

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 Carolina Respondent,

v.

Christopher P. Cooper.....Appellant.

RECORD ON APPEAL

VOLUME II OF III

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1 saying someone was after her; somebody broke in or
2 something like that. And, you know, we called
3 911 -- or I called 911, and the cops came.

4 Q. Ms. Kelly, I'm showing you what has been
5 previously marked as State's Exhibit 54. Do you
6 recognize this?

7 A. Yes.

8 Q. Did you have a chance to listen to this?

9 A. I did.

10 Q. And whose initials are on here?

11 A. Mine.

12 MR. WILLIAMS: Your Honor, I have to say this
13 quickly. We object to the playing of the 911 tape
14 until she offers it into evidence.

15 THE COURT: Sustained.

16 MR. WILLIAMS: Thank you, Your Honor.

17 BY MS. RAYMER:

18 Q. Ms. Kelly, when you had a previous opportunity
19 to listen to this disc, could you recognize the
20 voice on the recording?

21 A. Yes.

22 Q. And whose voice was that?

23 A. Mine.

24 MS. RAYMER: Your Honor, at this time, the
25 State would like to introduce what has been

1 previously marked as State's Exhibit 54 into
2 evidence.

3 MR. WILLIAMS: We have no objection, Your
4 Honor.

5 THE COURT: Without objection, so admitted.

6 (State's Exhibit No. 54 admitted into
7 evidence.)

8 (Audio played for his Honor and the jury.)

9 BY MS. RAYMER:

10 Q. Ms. Kelly, who was that you could hear in the
11 background of that recording other than yourself?

12 A. The lady that was at our front door.

13 Q. That lived the across street from you?

14 A. Uh-huh, yes.

15 MS. RAYMER: Thank you so much, Ms. Kelly. No
16 further questions. Please answer any questions
17 Mr. Williams may have.

18 MR. WILLIAMS: No questions, Your Honor.

19 THE COURT: Ma'am, you may step down. Thank
20 you.

21 THE WITNESS: Thank you.

22 MS. RAYMER: Your Honor, at this time, we would
23 request Ms. Kelly be released from her subpoena.

24 THE COURT: Any objection?

25 MR. WILLIAMS: No objection.

1 THE COURT: Ms. Kelly, you're released from
2 your subpoena. You're free to go. Have a nice day.

3 THE WITNESS: Thank you.

4 MS. RAYMER: Your Honor, at this time, the
5 State would call EMT Dayton Barton to the stand,
6 Patrick Dayton Barton.

7 PATRICK BARTON

8 being first duly sworn, testified as follows:

9 THE WITNESS: I do.

10 THE CLERK: If you'll have a seat in the
11 witness stand. You can remove your mask when you
12 get up there and get seated.

13 Please state your full name and spell your last
14 name for the record.

15 THE WITNESS: Okay. My name is Patrick Barton,
16 B-A-R-T-O-N.

17 DIRECT EXAMINATION

18 BY MS. RAYMER:

19 Q. Thank you, Patrick. And what do you go by?

20 A. I go by Dayton, my middle name.

21 Q. And what do you currently do for a living?

22 A. I'm in the South Carolina Army National Guard,
23 and I also work for Charleston County EMS.

24 Q. And on July 28, 2017, where were you employed?

25 A. I was employed with Lexington County EMS.

1 Q. And what was your job title?

2 A. I was a BLS crew chief.

3 Q. And were you working in that position on the
4 night of July 28th, 2017?

5 A. Yes, ma'am.

6 Q. Do you have any independent recollection of
7 that evening?

8 A. I do, yes, the husband entering the ambulance
9 with us.

10 Q. Can you please briefly state how you became
11 involved in this case?

12 A. Yes, ma'am. On shift that evening, we were
13 dispatched by the dispatcher, Charleston County --
14 excuse me -- Lexington County dispatcher, and then
15 we proceeded to the call.

16 Q. And do you recall what address you responded
17 to?

18 A. I do not, no.

19 Q. Do you recall what county it was in?

20 A. Yes. It was in the city of West Columbia.

21 Q. Do you recall what city it was?

22 A. West Columbia, yes.

23 Q. Other than that recollection that you just
24 described, do you have any independent recollection
25 of the details of that night?

1 A. Yes. I remember arriving on scene with my
2 partner, Jacob Jones. And then we proceeded to the
3 officer standing outside at the end of a driveway
4 with Monesha or Ms. Cook. And then we proceeded to
5 the ambulance, where, shortly thereafter, her
6 husband had entered through the rear entrance of the
7 ambulance.

8 Q. I'm showing you what has been previously marked
9 as State's Exhibit 53. Have you had a chance to
10 review this? This is the video of -- from that
11 night.

12 A. Yes.

13 Q. And did this video accurately depict what you
14 observed that evening?

15 A. Yes, ma'am.

16 MS. RAYMER: Your Honor, at this time, the
17 State would seek to exhibit what has been -- enter
18 into evidence what has previously been marked
19 State's Exhibit 53.

20 MR. WILLIAMS: No objection, Your Honor.

21 THE COURT: Without objection, so admitted.

22 THE REPORTER: I think that's 55.

23 THE COURT: State's Exhibit 55 is admitted
24 without objection.

25 MR. WILLIAMS: No objection.

1 (State's Exhibit No. 55 admitted into
2 evidence.)

3 (Video played for his Honor and the jury.)

4 MS. RAYMER: Your Honor, if I may, I'm going to
5 pause this and give it a moment to buffer so it
6 stops cutting off.

7 BY MS. RAYMER:

8 Q. Before the patient's husband arrived on scene,
9 what did you do with the patient?

10 A. When we arrived on scene, we escorted the
11 patient to the side entrance of the ambulance. And,
12 shortly thereafter, her husband arrived on scene
13 and, as you saw, entered through the -- the back
14 exit.

15 Q. At any point, did you take her vitals that
16 evening?

17 A. Yes.

18 Q. And were her vitals normal?

19 A. They were -- they were within normal ranges
20 with a slightly, I would say, elevated heart rate.

21 Q. What is that indicative of?

22 A. A number of things. In this case, in this
23 instance, anxiety.

24 Q. Is it usual for you to allow a family member
25 into -- is that the policy regarding family members,

1 to allow them into the emergency vehicle?

2 A. Yes.

3 Q. Why is that?

4 A. It helps console the patient because they know
5 the patient. And I have yet to -- to establish a
6 rapport with him or her.

7 Q. And what happened after that video cut off?

8 A. We remained on scene. An investigator arrived
9 and spoke with Monesha and her husband and myself.
10 And then we initiated transport sometime thereafter
11 where we transported to Lexington County Hospital.

12 Q. And what is the procedure once you arrive at
13 Lexington Medical Center?

14 A. We transfer the patient to a designated room,
15 where we speak with the nurse or a doctor, and we
16 transfer care.

17 MS. RAYMER: Thank you so much.

18 No further questions for this witness.

19 Please answer any questions Mr. Williams has
20 for you.

21 MR. WILLIAMS: May it please the Court?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q. What's your rank?

1 A. My rank, sir?

2 Q. Yes.

3 A. I'm a second lieutenant.

4 Q. Okay. Been a long time since I've seen those
5 uniforms.

6 So, Lieutenant, when you -- when you were in
7 the back, that was you, the young blonde guy,
8 closest to the patient, right?

9 A. Yes, sir.

10 Q. So you were right next to the husband and the
11 victim. And the husband said something to you about
12 a possible suspect. And you passed that on to
13 somebody?

14 A. Yes, sir.

15 Q. Who did you pass that on to?

16 A. The police officer that was standing there in
17 the well through the side entrance to the --

18 Q. So he would have been one of the first officers
19 on scene?

20 A. Yes, sir.

21 Q. As far as you know.

22 A. Yes, sir.

23 Q. And did you -- did you pass on a description of
24 the person? We all heard it on there. He said
25 somebody he bumped into or something like that, some

1 guy named Sean or something like that.

2 A. I do not recall.

3 Q. All right. Whoever it is, it's on that tape,
4 right? Whoever the person was that the husband
5 mentioned, you -- you passed that name to the police
6 officer who was on the scene.

7 A. Yes, sir. The officer that web cam -- that web
8 footage came from, yes, sir.

9 MR. WILLIAMS: All right. That's all I have,
10 Your Honor.

11 THE COURT: Any redirect?

12 MS. RAYMER: No -- no further questions from
13 the State, Your Honor. The State would request that
14 he be excused from his subpoena.

15 THE COURT: Thank you, sir. You may step down.
16 You're excused from your subpoena. Have a nice day.

17 THE WITNESS: Thank you.

18 MS. WEISS: The State calls Will Norris.

19 WILLIAM NORRIS

20 being first duly sworn, testified as follows:

21 THE WITNESS: I do.

22 THE CLERK: When you have a seat, you can
23 remove your mask.

24 State your name and spell your last name for
25 the record.

1 THE WITNESS: William Norris, N-O-R-R-I-S.

2 DIRECT EXAMINATION

3 BY MS. WEISS:

4 Q. Mr. Norris, where are you currently employed?

5 A. Town of Lexington Police Department.

6 Q. What is your position there?

7 A. I'm a patrol officer.

8 Q. And how long have you been with the Town of
9 Lexington?

10 A. Be four years this year.

11 Q. Okay. Prior to Lexington, where were you
12 employed?

13 A. City of West Columbia Police Department.

14 Q. How long were you employed there?

15 A. Roughly six years.

16 Q. Was the City of West Columbia your first
17 position in law enforcement?

18 A. Yes, ma'am.

19 Q. Were you at the City of West Columbia in July
20 of 2017?

21 A. Yes, ma'am.

22 Q. What was your position then?

23 A. I was a shift corporal.

24 Q. A shift corporal?

25 A. Yes, ma'am.

1 Q. And please tell us, what is a shift corporal?
2 What was your responsibility?

3 A. Basically, I'm an assistant supervisor. The
4 sergeant comes up with a plan or a goal or mission,
5 and my job's to kind of help him follow through with
6 that mission.

7 Q. Okay. And on the early morning -- early
8 morning hours of July 28, 2017, did you have the
9 opportunity to be called to a scene on F Avenue?

10 A. Yes, ma'am.

11 Q. And how did that call go out?

12 A. I believe it came out a -- a home invasion.
13 I'm not 100 percent sure how the radio put it out.

14 Q. Okay. And do you recall approximately when you
15 may have arrived on scene?

16 A. No, ma'am. I know it was later. I'm not sure
17 what I was doing prior to this incident. But I do
18 know when I responded, I was helping set up
19 perimeter.

20 Q. Okay. What does that mean, to help set up
21 perimeter?

22 A. We had requested Cayce to assist with setting a
23 perimeter around the incident location, just based
24 on the call. I believe it was -- people were
25 fleeing from the scene. So we try and set up a net

1 in senses. If we see anybody out that possibly
2 looks suspicious, we'll get out with them and ID
3 them.

4 Q. Okay. And other than that, do you recall
5 anything specific you did in relationship to this
6 case?

7 A. I cleared the residence.

8 Q. Okay. And did you do that with someone else?

9 A. Yes, sir. I did it with Officer Stirewalt.

10 Q. And have you had the opportunity to view
11 Exhibit 56?

12 A. Yes, ma'am.

13 Q. Okay. And does this accurately show what you
14 did in clearing the house that night?

15 A. Yes, ma'am.

16 MS. WEISS: Your Honor, at this time, I'd like
17 to enter State's Exhibit 56 into evidence.

18 MR. WILLIAMS: Without objection, Your Honor.

19 THE COURT: Without objection, so admitted.

20 (State's Exhibit No. 56 admitted into
21 evidence.)

22 (Video played for his Honor and the jury.)

23 BY MS. WEISS:

24 Q. All right. Do you recognize yourself?

25 A. Yes, ma'am.

1 Q. Okay. Are you one of the officers standing
2 around?

3 A. Yes, ma'am. I'm the one to the left.

4 Q. Just to be clear, that's you there?

5 A. Yes, ma'am.

6 Q. What's the purpose of clearing a house?

7 A. To make sure there are no offenders still
8 inside possibly.

9 Q. Right now, we're looking in one direction. Can
10 you tell us what that is tactically and what's going
11 on?

12 A. So, right now, Officer Stirewalt is covering
13 those two rooms while I have my back turned,
14 checking additional rooms in the upstairs.

15 Q. Did you find anybody in the additional room?

16 A. No.

17 Q. Did you move or touch or open anything in the
18 additional room?

19 A. No, ma'am.

20 (Video concluded.)

21 BY MS. WEISS:

22 Q. Officer Norris, just to be clear, you could see
23 what Officer Stirewalt was doing with his camera.

24 So can you just explain the basic theory of how
25 you go through and clear a -- clear a house?

1 A. Basically, put on gloves so you don't
2 contaminate the scene, try to touch as little as
3 possible, and basically just looking anywhere a -- a
4 human body can fit, for scene security.

5 Q. So are you opening cabinets?

6 A. No, ma'am.

7 Q. Are you opening oven drawers?

8 A. No, ma'am?

9 Q. Refrigerators?

10 A. No, ma'am.

11 Q. Okay. So what we were able to see on that
12 video, that's what both of you were doing in that
13 home?

14 A. Yes, ma'am.

15 MS. WEISS: Beg the Court's indulgence. Your
16 Honor, I have no further questions -- oh, wait. One
17 more question.

18 BY MS. WEISS:

19 Q. When you cleared the scene that night, did you
20 have anything else to do with this case?

21 A. No, ma'am.

22 MS. WEISS: Thank you. I have no further
23 questions, Your Honor.

24 Please answer any questions the defense may
25 have.

1 THE WITNESS: Yes, ma'am.

2 MR. WILLIAMS: May it please the Court?

3 THE COURT: Yes.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Officer Norris, how are you?

7 A. I'm fine, sir.

8 Q. Welcome to Lexington.

9 You were making a comment about the gloves.
10 You said you had gloves on so that you wouldn't
11 contaminate the scene?

12 A. Yes.

13 Q. What are you referring to when you say you put
14 gloves on so that you don't contaminate the scene?

15 A. Fingerprints.

16 Q. Fingerprints?

17 A. Yes, sir.

18 Q. And/or DNA?

19 A. Possibly.

20 Q. The time that you arrived on scene, do you
21 recall what time that was?

22 A. No, sir, I do not.

23 Q. How about if I hand you a West Columbia call
24 sheet report? Would that aid you in determining
25 when you got there?

- 1 A. Yes, sir.
- 2 Q. Okay.
- 3 A. I arrived at 0254 hours.
- 4 Q. 0254 hours on what date?
- 5 A. On July 28, 2017.
- 6 Q. And how long were you on call on that
- 7 particular scene, if you will?
- 8 A. This says I left at 0440 hours.
- 9 Q. So you left about 4:40 in the morning?
- 10 A. Yes, sir.
- 11 Q. Now, aside from West Columbia who was there, I
- 12 think you've talked about that Cayce was there and
- 13 they were providing a net, if you will, to catch
- 14 persons --
- 15 A. Yes, sir.
- 16 Q. -- who might be fleeing the scene?
- 17 A. Yes, sir.
- 18 Q. Who is car 22 -- unit 22?
- 19 A. Unit 22, off the top --
- 20 Q. If you need to look on your sheet, that will
- 21 do. Maybe on the other sheet.
- 22 A. Off the top of my head -- it doesn't have a --
- 23 a name next to the unit number.
- 24 Q. Okay. But there is a unit 22, right?
- 25 A. Yes, sir. My unit was unit 21.

1 Q. Right.

2 A. Yes, sir.

3 Q. You say your unit was 21. Do you have a group
4 of officers that work with your unit? Not using the
5 word unit here; group, if you will?

6 A. Yes, sir. Our shift, everybody was a 20
7 number.

8 Q. All right. Do you know whether or not there
9 was someone detained that particular night?

10 A. Off the top of my head, I do not know, sir.

11 Q. Does that information that you have in front of
12 you refresh your memory in regards to whether or not
13 someone was detained at some point in time that
14 night?

15 A. I see, highlighted, unit 22 has one detained.

16 Q. What time?

17 A. 0327.

18 Q. Did -- did you see the K-9 dogs that came down
19 there that night?

20 A. I met with them after they had ran their trail.

21 Q. So -- and that was -- Columbia brought the
22 dogs?

23 A. Richland County.

24 Q. Richland. I'm sorry. Richland County brought
25 the dogs.

1 A. Yes, sir.

2 Q. Two dogs?

3 A. I think they only had one dog on the ground,
4 but it was -- two units responded, because K-9
5 normally runs in pairs.

6 Q. Gotcha.

7 And it ran a trail, didn't it?

8 A. I believe so.

9 Q. And they actually located some footprints.

10 A. If you say so. I --

11 Q. You don't know?

12 A. I'm not --

13 Q. That's all right. We'll ask somebody else.

14 A. Yes, sir.

15 MR. WILLIAMS: That's all the questions -- oh,
16 no. One other question.

17 BY MR. WILLIAMS:

18 Q. Did -- aside from the search that we observed
19 on the video, did you or Stirewalt -- 'cause he was
20 the one with you, right, Stirewalt?

21 A. Yes, sir, Stirewalt.

22 Q. Did -- did either one of y'all go through the
23 items that were there in the house?

24 A. No, sir.

25 MR. WILLIAMS: That's all I have, Your Honor.

1 THE COURT: Any redirect?

2 MS. WEISS: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. WEISS:

5 Q. Officer Norse, you said you met up with the

6 dogs after they'd already run their track?

7 A. Yes, ma'am.

8 Q. And did they find anybody?

9 A. I believe they did not.

10 Q. Okay.

11 A. I believe there was a consensus that they might
12 have left in a car.

13 MS. WEISS: All right. Thank you.

14 No further questions, Your Honor.

15 THE COURT: Anything else, Mr. Williams?

16 MR. WILLIAMS: Nothing, Your Honor.

17 THE COURT: Sir, you may step down.

18 MS. WEISS: Your Honor, may Officer Norris be
19 excused from his subpoena, please?

20 THE COURT: Any objection?

21 MR. WILLIAMS: No, objection, Your Honor.

22 THE COURT: Sir, you're excused from your
23 subpoena. Have a nice day. Thank you.

24 Can the lawyers approach at sidebar for just a
25 minute?

1 (Sidebar conference.)

2 THE COURT: Ladies and gentlemen, we're going
3 to take a short break. We'll take a break right
4 now. We'll try to make it short. Okay? Your
5 patience is greatly appreciated.

6 Do not discuss the case. Do not discuss the
7 case at all until you're instructed to do so. I'll
8 get you back in here as quick as I can. Okay?

9 (The jury exits the courtroom at 11:01 AM.)

10 THE COURT: All right. The jury has exited the
11 courtroom.

12 I had a discussion with the lawyers at sidebar.
13 It's my understanding that the State had intended to
14 call Mr. Christopher Cooper's co-defendant, Craig
15 Cory Cooper, next. Prior to the beginning of trial,
16 Mr. Cooper came in here and did testify to some
17 extent.

18 Let me hear from the State as far as what their
19 intentions are, please, Ms. Weiss.

20 MS. WEISS: Thank you, Your Honor.

21 Your Honor, it's the State's intentions to call
22 Craig Cory Cooper to the stand. He's the
23 co-defendant in this case. Mr. Cooper, when his --
24 when his DNA hit in CODIS, was brought to --
25 actually, he drove to the West Columbia Police

1 Department where he talked to law enforcement and
2 admitted -- he gave an initial brief statement and
3 then saying that it was somehow arranged that they
4 could be there and that Chris got mad and started
5 flipping things.

6 And then -- and then after they talked to him
7 some more, he gave another statement that -- where
8 he confessed that they went there for purposes of
9 getting -- I believe it's -- I know money -- maybe
10 drugs and money. I don't know. They went there for
11 that purpose. They were put on to that by a friend
12 that -- and that they then went in, found the woman
13 in the house. She screamed. They sexually
14 assaulted her. And it was his cousin Chris who was
15 with him.

16 And I am paraphrasing because I'm not looking
17 at the statement.

18 But basically, at that point, he was given a
19 photo lineup. He asked who -- they asked who Chris
20 Cooper was. He said Chris Cooper was his cousin.
21 He was given a photo lineup where he then picked out
22 Chris Cooper, who is the co-defendant in this case.
23 And he said that he didn't have his phone there.
24 And he was taken into custody.

25 At that point, they went and picked up Chris

1 Cooper from Reunited Auto Sales, brought him over,
2 and that's when he confessed as well and -- and told
3 them where the gun was located.

4 So, Your Honor, initially, a plea offer was
5 made to both of them. Mr. Craig Cooper accepted the
6 plea offer and pled guilty. Part of the plea offer
7 was that he would testify, if needed, at trial to
8 the truth, and he was asked to clarify if there were
9 any issues about what the truth was under oath at
10 that -- at that hearing.

11 At that time, he said that the first statement
12 was not true. The one where it was arranged, the
13 second statement, was true, that -- and that he
14 understood he had to testify to the truth at the --
15 at the trial, or the plea offer would be -- the plea
16 offer, as far as the range, would be null. He still
17 gets the benefit of the reduction in the charge, in
18 the first charge, the burglary charge.

19 So, Your Honor, we went to meet with him.
20 Initially -- then he filed the motion to withdraw.
21 That was heard by Judge Keesley. And at that
22 point -- and then Judge Keesley ruled that he could
23 not withdraw.

24 So we went to meet with him. Per the
25 understanding of the plea offer, he would meet with

1 us so we could get information to the defense in
2 case there was anything different he was going to
3 say. At that time, he came into the room with his
4 attorney, Colin Spangler, and he said, I have
5 nothing to say.

6 So we said, okay. So we double-back and said,
7 have a nice day. We went back to our office, and we
8 started doing the research on that. And we talked
9 about that earlier, that whether or not somebody
10 still has the right to the Fifth Amendment after
11 they have -- after they've entered a guilty plea,
12 because it is my understanding that you waive all
13 rights in a guilty plea, and, therefore, you should
14 have waived your right to -- against Fifth Amendment
15 self-incrimination. Your Honor, the case law
16 disagreed with me.

17 So, at that point, we were in a quandary
18 because we believed that he was going to refuse to
19 testify, and we knew the case law was on his side on
20 that, that we were done. And so that's why we asked
21 to call him on Monday for the purposes of
22 establishing that. Because the plea agreement was
23 we would call him at trial so he could testify, but
24 we're also not supposed to call somebody for the
25 purposes of taking the Fifth.

1 So, on Monday, we called him specifically for
2 that purpose; called him to the stand, fully
3 expecting he was going to say we have nothing -- I
4 have nothing to say, which is exactly what he said
5 the last time we talked to him. When we called him,
6 with his attorney here, he took the stand. At that
7 time, he said his name. He said that Chris Cooper
8 was his cousin. And when I asked him about what had
9 happened, he said, I'm innocent. I only wrote down
10 on there what the officers told me.

11 And I said, so this is what your -- what your
12 testimony is? And he said, yes, so, indicating to
13 me, he was wanting to testify to that.

14 So at that point, Your Honor, he has
15 testified -- he's begun testifying in this case.
16 He's indicated he wants to testify. So now I'm not
17 in a position where I have any reason to believe
18 he's going to take the Fifth. I now have the reason
19 to believe he's going to testify, but he's going to
20 testify to something totally different than anything
21 he's ever said before, which he can do.

22 But then I have the right to impeach him with
23 his own prior statements that do not agree with what
24 he has -- inconsistent statements that he has given
25 that are with the facts of the case, yet not

1 consistent with what he's saying on the stand.

2 And that is what I intend to do, as well as the
3 statements that he made under oath about the first
4 statement not being true, the second statement being
5 the truth. And then he would be subject to
6 cross-examination at that point, Your Honor.

7 There's no way for me to know how this is going
8 to go, as I didn't know how it was going to go
9 Monday when we called him. I didn't know how it was
10 going to go Monday. It went differently than I
11 anticipated then. So we are at a crossroads right
12 now where Colin Spangler's here; Craig Cooper is
13 here. And that is -- that is our intent.

14 THE COURT: Okay.

15 MS. WEISS: And I'll admit, I spent a lot of
16 time doing a lot of research because we had one
17 thing, then we had another thing. This one I have
18 not had as much time to research because we've been
19 in active trial since the moment I had any warning.
20 So I haven't done the depth of research I would have
21 liked to be able to tell you at this point like I
22 can tell you about the Fifth.

23 I know you were looking at something different.
24 And I, quite honestly, have not done this -- this
25 section of research yet to my -- my comfort level.

1 MR. WILLIAMS: Honestly, Your Honor, I
2 disagree. As we were in -- in the room with the
3 Attorney General earlier, I think he does have a
4 right to take the Fifth Amendment. And the reason I
5 think he has the right to take the Fifth Amendment
6 is because at the time that Craig Cooper was called
7 to the stand, the jury had not been sworn yet. This
8 was merely an attempt by the Attorney General's
9 Office to tell him, this is -- you know, your deal's
10 off the table; if you don't help us now, then, Katy,
11 bar the door.

12 His -- his attorney is present, and I'm sure he
13 could probably talk to his client about whether or
14 not he -- it was his intention to enter any evidence
15 at all.

16 But it clearly was not an attempt to enter
17 evidence because, number one, if it was an attempt
18 to enter evidence, I would have been able to
19 cross-examine him, there would have been a jury
20 here. So it wasn't an attempt to enter evidence.
21 He -- in his own way, he was saying that he wasn't
22 going to be involved in it.

23 Your Honor, it opens up -- the problem with
24 this -- and, you know, it kind of hurts everybody.
25 There's -- there's, like, two statements. You know,

1 the first statement was -- since she didn't say it
2 on the record, I'll say it on the record -- is that
3 the first statement said that the two of them were
4 over there to have sex. And, as you know, we're
5 staying away from anything connected to that because
6 of Rape Shield Statute and all that.

7 But I think probably, if that was his first
8 statement, then that probably can be used in terms
9 of bringing it out for the jury. And then if that's
10 true, then perhaps maybe the fact that she works for
11 Platinum West might be able to be brought out. We
12 have stayed totally away from that, Your Honor. And
13 I think, with these statements coming in, that might
14 be opening the door for something.

15 And the only reason why she is attempting to
16 put him up there is so that she can bring those
17 statements out and use those statements to bring out
18 all of those items that would be consistent, if you
19 will, with the statement that Chris has said.

20 Now, there's an additional problem. And that
21 is -- obviously is that lineup that was used.
22 Obviously, there was some discussion about whether
23 or not I had standing to object to that lineup. But
24 it's clear, from what the police officer said,
25 that -- to the victim when she picked out the

1 picture was that it had been indicated that he was
2 on the -- on the sheet, on those six individuals.

3 There was no testimony from how it was
4 arranged. I think that might be a problem in terms
5 of -- whereas -- whereas I may or may not have
6 standing, Judge, that certainly should be important
7 here in regards to his attorney.

8 But the bottom line is I don't know what
9 State vs. Moore says is. I'd be willing to bet that
10 it's probably on point whether or not they -- that
11 he has a right to take the Fifth Amendment or not
12 now.

