearly not the case,
13 wherein the State put up evidence on
14 cross-examination concerning the defendant's arrest
15 approximately one year prior to the charged crime
16 for which he is on trial for now.

17 Based upon all of that and what I've said, I
18 think I've covered everything on the record. But,
19 based upon the totality of the circumstances, I find
20 that the defendant's statement was freely,
21 voluntarily, knowingly, and intelligently made, and
22 it is a statement that will be presented to the
23 jury, provided that the State lays a proper
24 foundation for such during the course of the trial.

25 Anything further? Did I leave anything else

1 out, Mr. Williams?

2 MR. WILLIAMS: Not on that, Your Honor.

3 MS. WEISS: Nothing from the State, Your Honor.

4 THE COURT: All right. We got any other
5 motions? We got --

6 MR. WILLIAMS: No motions, Your Honor, I don't
7 think. I think we've covered all the motions.

8 THE COURT: All right.

9 MS. WEISS: Nothing from the State, Your Honor.

10 MR. WILLIAMS: The only motion we have, Your
11 Honor, is I have a statement from the bonding
12 company that says that they will stay on his bond.

13 THE COURT: Well --

14 MS. WEISS: Your Honor, if I may be heard as to
15 that?

16 THE COURT: Yes, ma'am.

17 MS. WEISS: Thank you.

18 As you just heard, Mr. Cooper is currently out
19 on three bonds. This is the first of his cases to
20 actually go to trial. He -- of his -- I think he
21 had a DUI many years ago. But he had the
22 trafficking cocaine, two counts; possession of
23 weapon during a violent crime, two counts, from
24 August of 2016; then in July of 2017, he was
25 arrested -- oh, and for the trafficking cocaine,

1 Your Honor, his mother is his bondsman.

2 For these charges, that you're very aware of at
3 this point, he was given a bond at that time.

4 Interestingly, the trafficking cocaine and
5 possession of a weapon was not appearing on his rap
6 sheet. That is now fixed. But it was not appearing
7 on his rap sheet until approximately three weeks
8 ago. We actually came across that -- Ms. Raymer
9 came across that accidentally.

10 And so, in 2017, he was arrested for these
11 charges, which would have been a subsequent arrest
12 to a violent crime, other than, it's the State's
13 position, that Lexington was probably not aware that
14 he had a prior arrest for a violent crime because it
15 wasn't on his rap sheet.

16 At that time, he was put on bond, put on house
17 arrest at his mother's arrest [sic] that he
18 indicated was his permanent residence on Morning
19 Echo and put on GPS monitoring. And, as you've
20 heard a lot today, the case went on for a little
21 while -- well, first he was in jail for a little
22 while. Then, when he got bond, he was put on GPS
23 monitoring. But it was not my case.

24 So I got the case in the fall of 2019. We
25 tried -- we had it set for trial in early 2020 --

1 well, early being right about the time of COVID is
2 when we were talking about trying to case. And so,
3 of course, no trials were heard. And we tried to
4 get it back on the docket in August when things were
5 trying to open back up, and it didn't get on then.

6 And then, just after that, the defendant was
7 arrested for domestic violence second degree and
8 assault and battery third of a 12-year-old and
9 malicious injury to personal property for damaging a
10 cell phone.

11 Your Honor, at that time I wasn't aware of it
12 when it first happened because that was also in
13 Richland County. But it came to my attention that
14 he had been arrested. And when we looked at that
15 and looked at the body-worn camera from that arrest,
16 what was important at that time was that he was on
17 the lease and living with this woman in a residence
18 that was not Morning Echo. So he was blatantly
19 violating house arrest.

20 And, Your Honor, we brought that up to the
21 Court. Of course, this was right after courts had
22 been shut down in December. But, once we were able
23 to do a motion to revoke bond, I did bring it up to
24 the Court, in all candor, and Judge McCaslin, at
25 that point, did not revoke his bond, although, you

1 know, it was clear that he was not living at Morning
2 Echo, which was the house arrest location.

3 Nobody from the bonding company had notified
4 the Solicitor's Office, my office, anything; whoever
5 was supposed to be monitoring GPS wasn't notifying
6 anybody that he was totally living somewhere else,
7 much less violating house arrest.

8 So then Judge McCaslin put him on a different
9 electronic monitor because she was concerned that it
10 was the monitoring company who just wasn't
11 monitoring properly and letting anybody know. So
12 she switched him to a different electronic monitor
13 and chose not to revoke his bond at that time.

14 Your Honor, after that time, after that hearing
15 where we specifically discuss that he was on house
16 arrest and that we knew about his arrest for the DV
17 and that he had bond conditions to have no contact
18 with the victim, it -- so he was not on GPS for the
19 DV because he was on GPS for this. For the DV, his
20 mother is also the bondsman on that case.

21 Your Honor, after that hearing, from December
22 through March -- from December 2020 through March of
23 2021, the defendant continued to go back to the
24 apartments where he had been on the lease. He got
25 off the lease where the victim lived in the

1 apartments.

2 The victim, in all honesty, is not very
3 cooperative with my office. But I'm not very
4 surprised by that. I've seen the body-worn cameras.
5 So he was violating -- after we had a hearing and we
6 pointed it out, he continued to violate. And, Your
7 Honor, the bonding form, I was concerned I wasn't
8 going to be able to prove a motion to revoke bond in
9 Richland County because I thought it was going to be
10 a no-contact; I knew the victim wasn't cooperating.

11 I got a newer version of the bond form that I
12 didn't have before because it wasn't originally my
13 case. And the bond form says that he can't go
14 within 1,000 yards of the residence where the
15 incident took place, which I have right here
16 somewhere. Where the incident took place, he can't
17 go within a thousand yards.

18 So then I went back and looked at the GPS
19 monitoring and had the location and where a thousand
20 yards was, and, Your Honor, it was clear, from GPS
21 monitoring that he was all in the apartment complex.
22 I just couldn't prove that he was having contact
23 with the victim. But he was clearly -- and I have
24 the GPS monitoring. It's not -- and I can show it
25 to the defense. It's not the clearest.

1 But it was clearly -- I did a map of where the
2 incident location was and where 1,000 yards was on
3 either direction, just to see, and he was clearly
4 violating that bond all the way through March. I
5 brought that up to his current GPS monitoring
6 company, which, I understand, it's not a violation
7 of their bond; problem is, it's a violation of his
8 mother's bond, and she's the bondsman.

9 So, Your Honor, over the past several years,
10 he's been arrested for three different charges; he's
11 got three different bonds. This case is the first
12 one to go to trial. The trafficking cocaine is
13 still pending. It's another violent crime. We've
14 got the domestic violence where he's blatantly
15 violating a court order after we had a hearing to
16 revoke bond where a judge didn't revoke bond.

17 Your Honor, at this point, it's the State's
18 position that the bond is supposed to be up. And I
19 would ask that the Court take the defendant into
20 custody. I believe -- while he has an ankle monitor
21 on, I'm not confident that that would guarantee that
22 he would come back to court or that -- I believe
23 that he's a flight risk with means. And I believe,
24 with his charges, he is a danger, because this is
25 the first time he's actually been put to a trial.

1 Obviously, there are more that could be coming.

2 But, Your Honor, I just -- I think this is an
3 exceptional situation, where it's not just the
4 bonding company says they'll stay on it, where we
5 have three different bonds. I believe that he is a
6 flight risk, a danger to the community. And, I
7 believe, it would be appropriate at this time for
8 him to be taken -- remanded into custody.

9 THE COURT: Anything else, Mr. Williams?

10 MR. WILLIAMS: Your Honor, clearly, other
11 circuit court judges have looked at this and found
12 that it wasn't a violation of his bond. And I think
13 that the bonding company -- it's A1 Bonding. There
14 is a monitor on him. He showed up today. The best
15 evidence is that he showed up today. And the jury
16 has not been sworn yet.

17 THE COURT: Well, this is what I'm going to do:
18 When I allowed you to remain out over lunch, at the
19 time, one, I didn't know what the defendant's prior
20 record was; two, I did not know any of the facts and
21 circumstances of this case, which have been -- and,
22 again, it's not evidence of guilt, but it's
23 certainly something I'm taking into consideration,
24 but did not know earlier what any of the facts and
25 circumstances of this case were; didn't know any of

1 the facts and circumstances concerning -- or that
2 revolved around the alleged bribery and/or
3 extortion.

4 And, more telling to me, which is concerning to
5 me, is the defendant, under oath here,
6 misrepresenting the fact that he had never been
7 arrested before. So, with the utmost due respect to
8 you, Mr. Williams, I'm going to ask and order that
9 he be taken into custody at this time. Okay?

10 MR. WILLIAMS: All right, sir. Your Honor, I
11 would --

12 THE COURT: And the fact that the defendant is
13 facing up to a hundred years in jail.

14 MR. WILLIAMS: I would like to have the letter
15 that's signed by the bonding company placed into
16 evidence.

17 (Defendant's Exhibit No. 2 marked for
18 identification.)

19 (Brief pause in the proceedings.)

20 MS. WEISS: And, Your Honor, could we have an
21 order that he be kept completely separate from the
22 co-defendant, Craig Cooper?

23 THE COURT: Yes, or that he be separately
24 housed from the co-defendant in this case.

25 MS. WEISS: And can we include that he not be

1 allowed to have any contact incidental at all while
2 they're both housed there.

3 THE COURT: Yes.

4 All right. I've instructed the jury to be here
5 at 9:30 tomorrow morning. And I would ask that the
6 lawyers and the defendant be back here at 9:00 so I
7 can address this underlying issue on the place of
8 work and/or the bribery and/or extortion issues.
9 Okay?

10 MS. WEISS: Thank you, Your Honor.

11 MR. WILLIAMS: Thank you, Your Honor.

12 (The following proceedings were held April 20,
13 2021.)

14 THE COURT: Let me go ahead and go on the
15 record a moment on these. This screen right here
16 directly blocks my view of you, Ms. Weiss, to some
17 extent -- there we go.

18 All right. When we broke yesterday, there were
19 a couple of matters that I told you-all I would take
20 a look at. The motion to suppress any mention of an
21 alleged bribery scheme where Earl Cooper attempted
22 to bribe the victim to change her allegation about
23 his brother Christopher Cooper, let me ask you this,
24 Ms. Weiss. And I may have written it down
25 somewhere: When was the alleged contact between the

1 defendant's brother and Ms. Cook?

2 MS. WEISS: July 2018.

3 THE COURT: Okay. So a year after the incident
4 occurred?

5 MS. WEISS: Yes, sir, Your Honor.

6 THE COURT: Okay. And I heard reference
7 yesterday that Ms. Cook recorded some conversation.

8 MS. WEISS: Yes, sir, Your Honor.

9 THE COURT: Or interaction with the defendant's
10 brother.

11 MS. WEISS: Yes, sir, Your Honor.

12 THE COURT: But the defendant's brother did not
13 do so?

14 MS. WEISS: No, sir.

15 THE COURT: All right. Yesterday, defense
16 counsel handed up two cases; one being a 1989 case,
17 State vs. Finley, 300 S.C. 196, as well as
18 Vanover v. State, which is a 2021 case,
19 Pending No. 5799. That Vanover case is a Court of
20 Appeals case.

21 The Court has reviewed both of those cases.
22 And, at first glance, in looking at the Finley case,
23 it did raise some issues. My initial thoughts were
24 maybe this information does come in. However, in
25 further looking at the Finley case, I think these

1 two cases are certainly distinguishable in many
2 respects.

3 In the Finley case, there was a tape-recorded
4 conversation that the appellant's girlfriend
5 recorded a conversation of the complainant making a
6 phone call and offering to drop the charges for
7 \$1,000 and asserting that she needed \$20 that night.

8 The Finley case doesn't lay out any kind of
9 timeline; however, the Court would glean that such
10 request by or alleged request by the complainant was
11 in close proximity in time to when the alleged
12 incident occurred involving Mr. Finley. The
13 appellant -- from the facts of the Finley case, the
14 appellant in that case, Mr. Finley, denied any
15 wrongdoing, denied any wrongdoing at all in the
16 case.

17 In the case before me, the defendant
18 confessed -- albeit it was contested, certainly, in
19 yesterday's hearing, the defendant confessed in a
20 handwritten statement as to the allegations and
21 charges against him. There is no conversation
22 that's been recorded of the victim in the case
23 before me wherein Ms. Cook has requested any amount
24 of money to drop the charges.

25 Furthermore, in the case before me, the

1 defendant's brother allegedly made initial contact
2 with Ms. Cook approximately a year after the
3 defendant was charged with the crimes which brings
4 him before this Court for trial this week.

5 Furthermore, it was conveyed to the Court
6 yesterday that immediately, immediately after the
7 defendant's brother reached out to Ms. Cook,
8 Ms. Cook in turn reached out to the Solicitor's
9 Office or law enforcement, indicating she'd been
10 contacted by the defendant's brother.

11 So I think it's important, one, that the
12 defendant has confessed in this case, which I've
13 ruled is admissible; two, that the defendant's
14 brother reach out to Ms. Cook approximately a year
15 after the incident; three, that there's no recorded
16 conversation, as it was in Finley, of Ms. Cook
17 attempting to extort any money; four, Ms. Cook
18 apparently immediately reached out to the
19 Solicitor's Office or law enforcement upon such
20 contact by the defendant's brother.

21 All of those facts, I believe, differentiate
22 case -- differentiate the Finley case from the case
23 that's currently before this Court. The Court also
24 looked at this Vanover case.

25 In the Vanover case, which was, again, a 2021

1 case, I think the factual scenario in the Vanover
2 case is completely contrary to what we have before
3 me here this week. The Vanover case, the petitioner
4 in that case was convicted of first-degree criminal
5 sexual conduct with a minor; that minor being, I
6 believe it was, his stepdaughter. And, in that
7 case, the stepdaughter had allegedly made some false
8 allegations of sexual misconduct of a teacher
9 sometime before the allegations against Mr. Vanover
10 were made.

11 And, in the Vanover case, the child
12 evidently -- or the victim in that case evidently
13 recanted her story about the teacher. And the issue
14 was whether or not the prior allegation of the
15 teacher should have been brought out and further
16 examined during the course of the trial.

17 The Court of Appeals, in a split decision
18 wherein Judge Hewitt and Judge Geathers concur, they
19 go through than analysis of Rule 608, Rule 404(b).
20 You know, and because the facts are so different
21 than what we have here, those facts revolve around a
22 prior incident that was looked into or failed -- I
23 mean, a prior allegation of the victim. That is not
24 what we have in this case that's in front of me here
25 this week.

1 But I did hit on some of this yesterday as we
2 were talking through this and during these motions,
3 and I believe I certainly conveyed to defense
4 counsel that even if the Court were to allow it,
5 then the defendant and the defense counsel would be
6 stuck with whatever answer was given. And the
7 Court, in Vanover case, touches on that.

8 It goes on to say that Rule 608(b) explicitly
9 bars extrinsic evidence related to specific
10 instances of the witness' conduct. And then it goes
11 into talking about Rule 404(b). And in 404(b), it
12 talks about prior conduct, prior bad acts, not
13 subsequent bad acts.

14 So I think this case is factually contrary to
15 what we have here. And the Court in the Vanover
16 case also goes on to say that this matter -- because
17 the trial Court has discretion to exclude evidence
18 if admitting the evidence would lead to a trial
19 within a trial, that it might confuse the issues and
20 mislead the jury. And I think that could very well
21 result in this case that's before me now if such was
22 allowed.

23 And, therefore, pursuant to the Court's review
24 of Finley and Vanover, the Court is not going to
25 allow defense counsel to go down that road, so to

1 speak. But I will certainly allow you,
2 Mr. Williams, to proffer some testimony at the
3 appropriate time, if you deem it's necessary to
4 protect your client's interests.

5 MR. WILLIAMS: Judge -- Your Honor, when you
6 say proffer, I think the proffer is significantly
7 smaller than it has to be. It's not as -- it will
8 not require as much time as necessary to put forth
9 further position decision. Because I'm
10 understanding what the Court's saying in reference
11 to this, whether it be my way or in reference to
12 what the State is saying.

13 It would just be -- essentially, I could do
14 that with one defendant -- I mean, one witness, in
15 terms of proffering, because, you know, your proffer
16 could be as long as almost, you know, a trial, if
17 need be. But I think I can do that proffer with
18 just one witness testifying to that.

19 Because, obviously, one of the findings of the
20 Court was who reached out to who. That witness
21 would speak to that. And the other thing is the
22 recording. That witness can speak to whether or not
23 there were text messages and things like that.

24 But I don't think that changes the Court's view
25 on what would happen, based on the time span that --

1 THE COURT: I mean, it's not in close proximity
2 at all.

3 MR. WILLIAMS: Yes, sir.

4 THE COURT: And, in prior cases or other cases,
5 and even in the Vanover case, I think it talked
6 about the timeframe within which the prior false
7 allegation was made.

8 MR. WILLIAMS: And it wouldn't change that at
9 all.

10 THE COURT: Right. So, I mean, is it still
11 approximately a year after the alleged incident in
12 this case?

13 MR. WILLIAMS: Yes, sir. Yes, sir.

14 THE COURT: So -- all right.

15 Now, I guess that kind of -- my ruling on that
16 kind of bleeds into a -- and I kind of went into a
17 reverse chronological order of the State's motions
18 here -- about this issue pertaining to where
19 Ms. Cook worked. And, from what I understood
20 Mr. Williams to say yesterday was that if I allow
21 testimony concerning the alleged extortion or
22 bribery, that you felt like it was important that
23 he -- that they met at her place of employment. Is
24 that not an issue now?

25 MR. WILLIAMS: It is not an issue because that

1 was the context in which these parties met.

2 THE COURT: Okay.

3 MR. WILLIAMS: Regardless of where she works
4 doesn't have any significance in terms of the trial
5 itself.

6 THE COURT: Okay. And that goes to kind of
7 what my thinking was. Because of my ruling on the
8 alleged extortion and/or bribery, I don't think it's
9 relevant where she worked, period. Is it relevant
10 that she was employed? I don't know; y'all have to
11 make that decision.

12 But, as far as bringing out where she was
13 working, if it's not a material issue in the case,
14 so to speak, under the definition of relevancy, you
15 know, it seems to the Court that the only reason
16 that that may be brought out is to, in some way,
17 shape, or form, not intentionally, but it could
18 impugn her character, so to speak. So I'm going to
19 rule, unless y'all can show me otherwise that's not
20 relevant at this point. Okay?

21 All right. Anything else from the State at
22 this point?

23 MS. WEISS: No, sir, Your Honor, not from the
24 State.

25 THE COURT: Defense counsel?

1 MR. WILLIAMS: No, Your Honor.

2 THE COURT: All right. Before we started this
3 morning, the -- Ms. Frick advised me that we had a
4 juror that reached out this morning and had a sick
5 child all night long and was having to take that
6 child to a doctor.

7 Madam Clerk, could you tell me again which
8 juror that was?

9 THE CLERK: That is Juror No. 48, Kerry Dalton.
10 She was seated number three in the jury panel.

11 THE COURT: All right. So what we need to do
12 now is -- pursuant to statute, you need to write the
13 names of the two alternates, James Spencer and
14 Kendra Garrett on a piece of paper.

15 THE CLERK: Okay.

16 THE COURT: Pursuant to statute -- they're not
17 seated in order, they're drawn -- put their names on
18 a piece of paper, I guess put it in a cup and draw
19 it out, and see which one is seated on the jury.

20 THE CLERK: Yes, Your Honor. I'll let your law
21 clerk do it.

22 THE COURT: Any objection from the State or
23 defense counsel?

24 MS. WEISS: No, Your Honor.

25 MR. WILLIAMS: No, Your Honor.

1 THE COURT: All right. Mr. James Spencer has
2 been drawn. He was actually the first alternate
3 that was seated anyway.

4 Could you do this for me, Madam Clerk?

5 THE CLERK: Yes, sir.

6 THE COURT: What I'd like for you to do it tape
7 this to an eight-and-a-half-by-eleven piece of paper
8 mark that as a Court's Exhibit, please.

9 THE CLERK: Yes, sir.

10 THE COURT: And, also, could I have the
11 indictments when you get a chance, please?

12 THE CLERK: Yes, sir.

13 (Court's Exhibit No. 1 marked for
14 identification.)

15 THE COURT: All right. Anything before I bring
16 the jury out, from the State?

17 MS. WEISS: Yes, sir, Your Honor. Just
18 briefly --

19 THE COURT: Well, I think they said you need
20 about five minutes.

21 MS. WEISS: Yes, sir.

22 THE COURT: I just remembered that. You need
23 about five minutes?

24 MS. WEISS: I do. But if I could just put
25 something on the record.

1 THE COURT: Okay.

2 MS. WEISS: Oh, as far as timing, I know -- I
3 don't know when -- when we talked about the proffer,
4 I don't know when you were planning to do that. But
5 I was going to ask if we could do it at lunch or
6 after. We just have three witnesses we have
7 promised we would get out this morning because they
8 have conflicts.

9 THE COURT: Okay.

10 MS. WEISS: They're quick witnesses. I just
11 didn't know if that was okay for timing purposes.

12 THE COURT: I'm sorry?

13 MS. WEISS: If that would be okay for timing
14 purposes that we don't do the proffer before we get
15 started.

16 THE COURT: That's fine.

17 MR. WILLIAMS: Whatever the Court tells me,
18 Your Honor.

19 MS. WEISS: Okay.

20 THE COURT: Okay.

21 MS. WEISS: Thank you, Your Honor.

22 And, Your Honor, before the jury comes out, if
23 we just want to be clear about what the plea
24 offer -- the prior plea offer that was in place,
25 just so we have that on the record.

1 THE COURT: Okay.

2 MS. WEISS: That Mr. Cooper was offered the
3 same plea offer that you heard -- we talked about
4 with Craig Cooper yesterday. He was offered a plea
5 to burglary second violent, CSC first, kidnapping,
6 possession of a weapon during a violent crime,
7 conspiracy, and armed robbery for a negotiated range
8 of 10 to 19 years. The burg second would bring down
9 that 15 mandatory to 10, and then a range of 10 to
10 19 years.

11 THE COURT: All right.

12 MR. WILLIAMS: I'm misunderstanding. Is she
13 saying that's still on the table? Because that's
14 not what I understood.

15 MS. WEISS: I said that was his plea offer. If
16 he's -- I don't know that that's still not -- not
17 necessarily still on the table. But if he wants to
18 plead, we can certainly discuss that.

19 THE COURT: And I'm not going to get into what
20 y'all's plea negotiations may be --

21 MR. WILLIAMS: It doesn't matter, Your Honor.
22 He's not interested.

23 THE COURT: -- or may not be.

24 Mr. Cooper, would you stand for a minute,
25 please. Madam Clerk, would you place him under

1 oath, please.

2 THE CLERK: Yes, sir, Your Honor.

3 Raise your right hand, please, sir.

4 CHRISTOPHER COOPER

5 being first duly sworn, testified as follows:

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. I need -- you can put
8 your hand down, Mr. Cooper. I need you to speak up.

9 And let me say this too: I did turn 52 this
10 year and it may just be me getting old where I can't
11 hear as well and maybe I need to get my hearing
12 checked. This vent right here is blowing
13 continuously, which affects my ability to hear
14 you-all.

15 I don't usually speak this loud. So, please, I
16 would just ask that you-all make an effort to speak
17 a little bit louder. And, I promise, at some point
18 in the very near future, I'm going to go get my
19 hearing checked, too, to make sure that's not an
20 issue.

21 All right. Mr. Cooper, I just wanted you to --
22 you were sitting in here just now when the State put
23 on the record what had been offered to you, a plea
24 to burglary second degree violent, along with armed
25 robbery, criminal conspiracy, kidnapping, criminal

1 sexual conduct first degree, and possession of a
2 weapon, if I recall correctly. The only reduction
3 was the burglary first, which subjects you to up to
4 life in prison if you're convicted on that. It
5 brings it down to burglary second degree violent,
6 which is zero to 15 years.

7 The State had made that offer for a negotiated
8 range of 10 to 19 years. And they want and I want
9 to make clear that you understand what the offer
10 was. Do you understand that?

11 THE DEFENDANT: I understand.

12 THE COURT: All right.

13 Is your microphone on out there, Mr. Williams?

14 MR. WILLIAMS: It doesn't seem like it's
15 working. Yours is working real good, Your Honor.

16 THE COURT: It's working now.

17 You understand that the offer was 10 -- the
18 negotiated range of 10 to 19?

19 THE DEFENDANT: Yes, sir, Your Honor.

20 THE COURT: And you've had an opportunity to
21 talk with your lawyer about that?

22 THE DEFENDANT: Yes, sir, Your Honor.

23 THE COURT: And you understand that -- I'm
24 assuming that once this trial begins -- or it may
25 already be off the table, I don't know.

1 But once the trial begins, that offer is no
2 longer out there.

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: And you understand if you're
5 convicted of these charges, I could give you life in
6 prison?

7 THE DEFENDANT: Yes, sir, Your Honor.

8 THE COURT: All right. And you still want to
9 go forward with your trial here today?

10 THE DEFENDANT: Yes, sir, Your Honor.

11 THE COURT: All right. Very well. Thank you,
12 sir. You may be seated.

13 All right. We'll stand down for about five
14 minutes.

15 MS. WEISS: Thank you, Your Honor.

16 (Brief recess.)

17 THE COURT: All right. Anything from the State
18 before we bring the jury up?

19 MS. WEISS: No, sir, Your Honor -- well, Your
20 Honor, we did -- we put another offer out to the
21 defendant. It was a cap of 30 or a negotiated 25,
22 concurrent, to also wrap up his other charges in
23 Richland County. And the Defense declined.

24 MR. WILLIAMS: We're ready for trial, Your
25 Honor.

1 THE COURT: All right. Bring the jury in,
2 please, sir.

3 (The jury enters the courtroom at 10:05 AM.)

4 THE COURT: Good morning, ladies and gentlemen.
5 I hope you-all are doing well. I appreciate your
6 patience. I apologize that you had to sit back
7 there for a little while. You'll notice that one of
8 the jurors that was initially selected to serve is
9 no longer here due to some personal issues and an
10 emergency that came up. And that's why we select
11 alternates. That's why we select alternates. So,
12 Mr. Spencer, you're now seated on this jury. Okay?
13 You're now seated on this jury.

14 I've been advised that Juror No. 65,
15 Ms. Brittany -- please pronounce your last name for
16 me.

17 JUROR NO. 65: Franceschina.

18 THE COURT: Ms. Brittany Franceschina is our
19 foreperson. So did you-all write that down?

20 THE FOREPERSON: I gave it to --

21 THE CLERK: Yes, sir. I have it.

22 THE COURT: All right. It went around me.

23 Madam Court Reporter, would you mark this as a
24 Court's Exhibit, please.

25 (Court's Exhibit No. 2 marked for

1 identification.)

2 THE COURT: All right. Madam Clerk, would you
3 swear the jury, please.

4 THE CLERK: Yes, sir.

5 Please stand and raise your right hand.

6 (Jury sworn.)

7 THE CLERK: Be seated, please. Was there
8 anyone not able to take the oath?

9 They're under oath, Your Honor.

10 THE COURT: Ladies and gentlemen, we're about
11 to try the case of the State of South Carolina
12 versus Mr. Christopher P. Cooper.

13 Before we begin the trial, I'll tell you this
14 will probably be different from what you might
15 expect. Many people do not have the chance to
16 attend actual court sessions, as you're doing now,
17 and may think, from watching telephone, movies, or
18 reading books that trials are full of high drama,
19 intense action, and riveting circumstances.

20 And, while all of these things may be true at
21 times, this trial is not for entertainment. It is a
22 fundamental part of our democracy, in effort to make
23 sure that justice is done between the parties before
24 the Court. In making sure that justice is done
25 between the parties, the process is often slow,

1 deliberate, and repetitive, the opposite of what you
2 may have seen in television, in movies, or read in
3 books.

4 This courtroom is a place of honor, dedicated
5 to the protection and preservation of citizens'
6 rights through what many have called the greatest
7 justice system every created. The attorneys
8 appearing before you are advocates for the parties
9 that they represent. But, first and foremost, they'
10 are officers of the Court, sworn to uphold the
11 integrity and fairness of our judicial system. You
12 should expect them to be professional, competent,
13 and ethical in the representation of their clients'
14 interests.

15 Now, what I'll now say to you, ladies and
16 gentlemen, is to intended to serve as an
17 introduction to the trial of this case. These
18 remarks are not a charge on the law in this case. I
19 will instruct you on the law applicable to this case
20 at the end of the trial, before you retire to
21 consider your verdict. This is merely an
22 explanation of the procedure that we will follow in
23 the trial of the case, and that you may better
24 understand what may be happening.

25 Now, the defendant in this case, ladies and

1 gentlemen, is charged by multiple indictments filed
2 in this court with the crimes of burglary first
3 degree, armed robbery, kidnapping, criminal sexual
4 conduct first degree, possession of a firearm during
5 a violent crime, and criminal conspiracy, the
6 elements of which will be explained to you later.

7 The indictments, ladies and gentlemen, are
8 simply the charge by which or the charges by which
9 this case is brought into this court. And it is
10 not, in any sense, evidence of any of the
11 allegations that they contain.

12 The defendant has pled not guilty to these
13 indictments; therefore, the State of South Carolina
14 bears the burden of proving each of the elements of
15 the indictments beyond a reasonable doubt. And it
16 will be your duty, ladies and gentlemen, to decide
17 whether the State has met that burden.

18 Your purpose, as jurors, is to find and
19 determine the facts. You are the sole judges of the
20 facts. If, at any time, I make any comment
21 regarding the facts, you must disregard it. You are
22 to determine the facts from the testimony that you
23 hear and the other evidence introduced in court.

24 It is up to you to determine the inferences
25 which you feel may properly be drawn from the

1 evidence. It is especially important that you
2 perform your duty of determining the facts
3 diligently and conscientiously because, ordinarily,
4 there is no way to correct an erroneous
5 determination of the facts by a jury.

6 Now, on the other hand and with equal emphasis,
7 the same law that makes you the judge of the facts
8 makes me the judge of the law. The law, as given by
9 the Court, is the only law that you may consider.
10 You must accept and follow it, even though you may
11 disagree with it. I cannot tell, you ladies and
12 gentlemen, what the facts are, and you cannot
13 disagree with me about what the law is or should be.

14 Your job is to take the law as I give it to you
15 and apply it to the facts as you find them from the
16 testimony of the witnesses and any other evidence
17 that is introduced. After doing that, you will
18 render your verdict under the solemn oath that you
19 just took as jurors.

20 Now, until I tell you to begin your
21 deliberations, you must not, you must not discuss
22 this case with anyone, including your fellow jurors,
23 friends, family members, and anyone involved in this
24 case. The attorneys and parties in the case have
25 been advised that they are not to talk to you at all

1 outside of this courtroom. So if you see someone
2 involved in this case outside of this courtroom and
3 they don't speak to you, they're not being
4 unfriendly; they're simply following this Court's
5 instructions.

6 Now, during your deliberations, ladies and
7 gentlemen, you may only discuss the case in the jury
8 room with your fellow jurors, because they have seen
9 and heard the same evidence that you have. You must
10 not discuss the case with anyone other than your
11 fellow jurors until you have returned a verdict and
12 the case is over.

13 I remind you that you must decide this case
14 based solely on the evidence presented here in this
15 courtroom. This means that during the trial, you
16 must not conduct any independent research about this
17 case, the facts of this case, the evidence presented
18 in the case, or the people or organizations involved
19 in any way in the case. Please do not try to find
20 out information from any source outside of this
21 courtroom.

22 In other words, you must not look at
23 dictionaries or other reference materials, search
24 the internet, websites or blogs, or use any other
25 electronic tools to get any information about this

1 case to help you decide the case; you may not use
2 computers, telephones, cell phones, smart phones,
3 smart watches, tablets, the Internet, or other tools
4 of technology with communication capabilities at any
5 time in the courtroom or during your deliberations.

6 Now, during your breaks for meals or overnight,
7 if necessary, you may use those devices; however,
8 you must not use those devices to communicate with
9 anyone about the case until the case is over.

10 This means you must not use phone calls,
11 e-mails, text messages, instant messages, Twitter,
12 or any blog, chat room or website, including
13 Facebook, Google+, MySpace, Link, YouTube, or any
14 other social media websites to send or receive
15 information about this case.

16 This includes information about a party, a
17 witness, an attorney, or a court officer; news
18 accounts about the case; research on topics raised;
19 any topics you may think would be helpful in
20 deciding the case; or any testimony provided by any
21 witness.

22 During the trial, do not read, listen to, or
23 watch any news reports about the case, if there are
24 any. This includes anything that may be in the
25 newspapers or on the Internet, radio, or television.

1 You must not consider anything that you may have
2 read or heard about the case outside the courtroom,
3 whether before or during the trial.

4 Information on television, radio, the Internet
5 or from other sources might be wrong or incomplete.
6 In our judicial system, it is important that you are
7 not influenced by anything or anyone outside of this
8 courtroom. If you become aware of another juror's
9 violation of these instructions, please inform the
10 Court immediately.

11 It is important, ladies and gentlemen, that you
12 keep an open mind and not decide any issues in this
13 case until all of the evidence has been presented,
14 the parties have made their closing arguments, and I
15 have instructed you on the law applicable to this
16 case.

17 It is your solemn responsibility to determine
18 whether the State has proven the defendant guilty
19 beyond a reasonable doubt. And your verdict must be
20 based solely on the evidence as it is presented to
21 you in this trial and on the law as I instruct you
22 during and at the close of the trial.

23 Now, in just a moment, the solicitor or
24 prosecutor will make what is called an opening
25 statement in which the prosecutor will explain to

1 you the issues in this case or at least what the
2 prosecutor thinks the issues are in the case.

3 The attorney for the defendant may also make an
4 opening statement, although he is not required to do
5 so. What the attorneys tell you during their
6 opening statements, ladies and gentlemen, is not
7 evidence in this case. It is only their contention
8 as to what the issues are. The evidence in this
9 case will be presented to you by the testimony of
10 sworn witnesses from the witness stand and/or by
11 exhibits that may be introduced into evidence during
12 the trial.

13 Now, ladies and gentlemen, from time to time
14 during the trial, you may hear one of the attorneys
15 say something like, Your Honor, I believe that we
16 have a question of law or a matter of law to discuss
17 with you or they may request permission to approach
18 the bench, or, sometimes, I, myself, might find it
19 necessary to excuse you from the courtroom for a
20 short while so the attorneys and I can discuss a
21 matter of law.

22 The reason for this is because you, you are the
23 judges of the facts in this case and, sometimes,
24 when I am discussing matters of law with the
25 attorneys, it may be necessary for me to make some

1 comment as to the facts in connection with ruling
2 whether or not a particular law applies.

3 I am not supposed to tell you what I think the
4 facts are, so I will excuse you from the courtroom
5 while these discussions take place so that in no way
6 will you be influenced by anything that I might say
7 or do in connection with the facts.

8 Now, in determining what the facts are in this
9 case, you, ladies and gentlemen, must decide whether
10 or not the testimony of the witnesses is believable.
11 It will be my responsibility to rule, as a matter of
12 law, as to whether certain testimony is admissible
13 or not. But, once the testimony is admitted,
14 whether or not you believe it is solely for you to
15 determine.

16 Now, in deciding whether to believe a witness,
17 you have the right to consider the interest of any
18 witness, the bias of any interest, the prejudice of
19 any witness, the opportunity for the witness to have
20 seen the matters and things about which the witness
21 may testify and the way the witness acts on the
22 witness stand.

23 You have the right to consider anything that is
24 in the record that will help you evaluate the
25 testimony of the witnesses. That means that it is

1 your duty to pay close attention to these witnesses,
2 to observe the witnesses, to listen to the
3 witnesses, and to pay close attention to the
4 attorneys and to the Court.

5 Please, don't let your thoughts wander, but
6 give strict attention to the testimony in this case,
7 so that at the end of all of the testimony, after
8 the arguments of counsel and the charge on the law
9 by the Court, you will then be in a position to
10 determine what the facts are and to apply the law to
11 those facts and, thus, render a verdict.

12 Now, you-all, ladies and gentlemen, have
13 selected a foreperson, and that foreperson will
14 preside over deliberations in the jury room. It
15 will be the foreperson's added responsibility to be
16 the jury spokesperson here in court. It will also
17 your responsibility, madam forelady, to write the
18 verdict at the time that you-all reach a verdict.
19 But I will give you further instructions to you
20 concerning that at the conclusion of the case.

21 Now, in order to preserve everyone's rights, I
22 will give the parties an opportunity to object to
23 anything that I've said. Any exception or objection
24 to anything I've said to the jury by the State?

25 MS. WEISS: Not by the State, Your Honor.

1 THE COURT: Defense counsel?

2 MR. WILLIAMS: None by the Defendant, Your
3 Honor.

4 THE COURT: All right. Ladies and gentlemen,
5 we will now begin the trial of this case. The State
6 is recognized for opening statement.

7 MS. RAYMER: Thank you, Your Honor. May it
8 please the Court?

9 THE COURT: Yes, ma'am.

10 MS. RAYMER: July 27th, 2017, began as a normal
11 day for Monesha Cook. She went to work; she went to
12 dinner with some friends; and she returned home to
13 the house that she shared with her husband, Jacob.
14 He was already asleep. She woke him up and she told
15 him about her day. And he decided that he was going
16 to grab some food at the Waffle House that his
17 sister and friends worked at, as he often did,
18 drinking coffee and catching up. Monesha even
19 picked out his outfit that day.

20 As Jacob left, she said goodbye she and laid
21 down on her pillow, curled up next to her little
22 Shih Tzu, Talon, and she laid down to sleep. But,
23 instead of dreams, she awoke to a nightmare.

24 In the early morning hours of July 28th, after
25 she had fallen asleep, her dog began to bark.

1 Thinking Jacob must be home, she looked out the
2 window. But she didn't see Jacob's car. Then she
3 saw lights come in under her bedroom door. Bang.
4 The defendant kicked down her bedroom door, and
5 entered another man behind him.

6 These men would later be identified, the two
7 that entered her bedroom that night, as cousins:
8 Craig Cooper and the defendant, Christopher Cooper.
9 Put your head down; get on the bed, they began to
10 yell at Monesha. They kept demanding, where is the
11 money? Where does he keep the money? Confused, she
12 insisted, what are you talking about? What money?
13 Then she looked up and she saw it. She saw the gun
14 pointed at her.

15 She then told them that Jacob and her had been
16 saving for a vacation and the money was in the two
17 golden Buddha statues downstairs. But these men,
18 they felt that the money they got out of those
19 statues wasn't enough, and they made the decision to
20 take more from her.

21 They dragged her by her hair down the stair s,
22 guiding her, continuing to threaten her life, armed.
23 And then they took turns anally and orally raping
24 her. They had already taken her phone, and they
25 told her if she came outside in the next ten minutes

1 after they finished that they would shoot her.

2 Yes, this is everyone's worst nightmare. But,
3 for Monesha Cook, this wasn't a nightmare that she
4 would wake up from; this was reality. And it's
5 time, time that this defendant takes responsibility
6 for his actions.

7 What you will hear today is not an episode of
8 Law & Order. It will sound like an episode, but
9 it's not. There's no script. It's not a perfect
10 investigation. There's no video of the crime. But
11 this is real life, not fiction. Not everything that
12 I just told you, that's not the full story of what
13 happened that night. But you're going to hear from
14 Monesha herself, because this is her story. This is
15 her nightmare.

16 You're also going to hear from the officers who
17 responded and from several other witnesses,
18 including medical professionals. And just like this
19 is not an episode of TV, this is real life, these
20 witnesses have real lives outside of this trial and,
21 to accommodate their long-standing vacation plans,
22 we might present these witnesses in an order that is
23 not logical.

24 But, through these witnesses, you will learn
25 that the defendant terrified, threatened, and

1 violated Monesha. And that's not that all. The
2 defendant confessed to this nightmare that he
3 created. And, because of that, he is charged with
4 several crimes. He's charged are burglary in the
5 first degree for entering the dwelling, the house of
6 Monesha Cook, without her consent and with the
7 intent to commit a crime inside.

8 Now, we only need one of these. But he was
9 armed with a deadly weapon, caused physical injury
10 to Monesha, and entered and remained in the
11 nighttime. He's also charged with armed robbery.
12 And the defendant committed this because they were
13 armed with a handgun during the commission of the
14 robbery when they robbed Monesha.

15 He's also charged with kidnapping for confining
16 her in her own home. Now, this isn't what you see
17 or think about when you think of kidnapping,
18 actually physically taking a child or someone and
19 taking them away. Legally, the simple act of
20 confining someone while a robbery takes place
21 constitutes the crime of kidnapping, regardless of
22 whether it was merely incidental to completing the
23 armed robbery.

24 He's also charged with criminal sexual conduct
25 in the first degree by committing sexual battery on

1 the victim by either using aggravated force to
2 commit the sexual battery or, if the victim submits
3 to sexual battery by the defendant under
4 circumstances where the victim is also a victim of
5 forcible confinement, kidnapping, robbery, burglary,
6 housebreaking, or any other similar offense.

7 Now, sexual battery can mean several things,
8 including sexual intercourse, fellatio, which just
9 means oral sex, or anal intercourse. He's also
10 charged with possession of a firearm during the
11 commission of a violent crime. So if a person is in
12 possession of a firearm while what is defined as a
13 violent crime is committed, he's guilty of this
14 offense. Armed robbery, kidnapping, criminal sexual
15 conduct first degree, burglary first, all of that
16 are crimes.

17 The defendant is charged with criminal
18 conspiracy. Criminal conspiracy is a charge from
19 the combination of two or more people for the
20 purpose of committing an unlawful act. The
21 conspiracy itself constitutes this offense. When
22 Craig coop and Christopher Cooper joined together
23 and made the decision to commit these offenses, they
24 committed criminal conspiracy.

25 Now, the burden to prove these charges is on

1 us; it falls on the State. And the State has to
2 prove these charges beyond a reasonable doubt. And
3 a reasonable doubt is the kind of doubt that would
4 cause a reasonable person to hesitate. Proof beyond
5 a reasonable doubt does not mean that you have to be
6 left with absolute certainty. Proof beyond a
7 reasonable doubt is proof that leaves you firmly
8 convinced of the defendant's guilt.

9 Because of this defendant's actions, at the end
10 of the trial, we will ask you to return a verdict
11 that justice demands. We will ask you to hold this
12 defendant accountable for his actions; hold him
13 responsible for committing and causing this
14 nightmare, and find this defendant guilty. Thank
15 you.

16 THE COURT: Mr. Williams.

17 MR. WILLIAMS: May it please the Court?

18 THE COURT: Yes, sir.

19 MR. WILLIAMS: Madam forelady, ladies and
20 gentlemen of the jury, I'm Theo Williams. I know I
21 met you earlier. Seated at my table is our client,
22 Chris Cooper, who is the gentleman who is seated in
23 the middle, and my daughter, Anna Williams, who is
24 also an attorney at my office.

25 Opening arguments. Opening arguments are

1 really just an introductory time period; it's
2 something in which we kind of get to know each
3 other. You're supposed to be learning about what
4 the case is going to be about so that you can be on
5 the lookout to see what exactly is going to
6 transpire, what you're going to have to pay
7 attention to.

8 One of the things that the Judge told you
9 earlier, he emphasized how important it is that
10 we're having a trial right now. That's at the very
11 beginning. I don't know if you realize how many
12 cases are actually tried in the Lexington County
13 Courthouse, but there are a lot tried. And when you
14 have the court closed down for an extended period of
15 time, there's an extended period of time in which
16 people just aren't having their rights determined;
17 they're not having those issues determined.

18 And it's amazing that we have the 12 or 13 of
19 you here who are willing to participate in this
20 trial. You obviously know how important it is. You
21 could have made up some excuse and said, well, I
22 don't know; I've got something to do today or I'm
23 sick; I don't feel like coming. But it's the one
24 thing that's kept this country together through
25 everything, and that is the belief that there is a

1 judicial system and that there is a belief in a jury
2 system. Because you can't make decisions on
3 people's lives based on machines and computers and
4 things of that nature. We're not there yet. That's
5 one thing that separates us from a lot of countries.

6 So, as a person thing, I'd like to thank you
7 for being here. It's the one thing I've done all my
8 life. I've been practicing law 45 years, and it's
9 the one thing which I feel is worthwhile to do,
10 because you're dealing with something that's very
11 important for everyone.

12 Now, as you sit back here and you make
13 determinations, I will tell you that, obviously, you
14 don't make decisions based on emotion; you don't
15 make decisions based on what you think might have
16 happened; you make decisions on your logic and what
17 you determine to be the truth.

18 What you feel like may have happened should be
19 based on what reasons you have behind that.
20 Meaning, as we sit and we hear this trial, you'll
21 have a number of witnesses that will testify to
22 certain things. And it's up to you to make a
23 determination in regards to exactly what they're
24 testifying to; whether or not they know what they're
25 testifying to; whether or not you have some basis

1 for what they're saying, and if you believe what
2 they're saying has some basis.

3 Very often, a case is tried and people are
4 assumed to be speaking what you think they're
5 saying. But if you analyze what they're saying,
6 they really don't have a basis for what they're
7 saying. This is one of those kind of cases, if you
8 will.

9 Essentially, what happened on this night in
10 2017 was a young lady was at home and two males came
11 into her house and they assaulted her and they took
12 money and then they left. That's her allegation.
13 She'll have to prove that, or at least law
14 enforcement will have to prove it. It's your
15 determination as to whether or not my client, Chris
16 Cooper, was a party to that; whether or not he was
17 there.

18 I don't represent this Craig Cooper. I don't
19 have any association with him, don't even know him.
20 But you make a determination in regards to the
21 person who is here today being charged. By doing
22 that, what you'll do is you will look at the
23 evidence that's being presented.

24 You'll learn that the young lady who was
25 assaulted only recognized that there were two black

1 males who came into her house. That's as far as it
2 went. One was large and one was slim. That was
3 what was reported; that was what the determination
4 was.

5 West Columbia comes to the scene. And when
6 they come to the scene, they'll bring a number of
7 people. They'll come out there with dogs; they'll
8 come out there and they'll check for DNA; they'll
9 check for fingerprints; they'll check for DNA;
10 they'll check for -- they'll take pictures of all of
11 the items in the house. And then, from those
12 pictures, because the house would be in disarray,
13 they'll make a determination in regards to what they
14 should make tests of.

15 Now, you know that, obviously, today's society
16 is not like it was 40 years ago. I mean, you
17 couldn't have tested anything. You can find
18 fingerprints; you can find DNA; you can do all kinds
19 of things. And those will be the types of things
20 that you will be looking at.

21 So you'll have to look at those expert or
22 persons and see if they tested everything they
23 should have tested. Did they do a good test on what
24 they tested? Are the test results correct? And
25 does it all convince you beyond a reasonable doubt

1 of the guilt of the person who is charged? Because
2 if it doesn't do that, if there's a question in your
3 minds in regards to what should have been done, what
4 was done, and what wasn't done correctly and whether
5 or not it wholly and solely pointed to my client as
6 being the person who did these things, then it's
7 your job as a juror to find him not guilty.

8 You see, I represent my client just as the
9 prosecutor represents the State of South Carolina.
10 We all have our different roles that we have to do.
11 So when you listen to these things, just kind of sit
12 back. Don't let emotion get involved in it. Just
13 say, well, what would I expect to see? What would I
14 expect to find, based on what was going on, what
15 tests were being done.

16 You'll learn what West Columbia did when this
17 happened was, they first took the samples, the
18 prints, and things of that nature, they took the
19 DNA, and then took these items and they had it all
20 tested, the fingerprints, everything. And you'll
21 also learn that they had the dogs and they traced
22 the route of these two people who were in the house.
23 They found two different types of shoe prints and
24 they took pictures of those.

25 You'll be able to see those pictures; you'll be

1 able to analyze whether or not those prints are
2 consistent with the two -- at least two individuals
3 and, number one, more importantly, whether or not
4 those prints are consistent with my client.
5 Because, you see, if those prints are not consistent
6 with my client, that's an indication that he wasn't
7 the one who was there.

8 You'll also learn they went and they found some
9 sort of prints from a moped and they took a picture
10 of that. Then you'll find -- you just -- I only ask
11 that you listen to what these individuals with the
12 police department did and what items they found and
13 how those items led them in a particular direction
14 and whether or not that direction solely and
15 consistently pointed towards my client. Because if
16 it points to somebody else other than my client,
17 clearly it can't be my client.

18 So there will be a lot of analyzing. And one
19 of things I like to remember as I get older is that
20 regardless of how good machines are, you know, it
21 takes the person who makes the machine to make a
22 good machine. It takes the person to operate the
23 machine to do it correctly. And in cooking terms,
24 if you have bad ingredients in a cake, it doesn't
25 taste the same. So we all have the basic logical

1 tools that we need to use to make that
2 determination.

3 I only ask that you pay attention, that you
4 make a decision based on what you're learned over
5 your lifetime, and that it is an honest decision.
6 That's all anyone can expect from anybody who sits
7 on jury duty.

8 I thank you for your attention. And I will not
9 stand up and object to a lot of things, hopefully.
10 But if I do, it's obviously not an affront to you;
11 it's because I'm doing my job. Thank you very much.

12 THE COURT: Thank you, Mr. Williams.

13 MR. WILLIAMS: Thank you, Your Honor.

14 THE COURT: State may call its first witness,
15 please.

16 MS. RAYMER: The State would call Dr. Harriet
17 Boozer.

18 HARRIET BOOZER

19 being first duly sworn, testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Please have a seat up there, ma'am.
22 Once you're seated, you can remove your mask. I
23 need you to state your full name and spell your
24 last, please.

25 THE WITNESS: My name is Harriet Lynn Boozer,

1 B-O-O-Z-E-R.

2 DIRECT EXAMINATION

3 BY MS. RAYMER:

4 Q. Thank you, Dr. Boozer. Where are you currently
5 employed?

6 A. At Lexington Medical Center in the emergency
7 department.

8 Q. And where were you employed on July 28th, 2017?

9 A. Also at Lexington Medical Center in the
10 emergency department.

11 Q. I know this was a long time ago, but do you
12 remember what occurred on the early morning hours of
13 July 28, 2017?

14 A. I do not remember the case. I have reviewed
15 the record. But I did not have any specific recall
16 of the events.

17 Q. When you reviewed the record, did you treat a
18 patient that night?

19 A. Yes.

20 Q. How was that patient brought in?

21 A. The patient, when I became involved, had
22 already been triaged, which is where they come
23 through the front and get the initial information
24 about what was the complaint.

25 Once we know it's a sexual assault, I do a

1 screening exam on the patient, and then I contact
2 our medical social worker who then gets the forensic
3 nurse examiner, the police department, and also
4 sexual trauma services involved.

5 Q. And do you recall the name of that patient?

6 A. It was Monesha Cook.

7 Q. And when you reviewed your notes, did you
8 remember what her demeanor or anything was from that
9 night when she was brought in?

10 A. When I reviewed my note, it said that she was
11 tearful.

12 Q. And you said the complaints that Monesha had
13 were regarding --

14 A. A sexual assault.

15 Q. And it was you that made the determination to
16 contact the social worker due to the sexual assault?

17 A. Yes.

18 Q. And you said you also contacted another person?

19 A. I contacted the social worker. Then the social
20 worker goes through the process of making sure that
21 the police department has been notified; that the
22 forensic nurse examiner or sexual assault nurse
23 examiner and the sexual trauma services, which is a
24 support for the victim, are all notified. That is
25 done through my social worker.

1 Q. And did the notes on the file reflect that a
2 sexual assault exam was done?

3 A. Yes.

4 Q. But you were not the one doing the exam?

5 A. No. It's documented that the exam was done by
6 the forensic nurse examiner.

7 Q. Do you by chance recall the name of the
8 forensic nurse examiner that did the exam that day?

9 A. I do not.

10 Q. Okay.

11 MS. RAYMER: Nothing further from the State.
12 Thank you. Please answer any questions the Defense
13 has.

14 MR. WILLIAMS: No questions, Your Honor.

15 MS. RAYMER: Your Honor, we'd ask to excuse
16 this witness.

17 THE COURT: Is she under subpoena?

18 MS. RAYMER: She is.

19 THE COURT: Any objection?

20 MR. WILLIAMS: No objection, Your Honor.

21 THE COURT: Doctor, you're excused from your
22 subpoena. You have no further responsibility here.
23 You're free to go. Have a nice day.

24 MS. RAYMER: The State would next call
25 Charlotte Pitts to the stand.

1 THE COURT: Ladies and gentlemen on the jury,
2 as this witness is coming in, if, during the
3 testimony of any witness, you cannot hear, raise
4 your right hand so I'm aware of it so I can instruct
5 the witness to speak up. I told you-all yesterday,
6 this vent up here is continuously blowing which
7 affects -- may affect your ability -- it affects my
8 ability to hear and it may affect your ability to
9 hear. So if at any point in time you-all are having
10 difficulty hearing, raise your right hand and that
11 will cue me to instruct the witness to speak up.
12 Okay?

13 CHARLOTTE PITTS
14 being first duly sworn, testified as follows:

15 THE WITNESS: I do.

16 THE CLERK: Have a seat, please, ma'am. Once
17 you're seated, you can remove your mask. State your
18 full name and spell your last, please.

19 THE WITNESS: My name is Charlotte Pitts,
20 P-I-T-T-S.

21 DIRECT EXAMINATION

22 BY MS. RAYMER:

23 Q. Thank you, Ms. Pitts. Where are you currently
24 employed?

25 A. I currently work for Allegiance Industries.

1 Q. And where were you employed in July and August
2 of 2017?

3 A. SLED.

4 Q. And what does that stand for?

5 A. That's the South Carolina Law Enforcement
6 Division.

7 Q. What was your title when you were employed with
8 SLED?

9 A. I was a forensic technician.

10 Q. And what did that entail?

11 A. So I worked in the evidence control lab, which
12 entailed receiving packages for criminal evidence.
13 I would input it into our system, give it a barcode
14 number, and then place it in our evidence room until
15 it can be transferred for testing.

16 Q. And I know this was quite a long time ago. Do
17 you recall what you did on this case specifically or
18 were you given a chance to review what you did?

19 A. By memory, I do not remember. If you have a
20 chain of custody, I could look at it.

21 MS. RAYMER: May I approach the witness, Your
22 Honor?

23 THE COURT: Yes, ma'am.

24 MS. RAYMER: Your Honor, may I approach the
25 witness again?

1 THE COURT: Yes, ma'am.

2 MS. RAYMER: Your Honor, I'm approaching with
3 three pieces of evidence that have not been entered.

4 BY MS. RAYMER:

5 Q. Charlotte, if you could look at those three
6 pieces of evidence that I just handed up to you. Do
7 you notice your writing or anything on any of those?

8 A. No.

9 MS. RAYMER: May I approach the witness, Your
10 Honor?

11 THE COURT: Yes.

12 MS. RAYMER: Madam Court Reporter, can I please
13 get these marked as State's Exhibits?

14 (State's Exhibit Nos. 5, 6, 7 marked for
15 identification.)

16 THE COURT: During the trial, to the attorneys,
17 if you-all need to get up and move around or you
18 need to see or whatever, don't ask me; feel free to
19 move. Okay? You don't have to ask.

20 MS. RAYMER: Your Honor, if I may please
21 approach with what is marked as State's Exhibits 5,
22 6, and 7. Thank you.

23 BY MS. RAYMER:

24 Q. Ms. Pitts, can you tell me what you did
25 regarding this case?

1 A. So, according to the chain, it looks like I
2 first came in contact with Item No. 3, which is
3 described as a paper towel from the kitchen table
4 possibly containing suspect's semen or -- and
5 victim's saliva.

6 I received that from Verona Herrera. And after
7 I received it, I placed it on a -- like storage bin,
8 Bin 15-C.

9 Q. And can I direct your attention to item 7.

10 A. Okay.

11 Q. And what did you do regarding this?

12 A. For item 7, which is described as a heat-sealed
13 pouch containing a buccal swab from Christopher
14 Cooper's mouth. I received it off of a DNA intake
15 shelf and I transferred it to the custody of
16 Jennifer Clayton.

17 Q. And what did you do regarding item 8?

18 A. Item 8 is a sealed gun box containing a weapon
19 described as a black and gray Smith & Wesson. With
20 that, attached to the handle, I think, I handled the
21 sub-item for item 8.

22 Q. And can you describe that for me?

23 A. Sure. Item 8.1 was a heat-sealed pouch that
24 contains swabs from the trigger, grip, and groove
25 areas of item 8. And I received that from Thomas

1 Darnell and placed it on a DNA intake shelf.

2 Q. May I please direct your attention to item 9
3 now.

4 A. Sure. So item 9 was a heat-sealed pouch
5 containing a buccal swab from the right cheek of
6 Craig Cooper. And I received that off of a DNA
7 intake shelf, put it in my custody, and then
8 transferred it to Jennifer Clayton.

9 Q. And what did you do with item 10?

10 A. Item 10 was a heat-sealed pouch with a buccal
11 swab from the left cheek of Craig Cooper. And I
12 also received that from a DNA intake shelf and
13 turned it over to Jennifer Clayton.

14 Q. And can you please now identify what is
15 contained in State's Exhibits 5, 6, and 7 in front
16 of you, if you're able.

17 A. Sure. So the only way I can identify it is off
18 the barcode, and it's on Item No. 7. So that would
19 be -- this is the heat-sealed pouch that contains
20 the buccal swab from Christopher Cooper.

21 Q. And is that how you would expect that to
22 appear?

23 A. This packaging?

24 Q. Yes.

25 A. Absolutely.

1 Q. Next item, please?

2 A. So the next item, I can identify it from the
3 barcode as Container D.

4 THE COURT: What exhibit is that?

5 THE WITNESS: 6.

6 THE COURT: 6?

7 THE WITNESS: Yeah.

8 THE COURT: Thank you.

9 THE WITNESS: And this is a heat-sealed pouch
10 containing a buccal swab from the right cheek of
11 Craig Cooper.

12 BY MS. RAYMER:

13 Q. Can you tell me what the State's Exhibits
14 number that is remaining?

15 A. Yeah. So this is identified by Container C,
16 which is a heat-sealed pouch that contains a swab
17 from the trigger, grip, and groove areas of the
18 slide of Item No. 8.

19 Q. What State's Exhibit is that marked as?

20 A. 7.

21 Q. Thank you so, much Ms. Pitts. If you would
22 please answer any questions that the Defense has for
23 you.

24 THE COURT: What was that last exhibit, ma'am?

25 THE WITNESS: 7.

1 MR. WILLIAMS: May it please the Court?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. WILLIAMS:

5 Q. Ms. Pitts, you said you were working where now?

6 A. I work for Allegiance Industries.

7 Q. What is that?

8 A. We contract out security services, janitorial
9 services, and electrical services.

10 Q. All right. When did you leave SLED?

11 A. December of 2019.

12 Q. All right. Did you have any particular
13 education or requirements that gave you this
14 specialty of working, I guess, with the DNA lab --
15 or you were in the evidence lab, right?

16 A. Correct. I worked in the intake area of the
17 intake department. No particular education, but I
18 do have a bachelor's and master's in criminal
19 justice and criminology from the University of South
20 Carolina.

21 Q. But no science background?

22 A. No.

23 Q. So the sheet which you identified, that sheet
24 is some running log that exists down at SLED for
25 items that come into SLED's testing?

1 A. Correct. This is on the chain of custody which
2 tracks the movement of a piece of evidence
3 throughout our entire lab.

4 Q. And when you initially looked at those three
5 exhibits, which would have been 5, 6, and 7, you
6 said there was nothing on those items in itself that
7 would indicate that you had written on it or done
8 anything to commemorate your touching of those
9 items; is that correct?

10 A. My handwriting is not on these packages.

11 Q. And the only way that you would know what those
12 packages were was by referring to the log that you
13 currently have in your possession from SLED which
14 has the bar number which SLED matches up to the
15 particular document; is that correct?

16 A. Correct.

17 Q. And in terms of how those items were obtained,
18 you have no knowledge about how those were obtained
19 in terms of the taking of the samples about who took
20 them, when they took them, how they were stored, or
21 where they left after that; is that correct?

22 A. I'm sorry. After they left where?

23 Q. Wherever they came from. The only thing you
24 know is that these heat-sealed items were, at some
25 point in time, in your hand and you put it in a

1 location, correct?

2 A. Correct.

3 Q. And you don't know what happened to them after
4 that because you were just receiving those items?

5 A. After I transferred them to the analyst that
6 was testing them, that's the last thing I know.

7 Q. So you don't know how they were gathered, how
8 they were tested, how they were kept, and did no
9 testing on them?

10 A. No testing, correct.

11 Q. Thank you so much.

12 MR. WILLIAMS: That's all I have, Your Honor.

13 THE COURT: Any redirect?

14 MS. RAYMER: Nothing from the State. We'd ask
15 that this witness be excused from her subpoena.

16 THE COURT: Any objection to her being excused?

17 MR. WILLIAMS: No objection, Your Honor.

18 THE COURT: You may step down. You are
19 excused. You have no further responsibility here.

20 Have a nice day.

21 THE WITNESS: Thank you.

22 MS. WEISS: The State calls Amy Stephens Black.

23 AMY STEPHENS BLACK

24 being first duly sworn, testified as follows:

25 THE WITNESS: I do.

1 THE CLERK: Have a seat, please, ma'am. Once
2 you're seated, you can remove your mask. I need you
3 to state your full name and spell your last, please.