13 THE COURT: No.

14 MR. WILLIAMS: But, anyway, Mr. Spangler's
15 here.

16 THE COURT: Anything else?

17 MS. WEISS: Your Honor, as to Mr. Williams'
18 claim that somehow now he has some way to challenge
19 that lineup, while he has the right to take the
20 Fifth, he has waived all the other rights. He has
21 waived a jury trial, and he has been found guilty by
22 a judge just as if by 12 jurors.

23 So I would maintain that, one, there's no
24 standing in this trial for him to do that, and, two,
25 he's waived that right. So that's -- that's a --

1 that is completely separate from this.

2 And, Your Honor, what he -- he has said before
3 with his attorney, I have nothing to say. I have
4 nothing to say is very different than what he said
5 on Monday. He made a statement on Monday. So that
6 statement that I am innocent and I only wrote down
7 what they told me to write down goes to -- goes to
8 him wanting to try to help his cousin by changing
9 his statement.

10 Yes, he's hurting himself, but he's helping his
11 cousin. It wasn't a last-minute, you know,
12 everything's horrible. It was really to see if he
13 was going to say, I have nothing to say, and he
14 didn't. So --

15 MR. WILLIAMS: Or it could mean that he's
16 saying he's not guilty. But that's not really the
17 point.

18 THE COURT: One, the hearing Monday was to
19 determine whether or not he was going to invoke his
20 Fifth Amendment or testify. All right? I
21 understand the jury had not been sworn at that
22 juncture. He didn't invoke his Fifth Amendment
23 right.

24 It would be improper for the State to call him
25 solely for the purpose -- and Ms. Weiss said this,

1 and she's exactly right. It would be improper to
2 call him solely for the purpose of him invoking the
3 Fifth. And so he certainly testified; albeit,
4 wasn't exactly how the State or the defense may have
5 wanted it, he testified on Monday without invoking
6 his Fifth Amendment rights.

7 You agree with that, Mr. Williams?

8 MR. WILLIAMS: No, Your Honor. Because I
9 think -- I think the statement from an individual on
10 the stand who is not an attorney, who is not a
11 judge, that they don't appreciate invoking the Fifth
12 Amendment in the same way. By his colloquial
13 statement about saying that I don't intend to
14 testify, I'm -- I'm innocent, whatever --

15 THE COURT: What about all of this other
16 information that he gave prior to that or even
17 subsequent to that? Do you understand what I'm
18 saying?

19 MR. WILLIAMS: He was -- I'm sorry. Go ahead.

20 THE COURT: He answered questions on the stand.
21 And so assuming for -- I don't know what his record
22 is, whether or not he's an experienced individual in
23 the legal -- on the legal side of things from a
24 defendant's standpoint. I have no idea. I do know
25 he's certainly represented by counsel and his

1 counsel is in the courtroom here today. Okay?

2 MR. WILLIAMS: Yes, sir.

3 THE COURT: So the issue is, one, he hadn't
4 unequivocally invoked the Fifth Amendment. He has
5 not done that. And I'm just talking based upon what
6 he said here. I'm not -- from my recollection of
7 what -- what happened on Monday, I mean, he -- he
8 never invoked the Fifth Amendment by simply saying I
9 invoke the Fifth Amendment. You know, he never said
10 that.

11 MR. WILLIAMS: That's true.

12 THE COURT: So I know there's some case law out
13 there, and I hadn't done the research on it yet
14 because, I mean, this is something that just hit me
15 today. You-all just hit me with this today.

16 But there is some case law out there as to
17 someone testifying and then, at some point, invoking
18 the Fifth on whether or not that's allowed. And I
19 don't think it will be that difficult to find if you
20 sit down and take the time to do the research on it.

21 MR. WILLIAMS: So I guess the question for us,
22 Your Honor, is whether or not -- if he comes out
23 here today and takes the Fifth -- pleads the Fifth,
24 then is that -- is that the end of it?

25 THE COURT: Well, you know, that raises another

1 issue. The State asserts he's already begun
2 testifying --

3 MR. WILLIAMS: But not in front of a jury.

4 THE COURT: Let me finish.

5 MR. WILLIAMS: I'm sorry, Judge.

6 THE COURT: Well, I was just going to say,
7 however, what you just said, the trial hadn't -- had
8 not started yet. You know, had he come in here
9 Monday and when he took that stand, said, I'm
10 invoking the Fifth, then the State absolutely would
11 have been precluded from calling him. Ms. Weiss
12 would agree with that. The State would have
13 absolutely, at that point, been precluded from
14 calling him to put him on the stand solely to say, I
15 invoke the Fifth, you know.

16 So I don't disagree with you that the trial had
17 not started at that point. And -- but I also agree
18 with the State from the standpoint of he didn't say,
19 you know, from the first question, I'm invoking the
20 Fifth, which the State would have -- again, would
21 agree that they couldn't call him at that point.

22 And so the purpose of that hearing on Monday
23 was to find out whether or not he was going to
24 invoke his rights, you know. And so the State's
25 gotten the impression that he didn't do it and isn't

1 going to do it, and, therefore, they ought to be
2 entitled to call him.

3 You, on the other hand, have certainly
4 indicated, one, that the jury wasn't sworn and --
5 you know. And while he didn't specifically say, I
6 invoke the Fifth, it's your argument that, in a
7 roundabout way, he did.

8 MR. WILLIAMS: Yes, sir, it is. It is.

9 THE COURT: Okay. So therein lies the issue.
10 Okay?

11 Yes, ma'am?

12 MS. WEISS: If I may just supplement that Your
13 Honor's right. If he had gotten up there and said,
14 you know, I take the Fifth, then clearly. But I did
15 the research, too, because after we went to meet
16 with him last week and he said, I have nothing to
17 say; I have nothing to say, I went and talked to our
18 appellate people who are really good at researching
19 these issues. And I was like, hey, he didn't take
20 the Fifth. And he said, no; but he made himself
21 unavailable for questioning by you, which would then
22 make him unavailable for questioning by the defense,
23 and so, therefore, that's the same as taking the
24 Fifth.

25 So I understood. Even if he got up there and

1 said, I have nothing to say, which he said with
2 attorney -- after talking to his attorney -- after
3 meeting with his attorney, he came in, and he said,
4 I have nothing to say, which we took -- which we
5 were instructed and we understood meant he was not
6 making himself available to testify.

7 And just to -- so just to support more what you
8 were saying about what our argument is, is
9 that that's what -- we were expecting him to do some
10 version of that, he's met with his attorney. He
11 told us that. He has done that.

12 And Mr. Williams keeps saying that he says I'm
13 not going to testify; I'm innocent. He did not say
14 I'm not going to testify; I'm innocent. He said --
15 he gave testimony about who he was, who his cousin
16 was. He said, I'm innocent. And then he said, I
17 only wrote down those things that they told me.

18 At no time did he say I'm not going to testify;
19 I'm taking the Fifth; I have nothing to say; I'm not
20 making myself available for questions. In fact, he
21 did exactly the opposite.

22 Your Honor, I'm happy to go and phone a friend,
23 my expert appellate attorney, and try -- because
24 he's been looking at this too. These are not
25 necessarily novel issues, but very rare issues that

1 come up. So he -- he finds it fun to look at rare
2 issues, which is great. And so he's been looking
3 that up. And so we've been talking to him each
4 night, trying to understand where we stand legally.
5 And I'll be happy to follow up with him, too, while
6 you're looking at that, to see if there's answers to
7 these questions.

8 But, also, I don't believe Mr. Williams can
9 assert his Fifth Amendment right at all. And he's
10 the one that has to do it. Whether he does it --
11 you know.

12 MR. WILLIAMS: I agree with that. I don't
13 think I can assert it.

14 THE COURT: Let me ask you this, Ms. Weiss:
15 Assume, for argument's sake, that you call him; I
16 allow you to call him. And as soon as he takes that
17 stand, and the first question out of your mouth, he
18 says, I'm not going to testify; I don't have
19 anything to say; I invoke my Fifth, then where are
20 we?

21 MS. WEISS: Your Honor, at that point, I would
22 ask that the jury leave the courtroom so we can
23 address it.

24 But, right now, I would really like to talk to
25 my -- my expert friend --

1 THE COURT: I'm going to allow you to do that.

2 MS. WEISS: -- to do that.

3 But, you know, I would make the argument that
4 he's already begun testifying. But I kind of want
5 to ask and make sure I have -- I'm okay on that. I
6 don't know that that's been particularly answered,
7 but I want to find out. But then, Your Honor, we
8 would -- we would leave it up to you and whatever
9 you said at that point.

10 If he said, listen, you're done; he decided to
11 take the Fifth and, you know, whatever, then we
12 would just move on. But --

13 THE COURT: Well, based upon his testimony from
14 what was gleaned from the witness stand from
15 Mr. Cooper on Monday, I don't think you'd be
16 precluded from calling him at this point. Okay? If
17 he comes in and takes the Fifth, which the State
18 would be precluded from calling him solely for
19 that -- for him to do that, based upon -- albeit was
20 scarce, to some extent, in his testimony on Monday,
21 I can see where the State is not convinced that he's
22 going to come in here and say, I take the Fifth.
23 Okay?

24 But if he comes in here and takes the Fifth,
25 then we go back to what your argument was a second

1 ago; that he's begun testifying, based upon the
2 hearing Monday. Thinking out loud here, I don't
3 know that I agree with you on that because then you
4 could go back to his guilty plea, what he said
5 there, which he's not testifying at that point
6 either in this -- in this trial. It just -- so
7 those are some issues that need to be looked at.

8 What I would propose doing at this point is
9 bringing the jury in, sending them to lunch, tell
10 them to be here at 1:00. Is that sufficient time?

11 MS. WEISS: Yes, sir, Your Honor. It should
12 be.

13 And -- and I would -- just to add to that, I
14 wanted to say the same thing about the guilty plea,
15 which is why we did all of that research, and I
16 agree with you. That's -- my argument would be
17 because it's after the call of the case. However,
18 I'm going to look that up over the next hour and a
19 half.

20 THE COURT: Okay. Is that sufficient time, you
21 think, until 1:00?

22 MS. WEISS: I beg the Court's indulgence.

23 Your Honor, we have one brief witness who has
24 just shown up. She drove in from out of town.

25 THE COURT: Okay.

1 MS. WEISS: Very brief witness. Do we want to
2 go ahead and do her and move on through that? And
3 then we'll take the time on the other side?

4 THE COURT: We can do that. Okay.

5 MS. WEISS: This is a very brief witness. That
6 way, she doesn't stay around for an hour and a half
7 or however long.

8 THE COURT: Okay. I'm going to step down for
9 just a second.

10 MS. WEISS: Yes, sir.

11 THE COURT: Then I'll come back in, and we'll
12 do that witness, and I'll send them to lunch. We'll
13 see what time it is when we finish with that
14 witness. It would be my intention to probably give
15 them about an hour and a half for lunch.

16 MS. WEISS: Thank you, Your Honor.

17 THE COURT: Give you-all time for that.

18 Mr. Williams, likewise, any research you want
19 to do.

20 MR. WILLIAMS: Yes, sir.

21 THE COURT: All right. I'm going to step out
22 for just a second.

23 (Brief recess.)

24 THE COURT: All right. State ready to proceed?

25 MS. RAYMER: Yes, Your Honor. Thank you.

1 THE COURT: Defense counsel?

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

3 THE COURT: All right. Bring the jury, please,
4 sir.

5 Who's this witness going to be, Ms. Weiss?

6 Ms. Raymer? Who's this witness going to be?

7 MS. RAYMER: Her name is Kate Fogle. She was
8 the hospital social worker. It should be very
9 brief.

10 (The jury enters the courtroom at 11:33 AM.)

11 THE COURT: State's ready to proceed. Call
12 your next witness, please.

13 MS. RAYMER: May it please the Court? The
14 State calls Kate Fogle to the stand.

15 KATE FOGLE
16 being first duly sworn, testified as follows:

17 THE WITNESS: I do.

18 THE CLERK: If you'll have a seat in the
19 witness stand. You can remove your mask.

20 Please state your name and spell your last name
21 for the record.

22 THE WITNESS: Kate Fogle, F-O-G-L-E.

23 DIRECT EXAMINATION

24 BY MS. RAYMER:

25 Q. Ms. Fogle, where did you work on, July 28,

1 2017?

2 A. Lexington Medical Center.

3 Q. And what was your title there?

4 A. Medical social worker.

5 Q. And what did that job entail?

6 A. It was a lot of different things. I would
7 perform assessments on patients who were having
8 mental health crises or substance abuse issues. I
9 would help with any kind of abuse assessments:
10 Sexual abuse, child abuse, elderly abuse, discharge
11 planning. So I'd help patients get set up with
12 everything that they might need upon discharge. Any
13 type of problem, I'd help with, basically.

14 Q. What about sexual assaults?

15 A. Yes.

16 Q. And if a patient came in with a sexual assault,
17 can you walk me through what that process involving
18 you would be?

19 A. Sure. So as soon as a patient would come in
20 with that complaint or situation, the doctor would
21 page me. I wouldn't be the first person to come in
22 the room. The doctor would take the initial
23 assessment and the nurse. And then I would come in
24 and meet briefly with the patient.

25 Typically, my job would be to coordinate all

1 the resources that the patient would need. So I
2 would contact the forensic nurse examiner, an
3 advocate through Sexual Trauma Services; I would
4 make sure that law enforcement had been contacted,
5 that a report was filed, if the patient wanted to do
6 that.

7 Basically, I would just make sure that all the
8 proper people were there and helping the patient,
9 and just check in with the patient and do whatever I
10 could to help them as well.

11 Q. And what would the role of the Sexual Trauma
12 Services advocate be?

13 A. So once the advocate would get there, they are
14 with the patient most of the time in the room while
15 they have the forensic exam. And they -- they just
16 serve as an advocate. They help explain things that
17 may happen, what happens in the hospital, and what
18 would happen after the hospital as well.

19 Q. What is the role of a forensic nurse examiner?

20 A. They would complete the exam to gather all the
21 evidence after the assault took place.

22 Q. And does -- did Lexington Medical Center, at
23 the time, have a forensic nurse examiner on staff
24 24/7?

25 A. No. It's not -- the forensic examiner -- well,

1 yes. They work at all the different hospitals, so
2 they're basically on call. So you call them, and
3 they come to you at the hospital.

4 Q. So it wouldn't be uncommon for a forensic nurse
5 examiner to work at another hospital in the region
6 and then be brought over.

7 A. Right.

8 Q. Do you recall a doctor paging you on July 28,
9 2017?

10 A. Yes.

11 Q. Regarding a sexual assault?

12 A. Yes.

13 Q. Do you recall that patient's name?

14 A. No.

15 Q. That's understandable.

16 MS. RAYMER: Thank you so much.

17 No further questions from the State.

18 Please answer any questions -- one second, Your
19 Honor. I beg the Court's indulgence.

20 BY MS. RAYMER:

21 Q. Ms. Fogle, would it refresh your recollection
22 if I showed you the medical records from that night?

23 A. Possibly.

24 I do -- I do vaguely remember this case. Yes.

25 Q. Can you tell me what you recall about this

1 case?

2 A. Well, like I said, my participation is limited.
3 But I do remember seeing the patient initially at
4 the beginning, you know, when she first came in and
5 just making all of these calls and making sure that
6 all the correct people were there.

7 Q. And did that refresh your recollection
8 regarding the patient's name?

9 A. Yes. Monesha Cook.

10 Q. And was that all of your involvement
11 coordinating --

12 A. Uh-huh.

13 Q. -- between --

14 A. Yes.

15 MS. RAYMER: No further questions for this
16 witness.

17 MR. WILLIAMS: No questions, Your Honor.

18 THE COURT: Ma'am, you may step down. Thank
19 you.

20 MS. RAYMER: Your Honor, if we could please
21 release this witness from her subpoena.

22 MR. WILLIAMS: No objection, Your Honor.

23 THE COURT: Ma'am, you're released from your
24 subpoena. You're free to go. Have a nice day.
25 Thank you.

1 THE WITNESS: Thank you.

2 THE COURT: All right. Madam Forelady, ladies
3 and gentlemen of the jury, what we're going to do
4 now is I'm going to let you go ahead and go to
5 lunch. Okay?

6 One of the things that I enjoy about being a
7 judge is various legal issues come during the course
8 of a trial. Some of the best advice that was given
9 to me when I became a judge was prior to us getting
10 cut loose, so to speak, by ourselves, we have to go
11 sit with judges that have been on a bench a while.
12 We'll go sit a couple weeks in civil court, common
13 pleas court, couple of weeks in general sessions
14 court.

15 One of my mentors told me at that time, when I
16 was sitting with him, he said, now, Craig, just
17 because you become a judge doesn't mean that some
18 special light is shone down upon you and you're
19 going to know the answer to every question that
20 comes up in front of you. And so while I wish I had
21 that light right now, there's some matters that I
22 need to look into. And rather than make you-all sit
23 back there, I'm going to let you go to lunch, okay,
24 while I do some work during that period of time.

25 My instructions remain the same. Do not

1 discuss this case at all with anyone. Don't do any
2 independent investigation. I'm going to ask that
3 you be back here at 1:15, at 1:15. And it will be
4 my plan to start as promptly at that time as
5 possible. Okay? You-all have a nice lunch. I
6 apologize. And I'll resume as quickly as we can.
7 Okay?

8 (The jury exits the courtroom at 11:42 AM.)

9 THE COURT: Any exception or objection to
10 anything I said to the jury from the State?

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

12 THE COURT: From defense counsel?

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

15 THE COURT: All right. We'll be -- if you-all
16 could, be back here about 1:00. I'd appreciate it.
17 So let's see if we can't hash this out before 1:15.

18 MS. WEISS: Thank you, Your Honor.

19 (Luncheon recess 11:43 AM - 1:03 PM.)

20 THE COURT: Okay. Are y'all ready to hash out
21 this issue quickly?

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

23 THE COURT: Yes, ma'am.

24 MS. WEISS: I think that it is the State's
25 position that we plan to call Craig Cooper to the

1 stand pursuant to what we discussed earlier, because
2 he did give testimony on Monday when we were trying
3 to figure this out initially, and now that his
4 attorney's here, we can definitely do that, and that
5 if he takes the stand and chooses at that time to
6 say I take the Fifth; I'm refusing to testify; I'm
7 not saying anything, or any of those things, at that
8 point, I would ask Your Honor just to let the jury
9 exit the room, be cleared, if that's -- that's all
10 he plans to say, and send him out. I'm -- I don't
11 intend to try to go into --

12 THE COURT: Sorry. Go ahead.

13 MS. WEISS: I don't intend to try to go into
14 anything at that point. I'm not asking to -- for
15 him to be compelled at that point.

16 THE COURT: Mr. Williams?

17 MR. WILLIAMS: I think that -- I think that
18 kind of solves the problem, Judge. At least it
19 solves it to a great extent. I mean, we came up
20 with some -- we were looking at some law and stuff
21 and they talked about single proceedings versus dual
22 proceedings.

23 THE COURT: Well, I don't know that I need to
24 send the jury out at that point, just -- but I want
25 to make it clear for the record that, based upon his

1 testimony Monday, the State is not putting him up
2 solely for the purpose of invoking his Fifth
3 Amendment right because of what he said on the stand
4 Monday. So if he invokes his Fifth Amendment right,
5 that is not why the State is putting him up.

6 Would you agree with that, Ms. Weiss?

7 MS. WEISS: Absolutely, Your Honor.

8 THE COURT: Would you agree with that,
9 Mr. Williams, based on his testimony Monday? I
10 mean, it's -- because it's improper to do that. And
11 I don't think the State's doing that at this
12 juncture.

13 MR. WILLIAMS: You know, Judge, I -- I agree
14 that if it goes that way, that there's absolutely
15 nothing improper about that.

16 THE COURT: Okay. Well, I mean, it would be
17 improper -- as both of you have aptly recognized, if
18 he had came in here Monday and said I invoke the
19 Fifth or I'm not saying anything or I do not intend
20 to testify, for the State to call him at this
21 juncture, would be improper.

22 MR. WILLIAMS: You know, the only dispute we
23 really have here, Judge, truth be known, between
24 Heather and myself, is that she interpreted that as
25 testimony. Your Honor ruled it was testimony. The

1 way -- the only way -- I just interpreted it as
2 saying he wasn't going to testify. In effect, he
3 was doing a Fifth.

4 So it's just -- it's -- the only real dispute
5 is that it's a lack of understanding in regards to
6 what the defendant meant to do -- or what the
7 individual meant to do, I guess I should say.

8 MS. WEISS: And, Your Honor, just to reply to
9 that -- that, you know, I think the -- the way I
10 interpreted it is had he -- had he said I'm
11 innocent, I'm innocent, and refused to answer
12 questions, I would not be disputing Mr. Williams. I
13 think it is clear that -- if he's not making himself
14 available.

15 The difference in the State's mind is that he
16 then gave testimony about writing a statement; that
17 he says he was only doing what he was told, which is
18 testimony that is different from any testimony he's
19 given. That's where the State and the Defense
20 differ.

21 And also, just wanted to put on the record, one
22 of the things that helped the State in clarifying
23 kind of where we were in talking to our experts is
24 in clarifying that, really, him testifying then was
25 no different than the defendant testifying during

1 the Denno hearing. Because as we were talking, I
2 said, oh, wait a minute. So the defendant testified
3 during the Denno. But he still has a right to not
4 testify during trial. He said, absolutely. And I
5 was like, so basically -- he goes, yeah, that's kind
6 of what I was trying to say. I was like, all right.
7 Then we're done.

8 So just to kind of compare it to something else
9 that I think makes it easier --

10 MR. WILLIAMS: I agree with that.

11 MS. WEISS: -- that's where we came down on
12 that.

13 You know, I think it's an interesting argument.
14 But, at the end of the day, I don't see how I can --
15 unless -- you know, there may have been a path
16 through which we could have had him open to
17 cross-examination, have you say -- if you say
18 anything right now, you're -- you know, do some
19 things that we didn't do.

20 But I think that's a whole different scenario
21 that's not this trial. So when we analyzed it, we
22 came down to that, just to clarify.

23 THE COURT: Well, I mean, the rules certainly
24 permit -- in hearings, such as Jackson v. Denno,
25 defendants can take the stand, and any examination

1 of the witness, defendant in this scenario, is
2 limited to that issue, that issue.

3 So -- all right.

4 MS. WEISS: Well, since we still have a little
5 bit of time, Your Honor, we can -- we can talk to
6 defense counsel. I know that defense counsel had
7 mentioned, during pretrial discussions, an objection
8 that he had to the nurse examiner -- sexual assault
9 nurse examiner photos and that he did not believe
10 any of those were admissible. So we were wanting to
11 go ahead and discuss that.

12 MR. WILLIAMS: Well, I -- I have no objection,
13 if you want the Court to look at those photographs.

14 But that's like an autopsy picture, Judge.

15 MS. WEISS: Right. So we need --

16 MR. WILLIAMS: I mean, it doesn't glean
17 anything to the facts of this crime.

18 THE COURT: Well, it all goes to, certainly,
19 the testimony of the witness and the utilization of
20 those photos and better explaining, et cetera.

21 MR. WILLIAMS: But she didn't testify about
22 body parts and how they did it and that kind of
23 thing, Judge.

24 THE COURT: Well, she certainly -- the victim
25 certainly testified as to what was done with her; I

1 mean, that she was anally penetrated, that she was
2 orally penetrated. She did testify along those
3 lines.

4 MR. WILLIAMS: Okay. So is Your Honor ruling
5 that those photographs come into evidence?

6 THE COURT: Not yet. Not yet. It all depends
7 on the testimony.

8 MS. WEISS: Your Honor, may we show them to
9 Your Honor just so we can --

10 THE COURT: Sure.

11 (Sidebar conference.)

12 (Off-the-record discussion.)

13 MR. WILLIAMS: Well, I think that's a question
14 I get to ask this forensic nurse. Could these --
15 could these injuries that are showing there be
16 caused by that?

17 THE COURT: Could they be caused by any
18 other -- I don't know -- what was it that she --

19 MR. WILLIAMS: She had -- it was chlamydia and
20 gonorrhea.

21 THE COURT: And I think without specifying --

22 MS. WEISS: Could they be caused by any medical
23 condition.

24 THE COURT: Could be caused by any other
25 medical condition.

1 MR. WILLIAMS: And then if she says yes, then I
2 get to ask the question about those two --

3 THE COURT: Such as what?

4 MR. WILLIAMS: Oh, don't bring it up; just ask
5 her?

6 THE COURT: Well, I mean, I think you can ask
7 it without specifically putting them on -- on the
8 victim.

9 MS. RAYMER: Yeah. I think that's dangerously
10 close to Rape Shield.

11 THE COURT: Ma'am?

12 MS. RAYMER: I think that gets close to the
13 Rape Shield, if you go too far with that.

14 THE COURT: Well, I mean, if those types of
15 infections, diseases, or whatever can cause
16 lacerations or whatever to genitalia, I think is
17 relevant.

18 MR. WILLIAMS: Yes, sir.

19 THE COURT: And I'm trying to think why it
20 wouldn't be. Because y'all are asserting that these
21 injuries were caused by the defendant and his
22 co-defendant.

23 So I'm just trying to think -- it's not saying
24 that she has those, but it's saying that it's
25 something else that could have caused it.

1 MS. WEISS: And even if -- but then, I guess,
2 where he's trying to go is that, well, if she says
3 something like that could cause it, then he can say,
4 well --

5 MR. WILLIAMS: Introduce the medical records
6 and have her testify those are the medical
7 records -- whatever.

8 MS. WEISS: Well, those aren't her medical
9 records. But --

10 MR. WILLIAMS: Maybe she could lay a
11 foundation.

12 MS. WEISS: But then he's just -- so I think --
13 well, can we proffer that testimony, Your Honor, and
14 just see where it goes?

15 THE COURT: That's fine. I mean, is that
16 going -- is that going to be later in the day or --

17 MS. WEISS: Yes. She's not going to be here
18 till 4:00. We have plenty of time to get through
19 some stuff.

20 Your Honor, as far as just scheduling, we have
21 three witnesses now. We have two relatively
22 short -- I hate trying to remember orders -- two
23 relatively short witnesses, and then we have --
24 well, we have three. That's what it is. We have
25 Craig and then two witnesses after that. Those are

1 my three in my head.

2 Then we have -- planning to call the
3 investigator, who may -- will probably be fairly
4 long. So just so you know, as far as breaks or
5 whatever, he'll be fairly long. Then, after him, we
6 expect that the SANE nurse should be here and be
7 ready to call her.

8 So that's kind of the pace of things. So we're
9 looking at short, short, short, long, long, just
10 for -- just for scheduling purposes of where we're
11 going.

12 THE COURT: Do we have all the jurors here?

13 (Brief recess.)

14 (The jury enters the courtroom at 1:25 PM.)

15 THE COURT: Madam Forelady, ladies and
16 gentlemen of the jury -- all the jurors are
17 present -- I hope you-all had a nice lunch and are
18 ready to proceed this afternoon.

19 At this time, I will recognize the State. Call
20 your next witness, please.

21 MS. WEISS: May it please the Court, Your
22 Honor? The State calls Craig Cooper.

23 CRAIG COOPER

24 being first duly sworn, testified as follows:

25 THE WITNESS: Yes, I do.

1 THE CLERK: If you'll take the seat up there.
2 State your name for the record, spelling your
3 last name.

4 THE WITNESS: I plead the Fifth.

5 MS. WEISS: I'm sorry?

6 THE WITNESS: I plead the Fifth.

7 THE COURT: Sir, you may step down.

8 Madam Solicitor, call your next witness,
9 please.

10 MS. WEISS: The State calls Investigator Tommy
11 Todd.

12

13 THOMAS B. TODD

14 being first duly sworn, testified as follows:

15 THE WITNESS: I do.

16 THE CLERK: If you'll have a seat. You can
17 take your mask off.

18 Please state your name for the record and spell
19 your last name.

20 THE WITNESS: Thomas B. Todd, last name
21 T-O-D-D.

22 DIRECT EXAMINATION

23 BY MS. WEISS:

24 Q. Investigator Todd, how are you this afternoon?

25 A. I'm good. How are you, ma'am?

1 Q. Good.

2 Will you please tell the jury where you're
3 currently employed.

4 A. Currently employed with the City of West
5 Columbia Police Department and work there as a
6 detective.

7 Q. So, Detective Todd, can you please explain to
8 the jury what it is you do there as a detective?

9 A. I work assigned cases that my captain assigns
10 to me, process crime scenes, interview witnesses,
11 and interview suspects.

12 Q. And West Columbia PD, would you describe
13 yourselves as a large, small, medium size
14 department?

15 A. Medium size department.

16 Q. How many investigators are in your unit?

17 A. Have to give me a moment to count them.

18 Q. Approximately?

19 A. About 9 to 12 of us.

20 Q. Okay. So if any of you catches a large case
21 with a lot of parts, you work as a team? Do you
22 help each other out or is everybody kind of for
23 himself, working their own case?

24 A. Any large case, we work as a team. And even
25 some smaller cases, we get help from other

1 investigators.

2 Q. Okay. Were you a detective back in July of
3 2017?

4 A. Yes, ma'am.

5 Q. And did you have the opportunity to assist
6 Detective Morris on the case that we're here about
7 today?

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

9 Q. Okay. And when did you first become involved
10 in this case?

11 A. It was in July of 2017. I can't remember the
12 exact date. Late July, I believe it was.

13 MS. WEISS: I beg the Court's indulgence one
14 second.

15 BY MS. WEISS:

16 Q. Okay. I'm going to show you what's been marked
17 as State's Exhibit 10. Do you recognize this? Or
18 it's been entered into evidence as State's -- marked
19 as State's Exhibit 10.

20 A. Yes, ma'am, I recognize that. That's a buccal
21 swab I took from the -- collected from the mouth of
22 Monesha Cook.

23 Q. Okay. If you would, tell us how it is that
24 you -- how it is that you collect the buccal swab.

25 A. So you put gloves on, a mask on. You then take

1 a Q-tip-style swab. You get the individual to open
2 their mouth, and you swab the inside of their
3 cheeks. We then take that -- we have a container it
4 goes into. And then it's logged into evidence.

5 Q. Okay. And so you seal it up --

6 A. Yes, ma'am.

7 Q. -- and put it in a container and put it into
8 evidence at West Columbia?

9 A. Yes, ma'am.

10 Q. Okay. And were you interviewing Monesha Cook?

11 A. No, ma'am, I was not.

12 Q. Okay. So how did you end up taking her buccal
13 swab?

14 A. Investigator Morris reached out to me to get
15 some assistance. He was interviewing her at the
16 time. I offered to help. I walked down to the
17 office, grabbed the DNA kit, came down.
18 Investigator Morris was there as well. And I
19 collected the buccal swab from Ms. Cook, and then
20 turned it over to Investigator Morris.

21 Q. Okay. And so that was the day that Ms. Morris
22 [sic] came in for her interview, that she was
23 there -- I mean, Ms. Cook came in for her interview,
24 that she was there.

25 A. Yes, ma'am.

1 Q. Okay. Were you involved again a couple days
2 later?

3 A. I was.

4 Q. And so how did you get back involved helping
5 Detective Morris with this case?

6 A. So Detective Morris informed me that he had
7 identified the defendant in this case, Christopher
8 Cooper, as a possible suspect. He informed me that
9 he was working at Reunited Auto Sales, which is off
10 Broad River Road in Richland County.

11 Myself and Investigator Putney rode out to pick
12 him up for an interview. We drove out to Reunited
13 Auto Sales from the West Columbia Police Department.

14 Q. Okay. I'm going to stop you right there. Did
15 Detective Morris tell you that he needed you to --
16 did he ask you if you could go see if you could pick
17 him up?

18 A. Yes.

19 Q. And, at that point, were you headed there to
20 arrest him?

21 A. No, ma'am.

22 Q. Were you going to make him come?

23 A. No, ma'am.

24 Q. Do you do this on a regular basis?

25 A. Yes, ma'am.

1 Q. And some people refuse to go with you?

2 A. They do.

3 Q. And so -- go ahead. So you said you were going
4 to Reunited Auto Sales. And what happened?

5 A. So went to Reunited Auto Sales on Broad River
6 Road in Richland County. Upon arriving on the
7 scene, we sounded out on the radio that we were on
8 scene. We met with Mr. Christopher Cooper there,
9 identified ourselves as investigators from the West
10 Columbia Police Department, and informed him that we
11 needed to speak with him at the police department.

12 He was extremely cooperative with us. He then
13 agreed to come with us. He had a seat in the front
14 seat of the unmarked patrol vehicle, which we were
15 in at that time. I had a seat in the back. And we
16 then drove him from the police department -- I'm
17 sorry -- from Reunited Auto Sales -- I apologize --
18 to the West Columbia Police Department. We were on
19 scene approximately -- actually, at Reunited Auto
20 Sales maybe two minutes, tops.

21 Q. Two minutes?

22 A. Yes, ma'am.

23 Q. And did -- this happened back in 2017, correct?

24 A. Yes, ma'am.

25 Q. So did you have an opportunity to refresh

1 yourself to get your time frame?

2 A. Yes, ma'am, I did. I reviewed our call sheet.

3 Q. Okay. And that's where the two minutes comes
4 from?

5 A. Yes, ma'am.

6 Q. So you signed out that you were there, and then
7 you were headed back to headquarters?

8 A. Yes, ma'am.

9 Q. And did Chris Cooper -- did he have the
10 opportunity to drive himself? Was that an option?

11 A. He could have requested to drive himself.

12 Q. But did he?

13 A. No, ma'am.

14 Q. Okay. Did he refuse to come with you?

15 A. He did not.

16 Q. Do you recall -- actually recall the
17 conversation that you had with him in the car?

18 A. So on the way back to the police department --
19 I'd seen the commercials on TV -- we were just
20 making small talk for Reunited Auto Sales. And we
21 had a conversation about the difference between
22 United Auto Sales and Reunited Auto Sales and about
23 them being two different companies. Other than
24 that, that's the only conversation we had coming
25 back to the police department.

1 Q. At any time, did he ask you what you wanted to
2 talk to him about?

3 A. No, ma'am.

4 Q. What did you do when he got back -- when y'all
5 got back to West Columbia?

6 A. Escorted him to an interview room at the police
7 department. And I notified Investigator Morris that
8 he was at the police department.

9 Q. Was he in handcuffs at this point?

10 A. He was not.

11 Q. Was he under arrest at this point?

12 A. He was not.

13 Q. Did he ask to leave at this point?

14 A. He did not.

15 Q. Did he ask to use the bathroom? Get something
16 to eat? Get some water? Anything?

17 A. No, ma'am.

18 Q. If he had asked for any of those things, what
19 would you have done?

20 A. I would have obliged him.

21 Q. Okay. And if he had refused to come with you,
22 what would you have done at Reunited Auto Sales?

23 A. Would have left Reunited Auto Sales and then
24 notified Investigator Morris that he didn't want to
25 come speak to law enforcement.

1 Q. Okay. And after you put him in the interview
2 room and notify Detective Morris, did you do
3 anything else involving this case after that?

4 A. No, ma'am.

5 MS. WEISS: I have no further questions, Your
6 Honor.

7 Please answer any questions the defense may
8 have.

9 MR. WILLIAMS: May it please the Court?

10 THE COURT: Yes, sir.

11

12

13 CROSS-EXAMINATION

14 BY MR. WILLIAMS:

15 Q. Investigator Todd, the -- I think you said
16 that -- that you work in processing crime scenes; is
17 that correct?

18 A. That's part of my job, yes, sir.

19 Q. How many people do you have at West Columbia
20 that work in terms of processing crime scenes?

21 A. So the majority of our investigative unit works
22 an on-call-type schedule. And we have one
23 individual who is a crime scene individual, but we
24 all are trained in processing a crime screen and
25 work an on-call schedule to come out during the

1 nighttime and during the weekends to process crime
2 scenes and interview witnesses and suspects in
3 cases.

4 Q. So, essentially, you're qualified to process a
5 crime scene, is what you're telling me, right?

6 A. Yes, sir. I have experience processing crime
7 scenes.

8 Q. All right, sir. And, normally, with a break-in
9 or when someone has impacted a door and come through
10 the door and torn things up, maybe committed some
11 crime there, is one of the things that y'all are
12 known to do, check to see if there's fingerprints on
13 items and things of that nature?

14 A. Could you rephrase your question?

15 Q. Do you normally -- when there's a break-in,
16 does someone normally check for fingerprints of the
17 alleged assailant?

18 A. It really depends on the circumstances to a
19 particular investigation. There's a lot of factors
20 that go into that.

21 Q. If you were processing a break-in where two
22 individuals broke into a house, assaulted someone in
23 the house, tore the house up, went through the house
24 and opened all the cabinets, kicked in the door,
25 assaulted the individual in there, would you look

1 for fingerprints to help determine who those two
2 individuals were?

3 A. Again, I'd have to be on scene at that
4 particular crime scene.

5 Q. Okay.

6 A. And to ascertain and be on scene in how I'm
7 going to handle and process a crime scene.

8 Q. So is that a yes? You would look to see if
9 there were fingerprints there or not?

10 A. No, sir. That's not a yes. That is me saying
11 that I would have to be on scene to ascertain how
12 I'm going to handle that particular crime scene.

13 Q. Okay. And once you determine how to -- how
14 would you normally handle that crime scene? Would
15 you look for fingerprints, if there were doors that
16 were open and somebody coming in the door that
17 wasn't wanted in there?

18 A. I'm sorry. Are we talking about -- I'm
19 confused by your question, sir.

20 Q. It's really not a hard question. Somebody
21 comes in your house, takes something out of your
22 house, and there's evidence that they touched a
23 bunch of things in your house. Would you look for
24 fingerprints to identify the person involved?

25 A. Again, it -- back to my previous answer, it

1 really depends on the -- what information I have
2 when I get to that scene. I can't say without --
3 each individual scene that I process is different.
4 Each individual crime I investigate is different.

5 So without being on scene of a particular
6 crime, I can't tell you what I would and would not
7 do on that particular crime scene.

8 Q. So did you go to the scene of the alleged
9 break-in involving Ms. Monesha Cook?

10 A. No, sir, I did not.

11 Q. Do you know who -- who processed that scene?

12 A. I believe Investigator Morris processed that
13 crime scene.

14 Q. All right. So you said that you were assigned
15 or you were asked to go pick up Christopher Cooper;
16 is that correct?

17 A. Yes, sir.

18 Q. Now, he -- he was in Richland County, wasn't
19 he?

20 A. He was, sir.

21 Q. Did you consult with Richland County law
22 enforcement to whether or not they wanted to
23 accompany you to go out there and pick him up?

24 A. I don't recall consulting with Richland County
25 law enforcement. But it's not unusual for us to go

1 pick up suspects outside of our jurisdiction,
2 especially when it's a -- we're voluntarily picking
3 up and not going to arrest him.

4 Q. Did you consult with Richland County before you
5 went over there?

6 A. I don't recall.

7 Q. Did you have an arrest warrant at the time?

8 A. No, sir, I did not have an arrest warrant at
9 the time.

10 Q. When you walked up to him at Reunited, did you
11 check the person that you were talking to to see if
12 it was indeed Christopher Cooper?

13 A. I asked him, by asking if he was Christopher
14 Cooper, to confirm who he was.

15 Q. Now, correct me if I'm wrong. Normally, with
16 law enforcement, they normally want to see your
17 driver's license or some ID to prove who you are.

18 A. It depends on the circumstances of that.

19 Q. Well, tell me what you did on that date. What
20 did you do? Did you look for his driver's license
21 to see who he was and see if it was Christopher
22 Cooper?

23 A. No, sir. I did not ask for a driver's license.

24 Q. So if he said he was Christopher Cooper, he was
25 going to ride with you and he didn't have to show

1 who he was to prove who he was, correct?

2 A. He did identify himself as Christopher Cooper.

3 Yes, sir.

4 Q. But you didn't look at his driver's license?

5 A. No, sir, I did not.

6 Q. All right. Now, the car that you drove up
7 there to take him to the police station, did you
8 tell him come with us because we want to talk to you
9 about some things?

10 A. I informed him that we were with the West
11 Columbia Police Department and we would like to
12 speak with him.

13 Q. All right. Why didn't you just speak to him
14 right there at Reunited? Because he was right
15 there. Y'all were there. You could have talked to
16 him and find out all kind of things. Why didn't you
17 just talk to him right there?

18 A. It's our normal procedure to do all our
19 interviews at the West Columbia Police Department.

20 Q. And why is that?

21 A. That's just the way we do it. I don't have an
22 answer for you for that. We just normally conduct
23 our interviews at the West Columbia Police
24 Department.

25 Q. Well -- and, obviously, at the West Columbia

1 police station, it's away from where he's at. And
2 there's -- there's law enforcement there. There are
3 doors there; there are cells there; and there's all
4 kind of stuff there to keep people from running away
5 and stuff. Aren't there?

6 A. There are those items there, yes, sir.

7 Q. So did that play in your mind as to why you
8 were going to talk to him at West Columbia Police as
9 opposed -- because people -- y'all go to other
10 people's houses and just talk to them, don't you?

11 A. At times, we will.

12 Q. You don't automatically take somebody out of
13 the house and say, look, I want you to come down to
14 the police station, if you're talking to somebody
15 you just want to ask them a question or two, right?

16 A. But when they're identified as a suspect to us,
17 we will interview them at the West Columbia Police
18 Department.

19 Q. And that's because you were intending on
20 arresting him or keeping him from going somewhere
21 else; is that correct?

22 A. No, sir.

23 Q. So when you got him in the car, what kind of
24 car did you put him in?

25 A. I don't recall. That was in 2017. We've

1 changed vehicles multiple times since then. I can't
2 remember the exact type of car. I know it was an
3 unmarked car.

4 Q. Is it a car that you normally transport
5 individuals who've been charged with crimes?

6 A. No, sir, it's not. It doesn't have a cage in
7 it and it's not -- we do not use the unmarked
8 vehicles to transport prisoners to and from
9 detention centers.

10 Q. Okay. Did you -- did you tell him how long he
11 would be?

12 A. No, sir.

13 Q. And he just says okay?

14 A. Yes, sir.

15 Q. Did you record this information?

16 A. As far as audio recording? Visual recording?

17 Q. Yes.

18 A. No, sir.

19 Q. Well, now, have you seen the -- the viewing
20 equipment of the alleged break-in where they
21 videotape the -- these officers are walking around
22 with -- with things that would record persons who
23 were injured going into an ambulance, observe things
24 going on outside of a house, of a break-in? And I'm
25 sure everybody at the West Columbia uniformed

1 division has those little cameras and stuff.

2 Like -- like these officers right here in the middle
3 of the courtroom have those little square things.

4 A. Our patrol division is issued those.

5 Q. All right. So did you attempt to record this
6 meeting with this person --

7 A. No, sir.

8 Q. -- at Reunited?

9 A. No, sir.

10 Q. Well, wouldn't have that been good evidence as
11 to how you approach them, what you did, and what you
12 did later?

13 A. I'm not issued a body camera and I don't have
14 that video recording device issued to me by my
15 department.

16 Q. Could you have taken one with you if you wanted
17 to?

18 A. I do not recall if there's any available in
19 2017, if there's any extras that would have been
20 available at that time.

21 Q. All right. So when you got him into the car,
22 did you have any type of recording device inside the
23 car that you could record your conversations that
24 you had with him?

25 A. No, sir.

1 Q. Why not?

2 A. I didn't bring a recorder with me.

3 Q. Do you have recorders that -- that you can
4 record things with?

5 A. Yes, sir. I do have an audio recorder issued
6 to me.

7 Q. But you didn't use that in this particular
8 case, right?

9 A. No, sir, I did not.

10 Q. Where was that device?

11 A. On that day in 2017, I do not know where that
12 device was.

13 Q. Do you know that it was not with you, or did
14 you just not use it?

15 A. It was not with me.

16 Q. How do you know that?

17 A. Because I typically leave that device on my
18 desk.

19 Q. So you didn't grab it from your desk and put it
20 in your car when you went over there?

21 A. No, sir.

22 Q. Now, who else was in the car that drove you
23 over there?

24 A. Detective Putney.

25 Q. Did he have any type of recording device that

1 you're aware of?

2 A. I don't know the answer to that.

3 Q. And when you got my client back to the West
4 Columbia Police Department, did you place him in --
5 in a room with nobody else in the room?

6 A. I took him to an interview room, and he was
7 placed in the interview room. But I can't recall if
8 Investigator Morris entered the room immediately or
9 not.

10 MR. WILLIAMS: I believe this is in evidence.
11 I'm not sure. Oh, here we go.

12 BY MR. WILLIAMS:

13 Q. Referring to Defendant's Exhibit No. 1, could I
14 ask you to look at that and tell me if that is the
15 interview room that you went to?

16 A. I can't recall which interview room we placed
17 him into. We have another interview room as well,
18 but that is one of our police department interview
19 rooms.

20 Q. You don't know if you put him in that room?

21 A. I can't recall which interview room I placed
22 him into.

23 MR. WILLIAMS: Your Honor, I believe this is in
24 evidence. But if it's not in evidence, I would move
25 to place it into evidence.

1 THE COURT: Any objection?

2 MS. WEISS: No objection, Your Honor.

3 THE COURT: Without objection, so admitted.

4 (Defendant's Exhibit No. 1 admitted into
5 evidence.)

6 THE COURT: All right. Defendant's No. 1 is
7 now admitted into evidence.

8 MR. WILLIAMS: Thank you.

9 THE COURT: Without objection.

10 BY MR. WILLIAMS:

11 Q. So on Defendant's Exhibit No. 1, which is --
12 which is in evidence as No. 1, what does it
13 contain -- what does that picture show besides just
14 an interview room?

15 A. Two-way mirror, a table, and two chairs.

16 Q. And what else does it show?

17 A. A couple pens. And it looks like there's a
18 camera in there as well.

19 Q. A camera?

20 A. Yes, sir.

21 Q. And are you familiar that that camera has a
22 feed that goes to the supervisor's office?

23 A. I am.

24 Q. So whatever goes in -- whatever goes on in that
25 room is fed to the supervisor's office when

1 someone's inquiring or interviewing someone, right?

2 A. He can do that, yes, sir.

3 Q. All right. And he can record it.

4 A. I don't know the answer to if he has -- what
5 equipment he has and if he can record that or not.

6 As far as I'm -- my understanding, it's just a
7 live-feed camera system, doesn't go to a DVR.

8 Q. So -- so you could just look at what he's
9 saying and what -- and you can hear what he's
10 saying. But you couldn't preserve it for
11 prosperity -- posterity. You couldn't keep it,
12 right?

13 A. From my understanding, there's not -- this is
14 just a live-feed camera system.

15 Q. All right. Can you tell me any reason why you
16 would have a room with a camera like that other than
17 just the person you're interviewing gets irate and
18 gets in a fight with the person interviewing? Why
19 wouldn't you have something to record their actions
20 and their conversations going inside that room?

21 A. I cannot answer to why our department chose to
22 install the system and the way they chose to install
23 it. I don't know the answer to that one.

24 Q. Well, there's -- there's a two-way mirror there
25 too, right?

1 A. There is.

2 Q. So someone could be on the other side of that
3 mirror and do the same thing. They would could see
4 someone on the other side too?

5 A. If someone was standing on the other side of
6 that mirror, they could see in there, yes, sir.

7 Q. And -- but you can't say if that's the room.

8 A. I do not recall if that was the room.

9 Q. What does the other room look like?

10 A. It's similar, without a two-way mirror.

11 Q. What about a camera?

12 A. There is a live-feed camera in that room as
13 well.

14 Q. So it doesn't matter which room you put him in.
15 There's -- there's a camera in either room.

16 A. Yes, sir. There's a live-feed camera in each
17 interview room.

18 Q. And is that hooked up to your supervisor's TV
19 also?

20 A. Yes, sir.

21 Q. Can you record things on your TV? Like if
22 you're watching cable, can you push something to
23 record it?

24 A. I have YouTube TV, and I can record it through
25 that app. Other than that, no, sir.

1 Q. How long did you -- was anybody in the room
2 when you left him there?

3 A. I don't recall.

4 MR. WILLIAMS: That's all the questions I have,
5 Your Honor.

6 THE COURT: Redirect?

7 MS. WEISS: Very briefly.

8 REDIRECT EXAMINATION

9 BY MS. WEISS:

10 Q. Detective Todd, when you went to go pick up
11 Christopher Cooper, did you have any intention of
12 interviewing him?

13 A. I did not, no, ma'am.

14 Q. Were you that intimately involved in this case?

15 A. No, ma'am, I was not.

16 MS. WEISS: Thank you.

17 I have no further questions, Your Honor.

18 MR. WILLIAMS: No questions in recross, Your
19 Honor.

20 THE COURT: Sir, you may step down. Thank you.

21 MS. WEISS: May Detective Todd be released from
22 his subpoena, please?

23 MR. WILLIAMS: Without objection, Your Honor.

24 THE COURT: Sir, you're released from your
25 subpoena. You're free to go. Have a nice day.

1 Call your next witness, please.

2 MS. RAYMER: May it please the Court?

3 THE COURT: Yes, ma'am.

4 MS. RAYMER: The State would call Jo Putney.

5 JODY PUTNEY

6 being first duly sworn, testified as follows:

7 THE WITNESS: I do.

8 THE CLERK: Can you have a seat up there? You
9 can take your mask off.

10 If you'll state your name and spell your last
11 for the record.

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

13 DIRECT EXAMINATION

14 BY MS. RAYMER:

15 Q. Good afternoon, Officer Putney. How are you
16 doing?

17 A. Good. How are you?

18 Q. Doing well.

19 Where are you currently employed?

20 A. West Columbia Police Department.

21 Q. What is your current job title?

22 A. Narcotics detective.

23 Q. Was that your job title on July 28th, 2017?

24 A. It was not.

25 Q. What was your job title at that time?

- 1 A. I was a criminal investigator.
- 2 Q. Can you tell me briefly what that entails?
- 3 A. Investigating crimes other than narcotics.
- 4 Q. And what was your role in this investigation?
- 5 A. I was just an assistant investigator.
- 6 Q. Did you ever interview the victim in this case?
- 7 A. I did.
- 8 Q. And do you recall if she gave a statement?
- 9 A. She did.
- 10 Q. And, at some point, were you instructed to go
- 11 pick someone up for an interview?
- 12 A. I was.
- 13 Q. And who instructed you to do that?
- 14 A. I'm not quite sure. But I -- I would imagine
- 15 my supervisor would have instructed me to do that.
- 16 Q. Who were you instructed to pick up?
- 17 A. Christopher Cooper.
- 18 Q. And did you go to talk to Mr. Cooper?
- 19 A. I did.
- 20 Q. Where did you go?
- 21 A. Dealership on Broad River Road. I believe it's
- 22 Reunited Auto Sales.
- 23 Q. And did anyone go with you?
- 24 A. Investigator Todd.
- 25 Q. Were you able to locate Chris Cooper when you

1 arrived there?

2 A. I was.

3 Q. And what did you say to him?

4 A. Asked him if he was Christopher Cooper and
5 asked him to come down to the police department to
6 talk to us about an incident that occurred.

7 Q. And what did he say?

8 A. He said okay.

9 Q. Do you recall what car y'all were driving that
10 day?

11 A. A blue Crown Vic.

12 Q. Who was driving?

13 A. I was.

14 Q. Can you describe that car for me?

15 A. Describe the car?

16 Q. Yeah. Is there a cage in it or anything?

17 A. No, ma'am. It's just a -- like, a
18 civilian-style Crown Victoria. Not sure of the
19 year.

20 Q. Do you recall if anything was discussed with
21 Mr. Cooper inside the car?

22 A. Just small talk. Nothing of importance at all.

23 Q. And where did y'all go next?

24 A. West Columbia Police Department.

25 Q. And was Christopher Cooper handcuffed at any

1 time?

2 A. No, ma'am?

3 Q. Was he under arrest?

4 A. No, ma'am.

5 Q. Did he request any food or water?

6 A. Not that I recall, no.

7 Q. Did he ask for his attorney at any time?

8 A. No, ma'am.

9 Q. And if he had, what would you have done?

10 A. Got him in contact with whoever his attorney
11 is.

12 Q. If he had asked for food and water, what would
13 you have done?

14 A. Would have got him some food and water.

15 Q. If he asked to use the restroom, what would you
16 have done?

17 A. Shown him where the restroom was.

18 Q. When you arrived at West Columbia Police
19 Department, do you remember what you did next?

20 A. Put him in an interview room, sat him in an
21 interview room.

22 Q. And were you present for any part of that
23 interview?

24 A. I was just present for the -- the Miranda
25 rights.

1 Q. Did you have any other role in this
2 investigation?

3 A. I interviewed other people in the
4 investigation.

5 MS. RAYMER: I beg the Court's indulgence just
6 one moment, Your Honor.

7 BY MS. RAYMER:

8 Q. I'm approaching with State's Exhibit 2.
9 Officer Putney, can you please identify the document
10 I just handed up to you?

11 A. It's our department Miranda warnings.

12 Q. Can you walk me through that process?

13 A. I was a witness to Investigator Morris having
14 Mr. Cooper fill out his information on the top --
15 his information on the top and then circling whether
16 he can or cannot read, initialing the circle. And
17 Investigator Morris would read each individual line
18 to him, to Mr. Cooper, and have Mr. Cooper initial
19 every time that he understands each line.

20 THE COURT: Excuse me. Will you get closer to
21 that microphone, please?

22 THE WITNESS: I'm sorry.

23 THE COURT: It's okay.

24 THE WITNESS: And then there's a line where it
25 says: You understand these rights. And he had to

1 circle yes or no and initial the circle. And then
2 Investigator Morris would read: If you decide to
3 answer questions now without a lawyer present, you
4 have the right to stop answering questions at any
5 time. You also have the right to stop answering
6 questions at any time until you talk to a lawyer.
7 He had Mr. Cooper sign the bottom that he'd been
8 explained these and he understands these and waives
9 his rights.