4 THE WITNESS: Amy Stephens Black, B-L-A-C-K.
5
6

7 DIRECT EXAMINATION

8 BY MS. WEISS:

9 Q. Good morning, Ms. Black. How are you?

10 A. Good. How are you?

11 Q. Good. Ms. Black, where do you currently work?

12 A. I work with the Second Circuit Judicial Public
13 Defender's Office of Aiken, Barnwell, and Bamberg
14 Counties.

15 Q. How long have you been employed there?

16 A. Almost four months.

17 Q. Okay. Prior to that -- okay. I'm going to go
18 back to 2017. Where were you employed in 2017?

19 A. The South Carolina Law Enforcement Division.

20 Q. And how long were you employed with -- we'll
21 just call it SLED. How long were you employed with
22 SLED?

23 A. Almost 12 years.

24 Q. When did you start working with SLED?

25 A. In 2006.

1 Q. So you left in --

2 A. 2018.

3 Q. Okay. When you were employed there, what was
4 your position?

5 A. I was a forensic technician in the evidence
6 control department.

7 Q. Can you please describe for this jury what an
8 evidence -- what an evidence tech -- a forensic tech
9 in the evidence control department is and what you
10 did?

11 A. Basically, we log in, transfer, and package
12 evidence for forensic analysis.

13 Q. And what kind of -- did you have to have any
14 special training or degrees in order to be able to
15 do this?

16 A. You didn't have to have any no college degree,
17 just a high school diploma. However, I do have a
18 college degree, but you also just did training with
19 a senior technician whenever you start.

20 Q. And most of this evidence was brought in, in
21 2017. Can you tell us what the process was when
22 someone would bring in evidence 2017 in?

23 A. If they came in and sat with one of the
24 technicians, the technician would package the
25 evidence appropriately, enter the case information

1 into the computer system, which would then generate
2 a lab number as well as an item number, and then
3 transfer that evidence to the evidence room.

4 Q. Was the evidence room in the same area with
5 you, like, in your area, or was it on another floor
6 or somewhere else?

7 A. It was in the same area as my office.

8 Q. And what happened if something got moved from
9 an evidence room?

10 A. Any time the evidence was moved, whether it was
11 being brought in or transferred to an analyst or
12 transferred back to the agency, an electronic record
13 was documented. Every item has a barcode on it, and
14 it would be scanned every single time that it
15 transferred.

16 Q. And when you scan those items, as you're
17 transferring them in or out or putting them
18 somewhere, what information goes into the system
19 once you scan that code?

20 A. It's the location of where the evidence is
21 going or either the name of the person that the
22 evidence was being transferred to.

23 Q. And does it also include who it's being
24 transferred by?

25 A. Yes, it does.

1 Q. Is that something entered electronically or do
2 you enter it as you scan it?

3 A. It's entered electronically by using the
4 barcode.

5 Q. And that's a barcode that you would have on
6 your ID?

7 A. Yes. Correct.

8 Q. Okay. So you have to scan the ID of the ID and
9 scan your own personal ID so that it matches them up
10 and creates a document?

11 A. Yes.

12 Q. And what is that document?

13 A. It's a chain of custody.

14 Q. And was there another way you could drop off
15 evidence in 2017?

16 A. There was. There was an evidence locker
17 system. The submitting officer could sign into the
18 forensics laboratory and go to the locker system and
19 place the evidence into the locker system. And then
20 my department, we would retrieve it from the locker
21 system and then enter it into the computer.

22 Q. Okay. And the -- how often would you go and
23 empty the evidence lockers?

24 A. It just depends on how many staff we had. At
25 least several times a day.

1 Q. And those were supposed to be packaged a
2 certain way to be left in the evidence locker?

3 A. That's correct.

4 Q. And you'd check that just to make sure once you
5 got it out?

6 A. That's correct.

7 Q. When you say entered it into the computer, what
8 happens once you enter that into the computer?

9 A. After you enter the information into the
10 computer system, a SLED lab number is generated, as
11 well as an item number for the items that you're
12 entering in. And then that barcode with that lab
13 number is generated and printed and it will be
14 placed on all of the corresponding pieces of
15 evidence.

16 Q. Okay. What's the importance of that?

17 A. It's an identification number. And, that way,
18 the evidence can be tracked throughout it's movement
19 at SLED.

20 Q. Do you -- have you had a chance to look at the
21 chain of custody for the case that you're testifying
22 for today?

23 A. No.

24 Q. Do you have any independent recollection from
25 2017 of evidence that came in from this case?

1 A. No.

2 Q. Would it help to refresh your memory if I were
3 to show you a chain of custody?

4 A. Yes.

5 Q. Do you recognize that form?

6 A. I do.

7 Q. What is that?

8 A. This is the SLED chain of custody for SLED Lab
9 No. L17-11532.

10 Q. And that SLED lab number you just read out is
11 assigned to one piece of evidence of a case?

12 A. The SLED lab number is assigned to the case
13 itself, and then each item is designated an
14 individual item number.

15 (State's Exhibit Nos. 8, 9, 10, and 11 marked
16 for identification.)

17 Q. So, for ease of summary, as you look through
18 that chain of custody, can you tell us, just going
19 down the numbers, which items you were involved in
20 for the intake or collection?

21 A. Yes. I handled SLED Item No. 1, which is a
22 buccal swab from the victim Monesha Cook's mouth. I
23 received it from Jan Otterbacher with the West
24 Columbia Police Department on July 28th, 2017, at
25 1542 and I transferred it directly to the Verona

1 Herrera, a forensic technician.

2 Q. Okay. I'm going to show you what's been marked
3 as State's Exhibit 10. Can you identify that
4 packaging?

5 A. Yes. This is the item that I just testified
6 to, SLED Lab No. L17-11532, Item No. 1, which was
7 the buccal swab from victim Monesha Cook's mouth.

8 Q. And you say you transferred it -- well, I'm
9 sorry. Go ahead.

10 A. I received it from John Otterbacher with the
11 West Columbia Police Department. And once I entered
12 the case information and generated the barcode, I
13 transferred it directly to Verona Herrera, a
14 forensic technician in the serology department.

15 Q. Okay. And so since that's Evidence
16 Piece No. 1, does that mean that you opened this
17 case?

18 A. That's correct.

19 Q. Okay. So you put all those numbers in?

20 A. Yes.

21 Q. Okay. So tell me about number 2.

22 A. SLED Item No. 2 is described as a buccal swab
23 from Jacob Cook's mouth --

24 Q. Let me stop you there. This is what has been
25 marked as State's Exhibit 8. So you can -- can you

1 identify that?

2 A. Yes. The label that's affixed to the outside
3 of the package corresponds with L17-11532,
4 Item No. 2, buccal swab from Jacob Cook's mouth.

5 Q. And what did you do with that?

6 A. I received this item from Jan Otterbacher with
7 the West Columbia Police Department on July 28, 2017
8 at 3:42 and transferred it directly to Verona
9 Herrera at the same time who was a forensic
10 technician in the serology department.

11 Q. Okay. What's the next one?

12 A. The next one is actually a container, which is
13 Item No. 3, which is a paper towel from the kitchen
14 table possibly containing suspect's semen and
15 victim's saliva.

16 Q. Okay. I'm going to show you what's been marked
17 as State's Exhibit 11. Are you able to tell
18 anything from that box?

19 A. Yes. It has the label on the outside of it
20 that says L17-11532, Container A, which contains the
21 items I just described, as well as Item No. 4, which
22 was a bottle of Awesome cleaner from kitchen floor
23 the suspects used to clean themselves.

24 So that box contains those two items. And I
25 received it from Jan Otterbacher from the West

1 Columbia Police Department on July 28, 2017, at
2 3:42, and transferred it directly to Verona Herrera.

3 Q. Okay. And would you have put it in that box?

4 A. I may have put it in the box or it may have
5 come in the box.

6 Q. Okay. But you definitely had it in the box at
7 some point?

8 A. Yes. According -- there's the initials on
9 the -- here. But it was sealed by me because it was
10 done in person. So I would have placed the evidence
11 tape on there and then had somebody in the office
12 initial and date.

13 Q. And who placed those stickers on the box?

14 A. The yellow sticker was placed by myself; the
15 white stickers were placed by the police department.

16 Q. Okay. And what did you do next?

17 A. After I logged those in, I transferred them to
18 Verona Herrera.

19 (State's Exhibit Nos. 12 and 13 marked for
20 identification.)

21 Q. I'm showing you State's Exhibits 12 and 13.

22 A. All right. This item, which is State's Exhibit
23 13, is SLED Item No. 6, which is described as a
24 black and brown striped skirt in a bag labeled
25 Monesha Cook.

1 I received this item from the DNA intake shelf
2 on August 8th of 2017 at 12:28 and transferred it to
3 the custody of Verona Herrera.

4 Q. Okay. And there is a smaller piece there. Can
5 you tell what that's related to?

6 A. This is item 6.1, which is a cutting from the
7 interior right seam area of the skirt. And I had no
8 involvement with this item.

9 THE COURT: Item 6.1 is exhibit what?

10 MS. WEISS: Exhibit 12.

11 BY MS. WEISS:

12 Q. All right. After item 6, were there any other
13 items that you were involved in through the intake?
14 And you can just tell us the item numbers.

15 A. Yes. I handled also Item No. 5, which was the
16 CSC kit described as -- labeled Monesha Cook. I
17 retrieved that evidence off of the DNA intake shelf
18 on August 8th, 2017, at 12:28, and transferred it to
19 Verona Herrera.

20 (State's Exhibit No. 14 marked for
21 identification.)

22 Q. Okay. I'm showing you State's Exhibit 14.

23 A. Yes. This is SLED Lab No. L17-11532, item 5,
24 which the CSC kit from Monesha Cook.

25 Q. And that's the item you were just describing?

1 A. That's correct.

2 Q. And you said you took it from where?

3 A. I took it off a DNA intake shelf and
4 transferred it to Verona Herrera.

5 Q. Okay. After that, is there anything else?

6 A. I believe only one more item that I handled
7 after analysis was done, which is SLED Item No. 8, a
8 black and gray Smith & Wesson firearm.

9 Q. Okay. And what did you do with that?

10 A. I received it from forensic technician Lisa
11 Chapman of the latent prints department on August
12 18th, 2017 at 2:11. I transferred it to a storage
13 shelf. And then on August 22nd at 2017, I retrieved
14 it from that storage shelf and returned it to the
15 agency.

16 Q. Okay. Is there anything else that you did with
17 any of the evidence in this case?

18 A. No.

19 Q. And, just to be clear, your position was as a
20 forensic technician. So did you analyze or process
21 any of this evidence?

22 A. No, I did not.

23 Q. Anything else I haven't asked you about your
24 involvement in this case?

25 A. No, ma'am.

1 Q. Thank you.

2 MS. WEISS: I have no further questions, Your
3 Honor. Please answer any questions Mr. Williams may
4 have for you.

5 MR. WILLIAMS: May it please the Court?

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q. You're Ms. Black?

10 A. Yes, sir.

11 Q. And you work for public defenders down there in
12 Aiken now; is that right?

13 A. I work at Barnwell and Bamberg County; that's
14 correct.

15 Q. I gotcha. So one thing I was curious about
16 when you were talking about the box and you were
17 examining it, and you said that you would have
18 placed the evidence on the box. Is that what you
19 said?

20 A. That's correct.

21 Q. And so what is in this box?

22 A. Item No. 3, which is the paper towel, and Item
23 No. 4, which is a bottle of cleaner.

24 Q. How do you know that's what's in this box?

25 A. Because of the yellow label that's attached to

1 the outside of it.

2 Q. May I hand this to you and you tell me how you
3 know that?

4 A. The label -- the yellow label right here has
5 the SLED lab number and the container, and that's
6 what corresponds with the chain of custody.

7 Q. So who assigned that yellow lab -- yellow
8 label -- it says West Columbia Police Department.
9 So would that have been a label that somebody from
10 West Columbia would have affixed on this box?

11 A. No. That's the SLED label. The lab number is
12 generated by the computer system, and it will have
13 the lab number, the container, and then the agency
14 that was submitting the evidence.

15 Q. So who placed this sticker on this box?

16 A. I did.

17 Q. All right. So there was an individual that
18 actually handed you this box; is that correct?

19 A. That's correct.

20 Q. And who handed it to you?

21 A. Jan Otterbacher with the West Columbia Police
22 Department.

23 Q. And at the time that she handed it to you, it
24 was open?

25 A. No, sir. It would have been sealed.

1 Q. But you placed the seal on it?

2 A. We placed the SLED evidence tape on it, as per
3 policy.

4 Q. What other seal did it have on it?

5 A. You can see on the bottom, I placed the bottom
6 seal on there.

7 Q. Okay. That's yellow?

8 A. Yes.

9 Q. And there's a red seal that says SLED on it on
10 the top?

11 A. I did not place the SLED evidence tape on it; I
12 would have placed the yellow evidence tape that's up
13 underneath that.

14 Q. So who placed the red evidence tape on it?

15 A. I can't answer that. I did not do that.

16 Q. Was it on there when you got the box?

17 A. I do not recall.

18 Q. Is it significant in any way? Why would there
19 be a red tape on the box and then --

20 A. It's not significant. It's just showing the
21 box is sealed and the initials and dates of the
22 person that sealed it.

23 Q. But you don't have any idea -- is that an
24 indication that it was opened and someone resealed
25 if?

1 A. It could have been. I didn't place the red
2 tape on there.

3 Q. But someone could have been in the box, done
4 something to it, and resealed it?

5 A. For analysis purposes, yes, that's correct.

6 Q. And would they have put their initials on
7 there?

8 A. Yes, sir.

9 Q. Would they have put the date that they did it
10 on there?

11 A. They should have. I didn't place that tape on
12 there and I didn't initial and date it.

13 Q. Do you know -- can you look at this and tell me
14 if it's been opened and someone put their initials
15 on?

16 A. Sir, all I did was put the yellow tape on
17 there. The -- whoever opened it would have to
18 testify to the fact that they opened it.

19 Q. But you --

20 A. I did not open it.

21 Q. But you don't know who it was or what happened
22 to it?

23 A. No, sir. Once it left my hands, I placed it
24 sealed in the evidence room.

25 Q. So you didn't hand it to an individual?

1 A. Oh, I'm sorry. I did. Yes, I did hand it
2 directly to Verona Herrera and it was sealed.

3 Q. In the box that it is in now?

4 A. Yes.

5 Q. Okay. You use characterizations of some of the
6 items that were -- like you said, that there was a
7 paper towel used by the assailants to clean
8 themselves off or something like that. You used
9 that characterization on that.

10 You don't know what the item was or what it was
11 used for, do you? That characterization was given
12 by somebody else; is that correct?

13 A. That's correct. That was on the submission
14 paperwork from the police department.

15 Q. So that's something that the police officer
16 called -- this is what it is; this is what it was
17 used for. Nobody as SLED made an analysis and made
18 the decision that that's really what it was or what
19 it was used for?

20 A. I did not.

21 Q. All right. And that was already done on a
22 piece of paper that came from SLED; is that correct?

23 A. That was done on a piece of paper that came
24 from the police department.

25 Q. Okay. The you initially said that the first

1 items you received -- because you opened it up; you
2 gave it its first number, correct?

3 A. Yes, sir. I did not give it the lab number.
4 The computer system gave it the lab number. But I
5 was the first person to handle certain items.

6 Q. Were you the first person to generate the
7 number that has been consistent or would
8 consistently be used in the SLED labs for those
9 items?

10 A. The computer system would generated it. But
11 that is the number that was generated for this case.

12 Q. Right. So no one else has generated any other
13 numbers to deal with that before or after. Those
14 numbers for this particular case are the numbers
15 that the computer assigned to it once you started
16 it; is that correct?

17 A. Correct.

18 Q. And that's totally a random thing, isn't it?

19 A. That's correct.

20 Q. Whatever the next number is, is what it's going
21 to be?

22 A. Yes.

23 Q. And, essentially, it's an inhouse way of
24 keeping up with what case these items refer to?

25 A. It's an identification number.

1 Q. So you said item 3 was what -- which is paper
2 towels was what was Exhibit 11; is that correct?

3 A. I'm not sure what exhibit number it is. But
4 item 3 was the paper towels in the kitchen. Yes,
5 sir, Exhibit 11.

6 Q. And, again, you have no idea where the paper
7 towel was or where it came from?

8 A. That's correct.

9 Q. You have no idea what the paper towel looks
10 like, do you?

11 A. No, I do not.

12 Q. Was the paper towel on a roll or was it in
13 separate pieces?

14 A. I didn't physically see the item. We work on a
15 said-to-contain basis, so whatever is listed on the
16 submission paperwork from the police department is
17 how it's entered into the system.

18 Q. So you really didn't look inside to see what
19 was in the box?

20 A. No.

21 MR. WILLIAMS: That's all the questions I have,
22 Your Honor.

23 THE COURT: Any redirect?

24 MS. WEISS: Very briefly.

25 REDIRECT EXAMINATION

1 BY MS. WEISS:

2 Q. Ms. Black, does somebody eventually look inside
3 that box and verify that what's written on the
4 outside is what's inside?

5 A. They do, either a technician in one of the
6 departments or the analyst themselves.

7 Q. Thank you. I have no further questions.

8 MR. WILLIAMS: Nothing further, Your Honor.

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

10 MS. WEISS: Your Honor, may this witness be
11 released from her subpoena?

12 THE COURT: Any objection?

13 MR. WILLIAMS: No objection, Your Honor.

14 THE COURT: Ma'am, you're released from your
15 subpoena. You have no further responsibility here.
16 Have a nice day.

17 MS. RAYMER: Your Honor, may we approach?

18 THE COURT: Yes.

19 (Sidebar conference.)

20 THE COURT: All right. Ladies and gentlemen,
21 what we're going to do right now, I'm going to let
22 you go for an early lunch break and I'll ask that
23 you be back at 1:00.

24 My instructions remain the same: Do not
25 discuss this case at all with anyone. No one is to

1 discuss the case with you. Do not do any
2 independent investigation. As I told you from my
3 opening remarks and from when I qualified you
4 yesterday, you're to decide this case based solely,
5 solely on the evidence and testimony presented in
6 this courtroom. You-all have a nice lunch break,
7 and I'll see you back at 1:00. Okay?

8 (The jury exits the courtroom at 11:26 AM.)

9 THE COURT: All right. Anything from the State
10 before we break?

11 MS. WEISS: Nothing from the State, Your Honor.

12 MR. WILLIAMS: Nothing from the Defendant, Your
13 Honor.

14 THE COURT: All right. Hold on just a second.

15 What does this afternoon look like? You said
16 one really short witness and then Ms. Cook was going
17 to testify.

18 MS. WEISS: Yes, sir, Your Honor. And we
19 have three other witnesses that could take us --
20 just really going to kind of depend on how things go
21 with Ms. Cook and how long that takes. I'm just not
22 sure between direct and cross. Is there a time that
23 we need to be finished by?

24 THE COURT: No. But I should have told you
25 this yesterday: In light of us having to take a

1 little bit longer in selecting the jury, the cases
2 that may take all week I kind of like to be top
3 heavy at least Tuesday and Wednesday to make sure
4 we're not pushing Thursday, late into Friday evening
5 trying to wrap things up. And that's something I
6 should have conveyed yesterday. But we'll do
7 whatever y'all intend to put up.

8 MR. WILLIAMS: Your Honor, we still have the
9 item, if you want to place that matter on the record
10 on what Earl said or --

11 THE COURT: We may do that at the end of the
12 day today, seeing where we are when they finish with
13 their witnesses, if that's okay.

14 MR. WILLIAMS: It's fine with me, Judge, if
15 they were looking for something to fill it up with.

16 MS. WEISS: We have time.

17 MR. WILLIAMS: But I do want to tell the Court
18 that I'm going to Disney World on Sunday. So as
19 long as we are done before Sunday, that's all I
20 care.

21 MS. WEISS: Your Honor, can we just break and
22 come back on Sunday or we could meet at Disney World
23 and do it there?

24 THE COURT: We'll see. We'll kind of play that
25 by ear. How about that?

1 MS. WEISS: Your Honor, we intend -- our
2 witnesses should be done Thursday, based on how
3 we've gauged how things really happened.

4 THE COURT: And, also, I mean, I know
5 Mr. Williams has appeared in front of me and then
6 you have --

7 MS. WEISS: Yes, sir.

8 THE COURT: Did you try something in front of
9 me a long time ago?

10 MR. WILLIAMS: I probably did, Judge. I think
11 I probably did. I don't remember it though.

12 THE COURT: Well, I want y'all to understand, I
13 mean, you know, as I sit up here as a Judge, I dont
14 want y'all to worry about me. Y'all try your case.
15 If I need to step in, I'll certainly step in. But I
16 know it's stressful trying cases. And the last
17 thing y'all need to worry about is me up here.
18 Okay?

19 So y'all do what y'all -- if you feel like you
20 need to move around, y'all move around, just, you
21 know, kind of do it discreetly. But you don't need
22 to ask permission to get up and move if you want to
23 get up and move to see something.

24 I know it's kind of a formality to ask
25 permission to approach a witness. If you feel like

1 you need to do that -- I mean, it's probably more
2 habit because different judges expect different
3 things and whatnot. But I'm not going -- if you
4 don't ask, I'm not going to say anything, unless
5 there's an objection or something and I may say
6 something.

7 But I want y'all to try your case how you want
8 to try it. The last thing you need to do is worry
9 about me. I've been in your shoes; I know it can be
10 stressful. All righty?

11 MS. WEISS: Thank you, Your Honor.

12 MR. WILLIAMS: Thank you, Your Honor.

13 THE COURT: You-all have a nice lunch and I'll
14 see you back at 1:00.

15 (Luncheon recess 11:31 AM - 1:00 PM.)

16 MS. WEISS: Your Honor, I need to get some
17 pictures marked by the court reporter, but I just
18 realized I left them in the other room.

19 (State's Exhibit Nos. 15, 16, 17, 18, 19, 20,
20 21, 22, 23, 24, 25, 26, 27, 28 29, 30, 31, 32, 33,
21 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 44, 45, 46,
22 47, 48, and 49 marked for identification.)

23 THE COURT: All right.

24 Anything from the State before I bring the jury
25 up?

1 MS. WEISS: No, sir, Your Honor.

2 THE COURT: Anything from defense counsel?

3 MR. WILLIAMS: No, Your Honor.

4 THE COURT: Bailiff, please bring the jury up.

5 (The jury enters the courtroom at 1:13 PM.)

6 THE COURT: All right. Madam forelady, ladies
7 and gentlemen of the jury, I hope you had a nice
8 lunch and are ready to proceed this afternoon.

9 At this time, I'm going to recognize the State
10 to call its next witness, please.

11 MS. WEISS: Thank you, Your Honor. May it
12 please the Court?

13 The State calls Shellie Keisler.

14 SHELLIE KEISLER

15 being first duly sworn, testified as follows:

16 THE WITNESS: I do.

17 THE CLERK: Have a seat, ma'am. Once you're
18 seated, you can remove your mask. I need you to
19 state your full name, spelling your last, please.

20 THE WITNESS: Shellie Keisler, K-E-I-S-L-E-R.

21 DIRECT EXAMINATION

22 BY MS. WEISS:

23 Q. Good afternoon, Ms. Keisler. Where are you
24 employed?

25 A. I'm a forensic nurse employed by Prisma Health,

1 which previously was Palmetto Health Richland, with
2 the regional forensic program.

3 Q. It was originally -- it was previously Palmetto
4 Richland Health. Can you just tell the jury a
5 little bit about what it means to be a regional
6 forensic -- be part of the regional program.

7 A. So a lot of people think of SANEs as a sexual
8 assault nurse examiner --

9 Q. Can you get a little closer to the mic? I'm
10 having a little trouble hearing you.

11 A. Oh, I'm sorry.

12 THE COURT REPORTER: And, if you could, please
13 slow down a little bit.

14 THE WITNESS: Yes, ma'am. I'm sorry. I do
15 talk fast.

16 BY MS. WEISS:

17 Q. All right. Can you say that again?

18 A. I'm a SANE nurse. I'm a sexual assault nurse
19 examiner, commonly called a forensic nurse. And we
20 see victims -- we see patients that have been
21 victims of sexual assault and domestic violence.

22 Q. Okay. What does it mean to be part of a
23 regional team?

24 A. Regional means that we're mobile. We cover
25 five hospitals in the Midlands.

1 Q. In 2017, was that the same?

2 A. Yes. It was the same; we covered all hospitals
3 in this area.

4 Q. Okay. So it wouldn't be unusual, while you're
5 working, to get called to Lexington Medical Center,
6 even though you're based out of Prisma?

7 A. No.

8 Q. I'm going to show you what's been marked as
9 State's Exhibit 49. Do you recognize this? It's
10 front and back.

11 A. Yes.

12 Q. Okay. You can hold onto it. What is that?

13 A. So this is a sexual assault evidence collection
14 kit that was collected.

15 Q. And I know this is a photocopy. What is this a
16 photocopy actually of? What's the physical item?

17 A. It's a physical assault evidence collection
18 kit.

19 Q. What would it look like if you were holding it
20 in person?

21 A. It's a box -- a white box with a front and
22 back. It that has the patient name and
23 identification factors on it.

24 Q. What's the importance of this kit?

25 A. This kit is actually collected. And the

1 evidence that's collected in it is part of our chain
2 of custody.

3 Q. Okay. And each time you go to do -- since you
4 are a sexual assault nurse examiner, each time you
5 go -- you're not the nurse examiner on this case,
6 correct?

7 A. No.

8 Q. Each time you go, you get a different kit, a
9 brand new kit?

10 A. Yes.

11 Q. So a brand new box back in 2017?

12 A. Yes, sealed.

13 Q. Okay. And, just to be clear, currently, it's
14 in an envelope?

15 A. Yes.

16 Q. Like the one I'm holding?

17 A. Yes.

18 Q. But, back then, it was a box?

19 A. Correct.

20 Q. Were you working on August 1st of 2017?

21 A. Yes.

22 Q. Okay. And if you look at the back of this kit,
23 what was on the back of the kit?

24 A. So this is the chain of custody that we adhere
25 to once the evidence has been collected.

1 Q. Okay. And what is your training as far as how
2 you do the chain of custody?

3 A. So chain of custody is very important. From
4 time evidence is collected, it is kept -- it is kept
5 with the person that has collected the evidence
6 until they turn it over to law enforcement.

7 Q. Based on this chain of custody, who originally
8 collected this evidence?

9 A. Brigette DeGuzman.

10 Q. Is that somebody you know?

11 A. Yes. She's one of our forensic nurses on our
12 team.

13 Q. And do you know what date and time she finished
14 collecting that kit?

15 A. So she collected July 28th, 2017.

16 Q. Okay. And the time that's on the right, what
17 did that time indicate?

18 A. That is the time that she put the kit into our
19 secure evidence refrigerator.

20 Q. Can you please tell us about that secure
21 evidence refrigerator.

22 A. So our office is at Prisma Health, which was
23 currently Palmetto Health. And we have an evidence
24 room, which is a locked room within our office, and
25 it houses our refrigerator where we keep all of our

1 evidence.

2 Q. And when you say the room is locked, is the
3 refrigerator locked as well?

4 A. Yes.

5 Q. Okay. What type of locks are on those?

6 A. It has a combination lock.

7 Q. The refrigerator or the room?

8 A. The refrigerator.

9 Q. Okay. So who has a key to the room?

10 A. Only the forensic nurses.

11 Q. And who has the combination to the lock on the
12 refrigerator?

13 A. Only the forensic nurses.

14 Q. And, at that time, you were also a forensic
15 nurse?

16 A. Yes.

17 Q. So tell me what occurred -- what's the next
18 line say?

19 MR. WILLIAMS: Your Honor, objection to
20 leading. She's just publishing a document if she
21 asks what the next line says.

22 THE COURT: I'll allow it. Go ahead.

23 BY MS. WEISS:

24 Q. Okay. What does the next line say?

25 A. 7/28/17. And it's from Brigette DeGuzman to

1 FNE which means forensic nurse evidence secure
2 refrigerator.

3 Q. What time was that?

4 A. 9:20.

5 Q. Okay. What's on the next line?

6 A. 8/1/17. And I marked out two because I'm
7 actually collecting it from the refrigerator, from
8 Palmetto Health Richland refrigerator, slash,
9 Shellie Keisler, RN, SANE, AP --

10 Q. Okay.

11 A. -- and then my signature.

12 Q. Okay. And then what's on the far right?

13 A. The time that I handed it over to law
14 enforcement, 10:55.

15 Q. And what triggers you signing that?

16 A. Every Tuesday, we release evidence to law
17 enforcement.

18 Q. Is there a special time that they're supposed
19 to be there?

20 A. Typically, it depends on law enforcement
21 because we deal with so many jurisdictions. But,
22 typically, it's from 11:00 to 2:00.

23 Q. And you put that time when you gave the box to
24 law enforcement that was there to pick it up?

25 A. Yes.

1 Q. And do you have them sign that in front of you?

2 A. Yes.

3 Q. So the next line, you actually saw who signed
4 that?

5 A. Yes.

6 Q. Before you released it?

7 A. Yes.

8 Q. And it was sealed?

9 A. Sealed.

10 Q. Did you open it for any reason?

11 A. No.

12 MS. WEISS: Thank you, Your Honor. Well,
13 actually, I have one more question.

14 BY MS. WEISS:

15 Q. If you turn it over to the other side, do you
16 know what case -- who -- what the victim's name was
17 in this case?

18 A. Say that again.

19 Q. Do you know the victim's name in this case,
20 based on this?

21 A. Based on what's written here?

22 Q. Yes.

23 A. Yes.

24 Q. What is her name?

25 A. Monesha S. Cook.

1 Q. Okay. Thank you.

2 MS. WEISS: No further questions, Your Honor.
3 At this time, I'd move to have Exhibit 49 entered
4 into evidence.

5 MR. WILLIAMS: And, obviously, Your Honor, I
6 would object. I don't think there's been a proper
7 and sufficient foundation laid for the submission of
8 that document.

9 THE COURT: Can I see the document?

10 Over objection, I'm going to allow it into
11 evidence, State's Exhibit 49.

12 (State's Exhibit No. 49 admitted into
13 evidence.)

14 MS. WEISS: I have no further questions.
15 Please answer any questions by the Defense.

16 MR. WILLIAMS: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. It's Keisler? Ms. Keisler?

21 A. Yes.

22 Q. Ms. Keisler, just to rehash your testimony a
23 little bit, you're a forensic nurse, correct?

24 A. Yes.

25 Q. And on the events that you're testifying to,

1 you're testifying to events that occurred on July
2 28th of 2017; is that correct?

3 A. Yes.

4 Q. And you were present at Prisma, but you came to
5 the Lexington hospital on that particular date; is
6 that correct?

7 A. So on 7/28, actually Brigette was the forensic
8 nurse that collected the sexual assault kit. I was
9 the nurse that turned it over to law enforcement.

10 Q. So --

11 A. On the 1st.

12 Q. So your only contact with this particular
13 document was on August the 1st of 2017, correct?

14 A. Yes.

15 Q. And that is your first contact with it?

16 A. Yes.

17 Q. So before the date of August the 1st of 2017,
18 you had no contact, no knowledge of it, until you
19 showed up on August the 1st and received it?