10 And then the bottom part would be the waiver of
11 Miranda rights, where Investigator Morris would read
12 this to him, whether -- telling him, when making a
13 statement and answering questions, I understand and
14 know what I'm doing. No promises or threats were
15 made to me. No pressure or coercion of any kind has
16 been used against me.

17 And he asked -- he'd ask: Mr. Cooper, do you
18 want to make a statement? And he acknowledged yes,
19 and he signed his signature and dated it.

20 BY MS. RAYMER:

21 Q. And you said your signature's on the witness
22 line?

23 A. Yes, ma'am. That's my signature for that.

24 Q. So what does that signature indicate?

25 A. That I witnessed Mr. Cooper being advised of

1 his rights and waiving his rights to make a
2 statement.

3 Q. Thank you.

4 MS. RAYMER: No further questions from the
5 State at this time.

6 MR. WILLIAMS: May it please the Court?

7 CROSS-EXAMINATION

8 BY MR. WILLIAMS:

9 Q. Is it Investigator Putney?

10 A. Yes, sir.

11 Q. And I think you said that you were with
12 narcotics now. But, back in 2017, you were with
13 narcotics also?

14 A. No, sir. I was just a criminal investigator at
15 that time.

16 Q. All right. So now you're in kind of a
17 specialized area, being in narcotics?

18 A. Correct.

19 Q. Okay. Well, you were the driver of the vehicle
20 that came out to pick up Chris Cooper, correct?

21 A. Yes.

22 Q. And would you say that the investigator who
23 was -- who rode over there with you would -- would
24 have been the one telling you what to do, what --
25 and how to conduct whatever business you were doing?

1 A. No.

2 Q. Okay. Well, was there anybody in charge?

3 A. Well, I guess you have to clarify. In charge
4 of?

5 Q. Well, you're driving the vehicle. I didn't
6 know who was in charge of talking to him, putting
7 him in the car, taking him to wherever he had to go.
8 'Cause you're both probably not doing that, are you?

9 A. It depends on the situation.

10 Q. This situation.

11 A. Nobody's in charge, per se, to who's going to
12 talk to Mr. Cooper or whoever we come in contact
13 with.

14 Q. Did you consult with each other prior to going
15 out there and picking him up? Did y'all discuss a
16 plan for going out there and picking him up?

17 A. Yes, sir.

18 Q. What was a part of that plan that y'all
19 discussed before you went out there to pick him up?

20 A. We needed to pick up Mr. Cooper for an
21 interview.

22 Q. And that you would be the driver and he would
23 be the one to sit behind him?

24 A. Yes, sir.

25 Q. All right. And when you drove up there, did

1 you remain in the car or did you get out of the car
2 with the other investigator?

3 A. I believe I got out also.

4 Q. All right. Where did you see him? Where --
5 how -- how did you approach him? Where did you
6 approach him at?

7 A. A place of business, inside.

8 Q. So you went inside the business?

9 A. I believe so. Yes.

10 Q. And who was inside the business besides Chris?

11 A. I can't recall who all was inside the business.

12 Q. I assume Chris was an employee. He wasn't the
13 one in charge of the business, was he?

14 A. I don't -- I don't think he owned it -- owned
15 the business.

16 Q. Did he have to consult with somebody before
17 y'all drove him off?

18 A. I think he said he had to let somebody know he
19 was going somewhere.

20 Q. All right. And did you let him know how long
21 he would be?

22 A. It was never discussed.

23 Q. But he had to let somebody know that he was
24 leaving work, right?

25 A. I would imagine. Yes.

1 Q. Did you talk to anybody else there about how
2 long y'all were going to keep him?

3 A. No, sir.

4 Q. So how did you know it was Chris Cooper? Did
5 he identify himself with, maybe, a driver's license?

6 A. I'm not sure. I remember asking him, are you
7 Christopher Cooper? And he said yes.

8 Q. Do you normally take people in cars without
9 looking at their ID?

10 A. Well, if we -- I'm sure we looked at the
11 picture before we went to talk to him, had the DMV
12 photo. But --

13 Q. So you had already checked out who he was
14 before you went up there. You wouldn't have just
15 gone out there without checking out his motor
16 vehicle and driver's license and that kind of thing,
17 right?

18 A. More than likely, yes.

19 Q. Do you recall how tall it said he was?

20 A. I don't.

21 Q. When you -- when you do finish interviewing
22 people, and maybe even arrest them and put them in
23 jail, do you make a copy of their driver's license
24 and put that in the file along with everything else?

25 A. That would be done before --

1 Q. And that's kind of standard, isn't it; make a
2 copy of it so that you know who you got there?

3 A. Correct. Before an interview, correct.

4 Q. So you do that before the interview, right?

5 A. Yes, sir.

6 Q. Okay. So that you know who you're talking to?

7 A. Right.

8 Q. Now, you were there before the interview began,
9 right?

10 A. I was.

11 Q. Because the interview begins when someone is
12 informed of their rights, right?

13 A. I mean, sometimes. I mean, it's not directly
14 right after. But that's part of -- that's part of
15 the procedure that advises them of their rights.

16 Q. Okay. And that's normally the first thing you
17 do, isn't it, if you're interviewing them?

18 A. More than likely, yes.

19 Q. Okay. So you look at his driver's license; you
20 determine who he is. You look and see if he was,
21 like, six feet, weighed 175 pounds, because you will
22 have a copy of that on his driver's license. You
23 put that, along with the interview sheet that you
24 have, which includes the Miranda warnings, right?

25 A. When we create a case file, yes.

1 Q. Yes.

2 So which room did you take him to?

3 A. The interview room closest to the front door of
4 the front of the building.

5 Q. And that would be the one with the two-way
6 mirror, right?

7 A. Yes, sir.

8 Q. So Defendant's 1 would be a picture of that
9 interview room, wouldn't it?

10 A. It is.

11 Q. And you know, because you work there, there is
12 a camera feed. There's also a two-way mirror and
13 the people can observe and hear anything that's
14 going on in that room, right?

15 A. Yes, sir.

16 Q. Now, you were only there for the reading of his
17 Miranda warnings; is that correct?

18 A. Correct.

19 Q. How long after you brought him to that
20 interview room was it before you actually read the
21 Miranda -- you didn't read the Miranda warnings to
22 him?

23 A. No, sir.

24 Q. You were just a witness there.

25 A. Correct.

1 Q. Did you remain with him until the other officer
2 came into the room?

3 A. Which other officer?

4 Q. Well, you had somebody else that interviewed
5 him, right?

6 A. Yeah. I didn't interview him, no.

7 Q. Who interviewed him?

8 A. Investigator Morris.

9 Q. So Investigator Morris interviews him. He
10 doesn't go pick him up; you and another officer pick
11 him up. You bring him to the interview room. Do
12 you stay with the suspect -- and he was a suspect,
13 right? You stay with him until Morris gets there,
14 right?

15 A. I can't recall. I mean, I wouldn't have to. I
16 mean, we had --

17 Q. Did you in this case?

18 A. I don't think so, no.

19 Q. You just left him alone?

20 A. Well, it's -- we can see -- we have a TV they
21 can watch --

22 Q. You're right. You can see everything going on,
23 can't you? So you're not real worried about it.

24 A. Right.

25 Q. Okay. So how long did you stay in that room

1 after the Miranda warnings were given to him?

2 A. Probably would have left right after.

3 Q. So you didn't stay in there for any type of
4 conversation that he had with the other officer.

5 A. No, sir.

6 Q. Because you didn't need to because you had the
7 camera, and you had all the other information.
8 Somebody else could watch him on the camera, and you
9 didn't need to worry about that, right?

10 A. Well, he's being interviewed by another
11 officer. So --

12 Q. Well, don't you normally have two people that
13 take statements when you -- when you take a
14 statement on a suspect?

15 A. Right, yes.

16 Q. And you didn't in this case, did you?

17 A. That's what I said. I don't recall. I was not
18 there for it, so I can't testify --

19 Q. You were gone?

20 A. I was gone.

21 Q. You don't remember signing anything, saying you
22 were a witness to taking a statement, do you?

23 A. Other than the Miranda, no.

24 Q. And you would know if you'd signed, if you'd
25 been a witness on a statement, wouldn't you?

1 A. Yes, sir.

2 Q. And it's your testimony that at no point in
3 time, from the time in which he had to leave work to
4 the time that he was given his Miranda warnings, you
5 don't -- he never, at any point in time, asked
6 what's going on; why are you taking me to West
7 Columbia; can I have a lawyer, anything like that?

8 A. No, sir.

9 MR. WILLIAMS: That's all the questions I have,
10 Your Honor.

11 THE COURT: Redirect?

12 MS. RAYMER: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. RAYMER:

15 Q. Officer Putney, do you recall why you left that
16 day?

17 A. It's around 5:00. I'm not -- this was around
18 5:00. And we have a budget, a small department. My
19 boss doesn't try to go over that budget. So there
20 were plenty of other officers around that could take
21 care of what needed to be taken care of.

22 Q. So about 5:00, your boss would have cut you?

23 A. Yes, ma'am.

24 Q. And sent you home?

25 A. Yes, ma'am.

1 MS. RAYMER: Thank you. I have no other
2 questions.

3 THE COURT: Recross?

4 MR. WILLIAMS: No recross, Your Honor.

5 THE COURT: Sir, you may step down.

6 MS. RAYMER: Your Honor, can this witness
7 please be excused from his subpoena?

8 THE COURT: Any objection?

9 MR. WILLIAMS: No objection, Your Honor.

10 THE COURT: Sir, you're relieved of any
11 responsibility concerning your subpoena. You're
12 free to go. Have a nice day.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Can the lawyers approach a minute,
15 please.

16 (Sidebar conference.)

17 THE COURT: All right. Ladies and gentlemen,
18 what we're going to do is we're going to take a
19 short break. I will get you back in here as quickly
20 as possible. Do not discuss the case. I'll get you
21 back in here as quickly as possible.

22 (The jury exits the courtroom at 2:09 PM.)

23 (Brief recess.)

24 THE COURT: Anything before I bring in the jury
25 from the State?

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

2 THE COURT: Defense counsel?

3 MR. WILLIAMS: No, Your Honor.

4 THE COURT: Bring in the jury, please, sir.

5 MS. WEISS: Your Honor, while we're waiting on
6 the jury, may we approach just very quickly?

7 (Sidebar conference.)

8 (The jury enters the courtroom at 2:35 PM.)

9 THE COURT: All right. All the jurors are
10 present.

11 Ms. Weiss, you're recognized to call your next
12 witness, please.

13 MS. WEISS: Thank you, Your Honor. The State
14 calls Investigator Chris Morris to the stand.

15 CHRIS MORRIS
16 being first duly sworn, testified as follows:

17 THE WITNESS: I do.

18 THE CLERK: If you'll have a seat. You can
19 take your mask off when you're seated.

20 Please state your name and spell your last name
21 for the record.

22 THE WITNESS: All right. My name is Chris
23 Morris, M-O-R-R-I-S.

24 DIRECT EXAMINATION

25 BY MS. WEISS:

1 Q. Good afternoon, Investigator Morris. How are
2 you today?

3 A. Good. How about you?

4 Q. Good.

5 Investigator Morris, will you please tell the
6 jury where you're employed and what your position is
7 there?

8 A. I'm employed at the City of West Columbia
9 Police Department. I'm a criminal investigator.

10 Q. How long have you been a criminal investigator
11 with the West Columbia Police Department?

12 A. Approximately seven years. I've been in law
13 enforcement for nine years.

14 Q. Have you spent your entire time in law
15 enforcement with West Columbia?

16 A. I have.

17 Q. Nine years ago, what -- where did you start?

18 A. I started as a patrol officer, doing routine
19 patrols.

20 THE COURT: Investigator, will you move that
21 microphone?

22 THE WITNESS: Yes, sir.

23 Is that better?

24 THE COURT: There you go.

25 BY MS. WEISS:

1 Q. And you were a patrol officer for two years?

2 A. Correct.

3 Q. Approximately?

4 A. Correct.

5 Q. And then you moved up to an investigator?

6 A. I did.

7 Q. Okay. What type of training do you undergo
8 to -- when you move from a patrol officer -- well,
9 let's start before that. Before you become a patrol
10 officer, what type of training do you have to
11 undergo?

12 A. You attend the South Carolina Criminal Justice
13 Academy for 12 weeks, which includes a bunch of
14 different training in law enforcement in general,
15 including some crime scene, some investigative
16 techniques. And then -- and then after the 12
17 weeks, you graduate. You begin FTO, which is field
18 training and on-the-job training, essentially.

19 Q. And then after that, you're a patrolman.

20 A. You're a patrolman at that point.

21 Q. And you're allowed to go out by yourself and
22 police.

23 A. Correct, after you pass the board.

24 Q. Okay. What's the board?

25 A. It's ranking officials at the police department

1 who ask questions, make sure you have grasped the
2 knowledge of the job and functions.

3 Q. Okay. And you did that for approximately two
4 years?

5 A. I did.

6 Q. And then you became an investigator.

7 A. Correct.

8 Q. So what did -- what type of training did you
9 have to undergo when you moved from patrolman to
10 investigator with West Columbia?

11 A. First of all, you have to apply for it. And
12 then you have to board, take a test, go in front of
13 a panel of people, ranking officials within the
14 department. They actually bring other people in as
15 well. And you board, and they pick the best -- best
16 candidate. I think I went up against about seven or
17 eight people and got through.

18 And most recently, in December, I graduated
19 with my bachelor's degree in criminal justice as
20 well.

21 Q. And once you go through the board, you take the
22 test. You pass the panel. They say,
23 congratulations, you're now an investigator. What
24 type of training do they give you?

25 A. You spend a week with each division of

1 investigations. That includes narcotics, which is
2 with other major crime investigators, the
3 investigators who work white-collar-type crimes.
4 And crime scene investigator, you go out for a week
5 with them and train as well.

6 Q. How many crime scene investigators who that is
7 their primary job do you have at West Columbia PD?

8 A. Currently, we have one, Investigator McCraw.
9 And part-time, he does patrol and crime scene, all
10 major scenes.

11 Q. Okay. And McCraw, she actually serves two
12 duties, doesn't she?

13 A. Correct. She's crime scene and the evidence
14 technician.

15 Q. Okay. And back in -- when -- seven years ago,
16 when you became an investigator, how many crime
17 scene investigators were there?

18 A. There were one -- one full-time and one that
19 does the same thing as an investigator. We call
20 those crime scene and evidence.

21 Q. Okay. Who was that full-time -- full-time
22 crime scene investigator?

23 A. At that time, it was Investigator Chuck
24 Bramlett.

25 Q. So is that who you spent a week with?

1 A. I did.

2 Q. What type of training did Investigator Bramlett
3 put you through?

4 A. All types of training, from the minute you get
5 on the scene -- or receive the call to come out to
6 investigate -- investigate a crime, as far as
7 documentation, photographs, collecting DNA,
8 collecting fingerprints, just anything to do with
9 processing a crime scene, and the correct way of --
10 of doing it.

11 Q. And did he supervise and test you on these --
12 on your technique?

13 A. Yes. The first part of the week, I would watch
14 him and observe. And then later on in the week, I
15 actually processed crime scenes.

16 Actually, I want to back up. Throughout that
17 whole process, while you're training, you actually
18 go out with crime scene as they get called out. So
19 any time there's a crime scene, you're expected to
20 go and go process the crime scene to get that
21 experience.

22 Q. And how many weeks total does that last
23 approximately?

24 A. I would say probably another 12 weeks.

25 Q. Okay. And at the West Columbia Police

1 Department, when you become an investigator, what
2 are your expected duties?

3 A. My expected duties are to investigate all types
4 of crimes. We're a small department, so we work
5 anything from a shoplifting to homicides. I'm
6 expected to interview victims, witnesses, suspects,
7 obtain video surveillance, conduct search warrants,
8 and just collect evidence to build a case.

9 Q. And how is it that you get assigned a case?

10 A. My supervisor reads through the reports every
11 day and, from there, he decides who gets assigned
12 reports. And our computer system, he just assigns
13 it, and it shows up on a dashboard on our computer.
14 And then you begin the investigation.

15 Q. And there's -- are you on call? Do you have
16 on-call shifts?

17 A. I do. It's a week --

18 Q. How does that work?

19 A. It's a week where you work from -- well, it's
20 4:00 to midnight that you're actually in the office
21 on your on-call week, and then from -- anything from
22 midnight to about 6:00 a.m., you're subject to being
23 called out. Pretty much they wake you up from a
24 dead sleep to go out and deal with whatever the
25 issues are at that time.

1 Q. Okay. And if you get called out between 4:00
2 and -- 4:00 p.m. and 6:00 a.m. when you're on call,
3 does that automatically make that case your case?

4 A. Not necessarily. Most of the time, yes,
5 because we start the investigation. My captain
6 tries to assign it to that person. But every now
7 and again, he may assign it to another investigator.

8 Q. So if you get called out at 3:00 in the morning
9 to a major crime, armed robbery, home invasion,
10 CSC-type crime, when you get that call, what are you
11 expecting when you get there? What's your job?

12 A. My -- what I'm expected to do is to get there.
13 I get briefed by the -- usually the supervisor, the
14 sergeant or the corporal, who's working. They fill
15 me in as far as what's going on at the time and what
16 they've heard. At that point, I usually make
17 contact with the victim and begin talking to the
18 victim, getting a statement from her or him, and
19 just documenting what they tell me at the time.

20 Q. Okay. And what would you do next?

21 A. After obtaining that information, we become in
22 control of the incident. We become in control of
23 the crime scene. I usually ensure the crime scene
24 was cleared, no suspect, and there's not going to be
25 any danger for myself or anybody else that may come

1 in.

2 From that point, I do an overall observation of
3 the crime scene. And then I begin photographing the
4 crime scene, starting on the exterior and working my
5 way to the interior.

6 Q. Okay. And do you have any sort of body-worn
7 camera or any sort of audio or recording device that
8 your office gives to you to take with you while you
9 do this?

10 A. Not on a day-to-day basis. We're assigned a
11 camera, just a basic camera, to take photographs.
12 We do have audio recorders. Usually, that stays in
13 my office unless I need it for some reason. As far
14 as body cameras, investigators aren't required to
15 wear the body cameras at our department.
16 Therefore -- because they're so expensive. Only the
17 officers that do routine patrol have body cameras.

18 Q. So you say you're not required. Are you given
19 one?

20 A. No. We're not issued one.

21 Q. And then once you take photos, what do you do
22 next?

23 A. After taking photos, I group that with -- if I
24 talk -- have talked to a victim as far as asking,
25 you know, what all has moved; what do you think the

1 potential suspect had touched, you know; what
2 happened. And then from that point, I begin
3 processing the crime scene by dusting for
4 fingerprints, collecting DNA, taking photographs
5 again.

6 Q. Do you bring things with you so that you're
7 prepared to do the crime scene investigation as
8 well?

9 A. Yes. I have a kit in my car full of everything
10 I need as far as evidence bags, DNA kits,
11 fingerprint powder, tape, everything to conduct my
12 job.

13 Q. And once you're done processing the crime
14 scene, what do you do with all of your things you've
15 collected?

16 A. From that point, we seal it, make sure it's
17 sealed correctly. We document everything by typing
18 up a report. And then, from there, I drop it into
19 evidence, whether -- if somebody's there, I can give
20 it directly to them, or I drop it into a drop box or
21 a container where only a limited amount of people
22 can access.

23 Q. And then, assuming that the supervisor doesn't
24 take it away from you, that is your case to work
25 from that point forward?

1 A. Correct.

2 Q. And that includes interviews and testing.

3 Anything else you want to do, that's on you?

4 A. Correct. It's my case.

5 Q. Okay. So I'm going to take you back to July of
6 2017. Were you working as an investigator at that
7 time?

8 A. I was.

9 Q. Okay. And had you already been through the
10 12 weeks of training?

11 A. I had.

12 Q. And you were on your own, working on call, and
13 getting assigned cases.

14 A. Absolutely.

15 Q. So the week of July 27th, 28th of 2017, were
16 you on call that week?

17 A. I was.

18 Q. And on Thursday, July 27th, 2017, would that
19 have been one of those 4:00 to 12:00, 12:00 to 6:00
20 nights?

21 A. Yes.

22 Q. So you were on call 4:00 to 12:00 at
23 headquarters. And then from midnight to 6:00 a.m.,
24 you were subject to being woken up, called, brought
25 out. You were the guy they were going to call?

1 A. That's correct.

2 Q. Do you recall being called out in the early
3 morning of July 28, 2017?

4 A. I do.

5 Q. And what time were you called?

6 A. I was called roughly 3:00 a.m. It looks
7 like -- looking at my notes, I arrived on the scene
8 about 3:23 a.m. on July 28th, 2017.

9 Q. Okay. And what did you find -- well, what were
10 you called out to? What information were you given?

11 A. Dispatch called and said I need to respond to a
12 home invasion burglary, and that was at 1603 F
13 Avenue, West Columbia.

14 Q. Okay. When you arrived on scene, what did you
15 find?

16 A. I spoke with the supervisor at the time. It
17 would have been either Corporal Norris or Sergeant
18 McDowell. They briefed me on what they had. From
19 that point, I remember speaking with the victim in
20 the back of the ambulance.

21 Q. Okay. And after you -- upon talking to
22 McDowell, Norris, and the victim, at that point,
23 what type of case were you -- were you
24 investigating?

25 A. At that point, I realized I was dealing with a

1 burglary, a kidnapping, an armed robbery, and a
2 sexual assault.

3 Q. What did you do -- so you spoke to the victim.
4 What did you do after you spoke to the victim?

5 A. So after speaking with the victim, I did my
6 observations of the crime scene. Taking the
7 information she provided me, I began looking around
8 and then started taking photographs.

9 I always try to get a photograph of the mailbox
10 to show the address of where I'm at and then take
11 the photos of the area outside of the residence or
12 location in question.

13 Q. I'm going to show you what's been marked as
14 State's Exhibit 80 for identification.

15 A. Yes.

16 Q. Do you recognize this disc?

17 A. Yes, my crime scene photos.

18 Q. And these photos?

19 A. Yes.

20 Q. Okay. And what are they?

21 A. They are crime scene photos from that night.

22 Q. And these are the ones that you took?

23 A. Correct.

24 MS. WEISS: Your Honor, at this time, I would
25 move to enter State's Exhibit 80A through IIII into

1 evidence.

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: Without objection, so admitted.

4 (State's Exhibit No. 80A - 80IIII admitted into
5 evidence.)

6 BY MS. WEISS:

7 Q. I'm going to show you State's Exhibit 80A. We
8 can just go through -- these are the pictures that
9 you took in the course of your investigation?

10 A. Yes, ma'am.

11 Q. Okay. So just -- I'm going to use the pictures
12 to help talk you through -- or help you talk through
13 the story.

14 A. Okay. This would be the nearest crime -- or
15 the nearest street intersection to identify where we
16 were. That's at F Avenue and Beckham Street in West
17 Columbia.

18 Q. Okay. And is -- you said that's in West
19 Columbia. Is that in Lexington County?

20 A. It is.

21 Q. And that's in South Carolina?

22 A. Absolutely.

23 Q. Exhibit B?

24 A. That appears to be the outside of the incident
25 location, the residence of where this incident

1 occurred.

2 Q. Is that that -- that's that same street sign
3 that you just had?

4 A. Correct. That's the same street sign.

5 Q. This is C.

6 A. It's kind of hard to see, but I think that is
7 the victim's vehicle out in front of their
8 residence.

9 Q. Can you see what that picture is? I can show
10 it to you. How about that? Do you recognize D?

11 A. Yes. That's the outside of the victim's
12 residence.

13 Q. Do you have a flash on the camera that you use?

14 A. I do. Sometimes at nighttime, it doesn't work
15 all that great.

16 Q. This is E.

17 A. That appears to be the side of the residence.

18 Q. And you said you start from photographing the
19 exterior of the residence, and then you move inside?

20 A. Correct. I try to use the same systematic
21 approach each -- each time I go to a crime scene.

22 So that -- that would be the side --

23 Q. F?

24 A. -- and the back, looking at the back door,
25 going up the deck.

1 Q. What is that a picture of?

2 A. That's a clearer picture of the back and the
3 trash can at the victim's residence.

4 Q. Okay. Were these of any particular
5 significance, based on the information you had
6 already gathered at this point?

7 A. Yes. The victim had told me at that point the
8 subjects had entered through the back of the
9 residence. And, also, she had explained her cell
10 phone was thrown to the trash can, so I took a
11 picture of that right there to show the bag in the
12 trash can.

13 Q. Did she say specifically it had been thrown in
14 the trash can or somewhere in the back?

15 A. I think -- I believe just in the back,
16 possibly.

17 Q. Where did you find it?

18 A. I found it in the trash can. I'm sorry.

19 Q. One more.

20 A. That is behind the residence.

21 Q. On this side?

22 A. Yes. On the left side of the photograph there
23 is the victim's residence.

24 THE COURT: Which photo?

25 MS. WEISS: That is H.

1 THE COURT: Okay.

2 BY MS. WEISS:

3 Q. And that's the air-conditioning unit?

4 A. Correct, behind the unit.

5 Q. I'm going to ask you just to look at J through
6 N and just describe what these are pictures of. You
7 don't have to -- just as a group, what were you
8 doing with those? Because I don't --

9 A. These are a series of photographs that I took
10 that look -- or appear to be the quickest departure
11 route from behind the residence, going in between
12 other residences to get away, where I believe the
13 subjects may have fled toward.

14 Q. And N appears to be a mirror image of the back
15 porch of the victim.

16 A. Yeah. It was a duplex-style house, townhouse,
17 where they mirrored each other. And this is just
18 showing the other side that is in the photo, the
19 incident location.

20 Q. So is it easiest to say you were continuing to
21 take pictures around the outside of the house?

22 A. That's correct.

23 Q. I'll show you 800. Do you recognize this
24 photo?

25 A. That appears to be a picture of the back

1 sliding glass door next to where the entry was made.

2 Q. I'll show you Q. What is that a picture of?

3 A. That is a picture of the back door going into,
4 like, a storage or utility-type room. I took photos
5 of that to show where forced entry was made into the
6 residence.

7 Q. Sorry for the -- I forgot that we -- some of
8 these were already entered. I'll just let you walk
9 through these as well.

10 But this is through the back -- the back door.
11 What was significant about this?

12 A. That the doorjamb on the left side of the
13 photograph is destroyed, that somebody had forced it
14 open.

15 Q. And were you able to open that without any
16 trouble when you walked up to the door?

17 A. Yes. I believe it was open --

18 Q. Okay.

19 A. -- when I got there.

20 Q. This was previously entered as State's
21 Exhibit 17. Do you recognize that photo?

22 A. That is a photograph looking inside of the
23 trash can, the victim's cell phone, the pink cell
24 phone she described.

25 Q. Okay. Was there anything else of interest in

1 the trash can?

2 A. Also the white paper. I believe it was, like,
3 lint rollers, one of the lint rollers. I collected
4 both of those pieces of evidence.

5 Q. So you're saying you go around and you take
6 pictures, and then you go back and process the crime
7 scene. So when you saw this, would you have taken
8 the picture and then taken it, or would you have
9 taken all the pictures and then gone back and picked
10 up things?

11 A. I would have -- more than likely, I would have
12 photographed the crime scene first and then -- then
13 pick up the evidence.

14 Q. Once the scene is cleared --

15 A. Yes.

16 Q. -- by Investigator Norris and Stirewalt, is
17 anyone else allowed to go in there before you go in
18 and process the crime scene?

19 A. No. At that point, the scene is secured.
20 There's an officer outside watching anybody to come
21 in and out, make sure nobody sneaks up on me or to
22 contaminate anything on the crime scene. So there
23 was nobody else in the residence but myself.

24 Q. I'm going to do this the easier way. I think
25 this is the easier way.

1 Just to be clear, you took a lot of pictures,
2 correct?

3 A. I did. I try to document it as well as I can
4 to get visual aid.

5 Q. All right. So these are in order of the ones
6 that we were just looking at?

7 A. Correct.

8 Q. So what's the significance of that? I know
9 we're going back just a second, but I promise we'll
10 get faster. We looked at that one.

11 Now, this one --

12 A. Is there any way we can put it on the bigger
13 screen?

14 Q. It's not up there. No. I want you to imagine.
15 Okay.

16 Okay. Sorry.

17 A. That -- that's the outside of the incident
18 location, of the victim's residence, displaying the
19 mailbox.

20 Same thing.

21 Q. Do you know which one was the victim's mailbox?

22 A. 1603. Like I said, it was a duplex. They were
23 on the right side if you're facing it.

24 Q. And whose car is that in the driveway?

25 A. That is Mr. Cook's -- or the victim -- both the

1 victims'.

2 Q. And then these were the photos we talked about
3 earlier, going around, photographing around the
4 residence. These are the ones you were describing.
5 That was the back door.

6 A. Yes.

7 Q. You said that you believe it was open when you
8 got there. When you say open, do you mean it was
9 ajar or --

10 A. Ajar.

11 Q. -- it was unlocked?

12 Did you close it to take this picture?

13 A. No. I didn't touch it. It was as is.

14 Q. Okay. So this photo, to -- did you push it
15 open at that point?

16 A. I -- I did, to get a better look of the jamb.
17 I would have had gloves on at that point, pushed it
18 open to get a better picture of the damage on the
19 door.

20 Q. And do you recall having any trouble pushing it
21 open?

22 A. No.

23 Q. Okay. So it wasn't locked. It wasn't -- you
24 were able to just push it open?

25 A. Correct.

1 Q. Okay. So --

2 A. So that's immediately when you step inside of
3 that door into the utility room area.

4 Q. Now, it appears that areas are blocked;
5 walkways are blocked. Would you have moved anything
6 at that point or do you just step over it?

7 A. I step over it.

8 Q. Okay. You want to keep describing, and I'll
9 keep --

10 A. Yeah. So that -- yeah. That's the condition
11 we found it when -- or condition I found it when I
12 got there. And there was stuff scattered
13 everywhere. That's the utility room. Noticed the
14 dryer was open. All -- all the cabinets were open
15 when I got there.

16 Q. If those cabinets were closed, is that because
17 you closed them or was that how you found them?

18 A. No. I correct myself. Not all of them. I'm
19 assuming. A lot of them were open when I got there,
20 that somebody had rummaged through.

21 The significance of that picture, I noticed the
22 air conditioner filter being pulled out of the air
23 conditioner unit like somebody was looking for
24 something, which is unusual.

25 That's standing with my back toward the utility

1 room, looking into the kitchen.

2 That is that same door in the utility room,
3 just another angle of the door where the dead bolt
4 goes into the door.

5 That's going into the kitchen there.

6 Q. Okay. What did you find -- did you find
7 anything unusual when you were walking into the
8 kitchen?

9 A. In the kitchen, like I said, all the cabinets
10 were open; it appears somebody rummaging through the
11 residence or at least through the kitchen at this
12 point, and more stuff that's scattered all
13 throughout the house.

14 There again, more of the cabinets open, like
15 somebody was searching for an item.

16 That is the kitchen table where the victim had
17 explained where this incident took place or at least
18 the sexual assault part. And there was a napkin she
19 had told me about that she spit in, hoping to
20 collect semen from the suspects to give to law
21 enforcement, that was left on the table. And I
22 collected that.

23 So that is the living room next to the
24 stairway. I noticed all the furniture was flipped
25 over in the house. That appeared somebody was

1 searching for something.

2 Q. Now, at this point, do you bring the victim in
3 with you to say what of this is yours, and what of
4 this was not here before?

5 A. On this particular crime scene, no, I did not
6 bring -- I believe Ms. Cook was in the ambulance
7 being transported to the hospital. So I was pretty
8 much on my own and going off of what she had told me
9 previously in the ambulance.

10 So that is in the living room, and there was a
11 refrigerator in there that was open. I think I
12 dusted that for fingerprints due to it being open.

13 There was a bathroom right off of the living
14 room, a small half bath.

15 Same half bath.

16 This was a photo of that same half bath where
17 they had taken the toilet -- the top of the toilet
18 off. Appears they were searching for something as
19 well as the exhaust fan. It appeared that they had
20 pulled that down, searching the whole residence.

21 That shows the disarray of the kitchen.

22 That's going up the stairs.

23 That's at the top of the stairs, looking toward
24 the right, into the bathroom.

25 That is the room next to the bathroom.

1 That same room.

2 Same room with the -- everything opened and
3 searched again and thrown over.

4 That --

5 Q. Sorry.

6 A. I took a photo of that. It appeared to be
7 blood, so I believe I swabbed that. Any time
8 there's any type of bodily fluid, I try to collect
9 it just to see what it is.

10 That's the bathroom again, up the stairs.

11 That is the victim's bedroom, where this
12 alleged incident occurred.

13 Same -- same bedroom that's tossed and the
14 broken statue that she had told me about.

15 Q. And -- huh. Did you collect the pieces of the
16 broken statue or put them anywhere, or is this
17 where -- how you found them?

18 A. That's how I found them. I believe I dusted
19 them for prints, and I may have collected a piece or
20 two as well to be tested in the lab. Because
21 sometimes doing field fingerprints, latent prints,
22 is a little harder. It's easier to do inside the
23 lab.

24 Q. I'm going to hand you this pointer just in case
25 there's anything you would like to point out.

1 A. So the -- so looking at the -- I think these
2 are the Buddha statues that she had told me that
3 contained money, that they were gold. They were
4 laying -- there's pieces on the bed right here and
5 all down here, where somebody had broken it.

6 Q. And that's how you found the bed as well?

7 A. Yeah. The bed, yeah, was up like that, just --
8 just the way it is. At this point, I had not
9 touched or changed anything.

10 That's just a wider angle of the bedroom.

11 Q. Is there anything else in this photo that she
12 had described --

13 A. Yeah. She described this dildo right here that
14 was thrown to her during the incident, and, like I
15 said, the same statue is of significance.

16 That's just more items being thrown around.
17 And these are the closets she said they -- the men
18 went through, and I believe there's a safe that
19 might be up there.

20 That's the safe that she claimed that they had
21 forced her to open -- forced her to open during the
22 robbery.

23 So the significance of this picture is the door
24 being broke to the bedroom, where she had told me
25 that she saw lights coming from under the door in

1 the night, and this was indicative of somebody
2 kicking it open, just as she had told me. So I'm
3 finding, as I'm going through, everything she's
4 telling me is being corroborated.

5 Q. So this door, was -- that was her bedroom door?

6 A. That was her bedroom door.

7 Q. Was it capable of being locked at this point?

8 A. Not at this point.

9 Q. Okay.

10 A. It appeared, before that, it was locked, due to
11 the damage.

12 So that is the bottom of one of the Buddha
13 statues I had dusted for prints. You can see the
14 clear tape that I put over to try to preserve the
15 fingerprint, to either lift to put it on an index
16 card to submit for further testing, or I would have
17 submitted it like that to preserve the fingerprint
18 on the statue.

19 Q. So, at this point, you're starting to process
20 as well?

21 A. Correct.

22 And, same thing again, the -- the tape and
23 dusting. And that's the kit that I used. It's
24 sitting on top of the --

25 Q. Is that a kit that's portable that you take

1 with you?

2 A. Correct.

3 Q. So that's at the crime scene.

4 A. Yes.

5 Q. What is -- what is the card over here?

6 A. That is a latent fingerprint card. So you dust
7 for fingerprints, if you're able to see anything.
8 You put a piece of clear, almost like Scotch tape
9 over it. You pull that up and lift it and place it
10 onto the white card to reveal the fingerprint
11 detail.

12 Another -- another photo.

13 Q. At this point, did you have information about
14 which bedroom the attacks had taken place in?

15 A. I did. She indicated her top bedroom, the
16 victim's bedroom, was at the top left of the stairs,
17 would have been where the incident occurred.

18 Q. This other bedroom was also in disarray?

19 A. Yes, it was in disarray. It was flipped
20 upsidedown, basically.

21 So this is back downstairs. The refrigerator
22 that was open, I attempted to take fingerprints from
23 there to see if there was anything of value at that
24 point.

25 That's another picture of the exhaust fan in

1 that downstairs bathroom, the little half bath.

2 Same thing.

3 So this picture's in the kitchen. She had
4 explained to me in the ambulance that the suspects
5 had cleaned themselves off with Awesome cleaner.
6 Therefore, I did locate a bottle of Awesome cleaner
7 in the kitchen. I collected that bottle to be
8 submitted to SLED for further testing for DNA.

9 Q. When you collect something like a bottle like
10 that, how do you collect it?

11 A. First thing you do is put on a mask to avoid
12 contamination. You also change your gloves to avoid
13 contamination. From that point, you get a clean
14 bag. In that case, I used a paper bag; placed it in
15 a paper bag and sealed it and held on to it until I
16 was ready to leave -- or stored it in a place where
17 nobody else could touch it.

18 Q. Okay.

19 A. That's just an up-close of the Awesome cleaner.

20 So this is down the street, around the corner
21 from the residence. We had -- I was advised K-9
22 units were on the scene as I was there -- or I think
23 they were leaving when I got there. And I asked
24 where they tracked to, and they pointed me into a
25 direction about a block away.

1 I found -- looked like some shoe prints in the
2 sand. I took photographs of them just to document
3 it in case something came up at -- at a later date.
4 So I photographed that.

5 I can say -- I know this is a design of our
6 standard issue boots from the police department. We
7 all wear 5.11-style boots that are issued to us.
8 And this appears to be the same design. And that
9 was a tire track in that same area. And these, I'm
10 unsure what type of shoe. These came back to here.
11 But I did document it.

12 Q. Where is this area located?

13 A. So this area is -- I believe it's called
14 Hillside Street. Like I said, it's around the
15 corner. If you're familiar with West Columbia, it's
16 where Tropic Aire is. It's on the side of Tropic
17 Aire, the furniture store. It's a highly traveled
18 area, a lot of foot traffic through there, people
19 walking back and forth from the community behind
20 there to the main highway, of Charleston Highway.

21 Q. And is it -- would you say it's highly traveled
22 at all times of day or --

23 A. Probably a little more in the evenings. At
24 nighttime, it's pretty well traveled as well;
25 probably not as heavy, but definitely traveled.

1 Q. Did the dogs track to any person? Did they
2 locate any person, the dogs?

3 A. No, the dogs did not locate any persons.

4 Q. Now we're back at the house?

5 A. Could be. Obviously, that's the bottom of the
6 statue again. I don't know if these got mixed up or
7 if it is correct. I could have been briefly taken
8 away from the scene to say, hey, this is what we
9 found, to the officers as well as -- I'm processing
10 the inside. They may be looking on the outside for
11 me for any other evidence that they might find. And
12 they'll say, hey, we found something over here, and
13 I'll go document it.

14 THE COURT: Ms. Weiss, referring to exhibit
15 numbers?

16 MS. WEISS: I -- it was -- so it was all
17 Exhibit 80 that's been entered into evidence, and
18 these were A through IIII.

19 THE COURT: II.

20 MS. WEISS: IIII.

21 THE COURT: So the record's clear, you would
22 like these to align, what you're asking him about
23 and what he's testifying to?

24 MS. WEISS: Yes, sir, Your Honor. For the
25 record, we just went through all of them. This is

1 Exhibit 80, which is a disc of all of the photos.
2 And we just from 871 through 987 in order and try to
3 match them up later.

4 THE COURT: Okay.

5 MS. WEISS: Thank you, Your Honor.

6 THE COURT: Is the disc being entered in?

7 MS. WEISS: It's been entered into evidence.

8 Yes, Your Honor.

9 THE COURT: What number is it?

10 MS. WEISS: 80.

11 THE COURT: 80. Okay. Thank you.

12 BY MS. WEISS:

13 Q. Okay. So you went through the crime scene.
14 You went through the crime scene; you showed some of
15 the fingerprints that you got. Looking back at your
16 report, did you do a report of processing the crime
17 scene?

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

19 Q. Okay. If you could, tell us what you took from
20 that crime scene, what the pictures were.

21 A. Referring to my supplemental report of
22 processing the crime scene, it looks like I
23 photographed the exterior of the residence, observed
24 and collected victim's cell phone in a trash can
25 located behind the residence along with two pieces

1 of lint paper from a roller and a balled-up piece of
2 paper towel.

3 I also observed and photographed damage to the
4 rear door leading to the laundry room. The door
5 frame was destroyed by forced entry.

6 Upon entering the residence, I observed the
7 entire residence to be ransacked, because all the
8 cabinet doors were open, couches turned over,
9 dresser turned over, mattress turned over.

10 I photographed the entire downstairs of the
11 residence. I observed the upstairs to be ransacked
12 as well and photographed that damage.

13 I collected latent prints from a broken Buddha
14 statue in the bedroom where the victim was located.

15 Latent cards were collected and labeled from
16 the following places, labeled 1 -- it was letter A,
17 latent print card from bottom of broken Buddha
18 statue; latent card print, labeled it B, from the
19 Buddha statue, with a UPC bar. It's a smaller
20 piece. C was a latent print from the bottom of the
21 statue where the UPC larger piece was. D is a
22 latent print card from the small -- from the small
23 refrigerator downstairs in the living room. And
24 latent print card E was a piece of the Buddha statue
25 collect ed.

1 I also collected DNA swabs and labeled them
2 from the following places: 1 was from the back door
3 handle of the exterior; 2 was from the back door
4 handle of the interior; number 3 was the bedroom at
5 the top right of the stairs. From the bed top, red
6 stain -- the red stain that was on the bed, top of
7 the bed, in that bedroom, and from the microwave
8 handle in the kitchen.

9 I also collected other evidence of black
10 headwear from the bedroom to the top of the -- to
11 the right of the top of the stairs of the right side
12 of the bed, a gray tank top from a kitchen chair, a
13 Mountain Dew can from the living room floor, a
14 burgundy hat from the living room floor near the
15 fireplace, multiple pieces of broken Buddha statue
16 from the bedroom where the victim was located, a
17 bottle of Awesome cleaner from the kitchen floor
18 near the stove, a paper towel located on top of the
19 kitchen table that possibly had semen from the
20 suspects.

21 And I -- looks like that is all the evidence
22 that was collected by me from that incident
23 location.

24 Q. Okay. And when you collected each of those
25 pieces, what did you do with them?

1 A. They would have been sealed and transported to
2 the West Columbia Police Department, placed into the
3 evidence department, either -- more than likely --
4 those are all small pieces -- they would have been
5 dropped into the evidence drop boxes, which is a
6 secure box.

7 Q. I'm going to show you State's Exhibit 11 for
8 identification. Do you recognize this box?

9 A. I do.

10 Q. Okay. And what is it?

11 A. According to the tags, Tag No. 15513 is a paper
12 towel from kitchen table, possibly containing
13 suspect semen and victim saliva, and Tag No. 15514,
14 which is the bottle of Awesome cleaner from the
15 kitchen floor that I collected.

16 Q. Okay. And how do you know that?

17 A. When we drop these pieces of evidence into the
18 evidence room, the evidence technician, whether it
19 be Investigator McCraw or Ms. Jan Otterbacher, who
20 is no longer with us --

21 Q. With the department.

22 A. With the department. She retired.

23 However, she would take those items, look at
24 them, check them in through a computer. They
25 automatically generate these tag numbers, and they

1 print out all the tags and place them on the
2 evidence.

3 Q. Okay. And how do they know the significance of
4 the items that's listed on those tags?

5 A. So usually, I leave them an e-mail or I will
6 communicate to them somehow that I need these items
7 sent to SLED for further testing.

8 Q. So for this box, where it says the paper towel
9 from kitchen, bottle of Awesome cleaner from the
10 kitchen floor, how do they know those details?

11 A. Those details come from me.

12 Q. Okay. And what -- let's see. Were you present
13 the last time this box was opened?

14 A. I was.

15 Q. And who else was present?

16 A. The defense attorney.

17 Q. And who else?

18 A. And you and your team.

19 Q. Okay. And what was the purpose of opening it
20 then?

21 A. So the defense could observe what was inside
22 the box and take photographs.

23 Q. And how was it sealed?

24 A. It was sealed with our red evidence tape. And
25 I believe Investigator McCraw probably initialed it.

1 Q. Okay. What's the date that it's initialed next
2 to the name?

3 A. 4/13/2021 by Page McCraw.

4 Q. I'm going to show you -- sorry. Trying to
5 figure out -- it's been marked as Evidence
6 Tag Nos. 0015529, -30, -31, -32. Do you recognize
7 this envelope?

8 A. Yeah. These would be all the latent print
9 cards that I mentioned previously that I collected
10 from the crime scene.

11 (State's Exhibit No. 82 marked for
12 identification.)

13 MS. WEISS: This is marked for identification
14 as State's Exhibit 82.

15 BY MS. WEISS:

16 Q. Are you trained to review fingerprints?

17 A. I am not.

18 Q. Okay. So did you send those somewhere to have
19 them identified?

20 A. I did.

21 Q. And where was that?

22 A. It would have been with Lexington County
23 Sheriff's Department.

24 Q. And did you get any results from them?

25 A. I did not. I got a sheet that said there

1 was --

2 MR. WILLIAMS: Your Honor, I'm going to object
3 to the testimony in regards to what those findings
4 were without the person being here who did those
5 findings.

6 MS. WEISS: This is information that he -- that
7 he found out during the investigation. And it
8 doesn't --

9 THE COURT: Can y'all approach a minute,
10 please.

11 (Sidebar conference.)

12 THE COURT: You may proceed, Ms. Weiss.

13 MS. WEISS: Thank you, Your Honor.

14 BY MS. WEISS:

15 Q. You said you received a letter that said there
16 were no matches?

17 A. Correct.

18 Q. Let's see. After you took -- let's see. You
19 took all these items. You put them into evidence.
20 Did you do anything else at the scene that evening?

21 A. Not -- not that I can think of.

22 Q. Okay. So at this point, we're at early Friday
23 morning?

24 A. That's correct.

25 Q. Okay. So what did you do next with your case?

1 A. So from that point, we would have brought the
2 victim and her husband back in after she had left
3 the hospital, give her time to calm down, to think
4 about her story. And usually, after a couple days
5 or hours, people might remember better from a
6 traumatic event. So we brought her in to get more
7 details and to have her write a statement.

8 Q. Okay. And did she come back in?

9 A. She did.

10 Q. Do you know about what time that day she came
11 back in?

12 A. Let me look at my notes momentarily.

13 It appears they arrived back at the police
14 department shortly after noon. About 12:50 is what
15 I have documented, 12:50 that evening.

16 Q. And they drove themselves back in to the police
17 department?

18 A. Yes.

19 Q. And that was Monesha and Jacob Cook?

20 A. Yes.

21 Q. At that time, did you interview one of them?

22 A. I interviewed Jacob Cook. Investigators Putney
23 and Turner interviewed Ms. Monesha Cook.

24 Q. Okay. And so you weren't in there when Monesha
25 Cook wrote her statement?

1 A. No.

2 Q. And was given the gun lineup to look at and all
3 of that?

4 A. Correct.

5 Q. But were you given that after --

6 A. Yes. That -- that would have been handed over
7 to me, the lead investigator on the case.

8 Q. Okay.

9 A. I figured with Monesha Cook, it would be easier
10 for her to speak with a female versus me.

11 Q. And let's see. So at that point, Investigator
12 Todd already testified that he got the buccal swab
13 from Monesha Cook. What -- did he -- what happened
14 next with that?

15 A. So we have to obtain a buccal swab from the
16 victims. It's SLED's procedure to have a known
17 standard to submit with any evidence so they can
18 test those two and -- to see if it's the victim's
19 DNA or somebody foreign to that crime scene. I
20 collected a DNA -- or buccal swab from Jacob Cook.
21 Investigator Todd, I asked him to assist me when
22 Monesha Cook came in, and he took a swab from her.

23 Q. Okay. And I'll hand you up for demonstrative
24 reasons -- would this help you to explain how you do
25 that using the sample kit?

1 A. Yes.

2 So the first thing we would do is to put gloves
3 on, put a mask on, and then, from that point, make
4 sure you have a sealed Q-tip. Basically, this is
5 just a Q-tip that is on a wooden stick, like that
6 [demonstrating]. And then, from there, you just
7 either have the person put it in their mouth and
8 just swab the inside of your mouth.

9 And then there's a box that's like this, and
10 you basically open it up and seal it. And then you
11 would just drop that in there and seal that up and
12 then mark date and time of when you took the sample
13 and what it is; place that into a paper bag, label
14 the bag, and also seal that as well.

15 Q. Okay. I'm going to show you what's been marked
16 as State's Exhibit -- entered in evidence as -- or
17 no -- marked as Exhibits 8 and 10. Do you recognize
18 these two items?

19 A. State Exhibit 10 is a buccal swab from the
20 inside of the victim's, Monesha Cook's, mouth; State
21 Exhibit 8 is a buccal swab from the inside of Jacob
22 Cook's mouth, as known standards.

23 Q. And do you -- do you notate on those in any way
24 when you put them into evidence?

25 A. Yes. As far as sealing the bag?

1 Q. Yes.

2 A. Yeah. Just like I explained, I tape -- I
3 usually tape the box. Then I place it inside of
4 this bag. I will take the bag, shut it, put my
5 initials on it and the date that it was sealed, and
6 fill out the front of this bag with the pertinent
7 information.

8 Q. Okay. Would it help you to be able to actually
9 see the front of that bag?

10 A. Probably so. Well, I can -- I can see it.

11 Q. Okay.

12 A. So the top of it is our agency. I put West
13 Columbia Police Department. Then it's the case
14 number, what -- the events we're looking into. It
15 has a suspect name.

16 At that point, we don't know -- I didn't know
17 who the suspect was, so I placed -- I put unknown.
18 The victim is Monesha Cook. Date and time of the
19 recovery was 7/28/2017 and a description of what it
20 is, which is a buccal swab from the inside of Jacob
21 Cook's mouth. And then the -- who it was sealed by,
22 the date, and the chain of custody.

23 Q. Did -- okay. Sorry. Is that --

24 A. That's all.

25 Q. That's the same on each of them?

1 A. Yeah. Same procedure and same --

2 Q. And you put -- you put both of those into
3 evidence?

4 A. Let's see. This one is Monesha Cook's. Looks
5 like Investigator Todd --

6 Q. Okay.

7 A. -- did -- took this one. And I was present
8 during it. And I just -- I did all the sealing and
9 the work and placed it into evidence.

10 This one -- sorry. Looks like Investigator
11 Todd also recovered that one as well, and he dropped
12 it into evidence.

13 Q. Okay. That was which one, Jacob Cook?

14 A. Jacob Cook. I stand corrected. It's been a
15 while.

16 Q. Okay. And when you say sealed, you mean that
17 brown paper bag inside, not the SLED evidence bag?

18 A. Correct, the brown paper bag that's inside.

19 Q. Did you instruct or ask anybody to take
20 anything to SLED to try to aid in the investigation
21 in any -- in a rush sort of way?

22 A. Yeah. So we usually, with bigger cases --
23 we're a small agency. We'll have a group meeting.
24 We decided that we needed to have these items rushed
25 because of the seriousness of the crime and how

1 brutal it was.

2 So from there, we had them -- had these items
3 transported along with the Awesome bottle and the
4 paper towel that was collected on scene that we
5 believe had the suspect's semen. We had those
6 rushed over to SLED. I remember having
7 communications with SLED, and they said if they do
8 get information back to show that it is DNA on these
9 items, they would stay over the weekend and actually
10 rush it, which is almost unheard of.

11 And so by then, I believe Monday, we had gotten
12 a call --

13 Q. Okay. Before we get to that, I want to go back
14 to Friday.

15 A. Okay.

16 Q. As of Friday, did you have any known suspects
17 in this case?

18 A. None whatsoever.

19 Q. So after talking to Monesha and Jacob Cook, you
20 had nobody that you could strongly say was a person
21 of interest?

22 A. We had a person of interest. Mr. Cook had made
23 mention to a guy who lived down the road, basically
24 on the corner, which would probably be maybe 100
25 yards from his residence; that he knew of a guy

1 named Sean Riley.

2 Q. Okay. And did you have the opportunity -- by
3 Friday, did you have the opportunity to follow up on
4 him?

5 A. I'm not sure. I remember making contact with
6 Mr. Riley over the phone. And he explained to me
7 that he --

8 MR. WILLIAMS: Objection to hearsay, Your
9 Honor.

10 THE COURT: Sustained.

11 BY MS. WEISS:

12 Q. Okay. But -- and then on your dispatch, there
13 was a mention of somebody being detained.

14 A. Yes, that night.

15 Q. That night?

16 A. Yes.

17 Q. So you had a perimeter, certain distance around
18 the crime scene, and somebody had been detained.
19 Were you able to look into that person?

20 A. I was. I was able to retrieve a name. And the
21 guy's name was Quinton Rutherford. He was actually
22 arrested that night. He was found behind Kmart.

23 He's a known vagrant around West Columbia, and he
24 was arrested on a bench warrant that was
25 outstanding.

1 Q. Were you able to find out if he was related to
2 this case at all?

3 A. He was not.

4 Q. Okay. And so as of Friday night, you didn't
5 have anybody that you knew was involved -- you had
6 any reason to know was involved in this case. You
7 had a name that you needed to run down and talk to,
8 and you were able to eliminate the person that had
9 been -- been detained and arrested --

10 MR. WILLIAMS: Objection to leading, Your
11 Honor.

12 MS. WEISS: I'm summarizing.

13 THE COURT: I'm going to allow it. Go ahead.

14 MS. WEISS: Thank you.

15 THE COURT: Over -- over objection.

16 BY MS. WEISS:

17 Q. Okay. And so now to Monday. I'm sorry.

18 A. So Monday, we received a notification from SLED
19 indicating they had positively identified a suspect
20 from the Awesome bottle. They collected DNA and
21 identified that person.