20 A. It was kept in our evidence refrigerator.

21 Q. All right. But you didn't know that until you
22 got there on August 1st of 2017, right?

23 A. Didn't know what?

24 Q. That it was there, because it's secured in a
25 refrigerator in a secured room, and you hadn't

1 received it. So the only way you would have known
2 about would have been that you had gone into the
3 room where the refrigerator was, opened it up, and
4 received that item on August the 1st of 2017?

5 A. Yes.

6 Q. Now, do you have independent recall of this
7 particular item that you received on that date of
8 August the 1st of 2017?

9 A. Do to I remember specifically doing this? I
10 don't because it was 2017. But that is my
11 signature.

12 Q. But because of that, you remember being there
13 and doing something on that date. And because you
14 entered some document, you've written something
15 down, clearly -- it's clearly an indication that you
16 turned that over to law enforcement on another date,
17 correct?

18 A. Yes.

19 Q. And what was that date?

20 A. August 1st, 2017.

21 Q. So you came in on the same day that you got it
22 and turned it over to law enforcement?

23 A. Yes.

24 Q. So what was your extended period dealing with
25 that particular item? How long were you with that

1 item?

2 A. I turned it over to law enforcement at
3 10:55 a.m.

4 Q. When did you receive it?

5 A. I would have gotten it out of the refrigerator
6 probably 10:54. We don't get --

7 Q. You can go on. I -- if I'm shaking my head,
8 just keep talking. It's probably just a nervous
9 habit. Just go head.

10 A. Okay. Once law enforcement gets there, we
11 retrieve it from the locked refrigerator and then
12 directly turn it over to them.

13 Q. So, essentially, the key to you is law
14 enforcement shows up; you say, well, let me go check
15 the refrigerator and see what's there; you go in the
16 refrigerator and get whatever is in there, and then
17 you bring it out?

18 A. Not whatever is in there --

19 Q. Whatever they're looking for?

20 A. Specifically -- yes.

21 Q. And they know what they're looking for?

22 A. Yes.

23 Q. And that is your extent of your contact with
24 that?

25 A. Yes.

1 Q. That's all the questions I have, Your Honor.

2 THE COURT: Any redirect?

3 MS. WEISS: Very briefly.

4 REDIRECT EXAMINATION

5 BY MS. WEISS:

6 Q. Ms. Keisler, you said that you work in five
7 different hospitals.

8 A. Yes.

9 Q. Regardless of which hospital you go to, where
10 do you store the sexual assault kit prior to law
11 enforcement picking it up?

12 A. The kit stays with the forensic nurse that
13 collects that evidence at all times until it's put
14 into the refrigerator.

15 Q. And you work out of Prisma Health?

16 A. Yes.

17 Q. So if you went, like I said in the beginning,
18 to Lexington to do an exam, what would -- where
19 would you store that kit?

20 A. So once we leave -- once our -- if it --

21 Q. Where were yours?

22 A. Our -- what we do is --

23 MR. WILLIAMS: Your Honor, objection to her
24 testimony as to what we do in regards to what
25 forensic nurses do. Only in regards to what -- we

1 would ask that her testimony be restricted to what
2 she does in this particular situation and not -- as
3 opposed to what somebody else does.

4 THE COURT: I think that's what she was
5 testifying to.

6 MR. WILLIAMS: Well, okay. If that is, that's
7 fine, Your Honor.

8 THE WITNESS: If I were to have a case at
9 Lexington, once I finish with that case, I would
10 maintain chain of custody and I would take it to
11 Palmetto Health -- Prisma Health Richland evidence
12 refrigerator.

13 MS. WEISS: Thank you.

14 No further questions, Your Honor.

15 THE COURT: Any recross?

16 MR. WILLIAMS: No, Your Honor.

17 THE COURT: Ma'am, you may step down. Thank
18 you.

19 MS. WEISS: Your Honor, may this witness be
20 excused from her subpoena?

21 THE COURT: Any objection?

22 MR. WILLIAMS: No objection, Your Honor.

23 THE COURT: Without objection, ma'am, you're
24 excused from your subpoena. You have no further
25 responsibilities in this matter. Have a nice day.

1 Can the lawyers approach a minute, please.

2 (Sidebar conference.)

3 THE COURT: Ladies and gentlemen of the jury,
4 the lawyers are checking on something that I asked
5 them to check on. What I'm going to ask you-all to
6 do is step to your jury room for just a few minutes.
7 I'll get you back in here as quickly as I can. Do
8 not discuss the case at all. Okay? Do not discuss
9 the case. I'll get you back in here as quickly as I
10 can. Okay?

11 (The jury exits the courtroom at 1:30 PM.)

12 MS. WEISS: I took that as my cue to walk in.
13 She's on her way. She's trying to find parking.
14 There's a bunch of parking, because I just looked
15 out there. But she's here.

16 THE COURT: Okay. We'll stand at ease for a
17 few minutes. Y'all just let me know when you're
18 ready to go, please.

19 MS. WEISS: Yes, sir, Your Honor.

20 (Brief pause in the proceedings.)

21 THE COURT: Is the State ready to proceed?

22 MS. WEISS: The State is ready, Your Honor.

23 THE COURT: Is the Defense ready to proceed?

24 MR. WILLIAMS: Defense is ready, Your Honor.

25 THE COURT: Will you see if the jury is ready

1 to come back up, please, and go ahead and bring them
2 up.

3 (The jury enters the courtroom at 1:40 PM.)

4 THE COURT: All right. All the jurors are
5 present.

6 Is the State ready to proceed?

7 MS. WEISS: Yes, Your Honor.

8 THE COURT: Call your next witness, please.

9 MS. WEISS: Thank you, Your Honor. May it
10 please the Court? The State calls Monesha Cook.

11 MONESHA COOK

12 being first duly sworn, testified as follows:

13 THE WITNESS: I do.

14 THE CLERK: Have a seat up there, ma'am. Once
15 you're seated, you can remove your mask. State your
16 full name, spelling your last. Speak up loud and
17 clear, please.

18 THE WITNESS: Monesha Cook, C-O-O-K.

19 DIRECT EXAMINATION

20 BY MS. WEISS:

21 Q. Good afternoon, Ms. Cook. How are you?

22 A. I'm nervous.

23 Q. Okay. We're going to need to --

24 A. Can you hear me? Is that better?

25 Q. Let's move it just up a little bit.

- 1 A. Better now?
- 2 Q. Yes.
- 3 A. Okay.
- 4 Q. So let's just answer that again. I said how
5 are you this afternoon?
- 6 A. I'm nervous.
- 7 Q. Okay. May I call you Monesha?
- 8 A. (Nonverbal response.)
- 9 Q. How old are you?
- 10 A. 24.
- 11 Q. Where did you grow up?
- 12 A. Swansea, South Carolina.
- 13 Q. Where did you go to high school?
- 14 A. Swansea High School.
- 15 Q. Are you married?
- 16 A. I am.
- 17 Q. Who are you married to?
- 18 A. Jacob Cook.
- 19 Q. How long have you been married?
- 20 A. Almost seven years -- well, we've been together
21 for seven years. So almost six years.
- 22 Q. What year did you get married?
- 23 A. 2015.
- 24 Q. How old were you when you got married?
- 25 A. 19.

1 Q. How old was Jacob?

2 A. 18.

3 Q. Where did you get married?

4 A. At the Jasmine House and Gardens in Lexington.

5 Q. How long had you been dating before you got
6 married?

7 A. One year.

8 Q. When you first got married in 2015, where did
9 the two of you live?

10 A. With my dad.

11 Q. Why was that?

12 A. Because we were saving for a house.

13 Q. When were you able to get that first home
14 together?

15 A. We got it at the beginning of 2017.

16 Q. What was the address of that home?

17 A. 16 F Avenue, I think. I know it's F Avenue.

18 Q. Was that in West Columbia?

19 A. Yes.

20 Q. And in Lexington County?

21 A. Yes, ma'am.

22 Q. Is that in South Carolina?

23 A. Yes, ma'am.

24 Q. How long did it take you to save up for that
25 first place?

1 A. It took a while because I wanted to buy all the
2 furniture and everything first.

3 Q. Other than you and your husband, who lived in
4 that house?

5 A. That's it.

6 Q. Do you have a furry child?

7 A. I have a dog, yeah.

8 Q. Did he move with you into that house?

9 A. Yes, he did.

10 Q. What's his name?

11 A. Talon.

12 Q. What type of dog is he?

13 A. He's a Shih Tzu.

14 Q. And is he your dog or is he Jacob's dog?

15 A. He's my dog.

16 Q. Let me go back to early 2017, when you first
17 moved into the house. If you could, talk to this
18 jury about that home that you set up in early 2017
19 and just walk them through to give them an idea of
20 what the duplex was like, what it looked like on the
21 inside.

22 A. Okay. So I -- it was a brick townhouse. And
23 when you first walk in the front door, I had a black
24 leather sectional that was wraparound, and it came
25 with a black leather ottoman. There was a

1 big-screen TV, and it set on a glass table.

2 We had pictures up on the wall that we got
3 from, like, the zoo and a few other places where
4 they take pictures of you. After that, there's
5 stairs that lead upstairs, and then the kitchen. We
6 got a table from Walmart and all of our, you know,
7 kitchen stuff. We had just went food shopping, so
8 there was a lot of, like, food in our little pantry
9 area that we built. And after that was the laundry
10 room. And there wasn't much in the laundry room
11 except a washer and dryer and a hamper with clothes.
12 And upstairs to the left --

13 Q. I'm going to slow you down just a minute. So
14 you said there's a laundry room?

15 A. Yeah.

16 Q. If you went through the laundry room, where did
17 you go?

18 A. If you go through the laundry room, there's a
19 door leading outside.

20 Q. And --

21 A. And that's the back door.

22 Q. And was there another door as well?

23 A. Yeah. There's a -- in the kitchen, there's a
24 slide door that also leads out to the back door.

25 Q. Did y'all ever use that door?

1 A. No.

2 Q. I'm sorry. I didn't mean to slow you down.

3 A. You go upstairs and, to the left, is my room.

4 And we have a California king bed and black
5 dressers. And when you first walk in, there was a
6 hamper there, too, for our dirty clothes, and
7 his-and-her closet and a TV and a mini-fridge. In
8 every room, there was a mini-fridge.

9 Q. Why was there a mini-fridge in every room?

10 A. Because whenever I'm sitting, I don't want to
11 walk far to get to the kitchen. So there's a
12 mini-fridge in every room.

13 Q. What was in the fridges usually?

14 A. Different types of sodas and water, stuff like
15 that. And if you go across the hallway, there is a
16 guest room. We called it the white room. It was
17 like white everything. All the -- the bed, mostly
18 the sheets, but they're like white and gray; the
19 dressers, the vanity, everything was white.

20 And in front of that room is my bathroom, which
21 was the only bathroom that was upstairs, and it was
22 the one with the shower and the tub in it. And
23 that's it. That's the whole house.

24 Q. You said that was your bathroom. Did Jacob
25 have a bathroom?

1 A. His bathroom was downstairs. It was kind of --
2 if you've seen Harry Potter and how they have the
3 little room underneath the stairs, his bathroom was
4 like that. Underneath the stairs, there was a
5 bathroom there.

6 Q. And, in general, would you describe you and
7 Jacob as more neat or kind of -- or more messy?

8 A. We're neat. But we do eat a lot, so we eat
9 different places and we might sit a bowl. But,
10 like, if you're looking on the floor or something
11 like that, you won't see anything.

12 Q. When you started, you said it was a brick
13 townhouse?

14 A. Yes.

15 Q. Are you sure about that?

16 A. It was -- it was bricks on the outside, right,
17 of the townhouse? It was.

18 Q. Okay. I'm just going to show you State's
19 Exhibit 46. Do you recognize that?

20 A. Yes.

21 Q. So --

22 A. Oh, that's the bricks I was talking about.

23 Q. What's on the top?

24 A. I guess regular like -- I don't know what's it
25 called. It's just regular looking house stuff. But

1 it's like half brick on the bottom and then regular
2 house on the --

3 Q. I apologize. That's what I remembered. But I
4 see on the picture you were right.

5 And your first home, did you used to have --
6 was it a social home? Did you have a lot of people
7 to your house?

8 A. No. Total, the whole time we were there, there
9 were maybe two or three people that ever came to our
10 house. We're antisocial.

11 Q. Okay.

12 A. We were.

13 Q. And what was your daily routine like?

14 A. I would go to work and come home and go to
15 sleep usually, and we would watch a movie or
16 something or -- and then I would go to sleep or I
17 would come home from work and watch -- what is it --
18 America's got talent or X Factor or one of those
19 shows.

20 And then he would go and hang out with his
21 friends or sit at the Waffle House because he liked
22 to drink their coffee and talk to his sister and his
23 friend.

24 Q. And talk to his sister. Where did his sister
25 work?

- 1 A. His sister worked at the Waffle House.
- 2 Q. And his friend?
- 3 A. He was the cook.
- 4 Q. And how old was Jacob in 2017?
- 5 A. He would have been just turning 20.
- 6 Q. And how old were you in 2017?
- 7 A. I had just turned 21.
- 8 Q. When is your birthday?
- 9 A. June 1st.
- 10 Q. All right. I want to take you back to July
- 11 27th of 2017. Do you remember the date that I'm
- 12 talking about?
- 13 A. Yes, ma'am.
- 14 Q. And this has been several years?
- 15 A. Yes, ma'am.
- 16 Q. I'm going to ask you some questions. And just
- 17 answer with what you remember from that day. I'm
- 18 going to tell you this was a Thursday, July 27th.
- 19 Do you remember about what time you got off work?
- 20 A. It was nighttime, so probably, I don't know,
- 21 8:00 or 9:00.
- 22 Q. And what did you do when you got off work?
- 23 A. Me and some friends went to go eat at Miyabi's.
- 24 Q. Do you remember about how long you were there?
- 25 A. They were closing soon, so we weren't there too

1 long. We just kind of got there, sat down for a
2 little bit, ate, and then left.

3 Q. Did you go straight home?

4 A. Yeah. They dropped me at home.

5 Q. Do you remember approximately what time that
6 was?

7 A. Maybe around 10:30, 11:00, somewhere in there.

8 Q. When you got home, which door did you go in?

9 A. The front door.

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

11 A. I went upstairs and woke Jacob up to tell him
12 that I was home and helped him pick out his clothes
13 because he was going to, like, sit with his sister
14 and drink coffee and get his food and stuff like
15 that. And I went to bed.

16 Q. You said you woke him up?

17 A. Yes.

18 Q. This is like 10:30, 11:00?

19 A. Yeah.

20 Q. But he was already asleep?

21 A. Yes.

22 Q. Where was he sleeping?

23 A. In our room.

24 Q. Did you already know his plans for that
25 evening?

1 A. No. He told me. But I don't really care about
2 stuff like that. It's not really important.

3 Q. You said you helped him pick out his clothes?

4 A. Yes.

5 Q. Is that a normal thing for y'all to do?

6 A. Yeah. We like to shop and stuff like that
7 together, so --

8 Q. Do you remember what you picked out for him
9 that night?

10 A. I don't remember.

11 Q. So approximately how long would you say it was
12 from the time you got home and woke up Jacob and to
13 the time he left to go to Waffle House?

14 A. Maybe an hour or so.

15 Q. Did you tell him to go to Waffle House?

16 A. No.

17 Q. Did you ask him to go to Waffle House?

18 A. No.

19 Q. Whose decision was it to go to Waffle House?

20 A. His.

21 Q. Is that unusual for him?

22 A. No.

23 Q. How long does he typically stay?

24 A. I guess until he's done talking. I don't know.

25 Q. And what do you do when he leaves and goes to

1 Waffle House?

2 A. Like I said, I usually watch TV. But, that
3 day, I went to sleep because I was tired.

4 Q. Okay. Talk to me about your routine before you
5 go to sleep.

6 A. I usually take a shower -- I meant, take a bath
7 or shower. I don't remember what I took that day.
8 It just depends on how I'm feeling. And I just go
9 lay down. I don't really wear sleep clothes, so I
10 just went to sleep, pretty much. I turned the TV on
11 for a split second and then I was like, yeah, I'm
12 too tired, so I just turned it off.

13 Q. And who's in the room with you when you go to
14 sleep?

15 A. Me and Talon.

16 Q. And do you do anything else before you go to
17 sleep?

18 A. Normally, I guess, I'd go around and check all
19 the doors and make sure they're locked and lock my
20 bedroom door also. If Jacob comes home, he can
21 knock to get in.

22 Q. And why do you do that?

23 A. Because I'm all by myself.

24 Q. And do you do anything else to try to stay
25 safe?

1 A. I just lock the doors. We have -- that day,
2 before he left, he was basically telling me like,
3 oh, well, there's a shotgun right here in the
4 closet -- his closet. There was a shotgun in there.
5 But it was right next to the door, so --

6 Q. Do you know how to use it?

7 A. I know how, but I wouldn't say I'm an expert on
8 a shotgun.

9 Q. But you had a gun in the room, the door was
10 locked?

11 A. Yeah. So he was like, oh, you're good.
12 Nothing, you know --

13 Q. Then he left?

14 A. Yeah.

15 Q. What kind of car does he drive?

16 A. We had a blue 2000-something Chrysler 200.

17 Q. Would he have taken that car?

18 A. Yes. That was our only car.

19 Q. At that point, you went to sleep?

20 A. Yes.

21 Q. Do you recall something waking you up from your
22 sleep?

23 A. Talon was barking a lot.

24 Q. Was that unusual?

25 A. That's very unusual. He's not a barking dog.

1 Q. Do you remember what you did when you started
2 hearing him bark?

3 A. When he first started barking, I looked out the
4 window to see if Jacob's car was back, because maybe
5 he had come home and was rattling and that's what
6 made Talon, like, antsy. And I didn't see a car,
7 but I -- like, it took a minute, because I just woke
8 up, so I had to like adjust my eyes and everything
9 like that. So --

10 Q. When you looked out -- you said you looked out
11 your window?

12 A. Yeah.

13 Q. When you looked out there, would you describe
14 it as being really dark?

15 A. There was -- there was a light pole that was
16 not directly outside the window, but, like, off to
17 the side. So it wasn't that dark. You could see.

18 Q. And did you see anything out that window?

19 A. No.

20 Q. Okay. And what was happening next? Is Talon
21 still barking?

22 A. He was still barking, so I turned around to
23 look at the door. And I seen lights underneath the
24 door.

25 Q. Okay. And the lights were still off in your

1 room?

2 A. Yes.

3 Q. What happened next?

4 A. I heard a one, two, three, and the door went
5 flying and someone came in the room.

6 Q. What did you see when the door opened?

7 A. Two men came in the room. And I got down. And
8 I saw a silver and black gun; I noticed that when
9 they first came in the door. And they had
10 flashlights, I'm assuming, on their phone, because
11 it didn't look like a circle flashlight.

12 Q. So when they first came through, did -- can
13 you -- could you tell a difference, just first
14 looking at them, between the two men?

15 A. One was a little taller than the other; one was
16 a little fatter than the other.

17 Q. And did you recognize either of these men?

18 A. No.

19 Q. Could you clearly see their faces when they
20 came in?

21 A. I couldn't when they first came in, but after a
22 while, I saw one of them.

23 Q. So you couldn't see faces, but you didn't --
24 there was nothing that you recognized about either
25 of them?

1 A. Huh-uh.

2 Q. You know, the fatter guy and the taller guy?

3 A. Yeah.

4 Q. Did they say anything -- either of them say
5 anything when they came in?

6 A. When they first came in, I was on the floor.
7 And they were just asking, like, where the money was
8 and drugs. They were looking for money and drugs.

9 Q. And what was going through your mind at this
10 point?

11 A. I personally thought that they were going to
12 kill me eventually because -- I don't know. I never
13 been in a situation where my room door gets kicked
14 in and there's men with guns putting a gun to my
15 head. So I thought I was definitely going to die.

16 Q. So you're saying very calmly that they were
17 asking for money or drugs?

18 A. No. They weren't calm.

19 Q. What did it sound like when they were talking
20 to you?

21 A. It was more like, where's the money type of
22 thing with the gun to my head. So...

23 Q. What did they tell you to do next?

24 A. They had me -- they told me get on the bed.
25 And while I was on the bed, I was -- and the fatter

1 one, the thicker one, he went to look out the window
2 to see, like, I guess, if somebody was outside. And
3 when he looked out the window, I was like this on
4 the bed. [Demonstrating].

5 Q. Uh-huh.

6 A. And I was looking at him from like this.

7 [Demonstrating].

8 Q. How far is the window from your bed?

9 A. The window is right next to my bed.

10 Q. And what were you -- were you able to see
11 anything?

12 A. He had on a sheer face covering, so I could see
13 his face. I noticed first his eyebrows were really,
14 like, bushy and thick. And he had the -- like,
15 little mole markings on his face. And had a circle
16 face. So I could see his face clearly from where I
17 was on the bed.

18 Q. What happened next while you were looking at
19 him?

20 A. They were looking through the room, throwing
21 everything everywhere, dumping out baskets, going
22 through our closets, knocking everything over.

23 Q. When you were on the bed and the fatter one is
24 standing at the window, was there anything that you
25 noticed about the thinner one?

1 A. I noticed that he had on a -- like a -- maybe
2 it wasn't a hoodie, but like a sweatshirt or
3 something that he had over his face. And he was
4 basically, like, holding it up. And he was smaller.

5 And their voices, one sounded older and one
6 sounded younger; one had a little more rasp to it
7 than the other.

8 Q. And did the thinner one say anything?

9 A. He said, Cuz, she looking at you.

10 Q. Did the fatter one react to that?

11 A. Yeah. He told me to put my head down.

12 Q. What happened next?

13 A. Next, while they were going through things,
14 they found a -- like, a brown dildo in my closet.
15 And threw it at me and told me to entertain myself.

16 Q. I'm showing you what's been marked as State's
17 Exhibit 21. Do you recognize this picture?

18 A. Yes.

19 Q. What is that a picture of?

20 A. That's the dildo.

21 MS. WEISS: Your Honor, at this time, I'd move
22 State's Exhibit 21 into evidence.

23 THE COURT: Any objection?

24 MR. WILLIAMS: No objection, Your Honor.

25 THE COURT: Without objection, so admitted.

1 (State's Exhibit No. 21 admitted into
2 evidence.)

3 BY MS. WEISS:

4 Q. Where is that located in the picture?

5 A. Next to the bed.

6 Q. Is that where you kept it?

7 A. No. It was in the closet.

8 Q. You said they were going through your closets.

9 A. Yeah.

10 Q. So were these like really deep closets or
11 shallow?

12 A. They were kind of square, you know, kind of
13 walk-in. It wasn't a huge closet, but they weren't
14 super small either.

15 Q. And what types of things did you have in your
16 closet?

17 A. I had a safe, some dog pads, some shoes. I
18 didn't really hang up clothes though. I just put
19 all my clothes in drawers. So --

20 Q. And was there something specific that was in
21 your closet that they were interested in?

22 A. The safe. They asked me to open the safe.

23 Q. And what did you do?

24 A. I went to my -- they -- where they basically
25 took me to, and my purse where the keys were to the

1 safe.

2 Q. Did you open the safe?

3 A. Yes.

4 Q. What was in the safe?

5 A. Nothing. Just important papers that we would
6 use if we wanted to go on vacation or anything like
7 that.

8 Q. As they were going through, were they saying
9 anything else about what they were looking for?

10 A. No. They just kept repeating money and drugs
11 or whatever, basically saying that that's what they
12 were there for.

13 Q. Did you have any money in your purse when you
14 went over to it?

15 A. I had like 100-something dollars in my purse.
16 And they said they didn't want my money; they wanted
17 his money.

18 Q. Did they call him by name?

19 A. No. They said that nigga. They referred to
20 him as that nigga.

21 Q. And what were you telling them?

22 A. I was explaining to them that, at the time, he
23 did not work. I was the only person working at that
24 time, so he didn't have any money; that whatever
25 they were looking for, he didn't have. And they

1 kept insisting.

2 Q. You said that they -- one of them -- who got
3 the dildo out of your closet?

4 A. Yeah.

5 Q. Which one?

6 A. The fatter one.

7 Q. The fatter one. And what did he do with that?

8 A. He threw it at me and said entertain myself.

9 Q. Was it just sort of like a joke? An option?

10 A. No. He put the flashlight on me and basically
11 watched.

12 Q. What did he say?

13 A. He just said -- he was like, entertain
14 yourself. He threw it at me and he stood there and
15 watched with the camera a little bit and then went
16 back to going through the room.

17 Q. What happened next?

18 A. There were -- while they were looking through
19 the room, the skinnier guy was lifting up the bed
20 while I was on it, like lifting it to look
21 underneath and between the mattress and the box
22 springs.

23 And, I guess, after a while, he got frustrated.
24 And he basically was like, if you don't come up with
25 something, I'm going to -- like, I'm going to kill

1 you. So I told him, after a long time of saying,
2 like, I don't know where anything is, basically,
3 that we had money downstairs in two Buddha statues.
4 They're gold Buddha statues.

5 Q. I'll show you what's been marked as State's
6 Exhibit 15. Do you recognize this picture?

7 A. Yes.

8 Q. And what is that a picture of?

9 A. Gold Buddha statue.

10 Q. And is that the same type of Buddha statue that
11 you have?

12 A. Yes.

13 Q. And where did you buy it?

14 A. Walmart.

15 Q. You said it was a piggybank. How would
16 money --

17 MS. WEISS: Your Honor, at this time, I'd like
18 to move Exhibit 15 --

19 MR. WILLIAMS: No objection.

20 THE COURT: Without objection, State's Exhibit
21 15 is in evidence.

22 (State's Exhibit No. 15 admitted into
23 evidence.)

24 BY MS. WEISS:

25 Q. How would you put money into this piggybank?

1 A. In the back of it, there was a slit to put the
2 money in.

3 Q. And about how big were they?

4 A. They're about this big. [Demonstrating].

5 Q. How long had you had the Buddha statues?

6 A. We had just bought them maybe a few weeks prior
7 because we were saving for a vacation. And I would
8 just come home sometimes from work and put money
9 into them.

10 Q. So you told them, okay, I've got money in the
11 Buddha statues?

12 A. Yeah.

13 Q. And what happened next?

14 A. The fatter guy, he said, get some head or
15 something while I go downstairs to get them. And
16 the skinnier guy then came over to me and forced his
17 penis into my mouth and made me give him head while
18 the other guy went to look for the Buddha statues.

19 Q. You said made you give him head. How does he
20 make you do that?

21 A. He was basically like ram -- like ramming it to
22 the back of my throat and holding it there with his
23 hand and -- so I couldn't breathe. Like -- it was
24 like I was struggling to breathe. But he was like,
25 if you don't tell us where the money is, I'm going

1 to keep doing this over and over and over.

2 Q. What did you think at that point?

3 A. I just couldn't breathe.

4 Q. What happened next?

5 A. The guy came back with the Buddha statues and

6 he, like, crushed them next to my head on the bed.

7 Q. So the other guy came back with the Buddha

8 statues. You had two of them?

9 A. Yeah.

10 Q. And what did he crush them with?

11 A. He crushed them with the gun.

12 Q. Where did he crush them?

13 A. On the bed, right next to me.

14 Q. What did he do next?

15 A. He took all the money and put it in his pocket.

16 And he said that there was more and I told him there

17 wasn't any more. And he basically was saying, like,

18 well, you lied about that, so there should -- you

19 know, maybe you're lying about there being more

20 money. And then --

21 Q. Why did they think there was money in your

22 house?

23 A. Because they said that they saw a picture of

24 that nigga, referring to my husband, they saw a

25 picture of him on Snapchat with money. But he

1 didn't have a Snapchat at that time. So --

2 Q. Do you know if he ever took a picture with
3 money?

4 A. Probably.

5 Q. At some point?

6 A. Yeah.

7 Q. Okay. So they kept saying you lied about that,
8 you might be lying about something else. So what
9 did they do next?

10 A. They took me downstairs. The fatter guy was in
11 the front, me in the middle, and then the taller,
12 skinnier guy was in the back pulling my hair.

13 Q. As he was holding your hair -- how do you sleep
14 with your hair?

15 A. That day, it was just kind of in, like, a
16 ponytail situation. And he kind of was just holding
17 it like this. [Demonstrating].

18 Q. Okay. And was he following you or were you
19 going where -- how did you know where to go?

20 A. One was in front; the other one was behind me.
21 So the front one kind of led where we were going.
22 And he basically made sure that I was going that
23 way.

24 Q. And how did he make sure of that?

25 A. By holding my head. And when we were upstairs,

1 the chunkier asked him if he had the gun. So I
2 assumed that he had his gun, so I wasn't going to
3 deviate from the path he was going.

4 Q. And, I'm sorry. You just pointed, but the
5 court reporter can't get that.

6 A. Oh, I'm sorry. Behind me.

7 Q. The guy behind you?

8 A. Yeah.

9 Q. So the fatter guy asked the guy behind you if
10 he had the gun?

11 A. Yeah.

12 Q. And what happened next?

13 A. We went into the kitchen area, and they
14 continued looking through, like, cabinets,
15 refrigerator, stuff like that. I could see -- it
16 looked like to me they had been in the house for a
17 while because the sectional couch was -- they lifted
18 half of it and put it up against the door. And then
19 the other half was, you know, where it was usually.
20 And they directed me to the kitchen where they went
21 through stuff.

22 Q. Where did they direct you to?

23 A. The kitchen table. Then they had me put my
24 head down while they went through stuff and
25 basically was like, there has to be more money in

1 here somewhere.

2 Q. Showing you what's been marked State's Exhibit
3 35, is this the table you're referring to?

4 A. Yes.

5 Q. Can you identify this photo?

6 A. That's the kitchen area and those are the
7 stairs that they went down.

8 MS. WEISS: Your Honor, at this time, I'd
9 introduce State's Exhibit 35 into evidence.

10 MR. WILLIAMS: Without objection, Your Honor.

11 THE COURT: Without objection, so admitted.

12 (State's Exhibit No. 35 admitted into
13 evidence.)

14 BY MS. WEISS:

15 Q. So you said they took you downstairs and they
16 made you lay your head down on the table?

17 A. Yeah.

18 Q. Was this basically how the table was when you
19 laid your head down?

20 A. Yeah. Yeah. They cleared it off.

21 Q. And which direction were you laying on the
22 table?

23 A. On the side where there's nothing there. They
24 had me across the corner.

25 Q. What were you thinking at this point?

1 A. Well, I sleep naked and I'm a girl, so I
2 figured they were going to rape me at that point.

3 Q. Why is that?

4 A. Because I'm a girl and I'm naked. And, right
5 now, they have all the power.

6 Q. At any point, did you stand up away from the
7 table or was there somebody standing there with you?

8 How --

9 A. While they were going through the kitchen, one
10 was standing kind of next to me but not really, I
11 guess, and the other one was doing most of the
12 searching.