22 Q. Okay. And how did they identify that person?

23 A. Through a CODIS hit, his DNA.

24 Q. Okay. And who is the person that they gave
25 you?

1 A. Mr. Craig Cooper.

2 Q. Okay. So at that point, you had DNA -- a DNA
3 hit through CODIS from SLED on a Craig Cooper.

4 A. Correct.

5 Q. Okay. And were you able to investigate that
6 lead?

7 A. I was.

8 Q. Okay. And through investigating that, did --
9 were you able to develop any other suspects?

10 A. I was.

11 Q. And who was that?

12 A. Mr. Christopher Cooper.

13 Q. So at this point, from the information that you
14 had, there were potentially two suspects?

15 A. Correct.

16 Q. And through CODIS, you had Craig Cooper. And
17 through investigating that, it led you to Chris
18 Cooper?

19 A. Correct.

20 Q. And at that time, what did you do?

21 A. At that point, Investigator Putney and
22 Investigator Todd had went to Reunited Auto Sales
23 and picked up Christopher Cooper for further
24 questioning.

25 Q. Okay. Was he under arrest at this point?

1 A. He was not.

2 Q. Did you tell them that they had to make sure
3 and bring him back?

4 A. I did not.

5 Q. Did they -- did you tell them to handcuff him
6 and get him back over there?

7 A. No. He was not under arrest.

8 Q. Okay. So when he walked into the police
9 department, was he free to leave?

10 A. Yes.

11 Q. Okay. And when did you first come in contact
12 with Christopher Cooper?

13 A. While he was sitting in the interview room.

14 Q. Is anybody in the interview room with you?

15 A. In the beginning, Investigator Putney was with
16 me.

17 Q. I'm going to show you what's been marked as
18 State's Exhibits 1, 2, and 3. Do you recognize
19 these three documents?

20 A. Yes, ma'am.

21 Q. Okay. And document 1, what is that?

22 A. That is a photocopy of Mr. Christopher Cooper's
23 South Carolina driver's license.

24 Q. Okay. And what is State's Exhibit 2?

25 A. That is a Miranda form.

1 Q. Okay. And Exhibit 3?

2 A. That is his -- his voluntary statement form.

3 Q. Okay. And were you involved in the creation of
4 each three of these documents?

5 A. I was.

6 MS. WEISS: Your Honor, at this time, I'd move
7 State's Exhibits 1, 2, and 3 into evidence.

8 MR. WILLIAMS: Your Honor, in regards to
9 Exhibit No. 2, we have no exhibit -- I mean, we
10 don't have any objection to it. I think that's
11 correct. Make sure I got the right one. I believe
12 that to be the driver's license that was taken. We
13 have no objection to that.

14 THE COURT: That's 1, I think, the driver's
15 license.

16 MR. WILLIAMS: It's 1? Thank you, Your Honor.
17 State's 1, we have no objection to that.

18 In regard to State's Exhibit No. 2 and 3,
19 subject to the Court's ruling.

20 THE COURT: So noted over such objections. The
21 Court's rulings remain the same.

22 MS. WEISS: Just to be clear, so these are
23 admitted into evidence? I may publish them for the
24 jury?

25 THE COURT: They are in evidence.

1 MS. WEISS: Thank you.

2 (State's Exhibit Nos. 1, 2, and 3 admitted into
3 evidence.)

4 BY MS. WEISS:

5 Q. So how did you know that Christopher Cooper was
6 at the West Columbia Police Department?

7 A. I was notified by Investigator Todd or
8 Investigator Putney.

9 Q. Okay. And you've been an investigator, at this
10 point, couple years. And you were trained about
11 Miranda rights and statements when you were at the
12 academy, right?

13 A. Yes, ma'am.

14 Q. At some point, did you develop a pattern of how
15 you went about conducting an interview of a
16 suspect -- of a potential suspect?

17 A. Yes, ma'am. I use a systematic approach every
18 time. It's the same -- usually the same way every
19 single time.

20 Q. Okay. What's the first thing you did and that
21 you do when you walk in to begin an interview with
22 somebody?

23 A. First thing I do is I -- first, I remove my
24 weapons, my firearm and everything. I seal it into
25 a safe just to ensure my safety and nothing -- of

1 the suspect.

2 At that point --

3 Q. When you say your weapon and everything, what
4 else?

5 A. Yeah. I got a pocketknife I usually carry. I
6 put that in the lock box as well.

7 Q. And does everybody do that or just you?

8 A. Yeah. That's policy.

9 Q. At your department?

10 A. At my department.

11 Q. So Putney would have taken everything off as
12 well?

13 A. Correct.

14 Q. Okay. And what do you do next?

15 A. From that point, I walk into the interview room
16 and ask for their driver's license to positively
17 identify who they are and to get a photocopy of
18 that.

19 Q. Okay. And did you do that in this situation?

20 A. I did.

21 Q. And is this the photocopy, State's Exhibit 1,
22 that you're referring to?

23 A. It is.

24 Q. Okay. And once you get that photocopy, what do
25 you do?

1 A. I bring it back into the interview room. I
2 place it in front of the person and ask them would
3 they please just sign and date, showing that they
4 were indeed the person in that identification.

5 Q. Okay. And who was in the -- in the interview
6 room when you did that?

7 A. At that time, Investigator Putney would have
8 been in the room.

9 Q. Okay. And anybody else?

10 A. No, just him and I.

11 Q. And the person you're getting ready to
12 interview?

13 A. And, yes, Mr. Cooper.

14 Q. And is that person in the courtroom today?

15 A. He is.

16 Q. Can you please identify him for the jury?

17 A. Sitting over there.

18 MS. WEISS: Let the record reflect he's pointed
19 at the -- pointed out the defendant, Your Honor.

20 THE COURT: So noted for the record.

21 MS. WEISS: Thank you.

22 BY MS. WEISS:

23 Q. Okay. So you got this copy of his driver's
24 license. On his driver's license, it has his height
25 and weight. So what was that?

1 A. Appears to be six foot, 175.

2 Q. Do you check that for any reason?

3 A. Yeah. I'll look at it to compare it, to make a
4 description of what we've got.

5 Q. But the purpose of this is to make sure that
6 you have the identity of who's sitting in your
7 interview room.

8 A. Correct.

9 Q. And at that time, did Christopher Cooper sign
10 this piece of paper?

11 A. He did.

12 Q. And he dated it?

13 A. He did.

14 Q. And what was the date?

15 A. 8/1/17.

16 Q. What do you do next?

17 A. After the driver's license is signed, I then
18 present a Miranda form.

19 Q. And what is the purpose of a Miranda form?

20 A. It's to advise somebody of their Miranda
21 rights.

22 Q. Okay. I'll show you State's Exhibit 2. Well,
23 I'll show you at least the top of State's Exhibit 2.
24 What is this form?

25 A. That is the Miranda rights form that the City

1 of West Columbia uses.

2 Q. Okay. If you would -- and you have the
3 pointer, if it would help you. If you would, please
4 walk the jury through how you use this form.

5 A. So when I lay this form in front of the person,
6 I will ask them to fill out this top section right
7 here and advise them not to go any further than that
8 top section. So they usually start with the date,
9 the time. I fill out the case number, and then I
10 will read this: I, put your name here, live at your
11 address. Please put your phone number here, your
12 date of birth, your social security number, and
13 what's the last grade you finished in school, and
14 advise them if they have anything higher than a 12th
15 grade education, to just add the years to that.

16 And then my next question is: Can you or can
17 you not read? Please circle which applies. And he
18 indicated that he could read and initialed.

19 From that point, after that part is filled out,
20 I advise them, and the constitution requires, that
21 they be informed of their rights. And I start with
22 the first one: You have the right to remain silent.
23 Anything you say can or will be used in court as
24 evidence against you. You're entitled to talk to a
25 lawyer now and or have him or her present now or at

1 any time during questioning. If you cannot afford a
2 lawyer, one will be appointed for you without cost.
3 Do you understand these rights?

4 At that point, Mr. Cooper indicated yes, he
5 did, and initialed.

6 Number 6: If you decide to answer questions
7 now without a lawyer present, you still have the
8 right to stop answering questions at any time. You
9 also have the right to stop answering questions at
10 any time to speak to a lawyer.

11 Once I get through that, I ask him to initial 1
12 through 6, that I went over all those with him, and
13 then if they would sign at this line here,
14 indicating that I did read over all these with him.

15 Q. Okay. And whose signature is on that line?

16 A. Mr. Christopher Cooper.

17 Q. And whose initials are beside 1 through 6?

18 A. Mr. Christopher Cooper's.

19 Q. And Christopher Cooper filled out the top of
20 the form?

21 A. He did.

22 Q. To include his name and that he lived at
23 112 Morning Echo Drive?

24 A. He did.

25 Q. Okay. And then what do you do next?

1 A. After that's completed, I come down to this
2 bottom part, the waiver of those Miranda rights.
3 And I verbally read this verbatim: I am willing to
4 make a statement and answer questions. I understand
5 and know what I'm doing. No promises or threats
6 have been made to me, and no pressure or coercion of
7 any kind have been used against me.

8 And I go a little further and say that this
9 just shows I'm not going to throw a phonebook at
10 you, beat you, or anything like that, I just simply
11 want to ask questions.

12 Q. Okay. And then whose signature is on the
13 witness signature line?

14 A. Signed here on the top?

15 Q. Yes.

16 A. Investigator Putney signed here.
17 Mr. Christopher Cooper signed his name here, and he
18 also dated as well.

19 Q. Okay. And so the first one is you,
20 Investigator C. Morris?

21 A. That's correct.

22 Q. At that time, did Christopher Cooper ask to use
23 the restroom?

24 A. No, he did not.

25 Q. Did he ask for a cup of water?

- 1 A. No, he did not.
- 2 Q. Anything to eat?
- 3 A. No, he did not.
- 4 Q. Did he say he wanted to leave?
- 5 A. No, he did not.
- 6 Q. Was he free to leave then?
- 7 A. At that point, he was still free to leave. He
- 8 wasn't under arrest. We did not have a warrant for
- 9 him.
- 10 Q. And he didn't ask to leave?
- 11 A. No.
- 12 Q. Did he ask for a lawyer?
- 13 A. No.
- 14 Q. Are you sure?
- 15 A. I'm 100 percent sure.
- 16 Q. What would happen if he had asked for a lawyer?
- 17 A. I would have asked him to call his lawyer to
- 18 come up and speak with us with him.
- 19 Q. Okay. And have you gone through these rights
- 20 before and had somebody ask for a lawyer?
- 21 A. Yes.
- 22 Q. Is that unusual?
- 23 A. No.
- 24 Q. And what happens when they do that?
- 25 A. I ask them to call their lawyer.

1 Q. Okay. And if their lawyer says, I'm not coming
2 up here right now --

3 A. Then I cease questioning. And, usually, a
4 lawyer will schedule a time and if they are going to
5 allow their client to speak to me. If not, then I
6 just continue investigating the case until I
7 establish probable cause.

8 Q. Okay. And was that the situation on this case?

9 A. No, it was not.

10 Q. Okay. And you're positive he did not ask for a
11 lawyer?

12 A. I am 100 percent positive.

13 Q. And he did not ask to leave?

14 A. He did not.

15 Q. Okay. Once he signed that, did you have any
16 question that he was under the influence of
17 anything?

18 A. No.

19 Q. Where did he just come from?

20 A. He'd just come from work.

21 Q. Did you have any question that he couldn't read
22 or write?

23 A. No. He could articulate himself very well.

24 Q. Any question that he didn't understand what you
25 were saying?

1 A. None whatsoever.

2 Q. Have you had situations where people have been
3 under the influence?

4 A. I have.

5 Q. And what do you do at that point?

6 A. I do not interview them at that point.

7 Q. Okay. Have you had a situation where somebody
8 did not understand or did not have an education to
9 be able to read and write?

10 A. Yes, I have.

11 Q. And what do you do then?

12 A. I do not question them.

13 Q. Okay. And was that -- any of that a concern of
14 yours at this point?

15 A. None whatsoever.

16 Q. Okay. Did Christopher Cooper have any trouble
17 filling out the blanks?

18 A. None.

19 Q. So what do you do next?

20 A. So at that point, after getting Miranda filled
21 out, I began asking questions about the case, his
22 whereabouts. According to my notes, I asked him the
23 last time he was in West Columbia, and I went
24 through that questioning.

25 Q. Okay. Now, looking at the top of this, this --

1 Christopher Cooper wrote 4:54 p.m.

2 A. Yes.

3 Q. And Investigator Putney signed the Miranda
4 rights warning.

5 A. Yes.

6 Q. Did Investigator Putney remain with you while
7 you were going through questions?

8 A. At that point, it was getting close to 5:00.
9 And my captain, I believe, he came in at the time.
10 Captain Wade sent Investigator Putney home because
11 he would have had to pay overtime to Investigator
12 Putney.

13 Q. Okay. I'm going to show you Defense's
14 Exhibit 1.

15 A. Yes, ma'am.

16 Q. Do you recognize this photo?

17 A. I do.

18 Q. Okay. What is that a photo of?

19 A. That is a photo of our interview room at the
20 front of the building.

21 Q. Okay. And is that the room that you were
22 talking to Christopher Cooper in?

23 A. Yes, ma'am.

24 Q. Okay. So, typically, where would you be
25 seated?

1 A. Just off camera to the left.

2 Q. Okay. Maybe that chair that's in the mirror?

3 A. Yes, the one in the mirror. Correct.

4 Q. Okay. And where would Christopher Cooper be
5 seated?

6 A. He would be seated toward the bottom on the
7 right, right there.

8 Q. Okay. And is that closest to the door or
9 furthest away?

10 A. That's the closest chair to the door.

11 Q. Okay. And is the door locked during an
12 interview?

13 A. Never.

14 Q. Okay. And who would have been seated on the
15 far side?

16 A. In the beginning, Investigator Putney.

17 Q. Okay. Do you have any sort of body-worn
18 camera, audio or video recorder that you use when
19 you interview a suspect?

20 A. Not typically. No.

21 Q. Okay. You said not typically. What does that
22 mean?

23 A. I don't have a body camera. I'm not issued a
24 body camera. I do have an audio recording device.
25 But our policy, Section 9.03, states that we will

1 always attempt to take a handwritten statement from
2 victims, witnesses, or suspects.

3 Q. Okay. And is there an exception to that?

4 A. If you cannot read or write or you are
5 physically incapable.

6 Q. Okay. So have you ever had the opportunity to
7 take an audio statement?

8 A. I have.

9 Q. And how many times in your career?

10 A. Few. Maybe less -- less than 20.

11 Q. And why was that?

12 A. It's because they couldn't read or write or
13 were physically incapable.

14 Q. Okay. Was that the situation with Christopher
15 Cooper?

16 A. No. He was fully capable of writing.

17 Q. Okay. And I'll direct you right here. What is
18 that?

19 A. That is a camera.

20 Q. And is that camera -- what does that camera do?

21 A. It is a live feed to my supervisor's office.

22 Q. Does it live feed to anywhere else?

23 A. And to the investigative office where all of
24 our cubicles are.

25 Q. Okay. And so if you're sitting in your

1 cubicle, can you watch anybody that's in that room?

2 A. Yes.

3 Q. Okay. And Captain Wade, if he's sitting across
4 the hall or across the room, can he watch what's
5 going on?

6 A. He can.

7 Q. Okay. And that feeds right into his office?

8 A. Yes.

9 Q. Well, certainly, with the technology, if
10 there's a live feed, they ought to be able to
11 record, right?

12 A. That's right.

13 Q. But can they? Can they have the capability, as
14 far as you know?

15 A. No. We do not have -- there's no DVR or no
16 recording system connected to that camera.

17 Q. And is that your decision?

18 A. That's above my pay grade.

19 Q. If you had your preference, would these be
20 recorded?

21 A. Absolutely, 100 percent.

22 Q. But that camera, it's the same camera that was
23 there in 2017?

24 A. Yes, ma'am.

25 Q. And it does not and has not recorded

1 interviews?

2 A. Since it's been installed, it's never recorded
3 anything.

4 Q. Okay. So you started asking questions?

5 A. Yes, ma'am.

6 Q. And what did you start with?

7 A. Asked him the last time he was in West
8 Columbia.

9 Q. What was his answer?

10 A. A month ago.

11 Q. Okay.

12 A. Then I proceeded to ask him who Craig Cooper
13 was. And he indicated that was his first cousin.

14 He had made mention, in my notes, about meeting
15 up with a Cleo, who was an entertainer; said it was
16 a friend of his. He then said -- I guess I asked
17 him about Thursday. And he indicated he was at home
18 by himself.

19 And then I asked him where he lived. He said
20 near Two Notch off of Hard Scrabble and that -- and
21 then he indicated he was not in West Columbia on
22 Thursday or Friday.

23 At that point, looking at my notes, it appears
24 that the interview kind of shifted gears.

25 Q. Okay. Do you recall what led it to shift

1 gears?

2 A. I'm thinking at that point, myself -- I'm still
3 in the interview. Investigator Putney may or may
4 not have been in there at that point. I don't think
5 he was. I think Captain Wade had came in because
6 Putney left. Like I said, it was getting close to
7 5:00.

8 So Captain Wade, who's a salary employee, he
9 would take the brunt of that instead of paying
10 overtime for a budget. So he would have came in and
11 also been in there with me questioning Mr. Cooper.

12 Q. Okay. And was something said that made it
13 change its tone at that point?

14 A. I believe we mentioned to him that his
15 co-defendant had already talked --

16 Q. Okay. Hold on. I'm going to stop you there.
17 So you gave him information that you had -- you had
18 other reasons that -- to believe he was a suspect.

19 A. Yes.

20 Q. Okay. And did he give you a different answer
21 from the ones he had been giving you?

22 A. Yes.

23 Q. And what did he say?

24 A. Quote, it was a mutual decision.

25 Q. Okay. And keep going.

1 A. From there, he said a friend told him about the
2 victim and that he was a drug dealer. The friend
3 said he had a lot of money. The friend showed him
4 the house, indicating they kicked in the door.

5 Q. Who -- who did he say kicked the door open?

6 A. His co-defendant.

7 Q. Okay.

8 A. He said they --

9 Q. Who did he say that was?

10 A. Craig. Craig, his first cousin.

11 Q. Okay. And keep going. Sorry.

12 A. He stated they were looking for cash inside.

13 He stated there was a young lady upstairs. He then
14 indicated Craig opened the door to the bedroom, and
15 she screamed.

16 He further indicated money -- he said the money
17 was in small ceramic things. Didn't -- indicated he
18 didn't find what we were looking for. And Craig
19 said, we got to get something out of this, and got
20 to get oral or anal sex.

21 Didn't get -- my next note: Didn't get vaginal
22 sex because she had a yeast infection. She rubbed
23 her vagina and showed it to them. I asked him what
24 type of vehicle they took over there. He said a
25 black SUV.

1 I asked him who was the friend that put them on
2 the lick, on the robbery. And he indicated a guy
3 named Albert Brisbon. And Albert Brisbon was -- or
4 he indicated Albert Brisbon was currently in jail.

5 Q. Okay.

6 A. He also indicated Albert Brisbon told him Jacob
7 was a drug trafficker, that he drives a blue
8 Chrysler 200.

9 He also indicated the gun used in this incident
10 was at his house, 132 Windridge Road.

11 Q. Okay. I'm going to stop you for a minute. If
12 we look at the Miranda rights, you asked him where
13 he lived. What did he put on there?

14 A. He put 112 Morning Echo Drive.

15 Q. Okay. And on his driver's license, what
16 address does he have?

17 A. That appears to be 112 Morning Echo Drive.

18 Q. But now, when you're interviewing him, what
19 does he say about -- where does he say he lives?

20 A. 132 Windridge Road.

21 Q. And he says the guns are at his house, at
22 132 Windridge Road?

23 A. Correct.

24 Q. Is this the first time that he mentioned
25 Windridge road instead of Morning Echo?

1 A. Correct. That would have been the first time I
2 knew where he resided.

3 Q. Did you have any reason to know he lived at 132
4 Windridge Road and not Morning Echo?

5 A. Had no idea.

6 Q. And what did he -- what else did he say?

7 A. He told me he spent the money they stole. He
8 said he got -- or they got \$1,700 total, and he got
9 about \$860 of that.

10 Q. Okay. I want to go back to the information
11 that Mr. Cooper kept saying, that he had been told
12 that Jacob is a trafficker or Jacob is a drug
13 dealer. Did he ever indicate that he knew --
14 personally knew Jacob Cook or Monesha Cook?

15 A. No, he never indicated that. He did not.

16 Q. Okay. And you went through that house, took
17 pictures, and searched for items that could be of
18 value to your investigation.

19 A. Yes, ma'am.

20 Q. Did you find anything that led you to the
21 conclusion that there were drugs in that home?

22 A. None whatsoever. I've processed houses before
23 that you could tell that is indicative of drug use,
24 and this was not one of them.

25 MR. WILLIAMS: Your Honor, may we approach a

1 second?

2 (Sidebar conference.)

3 BY MS. WEISS:

4 Q. All right. So that was your -- that was a
5 verbal discussion that you had, you and Captain
6 Wade, with Christopher Cooper?

7 A. Correct.

8 Q. Okay. At this point, did Christopher Cooper
9 ask for a lawyer?

10 A. No, he did not.

11 Q. Did he ask if he could leave?

12 A. No, he did not.

13 Q. So what is the next step in your -- in the way
14 that you conduct an interview?

15 A. So after obtaining a verbal confession, I ask
16 them if they'd be willing to write down what they
17 just explained verbally to me, and we go from that
18 point.

19 Q. And what did you say is your department's
20 policy as far as when you get a confession?

21 A. Whenever is -- whenever is feasible to get a
22 handwritten statement and they're able to get a
23 handwritten statement. That's the preferred method
24 of obtaining a confession is in their own
25 handwriting.

1 Q. At this point, did Christopher Cooper ask to
2 use the restroom?

3 A. I don't believe so.

4 Q. Did he ask for food or water?

5 A. No, ma'am.

6 Q. Okay. If he'd asked for any of those things,
7 what would you have done?

8 A. I would have gotten whatever he wanted, a water
9 or a Coke.

10 Q. And so do you have a voluntary statement form?

11 A. We do.

12 Q. I show you State's Exhibit 3. Will you please
13 talk about how you do statements?

14 A. So I ask them, just like the Miranda form, to
15 fill out this top section up here. And then once
16 they fill that out, you complete that.

17 I ask them to go ahead and write what they had
18 just verbally told us. At that point, he did write
19 a statement.

20 Q. Okay. Going to the top of this page, that's
21 his handwriting there?

22 A. Yes, ma'am.

23 Q. And where did he say he lived?

24 A. 132 Windridge Road.

25 Q. And that's what he had told you during the

1 verbal interview at the end, when he was telling you
2 where the gun was?

3 A. Correct.

4 Q. To be clear, when he filled out the Miranda
5 rights warning before you'd asked him questions,
6 where did he say he lived?

7 A. 112 Morning Echo Drive.

8 Q. And this is just you asking him to write his
9 name and where he lives?

10 A. Correct.

11 Q. Which is the same question you asked him on the
12 Miranda form?

13 A. Correct.

14 Q. Okay. And he filled that out.

15 And then what do you ask them to do next?

16 A. To put into their own words what they had
17 expressed to me verbally.

18 Q. Okay. And, at this point, did he do that?

19 A. He did.

20 Q. So do you sit there while he writes? Do you
21 leave? How do you handle that?

22 A. In this particular case, yeah, I sat there
23 while he wrote and witnessed everything.

24 Q. Okay. So once he started writing, did Captain
25 Wade stay with you?

1 A. No. Captain Wade had also left. I'm fully
2 capable of taking a statement by myself.

3 Q. Okay. Do you remember at what point Captain
4 Wade left?

5 A. After he would have verbally confessed, and
6 probably at the time he was filling out this top
7 portion is when Captain Wade would leave.

8 Q. Okay. And so what did he put in the top of his
9 written confession?

10 A. You're talking about the body of it?

11 Q. Yes.

12 A. Do you have a copy I could possibly see? It's
13 hard for me to see it without my glasses.

14 Q. Sure.

15 A. Thank you.

16 Q. Uh-huh.

17 A. You want me to read this?

18 Q. Yes, please.

19 A. We went over to the residence, saw no one was
20 there because the guy's car was gone. We got in
21 through the back door, searched for the money, got
22 upstairs. When Craig opened the door, the girl that
23 was there screamed. I continued to search, found
24 nothing. The girl opened the safe, told us where
25 the \$1,700 was. Then we left only after finding

1 this amount. Upon leaving, we had oral and anal sex
2 with the dealer's girl.

3 Q. Okay. And so what happened next in the
4 interview?

5 A. So at this point, I would start a
6 question-and-answer format just to get more details
7 about what -- what occurred and what he had already
8 verbally told us.

9 Q. So whose handwriting is the question?

10 A. That is my handwriting.

11 Q. Okay. How much do you write? Do you write
12 your name, Q?

13 A. Oh, I write my name, Investigator C. Morris,
14 and the Q and the hyphen.

15 And then I would write: Where is the residence
16 located? And then I would go down to the next line
17 and put C. Cooper and put the A and a hyphen. And
18 then they would fill out that next part.

19 Q. Okay. And what was his answer?

20 A. His answer was off of Knox Abbott Drive.

21 Q. What was your next question?

22 A. Next question was: What did this residence
23 look like?

24 Q. What was his answer?

25 A. A duplex.

1 Q. What was the next question?

2 A. Who had the firearm?

3 Q. His answer?

4 A. Answer: I brought the firearm that Craig had.

5 Q. Now, do you finish out each page one at a time
6 or do you wait till you get to the very end and then
7 do signatures?

8 A. I wait till the very end.

9 Q. The second page?

10 A. Page 2 of 2, I asked: Who is Craig?

11 He answered: Craig Cooper is my cousin.

12 The next question: Who showed you this
13 residence?

14 He answered: A friend showed us a month ago.

15 The next question: What type of gun did you
16 give Craig?

17 He responded: 9mm handgun, black and silver.

18 Q. Okay?

19 A. He -- I then asked him: What time of day did
20 this occur?

21 He explained it happened in the night --
22 nighttime.

23 Q. Okay.

24 A. How much money did you get from this?

25 And he said: \$840.

1 Q. Okay.

2 A. I asked him: Where was the money stored?

3 He said: Two piggybanks. And in quotations --
4 or parentheses: Black.

5 Next question: What happened to her phone?

6 And he explained: We placed it in the trash
7 out back.

8 I asked him: Did you ejaculate and where?

9 He said: In her mouth.

10 Final question: Why didn't you have vaginal
11 intercourse?

12 He responded: She had an infection.

13 Q. And what do you do at the end?

14 A. So at the end, I would read over this and have
15 him read over it. And then he would sign and date
16 at the bottom right side, and I would sign it as a
17 witness.

18 Q. Okay. There's a second witness signature line.
19 How come nobody signed there?

20 A. Because I was the only one there witnessing
21 this statement being written.

22 Q. Okay. What about people witnessing it from the
23 investigation room or Captain Wade's office?

24 A. There -- I don't believe anyone was watching
25 those feeds. And I wouldn't know who was watching

1 those feeds because I was in the interview.

2 Q. Well -- and what time, approximately, did he
3 finish this?

4 A. I remember it being fairly quick. I mean, less
5 than two hours that we were in there total that he
6 confessed.

7 Q. Okay. Are you the only investigator working
8 nightshift this week --

9 A. I was.

10 Q. -- that week?

11 Okay. After you got that statement, did you
12 talk any more to Mr. Cooper about any details?

13 A. I may have asked him where his gun was located,
14 the gun that was used in this. And I know he had
15 indicated there at his residence, at 132 Windridge.
16 But he was more specific and told me a shoebox in
17 his closet.

18 Q. Okay. And did he tell you if anybody else
19 lived at Windridge?

20 A. I believe he was the sole -- the sole occupant.
21 He was the only one that lived there.

22 Q. Okay. And did you obtain anything from him
23 related to Windridge?

24 A. I did. I conducted a search warrant with
25 Richland County.

1 Q. Okay. How did you get into his house?

2 A. I believe -- I can check my notes real quick.

3 Q. Okay.

4 A. I don't have my handwritten notes from that.

5 But I remember -- I remember getting into the
6 residence and the alarm going off. Matter of fact,
7 I think he gave me his keys to get into his
8 residence.

9 Q. You received his keys and directions where in
10 the residence the gun would be.

11 A. Correct.

12 Q. Would it help to refresh your recollection to
13 look at your supplemental report?

14 A. Are you referring to the supplemental 8/1?

15 Q. That supplemental?

16 A. Oh, yep.

17 So I conducted a search warrant at 132
18 Windridge Road, which is the residence of
19 Mr. Christopher Cooper. I indicated that Mr. Cooper
20 stated the firearm used in this incident was a black
21 and gray Smith & Wesson 9mm. Mr. Cooper stated his
22 firearm was at his residence at the above-mentioned
23 address and that it was in his closet in a shoebox.

24 Mr. Cooper's keys to his residence were seized
25 after his arrest to conduct a search warrant at his

1 residence. Mr. Cooper's statement corroborated the
2 victim's statement about the firearm. And a search
3 warrant was obtained by Investigator Loftis with the
4 Richland County Sheriff's Department.

5 Search warrant was executed by myself,
6 Investigator Loftis, Investigator Roe, and Sergeant
7 Holdorf with Richland County on 8/1/17 at
8 approximately 9:30 p.m. Investigators made entry
9 through the back door of the residence using
10 Cooper's keys, and the alarm was activated and
11 cleared through CPI Security.

12 Q. Okay. And were you there -- you were there,
13 and you were conducting the search with them?

14 A. I was.

15 Q. Okay. Were you primary in the search once you
16 got into the house?

17 A. I was.

18 Q. Okay. And what did you do next?

19 A. I located a black-in-color Smith & Wesson
20 SD9 VE 9mm handgun, Serial No. HFY9768, from a
21 shoebox located in Mr. Cooper's closet.

22 Q. Okay. And who took photos of the search
23 warrant?

24 A. Probably would have been me.

25 Q. Okay. I'm going to show you what's been marked

1 as State's Exhibits 57 through 79. Do you recognize
2 these photos?

3 A. Yes. I believe so. This is Mr. Cooper's
4 residence.

5 Q. Okay. And those are your photos?

6 A. Those are my photos.

7 Q. Do those accurately depict what you saw during
8 the search warrant?

9 A. 100 percent.

10 Q. I'll show you State's Exhibit 57.

11 MR. WILLIAMS: Your Honor, I probably should
12 say something about it before it starts being
13 published.

14 MS. WEISS: Oh, I'm sorry. I'd like to move --

15 MR. WILLIAMS: I mean, it hasn't been
16 introduced into evidence yet.

17 MS. WEISS: I'd like to move State's
18 Exhibits 57 to 79 into evidence.

19 THE COURT: Any objection?

20 MR. WILLIAMS: No objection, Your Honor.

21 THE COURT: Without objection, so admitted.

22 (State's Exhibit Nos. 57, 58, 59, 60, 61, 62,
23 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75,
24 76, 77, 78, 79 admitted into evidence.)

25 BY MS. WEISS:

1 Q. Okay. State's Exhibit 57, what's the purpose
2 of this photo?

3 A. To show the address of 132 Windridge Road.

4 Q. Okay. State's Exhibit 58?

5 A. The outside of Mr. Cooper's residence.

6 Q. Okay. And State's Exhibit 59?

7 A. The closet --

8 Q. Hold on.

9 A. Oh.

10 Q. I'm trying to get this all in focus.

11 What is that a photo of?

12 A. That's a photo of the closet inside
13 Mr. Cooper's master bedroom.

14 Q. And State's Exhibit 60?

15 A. That is a photo of a shoebox inside of that
16 closet.

17 Q. Okay. State's Exhibit 61?

18 A. That is the handgun he indicated was used
19 during this robbery.

20 Q. What did you do once you found that handgun?

21 A. I collected it as evidence.

22 Q. Okay. State's Exhibit 62?

23 A. That's a close-up of the same firearm.

24 Q. Okay. How do you take a firearm into evidence?

25 A. We secure it, make sure it's clear, no --

1 there's no bullets in it. From that point, we do
2 have gloves on while we're searching. Then it would
3 be placed into -- it would be secured with a zip tie
4 and placed into a box and labeled and taped and
5 secured and dropped into the evidence department at
6 headquarters.

7 Q. Okay. State's Exhibit 63?

8 A. That's a picture of the magazine I removed from
9 the gun.

10 Q. And State's Exhibit 64.

11 A. That is a picture of the serial number.

12 Q. State's Exhibits 65 through 71, can you just
13 generally describe what those are photos of?

14 A. Those appear to be just general photographs of
15 Mr. Cooper's residence.

16 Q. Okay. What's the significance of State's
17 Exhibit 72?

18 A. To show that he receives mail to that address
19 and that it is his residence.

20 Q. State's Exhibit 73?

21 A. Same thing, to indicate he's obviously known by
22 the IRS; that that is his address as well.

23 Q. State's Exhibit 74.

24 A. Same thing. I'm just documenting that that is
25 indeed his residence and that he's receiving mail

1 there.

2 Q. And State's Exhibits 75 through 78?

3 A. Just further documenting of the residence.

4 Q. Okay. And, finally, State's Exhibit 79?

5 A. That is a copy of the search warrant that we're
6 required to leave, showing what property we seized
7 from this house.

8 Q. Okay. Did you find any indication at the house
9 that anyone else was living there?

10 A. No.

11 Q. Okay. Did you find any indication in the
12 bedroom that anybody else was living in that
13 bedroom?

14 A. No.

15 Q. And did you have any trouble locating the gun
16 when you got to the home?

17 A. It was right where he said it would be.

18 Q. So I jumped ahead. I'm going to show you
19 what's been marked as State's Exhibit 81. Do you
20 recognize this document?

21 A. Yes, ma'am.

22 Q. Okay. What is it?

23 A. It's a permission to search form.

24 MS. WEISS: Your Honor, at this time, I'd like
25 to enter State's Exhibit 81 into evidence.

1 MR. WILLIAMS: I don't think there's a
2 sufficient foundation to enter that.

3 THE COURT: Sustained.

4 BY MS. WEISS:

5 Q. Who filled out this document?

6 A. Myself and Mr. Cooper.

7 Q. Okay. And were you present when it was filled
8 out?

9 A. I was.

10 Q. What is the purpose of that document?

11 A. To notify somebody -- or asking permission to
12 search a house, a car, or take a buccal swab of
13 their mouth.

14 Q. Okay. And what's a buccal swab again?

15 A. That's the Q-tip that you collect DNA for
16 comparison.

17 Q. Okay. And what was the purpose of that
18 particular permission to search?

19 A. The purpose of this permission to search was to
20 obtain a buccal swab from Mr. Cooper for comparison
21 to DNA that we had located on the crime scene.

22 Q. Okay. So what's your process for -- for asking
23 for permission to obtain a buccal swab?

24 A. I read verbatim through this form and advise
25 them of what I'm -- what I want to search and that

1 they have the right to refuse that. And if -- if
2 they agree to it, they fill it out and sign it and
3 continue on with the search.

4 Q. Okay. So who fills out the top part of this?

5 A. Mine and his handwriting is similar. But he --
6 it says: I, Christopher Cooper. So it would have
7 been either me or him.

8 Q. Okay. At the bottom, whose signature is on
9 there?

10 A. Christopher Cooper.

11 Q. Okay. And who signed that?

12 A. Christopher Cooper.

13 Q. Okay. And were you there when he signed it?

14 A. Yes.

15 Q. How do you know that?

16 A. Because of my signature right here.

17 Q. Okay. And what was the date and time that he
18 signed?

19 A. It would have been on August 1st, 2017, at
20 6:24 p.m. or 1824 hours.

21 MS. WEISS: Your Honor, at this time, I'd like
22 to admit State's Exhibit 81 into evidence.

23 MR. WILLIAMS: I would still say that's
24 insufficient foundation.

25 THE COURT: Over defense objection, so

1 admitted.

2 (State's Exhibit No. 81 admitted into
3 evidence.)

4 BY MS. WEISS:

5 Q. I know you just described this form. But so
6 the jury can see it --

7 A. Okay.

8 Q. -- have his name. And you said you read
9 through every word of this?

10 A. I do. I read verbatim from that.

11 Q. Okay. So, if you would, just read it for us
12 right now.

13 A. It says: I, Christopher Cooper, after being
14 informed by myself, Investigator C. Morris, who has
15 made proper identification as an officer of the West
16 Columbia Police Department, informed me of my
17 constitutional rights not to have a search made
18 of -- not to have search made of the premises and
19 property owned by me and/or under my custody, care,
20 or control without a search warrant.

21 Knowing of my lawful right to refuse such a
22 search, I willingly give my permission to the
23 above-named officer to conduct a complete search of
24 the premises and property, including all buildings
25 and vehicles located at -- which this is a generic

1 form.

2 I filled in buccal swab of the mouth of
3 Christopher Cooper.

4 The above officer has my permission to take
5 from the premise and property any letters, paper
6 material, or any other property or things which they
7 desire as evidence for a criminal prosecution in the
8 case under investigation.

9 This written permission to search without a
10 search warrant is given by me to the officer
11 voluntarily and without any threats or promises of
12 any kind at 18:24 p.m. on this 1st day of August,
13 2017, and it's signed by Christopher Cooper.

14 Q. And you --

15 A. Yeah. I can't see the bottom.

16 Q. Oh.

17 A. And I witnessed him sign that.

18 Q. Okay. And just to go back one second, on that
19 Miranda form, what time -- do you recall what time's
20 on the Miranda form?

21 A. 4:54 p.m.

22 Q. Okay. And did you do this permission to search
23 at the beginning, middle, or end of your interview
24 of Christopher Cooper?

25 A. I believe at the end.

1 Q. Okay. And so what time was the end?

2 A. 1824.

3 Q. So approximately 6:24?

4 A. 6:24 p.m.

5 Q. And when you do a buccal swab, you've already
6 gone through the process. You used the same process
7 that you were talking about before?

8 A. Yes, ma'am.

9 Q. With the Q-tip-type thing?

10 A. Yes, ma'am. I put gloves on, a mask, and
11 conduct the same swab as I did before.

12 Q. Okay. And you did that for Christopher Cooper.

13 A. Yes, I did.

14 Q. And what did you do with it at that point?

15 A. At that point, it was sealed, placed in an
16 evidence bag, labeled, and entered into evidence at
17 the West Columbia Police Department.

18 Q. Okay. What did you do next before you went to
19 do the search warrant with Mr. Cooper? Where did he
20 go?

21 A. He -- he was then escorted to the holding
22 cells.

23 Q. Okay. So, at that point, he was not free to
24 leave?

25 A. No. He was under arrest.

1 MS. WEISS: Beg the Court's indulgence one
2 moment.

3 BY MS. WEISS:

4 Q. Okay. You mentioned that Christopher Cooper
5 told you about someone named Albert Brisbon. Were
6 you able to follow up on that name?

7 A. I was.

8 Q. And what were you able to figure out about the
9 investigation, his relationship to the
10 investigation, at least his relationship to Chris
11 Cooper, after you talked to him?

12 MR. WILLIAMS: Objection, Your Honor. That's
13 clearly calling for hearsay because the only
14 information he could figure out --

15 THE COURT: Hold on a minute. Hold on a
16 minute.

17 (Sidebar conference.)

18 THE COURT: Objection's sustained.

19 Ladies and gentlemen, we've been going about
20 two and a half hours. I don't know about you-all,
21 but I need a break. I'm going to let you step to
22 the jury room. Do not discuss the case at all.
23 I'll get you back in here as quickly as possibly.
24 Okay?

25 (The jury exits the courtroom at 4:41 PM.)

1 THE COURT: All right. Investigator Morris,
2 you may step down. Do not discuss your testimony.
3 When we come back, I'll put you back up before we
4 bring the jury in.

5 We'll be at ease for a few minutes. Okay?

6 (Brief recess.)

7 THE COURT: Before the jury comes back up, I
8 know Investigator Morris has been on the stand all
9 afternoon pretty much. Mr. Williams indicated at
10 sidebar he probably could do cross-examination
11 today. It is, right now, four minutes till 5:00. I
12 told the jury under rare circumstances would I keep
13 them here beyond 6:00.

14 MR. WILLIAMS: We won't go beyond 6:00.

15 THE COURT: I mean, I don't want to rush you,
16 is what I'm saying. You have whatever time you
17 need. If you think it's going to be beyond that,
18 then we may let him return in the morning.

19 MS. WEISS: And I'm going to be done in just a
20 minute.

21 MR. WILLIAMS: If I've got an hour to play
22 with, Judge, that's more than what I need.

23 THE COURT: Okay. I just want to make sure.
24 Like I said, I want to make sure you have sufficient
25 time, and I don't want you to feel like you're

1 rushed in any way.

2 MR. WILLIAMS: You can cut me off at 6:00,
3 Judge, like Court of Appeals. The bells can go; the
4 light will go down.

5 THE COURT: I'm not going to do that.

6 Investigator Morris, before the jury comes back
7 in, come back up to the stand, please.

8 (The jury enters the courtroom at 5:00 PM.)

9 THE COURT: All right. All the jurors are
10 present.

11 Ms. Weiss?

12 MS. WEISS: Thank you, Your Honor.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. WEISS:

15 Q. Investigator Morris, at any point, did you
16 process any vehicles that you believe were involved
17 with this case?

18 A. No, ma'am.

19 Q. Were there ever any vehicles that were pointed
20 out to you to process?

21 A. No, ma'am.

22 Q. I'm going to show you State's Exhibit 85 for
23 identification. Can you identify what that is?

24 A. These are the keys of Chris Cooper's.

25 Q. I'll show you what's been marked as State's

1 Exhibit 84. Can you identify this?

2 A. That is a black and gray Smith & Wesson SD9 VE,
3 Serial No. HFY9768 that was recovered from
4 132 Windridge Road.

5 Q. Okay. And what did you do with that once you
6 got it?

7 A. I placed it in this box and entered it into
8 evidence at the West Columbia Police Department.

9 (State's Exhibit No. 83 marked for
10 identification.)

11 Q. Can you identify State's Exhibit 83?

12 A. This is the magazine to the Smith & Wesson
13 handgun containing 8- and 9mm rounds that goes with
14 that gun. And I would have sealed that bag and
15 placed it in evidence at the West Columbia Police
16 Department.

17 Q. Can you identify State's Exhibit 87?

18 A. This is multiple broken Buddha statue pieces
19 that I would have collected from the victim's
20 residence, stored in this bag, sealed, and placed
21 into evidence at West Columbia Police Department.

22 Q. And State's Exhibit 86, identify that.

23 A. One gray zip-up sweatshirt, one gray hoodie
24 sweatshirt with a Philadelphia Eagles logo on the
25 front. And that was, I believe, recovered from the

1 residence of Mr. Chris Cooper during the search
2 warrant at his residence.

3 Q. Okay. And what did you do with those shirts --
4 the sweatshirts?

5 A. They were sealed in that bag and placed into
6 the evidence department at the West Columbia Police
7 Department.

8 Q. Okay.

9 MS. WEISS: Your Honor, at this time, I'd like
10 to move State's Exhibits 85, 86, and 87 into
11 evidence.

12 MR. WILLIAMS: No objection, Your Honor.

13 THE COURT: 85, 86, and 87 are admitted without
14 objection.

15 MS. WEISS: Thank you, Your Honor.

16 (State's Exhibit Nos. 85, 86, 87 admitted into
17 evidence.)

18 BY MS. WEISS:

19 Q. Investigator Morris, when you began this
20 investigation on July 28th, 2017, how many suspects
21 were you looking for?

22 A. Two.

23 Q. And at the end of your investigation, how many
24 suspects did you identify?

25 A. Two.

1 Q. And who were those suspect?

2 A. Mr. Craig Cooper and Mr. Christopher Cooper.

3 Q. What is the relationship between the two of
4 them?

5 A. They are first cousins.

6 Q. And were they the two that you charged in this
7 case?

8 A. They were.

9 MS. WEISS: Thank you. I have no further
10 questions.

11 Please answer any questions Mr. Williams may
12 have.

13 THE WITNESS: Yes, ma'am.

14 MR. WILLIAMS: May it please the Court?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. WILLIAMS:

18 Q. Officer, I'm going to kind of take you
19 backwards. We'll go back -- we'll go to the house
20 where you performed the search warrant on it.

21 A. Yes, sir.

22 Q. And the total amount -- total amount of items
23 that you seized out of that house was what?

24 Well, there was the box that the gun was in,
25 right?

1 A. Yeah. I just wanted to refer back to my notes
2 to make sure I was accurate.

3 Q. All right.

4 A. It appears the handgun, gray zip-up sweatshirt,
5 gray hooded shirt with Philadelphia Eagles logo, and
6 photographs from the residence.

7 Q. And of those items that you seized from that
8 house, what item did you perform fingerprint
9 analysis and/or DNA on?

10 A. I believe the handgun was submitted for DNA
11 evidence.

12 Q. And did DNA or fingerprints match up to my
13 client, Chris Cooper?

14 A. I don't believe there was a match on the
15 firearm.

16 Q. And that was the only thing that you performed
17 DNA or fingerprint analysis on; is that correct?

18 A. From that residence?

19 Q. From that -- from that residence.

20 A. I believe so. Yes, sir.

21 Q. All right. Take you back to the house now,
22 where supposedly the assault occurred. It's my
23 understanding that there was fingerprint analysis
24 that was performed, and it was placed on fingerprint
25 cards.

1 A. Correct.

2 Q. And when did you receive the results from
3 those? You testified what the results were. When
4 did you receive the results for them?

5 A. I would have to see the sheet to know from
6 Lexington County.

7 Q. Would it have been within the last two weeks?

8 A. No. I don't believe so.

9 Q. When you received the results; is that correct?
10 Let me just -- just back up.

11 There was fingerprint analysis that was done.
12 You had some cards. You had at least two cards that
13 showed fingerprints on it, right?

14 A. I believe that's right, sir.

15 Q. And of those two items that fingerprints were
16 shown on, what -- they were on the pottery; is that
17 correct?

18 A. Yes, sir.

19 Q. So the broken pottery had two pieces that had
20 fingerprint analysis on it. And out of all the
21 items that were fingerprinted, how many items had
22 fingerprints on them?

23 A. As far as -- as far as I can remember, the
24 fingerprints from the Buddha statue were submitted.
25 I'm not sure if the other fingerprints were

1 suitable --

2 Q. The short answer is you didn't have any
3 fingerprints other than the two that -- well, you
4 had no fingerprints that matched up to my client,
5 did you?

6 A. That's correct.

7 Q. So out of everything in that house, the
8 broken -- the broken pottery, the -- the doors --
9 nothing, nothing had the fingerprints of my client,
10 did they?

11 A. That's correct.

12 Q. So of all the items that you have introduced
13 into evidence so far, none of these items have my
14 client's fingerprints on them, do they?

15 A. That's correct.

16 Q. Now let me take you back to the -- to the
17 examination or when you got there on the house and
18 you did the -- you went through the house. You took
19 the pictures and had all that, correct, everything
20 in the house?

21 A. The victim's?

22 Q. The victim's house.

23 A. Yes, sir.

24 Q. When you got down there, you had already had
25 some individuals who were there, correct?

1 A. What individuals?

2 Q. You already had, at least, the EMT. You had --
3 you had the alleged victim there. You had, at
4 least, two patrol officers who were there, Stirewalt
5 and another officer. Anybody else there when you
6 got there?

7 A. Other than the victim and her husband?

8 Q. Was the husband there when you got there?

9 A. Yes, he was.

10 Q. Okay. So -- so you got there shortly after the
11 husband maybe?

12 A. I believe so. Yes, sir.

13 Q. The pictures that you have taken that you have
14 shown, those pictures were taken before the house
15 was cleared; is that correct?

16 A. No. They would have been taken after the house
17 was cleared.

18 Q. But they were taken before you searched the
19 house?

20 A. Correct.

21 Q. Because you said that you don't search it until
22 after you take pictures of it, right?

23 A. That's correct. I take it in that state that's
24 it in, take pictures of that.

25 Q. All right. And so nothing had been seized or

1 anything like that?

2 A. Not at that point. No, sir.

3 Q. Tell me when you determined that her cell phone
4 was in the trash can.

5 A. Actually, while I was taking my photos, doing
6 the preliminary observations.

7 Q. Did you find the cell phone in there?

8 A. I did.

9 Q. So you were the person who actually found that
10 cell phone?

11 A. I was.

12 Q. So you would have been the person who would
13 have seized that cell phone?

14 A. That's correct.

15 Q. And when you seized that cell phone, obviously,
16 you had on your black gloves and everything, right?

17 A. Correct.

18 Q. So you took that out, put it in a bag, and then
19 you sent it somewhere to have fingerprint analysis
20 and/or DNA analysis done of that cell phone?

21 A. I did not.

22 Q. Now correct me if I'm wrong. You knew that
23 they had two assailants who had come into the house.
24 They had taken her cell phone, and then they had
25 thrown her cell phone away. So that meant that

1 somebody, at least one of the two assailants, had
2 that cell phone and threw it down there.

3 A. That's correct.

4 Q. Is there a reason why you wouldn't have done
5 fingerprint analysis and/or DNA analysis on that
6 cell phone, since you were the first person to find
7 it after the assailants had it?

8 A. Correct.

9 Q. So why didn't you do it?

10 A. I probably made a visual observation of
11 fingerprints. And, from my experience, as far as
12 testing it for DNA, if you got multiple people
13 touching that phone, it may or may not come back to
14 somebody. So I -- I place more value on certain
15 pieces of evidence that I collect.

16 Q. But no one touched that phone. I mean, no one
17 touched that phone until you touched it, except the
18 assailant, right?

19 A. Correct.

20 Q. So anybody who have touched it would have been
21 the last person to touch it, would have been the
22 last DNA that would have been recoverable from it.
23 But you didn't test that?

24 A. That's correct.

25 Q. All right. Now, there were several other items

1 that were found in that house. There was at least a
2 black headband that was found, wasn't there?

3 A. Yes, sir.

4 Q. A black headband, which was consistent with
5 what the two assailants would have had on, correct?

6 A. Possibly.

7 Q. And did you seize that -- did you seize that
8 headband?

9 A. I did.

10 Q. And did you perform any type of DNA analysis or
11 hair follicle test to see where it came back to?

12 A. I did not.

13 Q. And no one told you whether or not that hair --
14 that black headband belonged to either one of the
15 two individuals who lived there or not, did they?

16 A. They were unsure.

17 Q. Well, they would know what their own clothing
18 is, right? You seized it, right?

19 A. I seized it, yes.

20 Q. So if it is consistent with what the two
21 assailants would have had, why wouldn't you test
22 that to see if there was a hair follicle or DNA that
23 was -- belonged to somebody who wasn't supposed to
24 be there?

25 A. Well, we rushed the things that were being --

1 that we thought were the most pertinent. And we had
2 already established a suspect by then. There was no
3 need for further testing of any other object.

4 Q. And that rush continued on because, you
5 indicated, that you rushed the DNA testing because
6 there's actually an e-mail from the person who did
7 all the testing, indicating that you were concerned;
8 you needed to have the test done because you were
9 concerned. Do you remember what you told the -- the
10 chemist who was testing the equipment, why you
11 needed it so quick?

12 A. Not verbatim. But I do remember saying it was
13 a danger to the community.

14 Q. Do you recall telling her that you needed to
15 have it done quickly because you were concerned that
16 the husband was likely to find out who the
17 perpetrators were and would kill him?

18 A. If you can show me an e-mail where I said that,
19 I'll --

20 Q. Do you dispute that part?

21 A. I may have.

22 Q. So is that a yes or a no?

23 A. Well, Mr. Cook was extremely mad that his wife
24 had been raped.

25 MR. WILLIAMS: Beg the Court's indulgence, Your

1 Honor.

2 THE COURT: Yes, sir.

3 BY MR. WILLIAMS:

4 Q. All right. Let me show you this, which is a
5 SLED note from the chemist.

6 A. Yes, sir.

7 Q. And I'll point out this section right there.

8 A. It appears that Investigator Todd called over
9 there.

10 Q. But you didn't. It was Todd?

11 A. It says Todd. Yes, sir.

12 Q. Were you aware that he had done that?

13 A. I was aware there was a rush put on it, yes,
14 sir.

15 Q. Because of that.

16 A. Because?

17 Q. There was -- that there was concern about the
18 husband knowing who the assailants was, and they
19 might kill him.

20 A. I -- I vaguely remember that, yes, sir.

21 Q. So you and Todd were calling the chemist in a
22 rush --

23 MS. WEISS: Objection, Your Honor.

24 MR. WILLIAMS: I'm sorry.

25 BY MS. WEISS:

1 Q. You were calling the chemist. Or did you call
2 the chemist?

3 A. I did not call the chemist.

4 Q. Todd did all the calling?

5 A. Correct. According to the --

6 THE COURT: Objection's sustained.

7 Go ahead.

8 BY MR. WILLIAMS:

9 Q. So it was done much quicker than DNA is
10 normally done at SLED?

11 A. Yes, sir.

12 Q. Matter of fact, they were working all weekend
13 and cutting corners to do whatever they had to do.

14 MS. WEISS: Objection, Your Honor.

15 THE COURT: Objection's sustained.

16 BY MR. WILLIAMS:

17 Q. Todd had all the contact with the chemist; is
18 that right?

19 A. By what you just --

20 MS. WEISS: Objection, Your Honor.

21 MR. WILLIAMS: I'm just asking if he had -- if
22 he knows who had contact with the chemist. Maybe I
23 can say that.

24 THE COURT: All right. Rephrase your question.

25

1 MR. WILLIAMS: All right.

2 BY MR. WILLIAMS:

3 Q. Who had contact with the chemist?

4 A. Apparently, Investigator Todd.

5 Q. Did you have no contact at all with the
6 chemist?

7 A. I did not.

8 Q. All right. So your role as the head
9 investigator was simply to assimilate facts and that
10 you would have other persons do various things that
11 you weren't doing, right?

12 A. Correct.

13 Q. All right. Now, once you had -- once you made
14 the determination to contact Chris Cooper --
15 correct? You made a determination to get him into
16 West Columbia to talk to him, right?