13 Q. Did you feel like you could get up and run out
14 the door?

15 A. No.

16 Q. Why not?

17 A. They had a gun.

18 Q. Was there anything in front of the front door?

19 A. In front of the front door was the chair.

20 Q. And what happened next?

21 A. The skinnier guy said, she said there's no more
22 money, like, so we should just go. And the other
23 guy basically was like, no, we're not done yet, and
24 told him to get behind me and rape me, basically.

25 Q. I know you just said basically. If you could,

1 tell the jury, what did he specifically tell him?

2 A. He told him to basically get behind me and he
3 would get in front and they would have sex with me.

4 Q. Okay. And what did you say?

5 A. I told him -- I said that I had a yeast
6 infection. And the skinnier guy used his camera
7 or -- not camera, but his flashlight, and went down
8 and looked. And he said, I don't see anything.

9 Q. What did you do?

10 A. I took my fingers and I put them up there and I
11 pulled them out because I had just put Monistat.
12 And so you could see it, and I was like, you see; I
13 do; I'm not lying.

14 Q. Why did you do that? What were you thinking
15 then?

16 A. I figured they would think I was nasty. I
17 mean, with female things, men think girls are nasty.
18 They think periods and stuff are nasty. So I
19 assumed that they'd think I was nasty and not want
20 to do it.

21 Q. And did they say anything at that point?

22 A. He said to just go anal with it.

23 Q. Did you say anything?

24 A. I said no. And I was trying to, like, wiggle,
25 but he just forced it anyway.

1 Q. What happened next?

2 A. The slim guy was behind me doing that. And the
3 thicker guy got in front and made me give him head
4 at the same time. And they switched places over and
5 over until they came in my mouth.

6 Q. Did either of them say anything during that
7 time?

8 A. The thicker guy said that -- he said, oh, she
9 is good at this. He was like, oh, you were right;
10 she is good at this. So I'm assuming that the
11 skinnier guy told him at some point that, oh, she's
12 good at giving head or something like that. He
13 said, oh, she is good at this. And he also said,
14 this feels like a porn, doesn't it; two guys break
15 into your house and have sex with you; it's just
16 like a porno.

17 Q. When the skinnier guy forced anal, what was
18 your -- do you remember your physical reaction to
19 that?

20 A. It felt like knives. Like, it was very
21 painful.

22 Q. And do you recall if you were reacting to that?

23 A. I was like -- like whimpering, kind of, like
24 whimpering. And they told me to shut up.

25 Q. At what point did this stop?

1 A. Once they both came in my mouth, it stopped.
2 And they cleaned themselves off with the Awesome
3 that I had on the counter and the paper towels.

4 Q. I'm going to show you State's Exhibit 18. Do
5 you recognize this photo?

6 A. Yes.

7 Q. What is that a picture of?

8 A. There's the stove, the cabinet, the trash can,
9 and the Awesome bottle on the floor.

10 Q. Okay.

11 MS. WEISS: Your Honor, at this time, I'd move
12 to admit State's Exhibit 18.

13 MR. WILLIAMS: No objection, Your Honor.

14 THE COURT: Without objection, State's Exhibit
15 18 is admitted.

16 (State's Exhibit No. 18 admitted into
17 evidence.)

18 BY MS. WEISS:

19 Q. Is that the bottle you're referring to?

20 A. Yes.

21 Q. What is that?

22 A. Awesome.

23 Q. And what is it?

24 A. It's a cleaner that we used whenever the dog
25 would mess on the floor instead of his pads. We

1 would clean it up with that.

2 Q. And where was that usually kept?

3 A. On the kitchen counter.

4 Q. How did it get on the kitchen floor?

5 A. They used it to clean themselves up. And, I
6 guess, they just left it there.

7 Q. So they used the cleaner and what else?

8 A. And paper towels.

9 Q. So they were cleaning themselves up. Did they
10 do anything -- give you anything to clean yourself?

11 A. He came to give me --

12 Q. You said he.

13 A. The chunkier one came to give me a napkin and
14 told me to spit into the napkin. But he told me to
15 swallow it before that, so I had already swallowed
16 it.

17 Q. Did you spit anything into the napkin?

18 A. No. I had spit into my hand. And then --
19 because I was trying to save it for maybe evidence
20 or something after the fact. So I spit it into my
21 hand and when he came around I thought he was coming
22 to check, like, make me sit up and, you know, check,
23 so I put it back and swallowed it.

24 Q. When you say napkin, is that separate from the
25 paper towels?

1 A. No. It's paper towels.

2 Q. Paper towels.

3 After they cleaned themselves off with the
4 paper towels, did they say or do anything?

5 A. The fat one said, we're not going to kill you;
6 I'm going to take your phone, basically because they
7 took my phone upstairs. So he basically said that
8 he was going to throw the phone somewhere outside
9 and not to come outside after they leave for a few
10 minutes and -- or they were going to shoot me.

11 Q. And then what happened?

12 A. So they left. And I heard them, I guess, throw
13 the phone back. You could hear it hit something.
14 And I waited there for a while. I thought about
15 going to get my phone. But I had, like, a panic
16 attack, so I just grabbed some clothes off the floor
17 from the laundry, and I went out -- I moved the
18 chair from in front of the front door, went out the
19 front door, and tried to go to my neighbor's house
20 that was connected to mine.

21 Q. And then what happened?

22 A. He didn't answer the door. So I went across
23 the street to another neighbor's house and rang his
24 doorbell and tried to get him to let me in also.

25 Q. Did they let you in?

1 A. No. He actually called the cops on me.

2 Q. What happened after he called the cops?

3 A. He told me he was going to call the police. I
4 said, let me in anyway, and I kept ringing the
5 doorbell. I hid behind the rocking chair. And when
6 the cop came, I ran out to the cop car.

7 Q. Do you remember what clothes you had?

8 A. I had on a brown and black striped skirt and my
9 husband's gray jacket.

10 Q. And do you remember -- have you had an
11 opportunity to look at the video of when the officer
12 first got there?

13 A. Huh?

14 Q. The video of when you first met up with the
15 officer.

16 A. I don't think so. Did I?

17 Q. The first officer that arrived on scene, where
18 did he go?

19 A. He came to me in the neighbor's parking lot --
20 well, his driveway.

21 Q. Okay. And what happened then?

22 A. I asked him -- I told him that I needed to get
23 my phone and I told him they said they threw it in
24 the back and that I needed to get it to call my
25 husband. But he told me that I couldn't go back

1 over there because he didn't know if they were still
2 there.

3 And I was telling him that I knew that they
4 left, so, like, I need to get my phone to call my
5 husband. And he wouldn't let me.

6 MR. WILLIAMS: Your Honor, we have a matter of
7 law to take up outside of the presence of the jury.

8 THE COURT: Would y'all approach, please?

9 (Sidebar conference.)

10 THE COURT: Ladies and gentlemen, I have to ask
11 you to step to your jury room for a minute. Don't
12 discuss the case. I'll have you back out here as
13 quickly as I can. Okay?

14 (The jury exits the courtroom at 2:29 PM.)

15 THE COURT: All right. Ms. Weiss -- well,
16 state your objection on the record.

17 MR. WILLIAMS: Your Honor, my objection was
18 there wasn't a proper foundation to publish the
19 video in front of the jury. The witness had already
20 indicated that she didn't recall looking at the
21 video. Ms. Weiss was indicating that she was going
22 to show her a few frames of it to see if she
23 recognized it.

24 I object to that because it's -- obviously,
25 it's either leading or coaching a witness or what

1 have you. It's an improper way to allow the
2 evidence to be published in front of the jury.

3 THE COURT: Would you agree with me that she
4 certainly could show it to her now outside of the
5 presence of the jury to see if she recognizes it?
6 What's the difference in, you know, the statement
7 for example, her handing up a statement that maybe
8 she wrote since she doesn't remember it or recognize
9 it, handing it to the witness on the stand and her
10 saying, yes, I remember that statement now.

11 MR. WILLIAMS: Because she can't -- unless
12 she's going to view the entire video and she's going
13 to say, after viewing the entire video, that this is
14 an accurate representation of what occurred and
15 what -- I mean, there's still got to be some sort of
16 foundation other than saying that's me on the video.
17 It's still not a reflection as to the authenticity
18 of the video.

19 THE COURT: And I don't disagree with you on
20 that.

21 How long is the video?

22 MS. WEISS: The entire video is 20 minutes.

23 THE COURT: Well, after she sees the first
24 portion of it --

25 MR. WILLIAMS: I would assume she's -- I would

1 MS. WEISS: Your Honor, at this point, I would
2 move -- obviously need to do it again in front of
3 the jury. But I'd move to enter State's Exhibit 50,
4 as to this video, into evidence.

5 MR. WILLIAMS: I still say she hasn't
6 affirmatively stated the proper foundation for that
7 video.

8 THE COURT: Anything in response?

9 MS. WEISS: Your Honor, she's indicated that
10 she now does remember the video. She remembers the
11 video of her that night. She was upset. I know
12 this isn't a hearsay objection, but this is excited
13 utterance, the State would maintain, from that
14 night. It accurately depicts the way that she
15 looked. It actually accurately depicts the night.
16 And it's her.

17 So I would say that this is important for the
18 jury to understand what happened -- her emotional
19 state that night, as well as to see the best
20 pictures we have of what she was wearing at the time
21 and her communication at the time, considering this
22 was several years ago. And she's here, subject to
23 cross-examination, if there's any questions.

24 MR. WILLIAMS: I have nothing further to say on
25 the issue, Your Honor.

1 THE COURT: Well, I think the State, at this
2 point, from the very first frame, I mean, it's not
3 played any further, that the witness has testified
4 that she recalls seeing it a couple weeks ago. It's
5 a fair and accurate depiction of how she was on the
6 night of the incident.

7 MR. WILLIAMS: I don't even see her on the
8 first frame, Your Honor.

9 THE COURT: Well, I mean, she recognizes the
10 video from the first frame. You're right; she's not
11 on there right now. And you were certainly right,
12 Mr. Williams, to object to putting anything up there
13 on the video screen in front of the jury without
14 something further.

15 And, having said you were right about that, I
16 mean, Ms. Weiss proposed at sidebar here about
17 putting it on a laptop and letting her see it, which
18 very well could have taken place as well. But, as a
19 matter of caution, I sent the jury out just, again,
20 as a matter of precaution at that point. And that's
21 why I did that. Okay? But I'll note your objection
22 for the record.

23 MR. WILLIAMS: Thank you, Your Honor.

24 THE COURT: All right. Since the jury is out,
25 do you want to take a short break? Let's take a

1 break.

2 Ms. Cook, I'm going to let you step down for a
3 minute while we take a break. But you're not
4 allowed to discuss your testimony with anyone.
5 Okay? You understand? I see you shaking your head
6 yes, but I need a verbal response. Okay?

7 THE WITNESS: Yes, Judge.

8 THE COURT: Now, when we come back in, I'll
9 call you back up here and you'll be seated in that
10 chair just like you were when the jury left. Okay?

11 THE WITNESS: Yes, Judge.

12 THE COURT: Do not discuss your testimony. You
13 can step down.

14 All right. We'll stand down just a few
15 minutes.

16 (Brief recess.)

17 THE COURT: All right. Ms. Cook, you want to
18 come back up, please, ma'am?

19 All right. Anything from the State before I
20 bring the jury back?

21 MS. WEISS: No, Your Honor.

22 THE COURT: I think you need to take that down,
23 because it's not entered into evidence yet.

24 MS. WEISS: Okay. I was a little nervous about
25 how to do that. I'll figure that out.

1 THE COURT: All right.

2 Mr. Williams, anything before I bring the jury
3 back?

4 MR. WILLIAMS: No, Your Honor.

5 THE COURT: All right. Bring the jury in,
6 please.

7 Let me remind the witnesses, when you-all are
8 on the witness stand -- and please advise your
9 witnesses who are sequestered right now -- make sure
10 you speak into that microphone. I have a hard time
11 hearing sometimes. That vent up there over your
12 head, over my court reporter down there -- she
13 probably has a hard hearing me at times because I'm
14 somewhat soft spoken, unless I intentionally raise
15 my voice. So just make sure everyone can hear.
16 Okay?

17 MS. WEISS: Monesha, any time you slide to the
18 left or right of that microphone, it goes very, very
19 soft. So as long as you're talking into it, it's
20 perfectly clear. I think the court reporter would
21 agree, it's just if you turn your head at all, it
22 goes off.

23 THE BAILIFF: Are you ready, Judge?

24 THE COURT: Yes, ma'am.

25 (The jury enters the courtroom at 2:51 PM.)

1 THE COURT: All right. We have all the jurors
2 back. I took it upon myself to let you take a
3 lengthier break than you needed since it was between
4 2:30 and 3:00. I know you took a short break
5 earlier. But I appreciate your patience. We have
6 all the jurors back in here and we're ready to
7 proceed at this time.

8 Ms. Weiss, you may continue.

9 MS. WEISS: Thank you, Your Honor.

10 CONTINUED DIRECT EXAMINATION

11 BY MS. WEISS:

12 Q. Monesha, are you familiar with the video marked
13 State's Exhibit 50 from the night of the incident?

14 A. Yes, ma'am.

15 Q. And what is that a video of?

16 A. It's a video of the first officer who showed
17 up. It's his vest cam.

18 Q. What does the video show?

19 A. It's when I was, like, distraught and trying to
20 explain to him where -- like, what happened and that
21 I needed to get my cell phone.

22 Q. And does that video accurately depict you when
23 that first officer arrived on --

24 A. Yes, ma'am.

25 Q. -- early morning of July 28, 2017?

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. WEISS: Your Honor, at this time, I'd like
4 to admit State's Exhibit 50 into evidence.

5 MR. WILLIAMS: Subject to all prior motions,
6 Your Honor.

7 THE COURT: The Court's ruling remains the
8 same. Over defendant's objection. Objection is so
9 noted for the record.

10 (State's Exhibit No. 50 admitted into
11 evidence.)

12 (State's Exhibit No. 50 played for his Honor
13 and the jury.)

14 MS. WEISS: Sorry, Your Honor. I'm trying to
15 get it louder.

16 BY MS. WEISS:

17 Q. Monesha, where the pointer is right here, what
18 is that?

19 A. That's where I was staying, my house.

20 (Brief pause in the proceedings.)

21 THE CLERK: Their IT is coming up from the
22 third floor with it. He'll be here in just a
23 second, Your Honor.

24 THE COURT: Thank you.

25 Can the lawyers approach a minute, please?

1 (Sidebar conference.)

2 (Video played for his Honor and the jury.)

3 BY MS. WEISS:

4 Q. Monesha, at that point, where did you go from
5 standing outside?

6 A. I sat in the cop car for little bit. And then
7 an ambulance came, and they put me in the back of
8 the ambulance.

9 Q. Did you have a chance to go back into your
10 apartment before you went to the hospital?

11 A. No.

12 Q. I'm going to show you what's been marked as
13 State's Exhibits 17 through 48, except for 21 that's
14 already been entered into evidence.

15 Do you recognize those photos?

16 A. Yes, ma'am.

17 Q. Speak in the microphone.

18 A. Yes, ma'am.

19 Q. What do you recognize them as?

20 A. The inside of the house and the trash can.

21 Q. Do those photos accurately depict the way that
22 your house looked --

23 A. No.

24 Q. -- after --

25 A. Well, yes.

1 Q. -- after the two men left your house and after
2 you left your house that night?

3 A. Yes, ma'am.

4 Q. Do those photos reflect what your house looked
5 like when you got home from work that night?

6 A. No, ma'am.

7 MS. WEISS: Your Honor, I'd move State's
8 Exhibits 17 through 48 into evidence.

9 MR. WILLIAMS: Without objection, Your Honor.

10 THE COURT: Without objection, so admitted.

11 (State's Exhibit Nos. 17, 18, 19, 20, 21, 22,
12 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,
13 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48
14 into evidence.)

15 BY MS. WEISS:

16 Q. What kind of phone did you have?

17 A. A Galaxy.

18 Q. Did it have a case on it?

19 A. Yeah, a pink, sparkly case.

20 Q. I'll show you State's Exhibit 17. Do you
21 recognize anything in that trash can?

22 A. My cell phone.

23 Q. That's your cell phone?

24 And what type of trash can is that?

25 A. It's the city trash can that they come by and

1 empty.

2 Q. What is that a picture of?

3 A. The townhouse.

4 Q. Okay. How many residences are in that duplex?

5 THE COURT: What exhibit is that?

6 MS. WEISS: I'm sorry. Exhibit 48.

7 THE COURT: Thank you.

8 A. On one side, there's an older black gentleman,
9 and then, in mine, just me and Jacob.

10 Q. And from this direction, is yours the one on
11 the right or the left?

12 A. On the right.

13 Q. Okay. So the mailbox that I'm pointing to
14 here, that's --

15 A. That's the neighbor's mailbox.

16 Q. Okay. And then yours would have been the next
17 one down?

18 A. Yes.

19 Q. State's Exhibit 47, what is that a photo of?

20 A. My mailbox and our car.

21 Q. Okay. All right. So what was your address?

22 A. 1603 F Avenue.

23 Q. And you said that was your car. How would you
24 describe the car?

25 A. It was pretty new and blue. And it had rims on

1 it.

2 Q. And that was the car Jacob was driving that
3 night?

4 A. Yes, ma'am.

5 Q. So when he came back -- when did you see Jacob
6 again?

7 A. He pulled up outside and came straight to the
8 ambulance where I was.

9 Q. Okay. And so he came in the ambulance with
10 you?

11 A. Yeah.

12 Q. And -- so he pulled right into his spot?

13 A. No. I think they let him move his car there --

14 Q. Okay.

15 A. -- because there was a lot of cop cars.

16 Q. But that is his parking spot that's in there?

17 A. Yeah.

18 Q. State's Exhibit 46, what is that a photo of?

19 A. My front door and the car.

20 Q. In this photo, things are fairly well lit.

21 Would you say that that accurately depicts the way
22 it was at the time?

23 A. Yes, ma'am.

24 Q. State's Exhibit 45, what is that a photo of?

25 A. The back door, the sliding door, and the trash

1 can.

2 Q. And is that your back porch?

3 A. Yes, ma'am.

4 Q. And what's that window up there?

5 A. The window to the white room.

6 Q. Okay. State's Exhibit 44, what is that a
7 picture of?

8 A. The A/C and the back door.

9 Q. State's Exhibit 43, what is that a photo of?

10 A. The back door again.

11 Q. State's Exhibit 42 -- actually, I'm going to
12 show you State's Exhibit 41 first. What is that a
13 photo of?

14 A. The door hinge for the back door.

15 Q. Is that the way the door hinge was when you got
16 home that night?

17 A. No, ma'am.

18 Q. And how do you know that?

19 A. Because I went to lock the door. And our
20 landlord was very particular about how she liked
21 things, so everything was always nice.

22 Q. Was this the way that you found it when you
23 came back to your apartment?

24 A. Yes, ma'am.

25 Q. State's Exhibit 42, what is that a photo of?

1 A. When you enter the back door, that's a picture
2 of the laundry room.

3 Q. And is there anything that sticks out to you as
4 unusual about the laundry room when you're looking
5 at it now?

6 A. There's stuff everywhere.

7 Q. Okay. Were there things typically laying on
8 the ground there?

9 A. We had a basket that we put our clothes in, so,
10 no.

11 Q. What is this right here?

12 A. That's a kitchen closet.

13 Q. What's coming out of there?

14 A. A lot of other stuff that's normally put up in
15 my closet.

16 Q. State's Exhibit 40, what is this?

17 A. The laundry room.

18 Q. Okay. And is there anything unusual about this
19 picture?

20 A. All the stuff being all over the floor and the
21 door being open to the dryer.

22 Q. Was it typical for you or Jacob to leave the
23 door open to the dryer?

24 A. No.

25 Q. State's Exhibit 39, what is this is a photo of?

- 1 A. Cabinets above the washer and dryer.
- 2 Q. What's unusual about these?
- 3 A. They're open.
- 4 Q. Would you typically make sure and close them?
- 5 A. Yes, ma'am.
- 6 Q. State's Exhibit 38, where is this?
- 7 A. The laundry room.
- 8 Q. Okay. What's unusual about this photo?
- 9 A. Whatever that is, is open and torn apart.
- 10 Q. That's not something -- you would go in that
- 11 room fairly regularly?
- 12 A. Yeah.
- 13 Q. Is that a way that you've ever seen it?
- 14 A. No.
- 15 Q. State's Exhibit 37, what is this?
- 16 A. The kitchen. And Talon.
- 17 Q. What's unusual about the kitchen?
- 18 A. All the cabinets are open and the bottom of the
- 19 stove, and then trash, to top it off.
- 20 Q. We talked about this earlier. What is that?
- 21 A. The Awesome bottle.
- 22 Q. Where is that normally kept?
- 23 A. Normally on the right side of the stove.
- 24 Q. So right there? [Indicating].
- 25 A. Yes, ma'am.

1 Q. Any chance Jacob went through and opened these
2 cabinets before he left?

3 A. No.

4 Q. And even after he left, you walked back through
5 the house to lock everything?

6 A. Yes, ma'am.

7 Q. State's Exhibit 36, what's unusual about this
8 photo?

9 A. The chairs are all pulled out and everywhere.
10 The top to the trash can is, is open. And
11 everything was open.

12 Q. State's Exhibit 34, just another angle of what
13 we've look at. Do you notice anything that we
14 haven't talked about in this photo?

15 A. Nothing, besides there's a nap- -- a paper
16 towel on the table. And the box that's open is
17 where we were returning DIRECTV equipment, and
18 that's open and thrown out, too.

19 Q. Okay. How was that?

20 A. It was closed.

21 Q. Because you were sending it back?

22 A. Yes.

23 Q. State's Exhibit 33, what is this a photo of?

24 A. The living room.

25 Q. And what's unusual about this?

1 A. The chair is put, you know, on its back. It
2 was pushed up against the door, but I moved it over.

3 Q. Okay. State's Exhibit 32, what's unusual about
4 this photo.

5 A. The mini fridge is open; the top is taken off
6 of the ottoman; and the chair cushions are on the
7 floor.

8 Q. Okay. And what are these right here?

9 A. Those are black pug statues.

10 Q. State's Exhibit 31, where does this door lead?

11 A. That's Jacob's bathroom door.

12 Q. That's the room we talked about as being the
13 room under the stairs?

14 A. Yes, ma'am.

15 Q. State's Exhibit 30, what is this a photo of?

16 A. The inside of his bathroom.

17 Q. And is there anything unusual about this?

18 A. The vent to the air is bent on the floor like
19 somebody had to pry it off, and the top is off of
20 the toilet.

21 Q. And is there any reason that you or Jacob
22 would have done this?

23 A. No.

24 Q. State's Exhibit 29, what is that?

25 A. I'm assuming that's where the air thing was --

1 Q. So --

2 A. -- that was taken off.

3 Q. Back on State's Exhibit 30, you said the vent
4 thing was bent like someone had pried it off.

5 A. Yes.

6 Q. Where was it normally located?

7 A. Above the toilet.

8 Q. State's Exhibit 28, what are these? Just your
9 stairs?

10 A. Yes, ma'am.

11 Q. State's Exhibit 27, what's at the top -- is
12 this at the top of the stairs?

13 A. Yes, ma'am.

14 Q. And what's unusual about this photo?

15 A. The bathroom bottom cabinet is open.

16 Q. Okay. And that's your bathroom. Would you
17 have left that open?

18 A. No, ma'am.

19 Q. Are you sure about that?

20 A. Yes.

21 Q. State's Exhibit 26, what is this a photo of?

22 A. The white room.

23 Q. Okay. What's unusual about this photo?

24 A. The dresser is knocked over and the bed is up
25 off of where it's supposed to be.

1 Q. And looks like someone had been there with
2 those drinks. Would anybody use that bed?

3 A. Jacob watches his TV in there when I don't want
4 to watch his shows.

5 Q. Okay. Is there any chance that Jacob left the
6 room looking like that?

7 A. No.

8 Q. State's Exhibit 25, what is this a photo of?

9 A. The bed and dresser opened and moved to the
10 side.

11 Q. Okay. State's Exhibit 24, what is that a photo
12 of?

13 A. The entrance to our bedroom.

14 Q. And is that how -- did you have to step over
15 those things to get into your bedroom?

16 A. No. They're usually in that blue basket that's
17 laying on the floor right there.

18 Q. Did you dump those out?

19 A. No.

20 Q. Exhibit 23, what is that a photo of?

21 A. The bedroom. The dressers are open; the dog's
22 cage is moved over; the box for his -- what was it?
23 It's not a RipStik. It's a -- the Hoverboard is
24 moved; the bed is lifted; and the broken glass from
25 the Buddha statues; and the dildo over there in the

1 corner.

2 Q. The broken glass, how about that?

3 A. Yes.

4 Q. State's Exhibit 22, what is that a photo of?

5 A. That's both of our closets; mine is on the left
6 and his is on the right. And all of his stuff is
7 kind of out on the floor, and mine also.

8 Q. State's Exhibit 20?

9 A. That's the safe.

10 Q. What's behind the safe?

11 A. My pink rifle.

12 Q. And --

13 A. And bunch of dog stuff and shoes.

14 Q. And that's where the safe was left?

15 A. Yes.

16 Q. After you opened it?

17 A. Yes, ma'am.

18 Q. And State's Exhibit 19, what is that a photo
19 of?

20 A. My bedroom door, the lock part is missing. And
21 Talon.

22 Q. And is that how your bedroom door was when you
23 got home that night from work?

24 A. No, ma'am.

25 Q. How do you know that?

1 A. Because I locked it. And there's no lock now
2 in that picture.

3 Q. State's Exhibit 18, this is back down in the
4 kitchen. We talked about that. What is that?

5 A. The Awesome bottle.

6 Q. And the drawer open and all of that. Did you
7 or Jacob do that?

8 A. No, ma'am.

9 Q. Did you walk through here before you went to
10 sleep?

11 A. Yes, ma'am.

12 Q. So once you got in the ambulance, where did
13 they take you?

14 A. Lexington Medical Center.

15 Q. What happened -- who went with you into
16 Lexington Medical Center?

17 A. Jacob did.

18 Q. Did anyone else walk in with you?

19 A. I think his dad was there also, but I'm not
20 sure if he came in with us or where he came in at.

21 Q. What happened while you were at the hospital?

22 A. When I first got there, they had me in a
23 hallway originally. And then they moved me to a
24 room, and they did a rape kit.

25 Q. What does the rape kit involve?

1 A. They lift your legs up, and they swab inside
2 your vagina and swab around your butt hole. And
3 they swabbed around this boob and inside my mouth
4 and my hands and different parts of my body. And
5 they had me retell the story a few times to them.

6 Q. Were you discharged from the hospital or able
7 to let -- able to go home at some point later that
8 morning?

9 A. I was able to go home the next morning. And I
10 went by work to tell them basically what happened
11 and that I wouldn't be back for a while. And I went
12 to Jacob's dad's house.

13 Q. Okay. And what did you do after you went to
14 Jacob's dad's house?

15 A. I went into the -- into the room and sat there
16 for a while. And then we went to the police
17 station.

18 Q. Why did you go to the police station?

19 A. They told me to come make a statement.

20 Q. When you went to the police station, who did
21 you speak with?

22 A. Two investigators, I think.

23 Q. Okay. And you -- did you speak with them about
24 what had happened?

25 A. Yes.

1 Q. And what did you do next?

2 A. I wrote my statement. And they asked me a few
3 questions, and then they asked Jacob a few
4 questions, and then they let me go home.

5 Q. You said that you saw the gun that night when
6 the two men came into the room. What do you
7 remember about that gun?

8 A. I remember that the top was silver and the
9 bottom was black.

10 Q. Did the officers give you a lineup to try to
11 pick out what the gun might have looked like?

12 A. (Nonverbal response).

13 THE COURT: Is that a yes?

14 THE WITNESS: Yes.

15 BY MS. WEISS:

16 Q. I'm going to show you State's Exhibit 52. Do
17 you recognize this?

18 A. Yes, ma'am.

19 Q. What was that?

20 A. The lineup of the guns that they showed me.

21 Q. Okay.

22 MS. WEISS: Your Honor, at this time, I'd like
23 to enter State's Exhibit 52 into evidence.

24 MR. WILLIAMS: I have no objection to that,
25 Your Honor.

1 THE COURT: Without objection, so admitted.

2 (State's Exhibit No. 52 admitted into
3 evidence.)

4 BY MS. WEISS:

5 Q. And when you looked at this example, were
6 you -- how were you able to pick out one of these
7 guns from the other?

8 A. We spend a lot of stuff at armories and gun
9 stores. So I could tell that it was square and the
10 top was -- it was square instead of the circular
11 shape like the guns. And the top was silver and the
12 bottom was black like a pistol.

13 Q. Okay. And what is that?

14 A. My initials.

15 Q. And whose handwriting is that in?

16 A. Mine.

17 Q. Did you write your initials and the date?

18 A. Yes, ma'am.

19 Q. What's at the bottom?

20 A. My signature and the date.

21 Q. Once you left the police station that day,
22 where did you go from there?

23 A. We went back to the house and cleaned
24 everything up and sold all of our stuff because we
25 had to move, and we went to my dad's.

1 Q. Okay. And, at some point, did you go back to
2 the police station?

3 A. Yes.

4 Q. And when was that?

5 A. A few days later they called me to do a photo
6 lineup.

7 Q. I'll show you what's been marked as State's
8 Exhibit 51. Do you recognize this?

9 A. Yes, ma'am.

10 Q. What is this?

11 A. The photo lineup that they showed me.

12 Q. Okay. And were you able to pick anybody out of
13 the photo lineup?

14 A. Yes, ma'am.

15 Q. The person that you were able to pick out, was
16 it the fatter guy or the thinner guy?

17 A. The fatter guy.

18 Q. Your Honor, at this time, I'd like to move
19 State's Exhibit 51 into evidence.

20 MR. WILLIAMS: Your Honor, I think I do have an
21 objection to that coming in at this time, unless
22 they have someone who can tell how that lineup was
23 prepared, whether or not it was suggestive in any
24 way, and all those other matters.

25 THE COURT: Let me see it.

1 Y'all approach a minute.

2 (Sidebar conference.)

3 THE COURT: All right. Over Defendant's
4 objection, I'm going to admit State's Exhibit 51.

5 (State's Exhibit No. 51 admitted into
6 evidence.)

7 BY MS. WEISS:

8 Q. When you went to the police station for the
9 second time, you said they said they wanted to show
10 you a photo lineup. Did they give you this form?

11 A. Yes, ma'am.

12 Q. And are these the instructions that they gave
13 to you?

14 A. Yes, ma'am.

15 Q. And did they make it clear that you -- just to
16 look at them and you may or may not be able to
17 identify anybody?

18 A. They said, we have someone that we like for
19 this, but we just want you to look at the pictures
20 and let me know if you see anybody that you
21 recognize.

22 Q. And what time of day was that?

23 A. According to the paper, it was 4:49.

24 Q. Are these the pictures you were shown?

25 A. Yes, ma'am.

1 Q. Were you able to pick somebody out?

2 A. Yes, ma'am.

3 Q. Which one was that?

4 A. The one that I circled. He had -- that was
5 him.

6 Q. Okay. And are those your initials?

7 A. Yes, ma'am.

8 Q. And you put them there?

9 A. Yes, ma'am.

10 Q. And this side, photograph 3 -- this corresponds
11 with photograph 3. And whose signature is at the
12 bottom?

13 A. Mine.

14 Q. And did you date it as well?

15 A. Yes, ma'am.

16 Q. Was there any question in your mind about which
17 photo was the right photo?

18 A. No, ma'am.

19 Q. I'm going to show you what's been marked as
20 State's Exhibit 16. Do you recognize that picture?

21 A. Yes, ma'am.

22 Q. What is that a picture of?

23 A. The gun.

24 MS. WEISS: Your Honor, at this time, I'd like
25 to admit State's Exhibit 16 into evidence.

1 MR. WILLIAMS: Could we have a sidebar, Your
2 Honor?

3 (Sidebar conference.)

4 MR. WILLIAMS: Thank you, Your Honor.

5 BY MS. WEISS:

6 Q. Monesha, just to be clear, does this look like
7 the same gun that you described and picked out of
8 the photo lineup?

9 A. Yes, ma'am.

10 MS. WEISS: Your Honor, at this time I'd like
11 to enter State's Exhibit 16 into evidence.

12 MR. WILLIAMS: No objection to the picture,
13 Your Honor.

14 THE COURT: Without objection, so admitted.

15 (State's Exhibit No. 16 admitted into
16 evidence.)

17 BY MS. WEISS:

18 Q. Monesha, did you know either of the men that
19 came into your home that night?

20 A. No, ma'am.

21 Q. Did you recognize the voices of either of the
22 men that came into your home that night?

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

24 Q. No. Did you when they came into your house?

25 A. Oh, when they came in? No, ma'am.

1 Q. Were you able to distinguish between their two
2 voices?

3 A. Yes.

4 Q. Was there -- were you able to pick out anybody
5 else by face that -- the second person, the skinnier
6 guy that night?

7 A. No, I wasn't.

8 Q. Or were you able to see his face that night?

9 A. No.

10 Q. What did you remember about the second person?

11 A. I remember the way his voice sounded, what his
12 frame looked like, and that's about it -- and what
13 he had on.

14 Q. Okay. What did he have on?

15 A. He had on white shoes and a dark-colored jacket
16 that had a hood to it.

17 Q. Was there some point when you heard that voice
18 again?

19 A. Not too long later, at bond court.

20 MR. WILLIAMS: Your Honor, I have a matter of
21 law to take up with the Court outside of the
22 presence of the jury.

23 THE COURT: Ladies and gentlemen of the jury,
24 I'm going to have to ask you to step back to your
25 jury room. Don't discuss the case. We'll have you

1 back out here as soon as possible.

2 (The jury exits the courtroom at 3:53 PM.)

3 MR. WILLIAMS: The objection goes to the
4 identification of my client as being in bond court
5 and saying that her voice -- that she recognized the
6 voice from that day, because there was no type of
7 test, no type of procedure that was done to see
8 whether it sounded like this person versus another
9 person. She put his character at issue by saying
10 he's been arrested. We know he's been arrested.
11 But --

12 THE COURT: And in part of my charge, I tell
13 the jury that the fact that he's been arrested,
14 charged, and indicted is not evidence in the case --
15 not evidence of guilt in the case. So, I mean, I'm
16 not sure where --

17 MR. WILLIAMS: Well, if she had testified
18 that -- she can't today probably say that it's his
19 voice. It may sound like his voice.

20 THE COURT: Well, under Rule 901, Rule 901,
21 which goes to authentication, she may be able to
22 authenticate it, based upon her hearing his voice
23 there in court. I think under 901 -- 901,
24 subsection 5 --

25 MR. WILLIAMS: All right, sir.

1 THE COURT: Excuse me, 901(b)(5) talks about
2 voice identification: Identification of a voice,
3 whether heard first-hand or through mechanical or
4 electronic transmission or recording by opinion
5 based upon hearing the voice at any time under
6 circumstances connecting it with the alleged
7 speaker.

8 MR. WILLIAMS: Yes, sir. You're correct on
9 what you're reading.

10 THE COURT: And I think she can -- she
11 testified that she can differentiate between the two
12 voices while they were in her house; that she could
13 not pick out a photo lineup of your client --

14 MR. WILLIAMS: Right.

15 THE COURT: -- and the next question that went
16 along was, did he have an opportunity to further
17 hear what she believed to be the voice of the other
18 person that was there in bond court. I understand
19 your concern there, but that's -- reality of it is,
20 which I will charge the jury, you know, the fact
21 that he was arrested, charged, and indicted is not
22 evidence of guilt in this case.

23 I mean, I think she can certainly authenticate
24 it in that fashion, pursuant to Rule 901(b)(5).

25 MR. WILLIAMS: All right, sir.

1 THE COURT: Would you disagree with me? And,
2 listen, I may be wrong. But that's the way I'm
3 reading the rule right there.

4 MR. WILLIAMS: I think that's exactly what that
5 rule says, Judge.

6 MS. WEISS: Your Honor, before the jury comes I
7 said in, so that we don't end up with another
8 objection, just to proffer, the next question --

9 THE COURT: Okay.

10 MS. WEISS: -- would be: Can you identify
11 anybody in this courtroom that that voice belonged
12 to? And --

13 MR. WILLIAMS: Well, I don't think there's a
14 foundation for that question --

15 THE COURT: Well --

16 MR. WILLIAMS: -- because all she said was that
17 she heard. She hasn't -- she hasn't testified that
18 she's heard him speak in the courtroom.

19 THE COURT: Well, she can testify to that, if
20 she, in fact, heard it in the courtroom. And if she
21 heard it in the courtroom, can you identify the
22 person that that voice came from? And then she can
23 identify your client.

24 MR. WILLIAMS: That would be accurate, Your
25 Honor, if she says that.

1 THE COURT: Yes, sir.

2 MS. WEISS: Thank you, Your Honor.

3 THE COURT: All right. Do y'all need to take a
4 break?

5 MR. WILLIAMS: I'm good, Judge.

6 MS. WEISS: Your Honor, if you would like to
7 take a break --

8 THE COURT: Well, my court reporter may need a
9 break, so we're going to stand down for a minute.

10 Ms. Cook, again, I'm going to let you stand
11 down. The instructions remain the same: Do not
12 discuss your testimony at all. Okay? When we come
13 back, we'll get you back up here and bring the jury
14 back up, and we'll continue. Okay?

15 THE WITNESS: Yes, Judge.

16 THE COURT: All right. Thank you.

17 We'll stand down just a minute.

18 (Brief recess.)

19 THE COURT: Ms. Cook, you can come back up here
20 please, ma'am.

21 Anything from the State before we bring the
22 jury back in?

23 MS. WEISS: No, sir, Your Honor.

24 THE COURT: Well, let me say this. Let me --
25 was it Exhibit 51 --

1 MS. WEISS: Yes, Your Honor.

2 THE COURT: -- that the defendant objected to,
3 which was the photo lineup --

4 MS. WEISS: Yes, Your Honor.

5 THE COURT: State's Exhibit No. 51 was a photo
6 lineup identified by Ms. Cook when she was on the
7 stand. Defense counsel objected to the introduction
8 of this particular exhibit, specifically stating, if
9 I recall correctly, that there was no foundation or
10 any testimony as to how it was put together, whether
11 or not the photo lineup was suggestive in any
12 manner. Did I leave anything out?

13 MR. WILLIAMS: No, sir. I think you're
14 correct. And I think Your Honor -- Your Honor, I
15 guess, would put on the record why you --

16 THE COURT: Well, and what I did at that time
17 and the time of the objection, called the attorneys
18 at sidebar and specifically told Mr. Williams that I
19 wasn't -- didn't think he had standing to object to
20 it because it didn't relate to his client.

21 And, therefore in my looking at the photo
22 lineup, regardless, obviously, there's been no
23 testimony as to how it was put together, et cetera;
24 it's a photo lineup that included the co-defendant
25 in this matter, Craig Corey Cooper, who is not on

1 trial here.

2 And -- but regardless of how it was put
3 together, the Court has looked at it, and looked at
4 it before, I allowed it to come into evidence over
5 objection and did not believe that it was, in any
6 way, unduly suggestive.

7 It shows what appear to be six light-skin
8 African-American males, same or similar, each of
9 which had little to absolutely no hair on their
10 head, and all the same or similar type of facial
11 hair: Goatee look around the mouth, which is a
12 picture in and of itself as self-descriptive, so to
13 speak.

14 But, again, I didn't think that, at this
15 juncture, Mr. Williams didn't have standing to
16 object on those particular grounds and, therefore, I
17 admitted it into evidence over defense counsel's
18 objection.

19 Having said that, anything you wish to add?

20 MR. WILLIAMS: Yes, Your Honor. As I
21 articulated at the sidebar, I articulated that there
22 was a Supreme Court case, I believe, or the case
23 dealing with rental -- persons who had a rental
24 vehicle --

25 THE COURT: Yeah.

1 MR. WILLIAMS: -- where, for a long time,
2 people indicated that they didn't have standing to
3 contest a search of those items that were found in
4 the car. And now there's at least one Supreme Court
5 case that they do have the right to object to that,
6 and I think the theory is the same.

7 And if the item used to go into evidence has to
8 do with authenticity of the photograph, then, Your
9 Honor, I would suggest that the witness is not the
10 proper person to say that the lineup was properly
11 put together. And, obviously, we can't say it was
12 properly put together, because there's been no
13 testimony as to how it's been put together.

14 THE COURT: Well -- and she certainly is not in
15 a position, nor did she testify that it was properly
16 put together, so to speak.

17 And I think this is certainly a different
18 scenario from the Supreme Court case or cases you've
19 referenced with regards to a car rental wherein, in
20 the past, those individuals didn't have standing to
21 object to a search. And this Court, being me, I can
22 certainly see the difference in that versus this.

23 In the rental car scenario, those individuals
24 have dominion and control over the automobile.
25 Although it was not rented in their name, they still

1 had dominion and control over the car. And I think
2 that's some of what -- the reasoning in the Supreme
3 Court's finding that individuals that actually
4 didn't rent the car could still object to it because
5 they did have dominion and control over the
6 automobile in those scenarios.

7 And I may be off base on that. But I think
8 that would differentiate the rental car analogy
9 versus what we're dealing with here today. And she
10 testified that while -- what she deemed the fatter
11 individual was by the window; that she was able to
12 see his face; that she was able to see his face
13 clearly during the episode or during the incident
14 that has brings us into this court here today.

15 And, based upon that testimony of her being
16 able to see him during the incident that brings us
17 into court here today, her his ability to see him,
18 see him clearly, and recognize him and pick him out
19 of this photo lineup, while it's not your client,
20 it's the co-defendant in this matter, the
21 co-defendant's not on trial, and, therefore, I think
22 there is an issue of standing to object to it at
23 this stage. But your objection is so noted for the
24 record.

25 MR. WILLIAMS: Thank you, Your Honor.

1 THE COURT: All right. Does the State wish to
2 add anything?

3 MS. WEISS: No, sir, Your Honor.

4 THE COURT: All right. Madam Court Reporter,
5 I'm going to give you State's Exhibit No. 51 back.

6 All right. Anything else before I bring the
7 jury back from the State?

8 MS. WEISS: No, sir, Your Honor.

9 THE COURT: Defense counsel?

10 MR. WILLIAMS: Judge, I would like to
11 supplement that argument by saying that there was a
12 statement that was published stating that the law
13 enforcement officer who showed it to her indicated
14 that they liked somebody for the picture and it was
15 suggestive that the person she would pick would be
16 on those six -- six people on the lineup. That's
17 all, Your Honor. That the person who did this was
18 on that sheet of paper.

19 THE COURT: I didn't glean that from what was
20 said. What I gleaned from what she said was that
21 they had somebody they liked, but whether that was
22 an inference, I don't know. But I didn't glean that
23 from the testimony. But I can see where such could
24 be gleaned.

25 MR. WILLIAMS: Yes, sir. Thank you, Your

1 Honor.

2 THE COURT: Also, as you-all -- Ms. Williams
3 was coming in the back door and you were following
4 her, the State was talking to me about scheduling;
5 said that after Ms. Cook was done, they had two
6 additional witnesses today, possibly, that would
7 take approximately 45 minutes. I simply told her
8 we'd see where we were; wasn't sure how long your
9 cross-examination may take. Okay?

10 MR. WILLIAMS: Thank you, Your Honor.

11 THE COURT: All right. Bring me the jury,
12 please.

13 Let me say this, too, with regards to the voice
14 identification: Pursuant to State v. Plyler, 275
15 S.C. 291, voice identification is competent direct
16 evidence to establish identity. Furthermore,
17 pursuant to State v. Smith, 307 S.C. 376, no special
18 qualifications are required to testify regarding
19 matching the voice of the perpetrator to the
20 defendant.

21 The only foundation that needs to be laid is
22 that the witness recognizes the voice of the
23 defendant, and has a basis to compare his voice with
24 that of the perpetrator, which further goes to the
25 Court's prior ruling. I just wanted to put that on

1 the record too.

2 MR. WILLIAMS: Yes, sir.

3 (The jury enters the courtroom at 4:14 PM.)

4 THE COURT: All right. We have all the jurors
5 present. Ms. Weiss, you may continue.

6 MS. WEISS: Thank you, Your Honor.

7 CONTINUED DIRECT EXAMINATION

8 BY MS. WEISS:

9 Q. All right. Monesha, I'm going to take you back
10 just one question. Were you able to see the face of
11 the skinny guy the night that you were attacked?

12 A. No, ma'am.

13 Q. Were you able to hear the voice of the skinnier
14 guy the night you were attacked?

15 A. Yes, ma'am.

16 Q. Was that voice distinct from the fatter guy?

17 A. Yes, ma'am.

18 Q. The person you picked out in that photo lineup
19 was which one?

20 A. The fatter guy.

21 Q. Was there ever a time later when you were able
22 to hear the voice of the second person?

23 A. Yes, ma'am.

24 Q. And when was that?

25 A. At bond court.

1 Q. And were you able to see the person that voice
2 was coming from?

3 A. Yes, ma'am.

4 Q. And can you identify that person today?

5 A. He has on a purpleish shirt.

6 MS. WEISS: Will the Court please reflect that
7 the victim is identifying the defendant, Christopher
8 Cooper.

9 THE COURT: So noted for the record.

10 BY MS. WEISS:

11 Q. Is there any question in your mind that that is
12 the voice of the skinny guy?

13 A. No, ma'am.

14 Q. And that that skinny guy is the second guy that
15 was in your house that night?

16 A. Yes, ma'am.

17 Q. It's been a long time since 2017. Are you
18 still certain of these facts you've told the jury
19 today?

20 A. Yes, ma'am.

21 Q. Did you invite those two men into your home?

22 A. No, ma'am.

23 Q. What did you think was going to happen that
24 night?

25 A. I thought once everything was said and done,

1 they were probably going to kill me and that Jacob
2 would have just come home to a dead wife in the
3 kitchen.

4 Q. Thank you. Please answer any questions the
5 Defense may have.

6 MR. WILLIAMS: May it please the Court?

7 THE COURT: Yes, sir.

8 CROSS-EXAMINATION

9 BY MR. WILLIAMS:

10 Q. Ms. Cook, the voice identification that you
11 just stated that you made, when did you hear my
12 client in bond court?

13 A. We were in bond court and the Judge asked him
14 if he had any remarks. And he said that he can't
15 run his business when he's on lockdown for 23 hours
16 a day.

17 Q. Ms. Cook, when did you hear my client make any
18 statement in bond court?

19 A. When -- I'm not sure what -- which bond court
20 it was. I just remember him saying that. We've had
21 a lot of bond courts.

22 Q. Do you remember what year it was?

23 A. I'm not sure.

24 Q. Do you remember who the judge was?

25 A. No.

1 Q. Do you remember what courthouse it was?

2 A. It was Lexington County Courthouse; not this
3 one, but the one -- wait. No. It was either this
4 one or it was the one where he was arrested, because
5 he was still in his jumpsuit.

6 Q. So --

7 A. So he was still in jail at this point.

8 Q. So you can't remember when it happened when you
9 heard this, which courtroom it was in, what year it
10 was in, who the judge was. And do you recall if I
11 was present?

12 A. You weren't present. So it must have been his
13 last lawyer.

14 Q. So do you remember who the lawyer was that was
15 present?

16 A. It was a black guy. I'm not sure what his name
17 was. But he was black. He had a black lawyer at
18 first.

19 Q. Do you know who that lawyer was?

20 A. No.

21 Q. All right. Now let's talk a minute about -- I
22 think, at the very beginning of your testimony, you
23 started off that you were in Swansea and you grew up
24 in Swansea and you married Jacob, what, 2015, and
25 that you and Jacob were working, saving your money,

1 and that you moved into a house at 16 -- what was
2 the address?

3 A. 1603 F Avenue.

4 Q. 1603 F Avenue?

5 A. Yes.

6 Q. Now, that is -- that's a duplex?

7 A. It's a townhouse.

8 Q. And you rent there, right?

9 A. Yes.

10 Q. And you moved in there when?

11 A. At the beginning of 2017.

12 Q. All right. And during this time span, I guess,
13 immediately up until the time in which somebody came
14 into your house, you indicated that Jacob was not
15 working; is that correct?

16 A. No.

17 Q. How long had Jacob not worked?

18 A. I'm not sure, maybe a couple months.

19 Q. So did he work in 2016?

20 A. Yes.

21 Q. Where did he work in 2016?

22 A. He worked with his uncle, Ed Stikes. It's a
23 welding company.

24 Q. But in 2017, he didn't work?

25 A. No.

1 Q. And in answer to one of the questions dealing
2 with whether or not he could have had a -- some sort
3 of picture taken of him with a bunch of money around
4 him, you said he might have. Is that correct?

5 A. Uh-huh. Yes, sir.

6 Q. And where would he have gotten that money from?

7 A. It was my money.

8 Q. It was your money?

9 A. Yes.

10 Q. So you recall having stacks of money; is that
11 correct?

12 A. I recall having a lot of cash. Yes.

13 Q. And why would you have so much cash?

14 A. Because I worked.

15 Q. Okay. And even though he wasn't working, you
16 would have stacks of cash?

17 A. Yes.

18 Q. Do you recall when he did this, when he went on
19 this deal with stacks of cash?

20 A. No. Jacob likes to take pictures, so it could
21 have been at any point.

22 Q. Okay. Is that his car?

23 A. That's both of our car. He had the license. I
24 had just got my license and I don't drive that
25 often.

1 Q. So you had other people that would drive you to
2 work and other people who would drive you back home
3 from work?

4 A. He started driving me to work. But then, after
5 a while, I started taking Ubers.

6 Q. So you would take an Uber to work and then have
7 friends take you home; is that right?

8 A. No. I'd take an Uber home also.

9 Q. Well, on this particular night, which would
10 have been -- what was the night that all this
11 occurred?

12 A. It was the 28th, early, early in the morning.

13 Q. Okay. So what time would you have gone to work
14 on the -- would it have been the 27th when you had
15 gone to work?

16 A. I would have gone to work sometime in the
17 afternoon.

18 Q. So that would have been on the 27th that you
19 had gone to work?

20 A. Yes.

21 Q. And what time would you have gone to work?

22 A. Sometime in the afternoon.

23 Q. What time would that have been? Did you not
24 have a regular --

25 A. It depends. No I did not have a regular

1 schedule. I came in kind of whenever.

2 Q. Okay. Was Jacob at the house when you went to
3 your work?

4 A. Yes.

5 Q. And so he was asleep when you left?

6 A. No. He was awake when I left.

7 Q. All right. Is it normal for him to go to bed
8 like that while you're out working and wake up and
9 go to the Waffle House?

10 A. If he's tired, he goes to bed.

11 Q. Well, he wasn't working, correct?

12 A. He cleans the house; he tends to the dog; he
13 does all the laundry and all of the dishes and
14 everything like that. So he keeps the house up.

15 Q. So he's a house husband?

16 A. At that time, yes, he was.

17 Q. All right. So on that particular night, when
18 you came in, you woke him up?

19 A. Yes, I did.

20 Q. And told him how your day was. And he told
21 you, well, I want to go out to the Waffle House. Is
22 that what he said?

23 A. He said, I'm going to go to the Waffle House.
24 And I said okay.

25 Q. So he didn't ask. He just said --

1 A. We don't have to ask. We don't have that type
2 of relationship where you have to ask permission to
3 do things.

4 Q. How long were y'all married?

5 A. We were married for six years now.

6 Q. So you went to sleep. And I think you said
7 that all the doors were locked up. The house didn't
8 look like it did all in these pictures, right?

9 A. Correct.

10 Q. And we looked at a video of you and the police
11 officer, and you were describing what had happened.

12 A. Uh-huh.

13 Q. You gave a report to all the police officers
14 about what happened. You subsequently came in on
15 the 28th, which would have been the very next day,
16 and gave a written report, what, six pages long,
17 something like that. Have you -- you've seen this.
18 You know what I'm referring to, right?

19 A. Yes.

20 Q. So you gave a written report detailing
21 everything that happened; isn't that correct?

22 A. I have written a report detailing what I could
23 remember that happened. Yes.

24 Q. And this is after you'd had a chance to calm
25 down take your time and write everything. Clearly,

1 when you were giving these statements that you were
2 giving with the police officer where it was
3 videotaped and all that, it was kind of spontaneous.
4 I mean, you were just telling everything that had
5 just happened, right?

6 A. Yeah.

7 Q. So isn't it true that, in all these statements,
8 the only descriptions that you made of the
9 individuals that you saw was one big guy, one skinny
10 guy, and they both were black?

11 A. I also described their skin tones; I also
12 described how their voices sounded and how their
13 other body parts were, specifically their penises.
14 I described that also in my statement.

15 Q. Well, you said --

16 A. And I also said who was older and who was
17 younger.

18 Q. So who was older, the skinny guy --

19 A. And I said one was older and one was younger.

20 Q. Who was older? The skinny guy or the big guy?

21 A. The big guy.

22 Q. And you told -- you told everybody that -- with
23 all the statements you made, you said the big guy
24 was the older guy.

25 A. Yes, I did.

1 Q. And who did you say was the tallest?

2 A. I don't remember making that depiction. I said
3 that one was taller and one was shorter. I said
4 the -- the more chubbier guy was shorter than the
5 other. So I guess the older one would be the
6 shorter one too.

7 Q. So you did make that distinction.

8 A. Yes.

9 Q. So, according to what you just said, is that
10 the older guy is the chubbier guy?

11 A. Uh-huh.

12 Q. And he's the shorter guy; is that correct?

13 A. Yes.

14 Q. Then you picked out an ID or identification and
15 marked it as number 3 on this lineup sheet as being
16 the -- is that the older guy?

17 A. Yes.

18 THE COURT: And that's State's Exhibit what?

19 MR. WILLIAMS: I'm sorry. State's
20 Exhibit No. 1.

21 THE COURT: 51, isn't it?

22 MR. WILLIAMS: I'm sorry. State's Exhibit 51,
23 Your Honor.

24 THE WITNESS: Yes.

25 BY MR. WILLIAMS:

1 Q. So that's the older guy?

2 A. Yes.

3 Q. It's the fatter guy?

4 A. Yes.

5 Q. And he is the shorter or the taller guy?

6 A. To me, from where I was, he looked like he was
7 a tad bit shorter than the other guy.

8 Q. So he's shorter than the other guy?

9 A. To me, from where I was.

10 Q. Well, I mean, that's all we can do is talk
11 about one tall or short. But he would definitely be
12 the shorter one.

13 A. Yes.

14 Q. Do you recall telling law enforcement how tall
15 you thought the people were?

16 A. I don't remember exactly what I said.

17 Q. You don't?

18 Do you know if they asked you how tall anybody
19 was?

20 A. I think they asked me, give us around about of
21 how tall they were.

22 Q. What did you say?

23 A. I don't remember what I said, but I remember
24 them asking me. Yes.

25 Q. Did you say he was about five-five, the bigger,

1 older guy?

2 A. Like I said, I don't remember.

3 Q. Let me ask you to refer to -- tell me if you
4 recognize this as --

5 MR. WILLIAMS: May I approach the witness, Your
6 Honor?

7 THE COURT: Yes, sir.

8 THE WITNESS: Yes, I do.

9 BY MR. WILLIAMS:

10 Q. And what is that?

11 A. My statement.

12 Q. All right. And after looking at the bottom
13 paragraph of that statement, do you recall what you
14 told law enforcement?

15 A. The bottom paragraph?

16 Q. Well, that's -- I was just keeping you from
17 reading the whole page.

18 A. This down here?

19 Q. Yes. Do you recall what you said about the
20 older guy?

21 A. I said the bigger guy was wearing all black
22 with white shoes and some type of see-through mask.
23 I could see his eyes. He standed -- he sounded
24 older, 25-plus. He was African-American, and he was
25 about five-five or higher. He had a stomach.

1 Q. So you said he was five-five.

2 A. Or higher.

3 Q. He's 25.

4 A. I said 25-plus. So he could be 25 or older.

5 Q. Let me ask you, looking at this picture, how
6 old do you think this guy is in that picture?

7 A. He's in -- he looks like he's -- he's older.

8 Q. Well, how old do you think he is?

9 A. From what I know now, he's in his 50s.

10 Q. Well, I mean, that's how -- that's how old he
11 looks in that picture, isn't it?

12 A. Yes.

13 Q. So having picked out a picture of somebody
14 who's at least 50 years old, why would you tell law
15 enforcement that he's 25 or older? Why wouldn't you
16 say he's over 30 or 40 or over 50?

17 A. I said he sounded older. So old to me --

18 THE COURT: Hold on. Can't have both of you
19 talking at the same time.

20 THE WITNESS: Sorry.

21 THE COURT: Please restate your question,
22 Mr. Williams, please.

23 BY MR. WILLIAMS:

24 Q. So why did you choose the figure 25 if
25 clearly -- if this is the person you're picking out,

1 he's over 50. And you just said -- you just said he
2 looks over 50. But you got a chance to look at him
3 clearly, right?

4 A. I said that he sounded 25 or older, which
5 means -- I was only 21, and 25 is older than me.
6 And anything plus 25, he sounded. He sounded older
7 than me, sounded older than who he was with.

8 Q. So how old did you think the skinny guy was?

9 A. I thought he was younger than the chunkier guy.

10 Q. So you think he's, like, 45?

11 A. At the time, no. I just said younger.

12 Q. Did you ever give a description other than that
13 he was skinnier of the other guy?

14 A. I gave a description of his voice and what he
15 was wearing. And I gave -- I told them that he
16 sounded younger than the other and what his body
17 type -- type was also.

18 Q. Well, and in direct examination, you indicated
19 to the prosecutor that the younger guy had on a
20 sweatshirt.

21 A. Yes, a sweatshirt, one of the ones that you zip
22 up. Either way, it goes over his head.

23 Q. Did you say that on direct examination, that he
24 had a sweatshirt, or did you say that he had a
25 hoodie on direct examination?

1 A. I said that he had on a hoodie or a sweatshirt
2 that went over his head and had a hood on it.

3 Q. What -- tell me about the clothing that these
4 two individuals had on. You said one had on black
5 clothing and one had on gray clothing?

6 A. No. I said one had on black clothing and one
7 had on a hoodie that was pulled over his head. But
8 it was a dark color. He was using it to cover his
9 face. And I said that one had on white shoes. And
10 I couldn't remember the color of the other guy's
11 shoes.

12 THE COURT: Go ahead, Mr. Williams.

13 MR. WILLIAMS: Thank you, Your Honor.

14 BY MR. WILLIAMS:

15 Q. The -- the older -- the older guy that came
16 into your house, what did he have on?

17 A. He had on a sheer mask. It kind of looked like
18 a stocking. He had on --

19 Q. So it wasn't a dark black color?

20 A. What?

21 Q. It wasn't a dark cloth mask? It was a sheer
22 mask, something you could see through?

23 A. Yeah. I said it was sheer.

24 Q. Okay. What color -- but sheer. But what color
25 was that?

- 1 A. It was like a stocking, like a sheer stocking.
- 2 Q. So, like, maybe brown?
- 3 A. I don't remember ever specifying a color.
- 4 Q. So you don't recall telling anyone that the
5 older guy had on some sort of black mask?
- 6 A. I don't remember.
- 7 Q. All right. What type of pants did he have on?
- 8 A. I didn't -- I don't remember that part either.
- 9 Q. What type of shoes did you say he had on?
- 10 A. I remember saying that they were white shoes.
11 Like, one of them had on white shoes.
- 12 Q. Well -- okay. Which one had on the white
13 shoes? Was it the older guy or the younger guy?
- 14 A. At that point, I was on the floor. So I could
15 see white shoes.
- 16 Q. Okay.
- 17 A. But I wasn't able to look up and see their
18 faces and who it was attached to. So I just told
19 them I saw white shoes.
- 20 Q. Did you see more than one pair of white shoes?
- 21 A. No.
- 22 Q. And you assumed that it was coming from the big
23 guy, the 25-plus-year-old guy?
- 24 A. Yes.
- 25 Q. Now, what about the other guy? You said the

1 other guy had on some sort of a sweatshirt with a
2 hood on it?

3 A. Yes.

4 Q. And it was gray, correct?

5 A. I don't remember the color. I just remember
6 saying that it had a hood on it and it was a
7 sweatshirt.

8 Q. So it could have been any color.

9 A. I don't remember the color.

10 Q. And what kind of pants did that guy have on?

11 A. Again, I don't remember.

12 Q. So what we've determined so far is the skinny
13 guy was younger, he had on some kind of hoodie. We
14 don't know what color it was; we don't know what
15 color his pants were; and we're not sure -- and we
16 don't know what his shoes were like. Is all that
17 accurate?

18 A. Yes. But it was dark in my room. So I could
19 see his face because he went to a lighted mirror.
20 The rest of the room is dark, so you can't really
21 see what's happening in the rest of the room that
22 well.

23 Q. So the skinny guy, you could see his face?

24 A. No. I said the other guy. I could see his
25 face.

1 Q. The other guy?

2 A. Because he was at the window, and there was
3 light coming in the window.

4 Q. Well -- well, we've already established, using
5 logic here, that the chubby older guy who's over 25
6 is this individual, right?

7 A. Yes.

8 Q. That's certainly not my client, is it?

9 A. No.

10 Q. So, having said that, what we have shown is
11 that at least the person that was with him was
12 skinny. Correct?

13 A. Yes.

14 Q. With this guy?

15 A. Yes.

16 Q. A little bit younger?

17 A. Yes.

18 Q. And he appeared to be taller?

19 A. Yes.

20 Q. And we don't know what kind of pants he had on;
21 we don't know what kind of shoes he had on.

22 Correct?

23 A. Right.

24 Q. And you can't say that you could visualize that
25 person's face as being my client, right, because you

1 didn't see it?

2 A. I did not see his face, right.

3 Q. So your reliance, at least in terms of
4 indicating that my client is personally involved, is
5 based on some sort of conversation that my client
6 had in bond court several years ago when you don't
7 remember when. And you think it was at the jail as
8 opposed to over here; is that right?

9 A. My saying that I remember his voice is based on
10 the fact that he spoke to me multiple times
11 throughout the night when there was nobody else
12 around. So I had time to hear his voice. And that
13 is how I know that he sounded younger, and the
14 distinction of it. And I reheard that voice again
15 in bond court.

16 Q. Well, let's talk about the gun. Who had the
17 gun?

18 A. At first, the chunkier guy had the gun. But,
19 when he left the room, he turned around and asked
20 the skinnier guy if he had it, and he said he did.

21 Q. Did you ever see the gun in the skinnier guy's
22 hands?

23 A. No. But if he says he has it, I'm inclined to
24 believe him.

25 Q. So what you could observe was the only person

1 you ever saw with a gun was the guy that you could
2 identify. And that's that guy?

3 A. Yes.

4 MR. WILLIAMS: And, for the record, Your Honor,
5 I was holding up State's Exhibit No. 51.

6 THE COURT: All right. Thank you.

7 BY MR. WILLIAMS:

8 Q. Now, do you remember how tall you said the
9 skinny guy was?

10 A. I don't remember exactly. But I probably said
11 shorter than the other guy -- or taller than the
12 other guy. Sorry. Taller.

13 Q. Okay. It's either shorter or taller than the
14 other guy, right? They're not the same size, right?

15 A. I apologize. I was mistaken just now.

16 Q. Do you remember how tall you put in your
17 statement that the skinny guy was?

18 A. I don't remember exactly.

19 Q. If you would, refer to your statement again
20 that you gave. You see it, like, on the second
21 paragraph?

22 A. I said about five-seven.

23 Q. So the skinny guy is five-seven, right?

24 A. I said --

25 Q. Correct?

1 A. I said that he was about five-seven, so
2 somewhere around there.

3 Q. Well, we're about trying to identify persons in
4 a trial who may have committed a crime. So could it
5 have been taller? Shorter?

6 A. About -- somewhere around that area.

7 Q. Now, there's one thing which you haven't said
8 anywhere in all your statements or in court, and
9 that is you haven't said that anybody had gloves on.
10 Have you?

11 A. No, I haven't.

12 Q. Nowhere in any of the reports, in any of these
13 reports, is there anything about either one of those
14 assailants that came in your house as having gloves
15 on, correct?

16 A. Correct.

17 Q. And I don't -- I don't want to delay a bunch of
18 things. But you remember all the photographs of the
19 drawers being open, the -- your furniture turned
20 upside down? How many different doors do you think
21 had been opened in your apartment from these
22 assailants?

23 A. All of them, except the front door.

24 Q. Everything in your duplex had been touched by
25 these two assailants, hadn't it?

1 A. Yes.

2 Q. Neither one of these assailants had gloves on,
3 correct?

4 A. I didn't specify if they did or didn't.

5 Q. Did they have gloves or not?

6 A. I don't remember.

7 Q. If they had had gloves, you would have picked
8 up on them having gloves, wouldn't you?

9 A. No, because I don't remember.

10 Q. So there should be just fingerprints throughout
11 the entire house, right?

12 A. There wouldn't be if they had gloves on. But I
13 don't remember.

14 Q. So -- so we're just -- we're guessing that they
15 don't -- that they had gloves because there are no
16 fingerprints? Or do you know if there are
17 fingerprints?

18 A. I don't remember.

19 Q. Did you --

20 A. So I can't say that they do or they don't.

21 Q. Did you see them touching things?

22 A. Yes, I did.

23 Q. One thing you saw them touch was this toy. And
24 he threw it to you, right? You saw his hands as he
25 threw it to you, right?

1 A. I saw it fly through the air at me and saw --

2 Q. Did you see his hands when he threw it to you?
3 Right?

4 A. I saw it fly at me and his arm go up. I didn't
5 look directly at his hands.

6 Q. All this time, you didn't notice whether or not
7 these people had gloves on or not?

8 A. I was in a hectic situation and I wasn't
9 worried about if they had gloves on or not.

10 Q. Let me ask you about the -- the gun again. I
11 think you said that you spent a lot of time with
12 your boyfriend going to gun shows and looking at
13 guns and stuff like that.

14 A. I said that I spent a lot of time with my
15 husband going to gun stores.

16 Q. And that would be Palmetto Armory?

17 A. I've been to Palmetto State Armory, Shooters
18 Choice, couple of other places.

19 Q. So you're kind of familiar about what guns look
20 like, right?

21 A. Yes.

22 Q. Because when you were giving your description
23 of a gun, you said that it was square, not round,
24 like a Ruger 9mm, right?

25 A. Yes.

1 Q. Now, the picture that you have shown that you
2 have identified was a picture of what?

3 THE COURT: What exhibit is that?

4 MR. WILLIAMS: Oh, I'm sorry. State's
5 Exhibit No. 52.

6 THE WITNESS: A picture of a gun that was
7 square, not round.

8 BY MR. WILLIAMS:

9 Q. And what kind of gun is that?

10 A. I don't know what kind it is, but I know what
11 it looks like.

12 Q. Well, it's silver with black underneath, right?

13 A. Yes.

14 Q. State's Exhibit No. 16, you remember seeing
15 that picture?

16 A. Yes.

17 Q. Are those two guns identical?

18 A. Yes.

19 Q. Do they have the same markings on them?

20 A. This gun has words on it and the one in the
21 picture does not.

22 THE COURT: Which -- which item are you
23 referring to?

24 THE WITNESS: State's Exhibit 16 has words on
25 it, and State's Exhibit 52 does not.

1

2 BY MR. WILLIAMS:

3 Q. So they're different.

4 A. They're different but similar.

5 Q. They're different but similar.

6 Can you tell if they're the same size or not?

7 A. From a picture?

8 Q. Yes.

9 A. No.

10 Q. So the only thing you can really testify to is
11 that it was a gun that had silver on the top and
12 black on the bottom, right?

13 A. I said that the gun was square. It was
14 square-shaped, as those guns are. I said that the
15 top was silver and the bottom was black, as those
16 guns are. And I said it resembled a pistol.

17 Q. When you were going through your testimony
18 about what everybody did, referring to the old
19 guy -- the old fat guy and the skinny guy, you never
20 saw the pistol in the hands of the skinny guy,
21 right?

22 A. No. But he said he had it.

23 Q. And the guy who kicked in the door to your
24 bedroom, was he the skinny guy or the big fat guy?

25 A. The door was closed, so I don't know who kicked

1 the door in.

2 Q. When you were in the bed and somebody kicked
3 the door in, who was the guy in your bedroom? Did
4 he kick the door in to your bedroom?

5 A. Yes. But the door was closed when it was
6 kicked, so it could have been either/or.

7 Q. Who was the first person you saw come into your
8 bedroom?

9 A. I don't remember.

10 Q. Didn't you say it was the big guy?

11 A. I don't remember saying that it was the big guy
12 who came in the door immediately after.

13 Q. Didn't you say that the big guy was the one
14 that went downstairs --

15 A. Yes, he did.

16 Q. -- and did all the searching?

17 A. Yes, he did.

18 Q. Didn't you say that it was the skinny guy who
19 said let's go home?

20 A. He did say, she said there was nothing else; we
21 should go.

22 Q. Didn't you say it was the big guy that threw
23 the toy at you?

24 A. Yes, I did.

25 Q. And he's the guy that's 25 years or older, and

1 he's the one that's shown in the picture who's
2 actually over 50, right?

3 A. Yes.

4 Q. Where was your purse?

5 A. My purse was on the floor in my bedroom.

6 Q. And who grabbed the -- the bank -- the Buddha?
7 The money was in the Buddha, right?

8 A. Yes.

9 Q. Who grabbed that and brought it upstairs?

10 A. The chunkier guy.

11 Q. The big -- the big old guy who's 25 years or
12 older, right?

13 A. Yes.

14 Q. And how did he break it?

15 A. He broke it with the gun.

16 Q. So he had the gun when he broke it?

17 A. Yes.

18 Q. And when he did that, did you observe him doing
19 that? Did you watch him do it?

20 A. I saw out of the corner of my eye. But I
21 wasn't looking directly at him.

22 Q. Well, how do you know he used the gun to do it?

23 A. Because I saw it out of the corner of my eye.

24 Q. So you saw him hit it?

25 A. Like this -- I'm sorry. I looked out of the

1 side of my eye.

2 Q. And you saw it happen, didn't you?

3 A. I saw it, but I wasn't looking directly at it.

4 Q. Well, could you see if he had gloves on his
5 hands or not?

6 A. I was looking out of my side view.

7 Q. So the answer is no?

8 A. No.

9 Q. Do you -- do you remember giving the -- your
10 statement, the one we showed on July the 28th, 2017,
11 do you remember that statement?

12 A. Yes.

13 Q. In your -- in your statement, as to who kicked
14 in the door and ordered you to get back in the bed,
15 put your face down, who did you say was the person
16 who did that?

17 A. It says the first guy kicked in my door and
18 ordered me to get back in bed. It doesn't say which
19 guy that was.

20 Q. Can you tell us today what that -- what that
21 person was? Because they obviously come in at
22 different times, because you refer to him as a first
23 guy.

24 A. When they came in the room, they had their
25 flashlights out, so I didn't see exactly who it was

1 that kicked in the door.

2 Q. So they're -- they're shining the flashlights
3 into your eyes so that you can't see what's going
4 on?

5 A. Maybe not so I can't see what's going on, but
6 they definitely were shining them at me.

7 Q. Well, didn't you say on direct examination that
8 the flashlight really wasn't a flashlight, but it
9 was like a light on a cell phone?

10 A. My cell phone's light is pretty bright.

11 Q. But you say -- you described it like a cell
12 phone.

13 A. Yeah.

14 Q. And you've got -- you've got a cell phone, so
15 you -- you've got a flashlight on it. And if I
16 was -- if I was 25, I would know how to find it
17 earlier. But -- but it's an app that you can -- you
18 can shine everything on it, right?

19 A. Yes.

20 Q. And that's how you knew it was different from a
21 flashlight?

22 A. Yes.

23 Q. So you know -- did they both have those?

24 A. Yes.

25 Q. So both individuals who came into your house

1 had cell phones?

2 A. Yes, or something that looked like a cell phone
3 flashlight.

4 Q. So if they have cell phones then -- just like
5 you had a cell phone, right?

6 A. Yes.

7 Q. And do you know if people can track your --
8 your movements by your cell phones?

9 A. If my location is on or something like that, I
10 think. I'm not sure. I've never tracked anybody
11 via a cell phone.

12 Q. Well, you've probably got maps on it. So you
13 probably could tell. And if you're asking to go to
14 some location, you could tap on the thing and, say,
15 from your location, it knows where you are. So at
16 least it knows where the cell phone is, right?

17 A. Yes.

18 Q. So your cell phone is a valuable tool. It's --
19 it's a flashlight; it can let people know where you
20 are; it can record your conversations. You can have
21 conversations, and there will be a record of when
22 you made that conversation; there will be a record
23 of who called you and when they called you. So it's
24 a mass of information, isn't it?

25 A. Yeah. Cell phones are pretty good.

1 Q. So wouldn't you think that these two
2 individuals who came into your house -- and they had
3 cell phones with them. Then one of the things that
4 you want law enforcement to do would be to seize
5 those cell phones and go through those records and
6 see what they could determine, right? That would be
7 important, wouldn't it?

8 A. Yes.

9 Q. Now, when you came out that door and you went
10 looking for help, you went looking for somebody who
11 you would be able to get help from. You knew that
12 they had gone out the back door, right?

13 A. Yes.

14 Q. And that's why -- did you go out the front
15 door?

16 A. I went out the front door.

17 Q. Did you know that law enforcement had the dogs
18 out there?

19 A. No.

20 Q. You didn't know that -- that West Columbia
21 had -- the dogs were actually tracking these two
22 individuals?

23 A. No.

24 Q. They never shared that information with you?

25 A. I -- once all the cops got there, I was sitting

1 inside of -- in an ambulance, answering questions
2 about what just happened.

3 Q. Did you know that they had taken photographs of
4 footprints?

5 A. No.

6 Q. They didn't share that with you?

7 A. I don't remember them sharing that with me.

8 Q. Did you notice -- other than the fact that one
9 individual had on white shoes, could you tell
10 anything about the size of the foot? Could you tell
11 if it was a 10, 11, 12? Fat feet? Big feet?
12 Little feet?

13 A. As you can see, I'm not good with numbers. So
14 no.

15 Q. And you don't have any idea why somebody would
16 come to your house looking for drugs and money?
17 That's what they came looking for, right?

18 A. They said they came because they saw a picture.
19 So I'm assuming that was the reason that they came.

20 Q. What did they ask for?

21 A. They asked for drugs and money.

22 MR. WILLIAMS: Your Honor, I think that's all
23 the questions I have.

24 THE COURT: Redirect?

25 MS. WEISS: Just briefly, Your Honor.

1 May it please the Court?

2

3

REDIRECT EXAMINATION

4

BY MS. WEISS:

5

Q. Monesha, how tall are you?

6

A. Four-eleven.

7

MS. WEISS: Your Honor, may the witness step
8 off the stand for just a minute?

9

THE COURT: Yes.

10

Ma'am, you may step down.

11

BY MS. WEISS:

12

Q. How tall are the heels you're wearing?

13

A. About five inches or so.

14

Q. And when you were 21, do you know approximately
15 how much you weighed?

16

A. I was about 98 pounds.

17

Q. Thank you. You can step back up there.

18

When those two men were in your house, what did
19 they keep telling you to do with your head?

20

A. Keep it down.

21

Q. But you managed to sneak looks when you could?

22

A. Yes.

23

Q. You said you had just turned 21 in 2017?

24

A. Yes, ma'am.

25

Q. It's 2021 now, so you've had a few years.

1 You said that the fat guy had a sheer stocking
2 over his face?

3 A. Yes, ma'am.

4 Q. But you got a look at him?

5 A. Yes, ma'am.

6 Q. And you were able to pick him out of that photo
7 lineup?

8 A. Yes, ma'am.

9 Q. Any question in your mind that that was the fat
10 guy?

11 A. No, ma'am.

12 Q. You gave statements to law enforcement from
13 that video --

14 A. Yes, ma'am.

15 Q. -- immediately after.

16 You came to West Columbia the next day and gave
17 another statement. Do you have still have that?
18 Are you still looking at that?

19 A. No, ma'am.

20 Q. Is this the statement that you gave to law
21 enforcement?

22 A. Yes, ma'am.

23 Q. You said you told them everything you could
24 remember. Everything you could think of, you to
25 tried put in this statement?

1 A. Yes, ma'am.

2 Q. Are you telling this jury that this is every
3 single detail of everything that happened that
4 night?

5 A. No. I'm saying that's what I could remember at
6 the time.

7 Q. You wrote, Defense said, about six pages?

8 A. Yes.

9 Q. Defense kept talking about stacks of money,
10 stacks of money. Did -- did anybody ever say
11 anything about stacks of money?

12 A. No, ma'am.

13 Q. So what did they say?

14 A. They said that they saw him with a picture of
15 him with money. They didn't say stacks of it.

16 Q. Did you sit around your house with stacks of
17 money?

18 A. No, ma'am.

19 Q. That was the Defense's characterization, not
20 yours.

21 A. No, ma'am.

22 Q. You had some cash?

23 A. Yes, ma'am.

24 Q. Approximately how much was in the Buddha
25 statues?

1 A. About 1,500.

2 Q. What were you saving that for?

3 A. We were supposed to go on -- well, we did go on
4 vacation in November.

5 Q. I believe you said in the video you hadn't paid
6 your rent yet.

7 A. No.

8 Q. Were there any drugs in your house?

9 A. No, ma'am.

10 Q. And when those two guys were there, the last
11 thing that those two men did before they left was
12 what to you?

13 A. I don't know what word to use.

14 Q. Sorry. Before -- before they cleaned
15 themselves off, what did they do?

16 A. They had intercourse.

17 Q. You say that -- so what was the one thing you
18 got a good look at on both of those men?

19 A. Their -- their penis areas.

20 Q. And why is that?

21 A. Because that's what I came into contact with
22 most.

23 Q. And why did you come into contact with both of
24 them?

25 A. Because they both used it on me. So I had

1 time.

2 Q. They put them in your face?

3 A. Yes.

4 Q. And on this statement that you gave to law
5 enforcement, what was the one thing you were able to
6 describe very -- that you were able to describe
7 specifically on both of them?

8 A. The shapes of their penis.

9 Q. So you gave every description to law
10 enforcement that you had that you could remember?

11 A. Yes.

12 MS. WEISS: Your Honor, at this time, I'd like
13 to enter State's Exhibit 53 into evidence.

14 (State's Exhibit No. 53 marked for
15 identification.)

16 MR. WILLIAMS: Your Honor, I'm not sure what
17 her basis is on that issue.

18 MS. WEISS: Defense has had the victim read
19 from it the entire time. He read from it. So it's
20 been published to the jury.

21 MR. WILLIAMS: I don't think I published that
22 statement to the jury, Your Honor. I asked if she
23 recalled making those statements. I used it for her
24 to refresh her memory.

25 THE COURT: I think, pursuant to Rule 613, you

1 certainly can do that. Extrinsic evidence is not
2 allowed. I don't think it's allowed under the rule.
3 Defense's objection is sustained.

4 MR. WILLIAMS: Thank you, Your Honor.

5

6 BY MS. WEISS:

7 Q. At 21 years old, is there any reason that you
8 specifically -- did you know specifically the ages
9 of the two men that were in your house?

10 A. No, ma'am.

11 Q. Did -- do you know their specific heights?

12 A. No, ma'am.

13 Q. Did you have the opportunity to stand up next
14 to them and measure where they were next to you?

15 A. No, ma'am.

16 Q. But you heard their voices?

17 A. Yes, ma'am.

18 Q. And you knew one was older and one was younger?

19 A. Yes, ma'am.

20 Q. One was fatter and one was thinner than the fat
21 one?

22 A. Yes.

23 Q. No question that one of them was the person in
24 that picture?

25 A. Yes, ma'am.

1 Q. And who was the person that matched the voice
2 of the other one?

3 A. [Demonstrating.]

4 MS. WEISS: Let the record reflect defendant --
5 the victim has identified the defendant.

6 THE COURT: So noted for the record.

7 BY MS. WEISS:

8 Q. Is there any question about what happened that
9 night?

10 A. No, ma'am.

11 Q. Thank you. No further questions.

12 MR. WILLIAMS: One question on recross based on
13 the question about rent, Your Honor.

14 THE COURT: Go ahead.

15 RE-CROSS-EXAMINATION

16 BY MR. WILLIAMS:

17 Q. On direct examination with the prosecutor, you
18 said that your husband takes all the money with him
19 when he leaves, in case this happens. That would
20 include the rent money, right? You remember saying
21 something like that; that he always takes these
22 moneys, in case something like this happens?

23 A. I remember hearing it on there that he takes
24 money with him.

25 Q. And you -- that was you making that statement,

1 right?

2 A. Yes.

3 MR. WILLIAMS: That's all I have, Your Honor.

4 MS. WEISS: One question, Your Honor.

5 THE COURT: No more questions.

6 Ms. Cook, you may step down.

7 Can the lawyers approach a minute, please?

8 (Sidebar conference.)

9 THE COURT: All right. Ladies and gentlemen of
10 the jury, Madam Forelady, that brings us to a
11 stopping point for the day. What I'm going to do is
12 I'm going to let you go home right now. I'm going
13 to ask you to be back here tomorrow morning at 9:30.
14 Be back here tomorrow morning at 9:30.

15 As I've said from the outset, do not discuss
16 this case with anyone, with anyone. You'll decide
17 this case based solely on the evidence and testimony
18 presented in this courtroom and nowhere else.

19 You-all have a wonderful evening, and I'll see
20 you tomorrow morning at 9:30. Thank you.

21 (The jury exits the courtroom at 5:07 PM.)

22 THE COURT: All right. Anything from the State
23 before we break for the day?

24 MS. WEISS: Nothing from -- nothing from the
25 State. I know they talked about doing the proffer

1 at the end of the day. So I don't know --

2 MR. WILLIAMS: I -- I can do it. If you have
3 the patience, I can put him up for it, one witness.

4 THE COURT: You said it wouldn't take long?

5 MR. WILLIAMS: It will not take long.

6 THE COURT: Let's go ahead and do that.

7 EARLE COOPER

8 being first duly sworn, testified as follows:

9 THE WITNESS: Yes, ma'am.

10 THE CLERK: Have a seat right up there, sir.
11 You can remove your mask once you're seated. I do
12 need you to speak up loud and clear. State your
13 full name, spelling your last.

14 THE WITNESS: Well, it's Earle Cooper,
15 C-O-O-P-E-R.

16 PROFFER EXAMINATION

17 BY MR. WILLIAMS:

18 Q. Earle, where do you work?

19 A. Reunited Auto Sales.

20 Q. And where do you live?

21 A. Right now, I live 318 Woodmill Circle,
22 Lexington.

23 Q. What relationship are you to Chris Cooper?

24 A. He's my brother.

25 Q. Did you have the occasion to meet the alleged

1 victim in this case on or about July the 10th of
2 2018?

3 A. Yes.

4 Q. What's her name?

5 A. Monesha Cook.

6 Q. How did you -- how did you meet Monesha cook?

7 A. The first time I met her was at Platinum West.
8 I was at Platinum West. I was tipping the girls in
9 there. As I was tipping, I sat down. And about 30
10 minutes after I'd been sitting down, she came over
11 to me. And she came over to me. She actually sat
12 down. And she was just sitting down right there
13 beside me, and she started talking.

14 As we were talking, she looked at me, and she
15 kind of gave me a weird look. And I looked at her,
16 and she was like, don't I know you?

17 And I looked at her like, we know each other?
18 And we kind of had a weird moment. And she was
19 like -- I think -- and then I asked her. I said,
20 are you Monesha? And then she said, yeah. And she
21 just got up, and she walked to the back. She went
22 back in the back.

23 I sat there probably about ten minutes, and she
24 came back out the back. But when she came back out,
25 she didn't come over to me. She walked around and

1 went to another customer. So I got up and left
2 because I didn't know if maybe she had called
3 somebody or what. So I got up and left. That was
4 it. That was the only conversation we had.

5 The next day, I was at the auction. And when I
6 got back from the auction, I had a note on my desk.
7 And it said -- had her name. And it said -- and her
8 phone number. So I called the number. When I
9 called the number, she was like, I'll be back in,
10 like, ten minutes.

11 Q. Who was -- who told you I'll be back in ten
12 minutes?

13 A. Monesha.

14 Q. Okay.

15 A. And so I was at the office. And probably about
16 ten minutes later, her and another young lady, they
17 showed up. The other young lady introduced herself
18 as her cousin, and they had a baby with them. And
19 they came in. And first thing when they sat down,
20 the cousin was like, well, how would you feel if
21 this happened to your mama or someone in your
22 family?

23 I was like, listen. By no means, the
24 allegations, am I feeling that part. If anything
25 happened, I was like, I don't know about that. She

1 was like, well, listen. Monesha kind of jumped in,
2 and that's when she told me. She was like, listen,
3 I need \$25,000, and I'll help your brother.

4 And I was like, well, I don't want to make it
5 seem like bribery, like I'm bribing you or anything.
6 I was like, but I don't have \$25,000. I said, I
7 might could come up with 10.

8 And she was like -- you know, we -- it was --
9 the conversation went that she was like, well, when
10 you come up with the money, just call me.

11 So she got up, and she left. Then probably
12 about ten minutes after that, she called back up
13 there again. And when she called back, she said,
14 well, my husband wants to meet with you. And I
15 said, okay.

16 She said, he said he'll be there in probably
17 about -- she said, we can be there in about ten
18 minutes. I said, well, don't come to the car lot,
19 because my car lot's, like, a trailer. So it's kind
20 of small, and everybody can kind of hear what you're
21 talking about. I said, meet me over at Bojangles.

22 And we met -- we met over at Bojangles. When
23 we got over there, the husband, he sat down; you
24 know, he introduced himself. And he told me -- he
25 said, you know, I know everything about you. He

1 said, I know where you live at. He said, I'm real
2 connected; I could have something done to you. He
3 said, but that's not what I'm here to do. And he
4 was like, listen, you give me \$10,000 and a car, and
5 we're going to go away.

6 I was like, okay. That's when I ended up
7 leaving. I told him, okay. We actually shook
8 hands. We left. And then that's when I
9 contacted -- I made contact and let -- let it be
10 known that she had reached out to me. And that's
11 when the police actually got involved.

12 Q. Which police did you talk to about this?

13 A. At first, a lady named Stacy Turner. She --
14 she contacted me.

15 Q. Did she contact you directly or did you contact
16 West Columbia? She works at West Columbia, doesn't
17 she?

18 A. She works at West Columbia.

19 Q. Do you know how she called you -- did she call
20 you first?

21 A. Yeah. She called me.

22 Q. All right. All right. And Stacy Turner is --
23 is a law enforcement officer for West Columbia; is
24 that correct?

25 A. That was -- that's what I assumed.

1 Q. Okay. What did you tell Stacy Turner?

2 A. I told Ms. Turner what was going on. I told
3 her I had been contacted by the alleged victim and
4 she was trying to get some money from me. And she
5 was like, okay. She was like, well, keep me posted
6 on what's going on.

7 So the next day -- and she told me -- she told
8 me -- she said, I'll probably have you come into the
9 office on Monday.

10 And so the next day, Monesha text me again.
11 And Monesha said, I got something I want to show you
12 in good faith. She was like, I need to meet with
13 you today. And I told her -- I said, well -- I
14 said, I want to bring my mom with me also. I was
15 like, but my mom's working right now.

16 And she said, okay. Well, let me know, because
17 I want to show you something in good faith. So I
18 said, okay. So she text me back again and was like,
19 well, can you meet me? And then that's when I
20 texted back. I was like, yeah.

21 So I met her at Bojangles again. This time
22 when I met her at Bojangles, she sat down and she
23 had her phone. And she showed me her phone. And
24 she showed me an e-mail that she had sent to the
25 victim's advocate people just saying about she

1 wasn't harmed; she didn't feel harmed or anything.
2 She just -- she showed me an e-mail. She -- I don't
3 remember exactly what the e-mail said, but I know
4 she showed me an e-mail that she sent to the victims
5 advocate people.

6 I said, okay. And I was just trying to buy
7 some time. I said, all right. Let me come up with
8 the money. So I contacted Ms. -- I left. I
9 contacted Ms. Turner again. I said -- they asked --
10 they're ready for the money. I said, what do you
11 want me to do? And she said, what do you mean?

12 I said, do you want me to give them something?
13 And she said, like what? I said, 1,000, 2,000. And
14 she said nothing after that. Ms. Turner just -- she
15 never -- she didn't respond after that. So I called
16 Ms. Turner's cell phone, and she didn't answer. So
17 then I was shooting her a text. I was like, well,
18 they ready; what should I do?

19 She wouldn't respond. I never heard back from
20 Ms. Turner. Then -- that was on a Friday. So
21 Ms. Turner never returned my call. But that Monday,
22 I called Ms. Turner from my office phone instead of
23 my cell phone, and she picked up immediately. And I
24 was like, I was calling you Friday. I was like,
25 they was trying to do the setup; you wasn't

1 answering the phone.

2 She said, oh, I had a sick baby; I couldn't
3 come. And she just brushed me off.

4 Q. So what did you do after that? Did you
5 subsequently talk to other law enforcement officers
6 about this?

7 A. Yes. I ended up -- actually, another
8 gentleman, he ended up calling me. He was from, I
9 think, Lexington. I'm not sure where he was from.
10 But he -- he -- we actually ended up going to my --
11 because he wanted to take a formal statement. So I
12 met him over at attorney's office, Willie Bradley.
13 We met at Willie Bradley's office. And we actually
14 had a statement done there.

15 Q. And he began an investigation; is that correct?

16 A. Yes, sir.

17 Q. All right. And, after that, did you have any
18 other contact with Monesha or her husband?

19 A. No, not -- not after all that went down.

20 Q. And so it was in the hands of the Lexington
21 County Sheriff's Department at that point in time?

22 A. Yes.

23 Q. And they -- as far as you know, nothing ever
24 happened on that. They closed the file out; is that
25 correct?

1 A. Yeah. Yeah. I saw something on the report
2 saying that they closed it because they said I said
3 that she asked me for \$25,000 the night at Platinum
4 West, which wasn't true. I never told anybody that
5 she asked me for \$25,000 at Platinum West, because
6 she didn't. She didn't ask that until she came to
7 the car lot.

8 But in the -- in the notation, I saw that that
9 was the discrepancy; why they said they never went
10 through --

11 Q. Closed the file?

12 A. Yeah.

13 Q. Do you have anything else to add other than
14 what you -- that -- that's your only contact; is
15 that right?

16 A. That's it.

17 Q. What did you -- what was your interpretation of
18 what Monesha wanted and what -- what was she doing
19 that for?

20 A. I felt like she just wanted it -- she was
21 trying to get some money out of the situation. Now,
22 what for, I'm not sure. I don't know what -- the
23 way she made it sound, she said, I want to help --
24 she said, give me \$25,000, and I'll help your
25 brother. And --

1 Q. Did you -- was -- did you understand what that
2 was for?

3 A. Yeah. Well, I understand that -- I thought she
4 was saying -- I don't know. Just, like, if I gave
5 her the \$25,000, she was going to go away or
6 something.

7 Q. She didn't -- she didn't say what that was for?

8 A. No. She just said I'm going to help your
9 brother.

10 Q. And that's it?

11 A. That's it.

12 MR. WILLIAMS: That's all I have, Your Honor.

13 THE COURT: All right. Any cross-examination?

14 MS. WEISS: Yes, Your Honor.

15 PROFFER EXAMINATION

16 BY MS. WEISS:

17 Q. You're Chris Cooper's older brother?

18 A. Yes, ma'am.

19 Q. How old are you?

20 A. 44.

21 Q. 44.

22 And how old's Chris?

23 A. He's 34.

24 Q. And he got arrested in, what, July of 2017?

25 A. Yes, ma'am.

1 Q. And he was in jail, right?

2 A. Yes, ma'am.

3 Q. And he stayed in jail?

4 A. Yes, ma'am.

5 Q. And you had bond hearings trying to get him out
6 of jail?

7 A. Yes, ma'am.

8 Q. And the judge wasn't going to let him out, was
9 he?

10 A. No, ma'am.

11 Q. And so a year later, you went to Platinum West.

12 A. I go there all the time.

13 Q. You go there all the time, and it's the first
14 time you've seen Monesha?

15 A. Well, the first time that -- after -- when she
16 came over -- I seen her in there before, but I never
17 realized who she was. I seen her in there before.

18 Q. So it took a couple bond hearings of looking at
19 the victim and getting a good idea what she looked
20 like before you could make sure who she was and
21 approach her at her -- at her place of work?

22 A. She approached me. That's what -- that's how
23 come I realized who she -- when she came and sat
24 down, she came and sat beside me. I didn't go to
25 her; she came to me. She had never come to me

1 before, so I never recognized her before.

2 Q. You just said you saw her around the club.

3 A. I saw her. She came and sat down with me that
4 particular night. She never came over and sat down
5 with me before.

6 Q. Is that because you gave her a nice tip?

7 A. I tip nice every night.

8 Q. You tip her every night?

9 A. Not her in particular. I tip the girls.

10 Q. When you tip a girl at Platinum West, what's
11 the reason for that?

12 A. That's what I do. I go to strip clubs quite
13 often. I mean, that's what I do when I'm in a strip
14 club: I tip.

15 Q. To get attention from the girls you're tipping?

16 A. Yes, ma'am.

17 Q. Okay. So you tipped her?

18 A. Yes, ma'am.

19 Q. To get attention from her?

20 A. Tipped her. Yes, ma'am.

21 Q. And you had seen her in the club before?

22 A. Yes, ma'am.

23 Q. But you didn't think, I don't know, maybe I
24 should go to any other strip club in Columbia other
25 than the one that the victim my brother attacked

1 works at?

2 A. I never knew she worked there.

3 Q. Okay. So you tipped her. You gave her a good
4 tip, and she came over to sit down to say thank you?

5 A. Yes, ma'am.

6 Q. And you said she got up and walked away after
7 you said, are you Monesha? So it wasn't just an,
8 ooh, I recognize her; it's, are you Monesha? You
9 knew her by name, right?

10 A. Once she sat down beside me, I recognized who
11 she was.

12 Q. You recognized that she was Monesha?

13 A. She recognized me as well.

14 Q. Okay. Well, were you in her house in 2017,
15 brutally attacking her?

16 A. No, ma'am.

17 Q. Okay. So you -- you say she recognized you.
18 That would be from you coming to bond court with
19 your brother and your cousin?

20 A. Yes, ma'am.

21 Q. But you recognized her as the victim of that
22 crime?

23 A. When she sat down beside me, yes, ma'am.

24 Q. And you called her by her name?

25 A. Yes, ma'am.

1 Q. You said she got up and walked away. And you
2 were worried she called somebody, would be what you
3 said. Why would she call somebody?

4 A. Because of the situation at hand. I mean,
5 she --

6 Q. What is the situation at hand?

7 A. An alleged situation, what happened with my
8 brother, with her. I don't know what she -- when
9 she came to my job that time, she told me. At
10 first --

11 Q. I'm not asking about that.

12 A. No. You're asking --

13 Q. I'm asking one question: Why would she call
14 somebody when you said, are you Monesha, at her
15 place of work that night?

16 A. Is it okay if I answer?

17 Q. Please.

18 A. Okay. Because the first time when she came to
19 the job, she told me, my husband didn't come because
20 I was scared of what he would do to you. I didn't
21 know.

22 Q. So who did you think she called?

23 A. It could have been him or -- I'm not -- any
24 type -- any person who cares about her.

25 Q. So somebody who cares about her -- so you got

1 up and left?

2 A. Yes.

3 Q. Why would you do that?

4 A. I was by myself. I mean, I didn't know who she
5 called. I'm in the club. I had a few drinks. I
6 mean, I had a weird --

7 Q. If you're not doing anything wrong, there's
8 nothing wrong with you talking to her.

9 A. It was a very awkward situation. When she sat
10 down beside me, I recognized who she was, she
11 recognized who I was. Then both of us, at that
12 time, were a little uneasy. Then, like I say, she
13 walked in the back. She stayed back there for about
14 ten minutes. She didn't come back to me. She
15 walked and went to another customer.

16 Q. In fact, she walked out and went to her
17 manager.

18 A. I don't know where she went. She didn't come
19 to me. She walked --

20 Q. Went to her manager. You were worried
21 something was going to happen at that point because
22 you knew she knew what you had just said to her.

23 A. No, ma'am.

24 Q. You said, what if I give you \$25,000 right now?

25 A. No, ma'am. I did not tell her that, not at

1 all. She asked me for \$25,000 the next day. That's
2 the only time when \$25,000 came up. We didn't talk
3 about any money that night.

4 She came to my job; she left a note at my job;
5 she asked for the money. And then when I told her I
6 couldn't come up with it, that's when her and her
7 husband called back again and said, well, give me
8 the 10 and give me a car.

9 Q. You went to her job, gave her a big enough tip
10 to get her attention, which you have to go up and do
11 on the stage to get their attention. So you were
12 pretty darn close. And then she came over to sit
13 next to you to say thank you, and you said, are you
14 Monesha?

15 A. I been to the strip club at least five times in
16 the last two months.

17 Q. Congratulations.

18 A. I go to strip clubs a lot.

19 Q. So you said the next day that Monesha and
20 another girl came to your job.

21 A. Yes, ma'am.

22 Q. And you said, is there anything I could do; I
23 don't want to say the wrong thing, try to bribe
24 somebody or badger somebody; I got to watch what I
25 say, obviously; I know I can't make it right; I

1 wouldn't just try; everybody just move on with they
2 lives; she don't want to get on with this situation,
3 I'm sure; I don't want to keep dragging my mama and
4 also this teary-eyed -- I swear, if I get my hands
5 on this "n," I'm willing to do whatever I can just
6 to get it behind everybody, if it's even possible.

7 That's what you said to her?

8 A. Yes, ma'am. She asked me for some money. I
9 did, yes, ma'am.

10 Q. And then you followed it up. So she says,
11 okay, so I lost my house, I got raped; they stole my
12 money. Then somebody comes in the club, not once,
13 but twice, and I don't feel safe going to work
14 anymore because I don't know what the "f" is going
15 to happen to me.

16 And you said, I'm just being honest with you;
17 if anything was dangerous, you wouldn't be talking
18 to me; I'm being up front; I got 50 of them "n"s
19 doing whatever I tell them to do.

20 A. Yes, ma'am.

21 Q. So -- so at that point, clearly, you were very
22 scared and intimidated because you said you had 50
23 people that could do whatever you wanted them to do?

24 A. Unfortunately, they badgered up the tape, so
25 you only looking at half of it. It's like they

1 mixed the tape up just to hit -- play what they want
2 to. Coincidentally, she had half of the tape. Her
3 cousin had the other half of the tape. She clearly
4 cut the tape off while she was talking 'cause she
5 didn't want to hear herself saying about \$25,000.
6 She didn't play the other part of the tape. That
7 tape was completely chopped up.

8 Q. Wow. So now she is actually an audio editor,
9 like, a tape editor?

10 A. To be honest, I think someone helped her.
11 Where's the other -- there's another tape. That's
12 what I'm saying. It -- that's not the whole
13 conversation.

14 Q. Do you have that other tape?

15 A. I know what was said there. I was there.

16 Q. Well, it's not what you said.

17 A. That was on that --

18 Q. Even what you said, like, 14 different times is
19 not what you said. Right?

20 A. Definitely. Yeah.

21 Q. Yeah, definitely not what you said.

22 And said, I'm not even mad with him about the
23 robbery; when you're on the streets, you have to do
24 what you have to do; but when you mess with a female
25 or a child, it be -- and then it goes

1 unintelligible -- it would be very easy for me to be
2 somewhere far away, not even be in this situation;
3 so I appreciate you coming and talking to me, first
4 of all, and, second of all, something, and then no
5 harm. You ain't did nothing wrong.

6 A. Yeah. I told her she didn't do anything wrong.
7 Yes, ma'am.

8 Q. Right.

9 You didn't even have a problem with him for the
10 robbery; you get that?

11 A. That -- that part right there, ma'am, I'm --
12 I'm not exactly -- like I say, if that was said,
13 that wasn't how it what was meant.

14 Q. Oh.

15 A. Yes, ma'am. I mean -- and I don't remember
16 saying that part. But if -- if it was said, I
17 don't -- like I said, that tape is chopped up. For
18 some reason, they didn't want everyone to hear the
19 whole tape. Why they be two separate tapes, I mean,
20 that don't make no sense. Why not play the whole
21 tape?

22 Q. I told my -- I told this to my family; they're
23 not really happy; I'm not on his side; I'm with you;
24 I got a daughter; I get it.

25 A. Yes, ma'am. At that particular time, I wanted

1 to tell her anything to make her feel comfortable
2 talking with me. And I had not had a chance to,
3 obviously, speak with my brother about the case,
4 because he was locked up. Only thing I knew were
5 the allegations. Me and him -- I knew he wasn't
6 that kind of person. I know he's not that kind of
7 guy that would do something like that. I had not --
8 I can't talk to him over a jail phone.

9 So at that particular time, when Monesha came,
10 first of all, I wanted her to feel comfortable.
11 She's a young lady. I didn't want to intimidate her
12 by any means. So when she came in, it was an
13 at-ease conversation.

14 Q. Okay. You knew it was a bad idea when you were
15 in the club, right, because you got up and left?

16 A. After we -- she came and sat down beside me,
17 and we realized who each other was. And she went in
18 the back --

19 Q. And you left?

20 A. -- stayed for ten minutes -- yes, ma'am.

21 When she came back out, I got -- didn't feel
22 comfortable. I didn't know what was going to
23 happen.

24 Q. So she leaves her number to come and ask you
25 what it was you were doing in her club?

1 A. Well, she left her number to ask me for
2 \$25,000.

3 Q. And you didn't think to say, hey, listen, I
4 don't think this is a good idea?

5 A. No. She asked me for \$25,000. I felt the
6 appropriate thing to do is call law enforcement, and
7 that's what I did.

8 Q. In fact, she sent an e-mail to the Solicitor's
9 Office saying you were coming to the club, offering
10 her money, immediately after it happened. That's
11 who contacted law enforcement immediately, right?

12 A. On the e-mail I know that I saw of hers was the
13 one she told me that was in good faith; that she was
14 doing this in good faith, and she needed -- she was
15 trying to get some money.

16 Q. The one where she said that she believed you
17 were genuinely trying to help her and that you were
18 a nice guy; that you said you were the good brother.

19 A. I don't remember verbatim what the e-mail said.
20 But I know when I met her at Bojangles, she showed
21 me an e-mail that she had sent.

22 Q. That she was no longer afraid of you because
23 she believed you were the good guy?

24 A. If that's what it says, yes, ma'am.

25 Q. I believe you said, you can't give -- you can't

1 give nobody -- can't nobody give you the money to
2 change what was done; I get that at the same time;
3 it's better to come with something; it's a sad
4 story; everybody has a story; it is what it is.

5 Right?

6 A. Yes, ma'am.

7 Q. So she didn't just get over it, take your
8 money, and be done?

9 A. No, ma'am.

10 Q. You said that you wanted to help her, right?

11 A. That's when she asked me for \$25,000. I told
12 her, yes, ma'am. I was trying to accommodate
13 whatever I could do to help the situation at that
14 particular time.

15 Q. So I believe what she said on the recording is,
16 I spent over 25 on the house that I lost, so if you
17 can help me with that, okay.

18 A. No, ma'am. I never heard that on the
19 recording. Was that on -- is that on the other
20 recording? 'Cause I never heard it.

21 Q. No. This is on the only one recording that we
22 have.

23 A. I thought it was two recordings.

24 Q. I just have one.

25 A. Okay. I thought you said Monesha did one and

1 her cousin did one. And that's --

2 Q. You said that.

3 A. It was in -- it was in a report that I read.

4 Q. Okay. Well, I didn't say that.

5 And you said, what I can do is give you 10; I
6 mean, I don't want to be sitting here saying
7 something to say something; it's not your fault, but
8 this little "n" has got two different lawyers; and
9 you know that second one I got him, that "n" hired
10 something. I can't just get everything for him.
11 I'll help him and I'll try to help him, but I can't
12 give it all up for you. I definitely appreciate you
13 even having a conversation. I can do 10 ASAP.

14 A. Yes, ma'am.

15 Q. And she said, you got my number. I'm going to
16 talk to my husband. I don't know if you want to
17 meet him.

18 And you said, I think real "n"s recognize real
19 "n"s.

20 A. Yes, ma'am.

21 Q. So you suggested meeting him?

22 A. I wanted to after that, yes, ma'am. I wanted
23 to meet him.

24 Q. Yeah. He's not going to see it as that.

25 And you said, you may say that. I think you

1 put two real fellows in the room together.

2 And what happens when you put two real fellows
3 in a room together?

4 A. They talk like men.

5 Q. And you can tell that man to take care of his
6 wife --

7 A. No.

8 Q. -- give him money, and shut her up?

9 A. No, ma'am. We can look each other in the eye
10 and talk like men and go from there.

11 Q. What would you be talking about if you're not
12 trying to help her?

13 A. He just asked me for -- she just asked me for
14 \$25,000. She said the reason he didn't come was
15 because she was scared of what he would do to me. I
16 was telling her how I feel, like he isn't going to
17 do anything to me.

18 Q. But that's all on the tape that we don't have.
19 That's all on the cutting board.

20 A. I don't know why you have two tapes anyway.
21 That didn't make any sense.

22 Q. Well, I mean, I know law enforcement will send
23 people in with three or four wires, just to make
24 sure if three of them don't work, one does.

25 A. Yeah. But you only get half the conversation.

1 And the other half -- everybody got the whole
2 conversation, though, right?

3 Q. Just depends on what works when. Better to
4 have two than one, right, if somebody's trying to
5 bribe you.

6 A. One worked half, another worked half, then none
7 of them worked at the end. So I don't know what was
8 going on.

9 Q. It was only after they said, forget it,
10 clearly, you're not trying to help, that you started
11 calling West Columbia and --

12 A. No, ma'am.

13 Q. -- Richland County and Lexington County and
14 trying to get somebody to listen to your side of the
15 story so you could come into bond court and get your
16 brother out of jail.

17 A. No. I started from the beginning. That's why
18 Ms. Turner -- if you look at the texts, I kept
19 texting her, like, what should I do? They're
20 calling me. What should I do? What should I do?

21 And she text back. She said, like what?

22 I said, give them 1,000 or 2,000?

23 No, ma'am. From the very beginning, I -- I
24 called law enforcement immediately. Immediately.

25 Q. Immediately.

1 A. Immediately, yes, ma'am.

2 Q. Where are those texts?

3 A. I mean, we have -- we have copies of texts and
4 stuff. I mean, I have some in my phone. I got
5 screenshots in my phone. I can definitely give you
6 the texts. Yes, ma'am.

7 Q. Really not worried about that.

8 But you were supposed to come to Lexington
9 County and turn over your phone so they could get
10 your texts?

11 A. No, ma'am. I did every -- me and the Lexington
12 County officer -- I met with him at the attorney's.
13 Everything they asked me to do, I did. They never
14 invited me to the office to get the phone.

15 Q. They -- it's on a recording.

16 A. Yeah. That was at the meeting. But we was --

17 Q. That they asked you to come to Lexington County
18 and bring your phone. That's on a recording.

19 THE COURT: Hold on. Hold on. I can't have
20 both of you talking at the same time. Okay? Let
21 her finish her question. And, likewise, please let
22 him finish his answer before you move to the next
23 question. Okay? I'm sorry.

24 Go ahead, Ms. Weiss.

25 BY MS. WEISS:

1 Q. Lexington County said on a recording, we need
2 you to come to headquarters; bring your phone so we
3 can get all this off of it.

4 Correct?

5 A. Ma'am, we were at the meeting in the lawyer's
6 office. That's what they said. But they never gave
7 me a time to bring my -- it was never set up. After
8 that, there was no more contact.

9 I have the texts in my phone. I can show
10 anyone where I was texting Ms. Turner. She stopped
11 answering my phone for some -- I had to call her
12 from another phone number to even figure out why she
13 wasn't answering my phone calls no more. She -- she
14 stopped answering my phone calls. That was the
15 issue.

16 Q. Investigator Taylor, who was actually
17 investigating this case and wasn't the victim
18 advocate for Monesha Cook -- Investigator Taylor
19 from Lexington County, who came and met with -- oh,
20 this was after you talked to Stan Smith at the
21 Lexington County Sheriff's Department, but you
22 forgot to mention that on direct.

23 A. Yes, ma'am.

24 Q. Yeah. You forgot that. You talked to him and
25 gave him an interview as well, right?

1 A. Yes, ma'am.

2 Q. But that didn't match this recording either.

3 A. What didn't match?

4 Q. What you told Stan Smith.

5 A. No. It definitely matched. I mean --

6 Q. Not -- not this recording, not the one that we
7 have from Monesha, doesn't match that.

8 A. Yes, ma'am.

9 Q. So -- and then after that, you talked to
10 Investigator Taylor, who came and met with you at
11 Willie Bradley's office, right?

12 A. Yes, ma'am.

13 Q. Now, you were calling and calling this victim
14 advocate who worked for West Columbia and was
15 supposed to help the victim. But you couldn't --
16 you never followed up with Hamp Taylor who was
17 investigating this case?

18 A. Nobody ever told me she was a victims advocate
19 person. I -- I'm trying to understand why they put
20 me with a victims advocate person. I'm talking
21 about bribery here. I should have been dealing with
22 the investigator from the beginning. Why would they
23 put me with a victims advocate person? That didn't
24 make any sense at all.

25 Q. Oh, my goodness. Let's talk about what doesn't

1 make sense. Hamp Taylor was actually investigating
2 this case that you were reporting. And you didn't
3 follow up with him at all, correct?

4 A. I met with him at my attorney's office.

5 Q. And he said he needed you to come bring the
6 phone, and you didn't follow up with him.

7 MS. WEISS: Your Honor, I have no further
8 questions.

9 THE COURT: Anything further, Mr. Williams?

10 MR. WILLIAMS: Nothing, Your Honor.

11 THE COURT: Sir, you may step down. Thank you.

12 MR. WILLIAMS: That would be the extent of what
13 we would put in direct, Your Honor.

14 THE COURT: Okay.

15 All right. As acknowledged by the attorneys
16 prior -- prior to this individual taking the stand,
17 all of this occurred approximately one year after
18 the incident for which Chris -- Chris Cooper is on
19 trial here. And even in light of what I've heard
20 today, the Court's rulings remain the same.

21 Certainly, as I told Mr. Williams, I'd give him
22 an opportunity to proffer that testimony and, I
23 guess, protect his client's interest.

24 MR. WILLIAMS: Thank you, Your Honor.

25 THE COURT: All right. 9:30 in the morning, I

1 guess.

2 (The following proceedings were held
3 April 21, 2021.)

4 THE COURT: Anything from the State before I
5 bring the jury up?

6 MS. WEISS: Your Honor, if we could have -- we
7 just figured out -- we're trying to fix a couple
8 technical quick things that will make things go
9 faster. But it was something I figured out late
10 last night on my computer that I was able to do that
11 I didn't know I was able to do. So we're trying to
12 get it onto a disc to make testimony go faster.
13 We're seeing if it works. So that's what's taking
14 just a second.

15 We have one -- these are just housekeeping
16 things, Your Honor: We have one witness that we
17 thought we were going to call this morning who ended
18 up having to work last night until 8:00 this
19 morning. So she's not going to be able to testify
20 till later, so we're trying to rearrange today to
21 make sure we keep flowing.

22 But we need to -- we need to try to switch
23 Craig Cooper to this morning. And so I don't know
24 if that's something we can do. We also need to call
25 Mr. Spangler and make sure's he able to come this

1 morning because we want -- because those witnesses
2 would be approximately the same length of time.

3 So we're kind of -- we're just in a
4 housekeeping mode right this minute. So sorry.
5 These just were those things that happened this
6 morning. But we'll be able to start in, like, five
7 minutes, if we can -- or less. I promise. I just
8 want to make sure that we're getting all these
9 things together.

10 THE COURT: Okay. That's fine.

11 MS. WEISS: Thank you.

12 MR. WILLIAMS: Your Honor, I might have a
13 matter of law to take up with the Court whenever she
14 gets back in here.

15 THE COURT: Okay.

16 MS. RAYMER: Your Honor, may we bring the first
17 witness into the courtroom?

18 THE COURT: Well, hold on a minute.

19 All right. Ms. Weiss?

20 MS. WEISS: Yes, Your Honor.

21 THE COURT: Mr. Williams?

22 MR. WILLIAMS: Yes, Your Honor. I'd like to
23 bring up something to the Court prior to everything.

24 It's my understanding that Ms. Weiss is calling
25 the co-defendant, Craig Cooper, to testify -- or to

1 take the stand and testify in this case. As the
2 Court knows, Monday, he affirmed that he was
3 innocent, and he affirmed that he was not entering a
4 plea of -- of any kind, and not, basically,
5 cooperating in the testimony in the case against
6 Chris Cooper.

7 Your Honor, we would object to him being called
8 to the stand. Because, if they're doing that, then,
9 number one, there is no purpose if he's not going to
10 be a witness in the case. He's obviously said he's
11 not going to testify against Chris Cooper. And the
12 only thing that I can imagine that this would be
13 used for would be for him to get up on the stand and
14 for him to say that he is innocent, and then the
15 Attorney General's Office pull out his statement and
16 slowly but surely cross-examine him over his
17 statement to use that statement against my client.

18 Your Honor, if his statements can't be used
19 against my client and if his case is not being tried
20 at the same time as my client -- he hasn't been
21 called as a co-defendant in this case; meaning,
22 he's -- the case is not -- he's not been called --
23 the jury has not been called to make the
24 determination of guilt or innocence involving Craig
25 Cooper.

1 Now, I think it's improper to have him called
2 if we know -- if we know he says he's innocent and
3 we know he says he's not going to testify and get
4 the deal that was offered by the Attorney General's
5 Office. It is -- it appears only to be a slick ruse
6 to allow the Attorney General's Office to use his
7 statement as a method to use information that they
8 shouldn't be allowed to introduce.

9 THE COURT: There are no Bruton issues here. I
10 mean, you have a right to cross-examine him.

11 Ms. Weiss, let me hear from you, please.

12 MS. WEISS: Thank you, Your Honor. May it
13 please the Court?

14 So Craig Cooper, who is the co-defendant in
15 this case, pled guilty. So that's why we're not
16 trying them together. And then we would be dealing
17 with Bruton issues, obviously, if we were.

18 But he pled guilty in November of 2020; pled
19 guilty knowingly, freely, voluntarily; waived his
20 rights, and said that he was going to testify. He
21 gave testimony under oath at that point where he
22 said that he gave two statements: The first one
23 wasn't true; the second one was. And then he -- and
24 he swore under oath that that was the truth of what
25 had happened and that that was his statement.

1 So, Your Honor, as you know, he filed a motion
2 to withdraw his plea approximately a month ago, and
3 that was denied by Judge Keesley. We brought him in
4 here on Monday to see if he was going to testify,
5 put him on the stand. And, under oath, he chose to
6 testify.

7 He started testifying, gave his name, his
8 relationship to the defendant, and then chose to say
9 that he was innocent, and he only said what they
10 told him to.

11 So, Your Honor, at this point, he's begun
12 testifying. And it's the State's position that we
13 can call him, and he can testify to whatever he
14 wants to testify to. You know, it's very possible
15 that this is a ruse that the co-defendants have come
16 up with at this point since it's something that's
17 never been mentioned prior to Monday morning when we
18 called him to the stand.

19 The State has the right to explore that, as
20 well as -- you know, yes, we can impeach him with
21 the fact he's given prior statements. He's given
22 prior consistent-with-each-other statements that are
23 inconsistent with what he's saying today. He gave
24 those; he signed those. And, then under oath, he
25 said that they were true. And once he started

1 testifying, we have the right to impeach him with
2 that.

3 I don't think it's a sly ruse to do anything.
4 This is actually what the law allows. People change
5 their statements and can be impeached with their
6 prior statements, and that's exactly what the State
7 intends to do in this case.

8 MR. WILLIAMS: And, Your Honor, as part of the
9 discovery in a criminal case, the burden of proof is
10 on the prosecutor to send over any discovery or any
11 information they intend to use in a case that's
12 being tried.

13 Now, one thing we know that the defendant
14 doesn't have -- my defendant doesn't have, is he
15 doesn't have access to what the testimony was when
16 he went in front of Judge Keesley and attempted to
17 get out from underneath the -- the plea which he had
18 entered. So that information has not been shared.

19 I assume -- I assume -- since I wasn't here, I
20 assume that they know what that information was.
21 But we had no standing, Your Honor, to be in that
22 particular hearing. And they have that information,
23 and that wasn't turned over. So we think that that
24 would be a violation of the discovery rules, unless
25 we're going to sit down here and have a copy of the

1 transcript printed.

2 And the question would be -- I mean, does that
3 mean that Judge Keesley has now become part of this
4 case in terms of a -- as a witness when he's a
5 judicial officer and made a determination as to
6 whether or not the gentleman was going to be allowed
7 to withdraw? I don't think it does that. But that
8 is -- that is the number of problems that this is --
9 that this could potentially develop.

10 MS. WEISS: Your Honor, if I may reply.

11 This absolutely in no way makes Judge Keesley a
12 witness to anything. We are simply asking Craig
13 Cooper about what he said under oath. Your Honor,
14 in the motion to withdraw, as an officer of the
15 court, I can tell you, Craig Cooper didn't say
16 anything. He said nothing. His attorney spoke for
17 him and made the motion. Ms. Raymer was there. I
18 was there. There -- I mean, he didn't say anything.

19 There's nothing we would be asking him about,
20 because he didn't say anything. He just said he
21 wanted to withdraw, and his attorney's reason for
22 that was because we had not turned over that Jacob
23 Cook had been arrested last summer, and that if he
24 had known that, that he wouldn't have pled. There
25 was nothing else. That was the reason given by the

1 attorney, not said by the defendant. There was no
2 statement by the defendant.

3 What we do have is the transcript from the
4 guilty plea itself. I don't know if Mr. Williams
5 has a copy of that. I can't give him a copy of that
6 unless I'm ordered by the Court, Your Honor, because
7 it's a transcript. But I'd be happy to go make him
8 a copy, if Your Honor tells me to do so. And, of
9 course, you know, he's aware that the court reporter
10 can give a copy and that Mr. Spangler has a copy. I
11 assume Mr. Spangler has a copy. But I'm happy to
12 give him a copy of that.

13 That's a guilty plea that's just several pages
14 that he can read. But -- but that's everything in
15 conformance with what he's already given, and Mr. --
16 Mr. Williams is well aware of what the plea offer
17 was and what he has -- all the statements he's given
18 before. So --

19 MR. WILLIAMS: So now we know that she had a
20 copy of the transcript and she's had that ever since
21 the guy -- the individual entered his plea. So
22 there is no excuse why that wasn't turned over
23 timely and to enable co-defendant --

24 THE COURT: Well, I mean, she's right from the
25 standpoint of not any and everybody can request a

1 copy of the transcript. If a nonparty requests a
2 copy of the transcript, it's my understanding the
3 judge has to approve it.

4 Well, I'm going to order that you provide him
5 with a copy of the transcript.

6 And that will give you time to look at it,
7 however much time you may need this morning.

8 MR. WILLIAMS: I'm sure I can look at it while
9 we're going on.

10 THE COURT: What's your order of witnesses this
11 morning, Ms. Weiss?

12 MS. WEISS: We have the 911 caller, an officer,
13 and an EMT.

14 THE COURT: And then when were you going to
15 call --

16 MS. WEISS: And then we were going to call
17 Craig. That was the one that got switched.

18 THE COURT: All right. Let's call these
19 three -- well, make a copy of that transcript for
20 Mr. Williams. I'd like a copy of it as well for me
21 to look at it.

22 MS. WEISS: Yes, Your Honor.

23 THE COURT: Let's put up those three witnesses,
24 and we'll take a break, and then we'll go from there
25 with Mr. Cooper.

1 MS. WEISS: I'll get that done right this
2 second, Your Honor.

3 THE COURT: Thank you, ma'am.

4 (Brief recess.)

5 THE COURT: There's been some matters brought
6 to my attention about individuals out in the gallery
7 possibly on cell phones. I will tell you that
8 former chief justice Toal previously issued an order
9 which is still in effect about the use of electronic
10 devices in the courtroom. You -- no one -- and I
11 emphasize no one -- is permitted to have or be
12 utilizing, in any way, shape, or form, electronic
13 devices while in this courtroom. If your cell phone
14 is even out, it's subject to being confiscated, and
15 you're subject to being held in contempt of court,
16 which could result in fine and/or incarceration.

17 So unless you're authorized by the Court to
18 have and utilize electronic devices, you need to
19 make sure they are off and put up. Okay?

20 Ms. Weiss, anything from the State before we
21 bring the jury up?

22 MS. WEISS: No, Your Honor. I'm just trying to
23 see if can get these videos to work.

24 THE COURT: I'm sorry. Are you ready?

25 MS. WEISS: Yes, sir. I was just handing you

1 the transcript. We just got a copy.

2 THE COURT: Mr. Williams, anything before we
3 bring the jury up?

4 MR. WILLIAMS: The defendant's ready, Your
5 Honor.

6 THE COURT: All right. Bring in the jury,
7 please, sir.

8 MR. WILLIAMS: Your Honor, there might be one
9 little glitch here. Your Honor, as -- as I read
10 this transcript, it's mentioned in here that the
11 co-defendant had said that they were supposed to
12 meet up with the girl for sex. And, Your Honor,
13 that may open the door, if you will, Your Honor,
14 for, I guess -- we've already established there's
15 certain things I couldn't talk to the -- the alleged
16 victim about. But --

17 THE COURT: Well, we'll cross that bridge after
18 these three witnesses.

19 MR. WILLIAMS: Okay.

20 THE COURT: I don't think it's going to come up
21 with these three witnesses.

22 MR. WILLIAMS: I hope not.

23 (The jury enters the courtroom at 10:17 AM.)

24 THE COURT: Madam Forelady, ladies and
25 gentlemen of the jury, good morning.

1 Last name's K-E-L-L-Y.

2 THE COURT: Ms. Kelly, if you would, pull that
3 microphone towards you and make sure you speak into
4 it so everyone can hear, please, ma'am.

5 MS. RAYMER: Thank you. May it please the
6 Court?

7 DIRECT EXAMINATION

8 BY MS. RAYMER:

9 Q. Ms. Kelly, where do you currently live?

10 A. 1138 Kittie Drive, Lexington, South Carolina.

11 Q. And where did you live on July 28th, 2017?

12 A. 1610 F Avenue, West Columbia, South Carolina.

13 Q. And what county is that in?

14 A. Pardon me?

15 Q. And what county is that in?

16 A. Lexington.

17 Q. And, at that time, did you know the young
18 couple that lived in the duplex across the street?

19 A. I didn't personally know them. I just waved to
20 them a few times.

21 Q. And do you recall anything unusual that
22 occurred in the early morning hours of July 28,
23 2017?

24 A. Yeah. She -- the girl that lived there came
25 banging on our door, you know, pleading for help,