17 A. That's correct.

18 Q. All right. And you sent two individuals out to
19 get him, right?

20 A. Myself and Captain Wade, yes, sir.

21 Q. All right. The two of y'all made the decision?

22 A. I -- I probably would have made the decision
23 and cleared it with Captain Wade. But yes.

24 Q. Was Captain Wade basically in charge of -- of
25 how everything was going to be done?

1 A. Captain Wade is my supervisor. I'm the case
2 lead investigator. I orchestrate everything. But I
3 also have to clear it by my boss to ensure that's
4 okay with manpower and budget and things like that.

5 Q. Well, in terms of budget and things like
6 that -- because you said the reason you don't have
7 the -- the cameras is because of budget, right?

8 A. That's correct.

9 Q. And the reason why none of the investigators
10 have cameras is because of the budget, right?

11 A. Yes, sir.

12 Q. But aren't y'all the individuals who were
13 conducting all the examinations of individuals and
14 giving them their rights and taking down their
15 testimony and determining what they're saying?
16 Right?

17 A. Yes. And I wish we had them.

18 Q. So the officers would be the ones who were on
19 the street making the arrests? Is that why they
20 have their cameras?

21 A. That's correct.

22 Q. So your supervisor or your captain told you
23 that -- told you it was okay to go on out and pick
24 up Chris Cooper, right?

25 A. That's correct.

1 Q. You had already arrested Craig Cooper.

2 A. That's correct.

3 Q. And when you sent the two individuals out
4 there, did you anticipate that he would be leaving
5 West Columbia?

6 A. I didn't know what was going to happen. It was
7 dependent on what he told us.

8 Q. How would he have gotten back to work if he
9 didn't drive to your place of business?

10 A. I would have given him a ride or he could have
11 called somebody.

12 Q. He could call somebody after y'all picked him
13 up and brought him down there?

14 A. Absolutely.

15 Q. Do y'all normally pick people up and bring them
16 to West Columbia and then they have to call somebody
17 to go back to where they were?

18 A. Not usually. Usually, I take them back. But
19 if they don't want to ride with me, they can call
20 somebody.

21 Q. So when he got there, you came -- it was the
22 first interview room on the right when you get in
23 there, right?

24 A. Talking about going down the hall to the right?

25 Q. Correct.

1 A. Yes, sir.

2 Q. All right. When you get there, who's in that
3 interview room?

4 A. When I get in there, I would imagine myself and
5 Investigator Putney entered together, and Mr. Cooper
6 would have already been in the room.

7 Q. Do you recall independently what happened that
8 particular day, whether or not he was already in
9 there?

10 A. I'm positive he was already in that room.

11 Q. All right. When you came in there and y'all
12 talked to him and you gave him his Miranda warnings,
13 that was at 4:54 on that date, right?

14 A. That -- that sounds right.

15 Q. All right.

16 A. Yep.

17 Q. Okay. It was at 4:54 on that particular date.

18 A. Yes, sir.

19 Q. And as soon as you gave him his Miranda
20 warnings, then you told Putney that he could go on
21 because that's right at 5:00, right? He clocks out,
22 right, 5:00?

23 A. You're right. But that wouldn't have been my
24 call to pull him out that interview.

25 Q. Say that again.

1 A. That would not have been my call to pull him
2 out the interview. I'm not a supervisor.

3 Q. So who made that call?

4 A. Captain Wade.

5 Q. So Captain Wade physically came down there?

6 A. His -- his office is directly across the hall
7 or directly across the way of where -- the interview
8 room. He probably just would have opened the door
9 and asked us to step out and sent him home. And
10 then me and him would have entered the interview
11 room at that point.

12 Q. Do you remember that happening that way?

13 A. Yes.

14 Q. All right. So he said, why don't you just go
15 on home. And then what did he do?

16 A. Myself and Captain Wade?

17 Q. Yes.

18 A. That's when Captain Wade stepped in, because he
19 had been playing a role in the investigation because
20 he likes to stay on top of major crimes like this.
21 And he -- he or I confronted Mr. Cooper with the
22 fact that his co-defendant had already talked to us.

23 Q. Well, didn't you say that the testimony from
24 Chris Cooper changed after he got involved in the
25 interrogation? Meaning, he originally said that he

1 had not been to West Columbia in over a month,
2 correct?

3 A. That's correct.

4 Q. And he said that he was not there on Thursday
5 or Friday night?

6 A. That's right.

7 Q. And then, once Captain Wade comes in there,
8 then all off a sudden, everything changes.

9 A. That's right.

10 Q. So that would mean that you started the
11 interview and the questioning of him after the other
12 guy had left, right? So you were in there by
13 yourself questioning him and then Wade comes in?

14 A. No. The way I remember it happening was that
15 he was advised of Miranda rights with me and
16 Investigator Putney. After we had started the
17 interview, which it wasn't but probably a minute or
18 two in the interview is when Captain Wade came in
19 and dismissed Investigator Putney and joined the
20 interview with myself --

21 Q. So he stayed in there?

22 A. Who?

23 Q. Wade, your captain. He stayed in the
24 interview.

25 A. Correct.

1 Q. But yet when you look at the alleged statement
2 that was made by my client, at no point in time does
3 he sign any statement that he was in there the whole
4 time, does he?

5 A. You're asking if he was there --

6 Q. For the whole thing?

7 A. He was not there for the whole thing. He was
8 there for the verbal confession only.

9 Q. So why was he there just for the verbal
10 confession only?

11 A. Because he was assisting me.

12 Q. All right. And was this good cop/bad cop or
13 how was he assisting you?

14 A. Captain Wade has a lot more experience than I
15 do when it comes to interviews. And he may have a
16 different wording of how to put something. And he
17 came in, and that's when Christopher Cooper started
18 confessing.

19 Q. Did he make some sort of threat to Christopher
20 Cooper?

21 A. No.

22 Q. But everything changed when he started talking
23 to him, right?

24 A. Yes.

25 Q. So what did -- what did he do? Did he do

1 anything physically? Did he throw something down?

2 A. It's more than likely because I'm a white
3 officer and he's a black officer. Sometimes a black
4 officer may get information easier speaking with a
5 black male versus speaking with a white officer.

6 So, therefore, just his race could have made
7 him feel more at ease to confess. I don't know.

8 Q. What words did he use that got him to make
9 these statements?

10 A. Essentially, the same thing I did; that we'd
11 already talked to your --

12 MR. WILLIAMS: Objection, Your Honor. May we
13 have a sidebar?

14 THE COURT: Yes, ma'am.

15 (Sidebar conference.)

16 THE COURT: All right. Objection sustained.

17 Mr. Williams, you may continue, sir.

18 BY MR. WILLIAMS:

19 Q. So, in any event, after this oral deal was on,
20 after y'all were through talking orally, Captain
21 Wade leaves?

22 A. Yes, sir.

23 Q. And then you proceed to write down the -- or he
24 proceeds -- you proceed to assist Christopher Cooper
25 in issuing his written statement?

1 A. It was not an assist. It was free and
2 voluntary.

3 Q. Well, I mean, you would write your name down
4 with your questions, and you would write your name
5 on it. And then he had to write his answers to it.
6 So the two of you were participating in issuing some
7 sort of statement, weren't you?

8 A. As a question and answer format, yes, sir.

9 Q. Right.

10 And some of the things that were in there
11 about, like, the -- the black piggybanks --

12 A. Yes.

13 Q. -- did you find those black piggybanks that
14 he's talking about in that statement?

15 A. I did not.

16 Q. Because there were no black piggybanks in that
17 house, were there?

18 A. I think there were some black statues.

19 Q. Well, but what was broken was this gold Buddha,
20 wasn't it?

21 A. That's right.

22 Q. Which is not a black piggybank?

23 A. That's correct.

24 Q. So after you got the statement that was written
25 by Chris Cooper, that's when you went ahead and did

1 the buccal swab; is that correct?

2 A. Yes, sir.

3 Q. And on the buccal swab -- there's nothing fancy
4 about a buccal swab, is there?

5 A. Yes, sir.

6 Q. It's -- if you want to find out what your
7 heritage is, if you want to find out if you're Irish
8 or Spanish or whatever, you can do it on the inside
9 of your mouth and send it away to wherever you send
10 them away to. They tell you who you're kin to,
11 right?

12 A. That's right. I've already done it.

13 Q. And are you -- no. I'm not going to ask that.

14 But, in any event, there's no magic in that.

15 But what happens is, the way your DNA is a little
16 bit different than what you do is that people who
17 look at your DNA, they do other things with it; they
18 determine based on comparisons and things of that
19 nature. And when you sent -- when you performed
20 that DNA sample -- did you send the DNA sample to
21 the chemist on -- on the alleged victim?

22 A. I'm not sure who would get it. I would just
23 submit it to SLED and however they divvy it up.

24 Q. Did you physically take the buccal swab that
25 you had possession of -- you had possession of it,

1 and you turned it in to West Columbia evidence,
2 right?

3 A. That's correct.

4 Q. And from West Columbia evidence, did you
5 physically take that DNA swab to SLED?

6 A. I did not.

7 Q. Do you know who did?

8 A. Either Investigator McCraw or Jan Otterbacher.

9 Q. All right. So did you have any other
10 connection with the DNA?

11 A. With his DNA?

12 Q. With -- with -- okay. With Monesha's DNA, with
13 Jacob Cobb's [sic] DNA, or with Chris Cooper's DNA.

14 A. I never physically -- any of those items, I
15 never physically took over there. It would be
16 Investigator McCraw or Investigator Jan Otterbacher.

17 Q. All right. And all of those items would have
18 been taken to SLED, where either -- well, somebody
19 at SLED would have been doing DNA analysis, correct?

20 A. That's correct.

21 Q. Now, in terms of the -- in terms of the -- the
22 DNA that was sent over there, you received -- did
23 you receive the reports back from the chemist?

24 A. Which reports are you referring to?

25 Q. Any reports that came back regarding DNA.

1 A. Yeah. I received multiple reports. The
2 earliest one was after that weekend. I think the
3 incident happened on a Thursday. They worked over
4 the weekend. It was like a Monday or Tuesday, we
5 got the hit on Craig Cooper.

6 Q. All right. And the hit you got on Craig Cooper
7 was a CODIS hit, right?

8 A. That's correct.

9 Q. So a CODIS hit -- and, actually, the initial
10 CODIS hit came through was more like -- more than
11 one individual, wasn't it?

12 A. I'd have to look at it to see.

13 Q. Do you -- do you remember? Well, we can talk
14 to her when she gets here.

15 A. I believe -- I believe it was. Yes, sir.

16 Q. Right.

17 But it didn't -- it was not in reference to
18 Chris Cooper in any way whatsoever?

19 A. Not at that time.

20 Q. Right.

21 So you initially got a CODIS hit. And y'all --
22 does the number ten sound approximate, that maybe
23 there were ten CODIS hits on the rough deal that was
24 sent over there that might match up?

25 A. I don't know. I -- I didn't take -- I didn't

1 take the time to count all the -- what they were
2 talking about.

3 Q. Okay. So, basically, what y'all are doing is
4 narrowing down the field. You're narrowing down the
5 field of persons who may or may not match up to that
6 DNA. Fair enough?

7 A. I guess -- yeah.

8 Q. Okay. And, essentially, after you did that,
9 that's where the interviews began. You had your
10 interviews. And then you just tested all the stuff
11 that you got from the house, right?

12 A. Tested pertinent stuff, yes, sir.

13 Q. Well, you say pertinent stuff. Why wouldn't
14 the fingerprints on all those doors be pertinent?

15 A. Are you asking why I didn't take them?

16 Q. Yeah. Why wouldn't they be pertinent?

17 A. Well, from my experience of processing crime
18 scenes, any type of rough surface like wood, if --
19 I've never had luck of obtaining fingerprints from
20 those type of materials. It's got to be a very
21 smooth material to obtain good ridging that's
22 suitable for AFIS to get a match.

23 Q. So that's why you did absolutely no testing for
24 fingerprints on anything, on anything but the broken
25 pottery?

1 A. And the refrigerator that was open.

2 Q. And what was the results of the testing of the
3 refrigerator that was open?

4 A. I don't -- I don't know if they were not
5 suitable. I'm not sure what happened once I dropped
6 them, if they were tested or not. I don't know.

7 Q. And, of course, the cell phone, you didn't test
8 that?

9 A. I didn't.

10 Q. But you went to the scene. You took pictures
11 where the footprints were, where the K-9 went out to
12 and they found these footprints. And you chose
13 automatically not to place any indication as to
14 what -- what that meant. You couldn't tell if that
15 was the perpetrators of the -- of the break-in or
16 not, right?

17 A. I documented. I didn't know at the time.

18 Q. Did you try to match it up to anybody?

19 A. Not that I can remember.

20 Q. Well, you said that one of the prints appeared
21 to be the same print as what would be on an
22 officer's shoe, but the other one wasn't.

23 A. That -- that's right.

24 Q. So you acknowledge it was somebody different.

25 Did you try to match that up to anybody who you

1 ultimately arrested to see if they had shoes like
2 that?

3 A. I -- I did not.

4 Q. So let me ask you about white shoes that you
5 found that were in the closet at Chris Cooper's
6 house. Do you recall seeing a picture that -- there
7 was a picture of white shoes in Chris Cooper's
8 closet, right? You remember seeing that?

9 A. If you saw it, I'm sure there was. Yes.

10 Q. What about the white shoes that was at the
11 residence where the break-in occurred? White and
12 had the black tops. Do you remember seeing those,
13 white tennis shoes?

14 A. Where at?

15 Q. At the residence that was broken into. When
16 you came in there, there was still a pair of white
17 shoes, white-on-the-bottom shoes, that was there at
18 the residence. Did you see that?

19 A. I did not.

20 Q. I guess what I'm asking is, did white shoes
21 have any significance to you in terms of checking it
22 out for any reason whatever?

23 A. They did because she had that -- she had
24 described white shoes.

25 Q. Right. But you -- you certainly didn't think

1 that white shoes at Chris's house were the white
2 shoes up there. You didn't test them in any way,
3 right?

4 A. That's right.

5 Q. So you've got the black that the individuals
6 were supposed to be wearing; you didn't test that.
7 There was something about white shoes, and you
8 didn't test that. There was no fingerprint analysis
9 done except on the pottery pieces and on the
10 refrigerator door. And, of those that you know of,
11 results were only on the pottery pieces, and they
12 didn't match Chris Cooper.

13 A. That's correct.

14 Q. Okay. And then you had the statement that was
15 taken two hours after everybody had -- everybody
16 leaves at 5:00, right?

17 A. For the most part, yes.

18 Q. There was nobody else in investigation?

19 A. Other than Captain Wade momentarily.

20 Q. And the alleged consent form to do buccal swabs
21 and/or to -- and maybe to check his house out was
22 done at, like, 6:54, two hours later, after he had
23 been arrested -- or, I'm sorry, after his statements
24 had been taken, right?

25 A. The search warrant at Mr. Cooper's residence?

1 Q. Right.

2 A. Yes.

3 Q. So all of this was done, the written statement.
4 Two hours later, nobody was there. You had
5 absolutely no witness to anything going on except, I
6 don't know, you and Chris Cooper, right?

7 A. That's right.

8 Q. And yet you had a camera that was available.

9 A. No.

10 Q. You could -- you could have recorded it, if you
11 wanted to record it.

12 A. I didn't have any means.

13 Q. You had -- you also had -- remember that
14 recorder that you had on your desk that you never
15 take with you, but you had it on your desk?

16 A. Yes. But then I'd be in violation of our --
17 our policy.

18 Q. And why is it a violation to have an accurate
19 reflection of what goes on in an interview room?

20 A. The policy is in place for some reason beyond
21 my control. If it were my option, it would have
22 been recorded.

23 Q. When you -- West Columbia, when they stop
24 somebody for driving under the influence, they have
25 a camera and they record everything, don't they?

1 A. They do.

2 Q. And they have all these cameras on their
3 uniforms and they record whatever interaction they
4 have with the unsuspecting person.

5 A. Correct. Yes, sir.

6 Q. But you have a policy that says that when
7 you're one on one with someone, giving him his
8 rights and getting his information, that you don't
9 record that?

10 A. Not specifically like that. But it prefers to
11 take a handwritten statement from who we're talking
12 with. But that's hard for somebody to force to do.
13 I can't physically take somebody's hand and write
14 words.

15 Q. You can record it and not use any force at all,
16 can't you?

17 A. That's true.

18 Q. And then we'd know exactly what you're -- what
19 you're telling him to -- or whatever response he's
20 giving, because it's recorded.

21 MR. WILLIAMS: I beg the Court's indulgence for
22 one minute, Your Honor.

23 THE COURT: Yes, sir.

24 BY MR. WILLIAMS:

25 Q. Who is Officer Brown?

1 A. Officer Brown? He is now Sergeant Calvin
2 Brown.

3 Q. And he is in Unit 22?

4 A. I believe earlier, when you spoke about it, I
5 looked it up, and it was Sergeant Brown now.

6 Q. All right. And he -- was he the individual who
7 stopped someone that night about an hour after the
8 break-in?

9 A. I believe so.

10 Q. And there was a stop of somebody in a black
11 van, wasn't there, at an auto shop?

12 A. May -- may have been. I think I remember
13 seeing that on the call sheet.

14 Q. So there are at least two people that y'all had
15 contact with that night shortly after this happened?

16 A. I believe so.

17 Q. Do you have any information on, I guess, what
18 they look like?

19 A. I -- I know what the guy that -- or Sergeant
20 Brown arrested that night. I know exactly who he is
21 because I've had multiple --

22 Q. The guy behind Walmart?

23 A. Yes.

24 Q. What did he look like?

25 A. He's a black male, older, younger -- or I'm

1 sorry -- older, short, very small build.

2 Q. How tall is he?

3 A. Five foot, according to DMV.

4 MR. WILLIAMS: Your Honor, that's all I have.

5 THE COURT: Redirect?

6 MS. WEISS: Very briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. WEISS:

9 Q. I'm going to show you what's been marked as
10 State's Exhibit 82. Do you recognize this?

11 A. Yes, ma'am. These are latent print cards that
12 you showed me earlier.

13 Q. Okay. And were those the cards that were
14 submitted to Lexington County?

15 A. I believe so.

16 Q. Okay. And, I mean, you believe so or they
17 were?

18 A. I'm sure they were. I'm not -- I'm just not
19 sure if all of them were. I'm pretty sure they
20 were. If I had the sheet from Lexington County, I
21 could specifically say.

22 Q. Is this the sheet you're referring to?

23 A. Yes.

24 Q. What are the latent print cards that are in
25 that envelope?

1 A. It says five lifts. So that would have five
2 latent print cards that were examined.

3 Q. Okay. And where were those latent print cards
4 from?

5 A. Those latent print cards are from the victim's
6 residence.

7 Q. Right. Where in the victim's residence are
8 those latent print cards from?

9 A. The bottom of the Buddha statue and multiple
10 pieces of the Buddha statue that was touched by the
11 suspects. And looks like all of them -- that's
12 where they all came from. And the refrigerator.

13 Q. Okay. And when did you get that result back
14 from Lexington?

15 A. That was on 8/29/17.

16 Q. Okay. So -- and there were no matches?

17 A. No matches to the defendant.

18 Q. Okay. I'm going to show you the call sheet
19 report. Mr. Williams was asking you about the two
20 people that 22 got out with.

21 A. It says 22 has one detained. I specifically
22 remember that night of who they had detained. And
23 he had bench warrants. That person's name is
24 Quinton Rutherford, and he is a known vagrant in
25 West Columbia. And I've had prior dealings with him

1 in the past.

2 Q. Okay. But you got that sheet to look into
3 those. That was what your -- your net that they put
4 out was supposed to do is to look and talk to
5 people.

6 A. That's right.

7 Q. Did you follow up on both of those?

8 A. I did. I followed up on that one and the guy
9 with the black van. It was so long ago. I'm sure I
10 did look into that as well.

11 Q. Okay. But as far as you know, did any of those
12 match anything from CODIS?

13 A. No, neither one.

14 Q. Okay. And just to follow up on that, these
15 your notes?

16 A. Yes.

17 Q. 12:00 on July 31st, 2017.

18 A. Yes, ma'am.

19 Q. What information did you receive?

20 A. I was notified by the SLED forensic laboratory
21 they had obtained DNA from an Awesome bottle that
22 was collected by me at the crime scene. CODIS hit
23 notification identified Mr. Craig C. Cooper and his
24 date of birth and a State ID number.

25 Q. Okay. So it wasn't ten different people?

1 A. It -- it was just one.

2 Q. Thank you.

3 MS. WEISS: No further questions, Your Honor.

4 MR. WILLIAMS: Just two questions.

5 RECROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Did you receive earlier transmission of
8 information from them regarding the preliminary work
9 that was done that used anything -- any comment at
10 all about that there were, like, ten matches, but it
11 was not sufficient for a CODIS match?

12 A. I think I know what you're talking about. But
13 I'm not sure the scientific method behind that to
14 validate my answer.

15 Q. And did you -- you were asked about the
16 individuals that you had -- that we just talked
17 about, the one you knew and something about the
18 black van and whether or not you did anything about
19 a CODIS match on those. You didn't fingerprint
20 either one of those, did you?

21 A. I -- I know from prior experience that
22 Mr. Rutherford's prints are in the system.

23 Q. Right.

24 What about the other vehicle?

25 A. I'm not sure.

1 Q. So you didn't take any DNA or fingerprints and
2 send it to anybody for it to be analyzed by CODIS,
3 did you?

4 A. No, not from them.

5 MR. WILLIAMS: That's all I have, Your Honor.

6 THE COURT: Sir, you may step down.

7 MS. WEISS: And I'd ask that Investigator
8 Morris be subject to recall and not released from
9 his subpoena.

10 THE COURT: Any objection?

11 MR. WILLIAMS: No objection, Your Honor.

12 THE COURT: So noted for the record.

13 While he's stepping down, can the lawyers
14 approach a minute, please?

15 (Sidebar conference.)

16 THE COURT: All right. Ladies and gentlemen,
17 what we're going to do now is I'm going to release
18 you for the balance of the day.

19 My instructions remain the same: Do not
20 discuss the case at all with anyone. Do not do any
21 independent investigation on your own. Hope you-all
22 have a good evening. Get a good night's sleep.
23 Please be back here at 9:30 tomorrow morning. Okay?

24 (The jury exits the courtroom at 5:47 PM.)

25 THE COURT: Ms. Weiss, you still think y'all

1 are going to wrap up with testimony tomorrow?

2 MS. WEISS: Yes, sir, Your Honor. Pretty sure
3 we'll wrap up before lunch. I think Mr. Williams
4 may have just cut down a couple witnesses, so I
5 think we'll be able -- maybe we'll finish before
6 lunch. But it may be, like, one after lunch. But I
7 still think we'll finish tomorrow.

8 THE COURT: Well, I mean, I know y'all had
9 mentioned the nurse examiner. I imagine you're
10 calling mostly from SLED tomorrow?

11 MS. WEISS: Yes, sir, Your Honor. I don't
12 anticipate -- because I don't anticipate she's going
13 to be particularly -- the nurse examiner will be
14 particularly long. None of the others.

15 THE COURT: None of those should -- I would --

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

17 THE COURT: -- expect to be very long.

18 You mentioned this issue about proffering the
19 nurse examiner's testimony first. So what I would
20 say probably do is put up whatever you-all have in
21 the morning. If it means we take an early lunch
22 again, depending on where we are as far as time
23 goes, maybe we proffer her testimony before lunch or
24 right after lunch and give the jury a little bit
25 longer lunch.

1 MS. WEISS: I've got to put her up before I put
2 up some of the SLED people. So timing, we'll have
3 to -- I'll keep you updated of how we are with
4 timing. But I can't do -- because of chain, I can't
5 get to some of the final witnesses without her.

6 THE COURT: Okay. Well, let's just see where
7 we are as far as time, which may push us into
8 tomorrow afternoon. It just depends. I'm not sure
9 how long it may take to proffer this nurse's
10 testimony.

11 MS. WEISS: I don't think long, just that part
12 of the nurse's testimony. Unless Your Honor wants
13 to do more, obviously.

14 THE COURT: Ma'am?

15 MS. WEISS: I said -- I just was thinking that
16 part of the testimony; unless, of course, you wanted
17 to do more.

18 THE COURT: I don't think we need to.

19 All right. Well, y'all be ready to go at 9:30
20 in the morning.

21 Can the lawyers approach a minute?

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

23 (Sidebar conference.)

24 (The following proceedings were held

25 April 22, 2021.)

1 THE COURT: It's my understanding we have all
2 the jurors here.

3 Hope you-all are doing well this morning.

4 Is the State ready to proceed?

5 MS. WEISS: Yes, Your Honor.

6 THE COURT: Defense counsel?

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

8 THE COURT: Bring in the jury, please, sir.

9 Before the jury comes in, I'll remind everybody
10 about electronic devices in the courtroom. If
11 you're not authorized to have one, make sure they're
12 put up. Otherwise, they're going to be confiscated,
13 and you could possibly face contempt charges or a
14 civil fine or incarceration.

15 (The jury enters the courtroom at 9:33 AM.)

16 THE COURT: All right. All the jurors are
17 present.

18 Madam Forelady, ladies and gentlemen of the
19 jury, I hope you-all had a nice, restful evening
20 last night and are ready to proceed here today.

21 At this time, we're going to continue the case.

22 State's recognized. Call your next witness,
23 please.

24 MS. RAYMER: May it please the Court? The
25 State calls Jan Otterbacher.

1 JAN OTTERBACHER

2 being first duly sworn, testified as follows:

3 THE WITNESS: I do.

4 THE CLERK: Have a seat right up there. Once
5 you're seated, you can remove your mask.

6 State your full name, spelling your last.

7 THE WITNESS: Yes, ma'am.

8 Jan Otterbacher. It's O-T-T-E-R-B-A-C-H-E-R.

9 DIRECT EXAMINATION

10 BY MS. RAYMER:

11 Q. Good morning. How are you?

12 A. Fine.

13 Q. Can you please tell me where you were employed
14 in July and August of 2017?

15 A. The City of West Columbia Police Department.

16 Q. What was your job title at West Columbia Police
17 Department?

18 A. Evidence custodian.

19 Q. And what did that role entail?

20 A. As evidence custodian, I'm responsible for
21 taking evidence submitted from the crime. They
22 place it into the drop box. I receive it from the
23 drop box. I assign it -- enter it into the
24 computer, making sure all the packaging is sealed
25 and completed, and then I enter it into the system.

1 It is assigned a -- generated a number. Excuse me.
2 It's generated a number, and it is placed into the
3 evidence room.

4 Q. Thank you.

5 Is it always submitted in through the evidence
6 box or is it ever submitted person to person?

7 A. Occasionally it is submitted person to person.

8 Q. But would the process be the same?

9 A. Yes, ma'am.

10 Q. Did you ever transport evidence?

11 A. Yes, ma'am.

12 Q. Do you recall the case that we're here on
13 today?

14 A. I do.

15 Q. Do you recall every item of evidence that you
16 touched in this case?

17 A. Every single thing, I couldn't, not without
18 looking at my list.

19 Q. Absolutely. Would looking at the chain of
20 custody report assist you in refreshing your
21 recollection?

22 A. Yes, ma'am.

23 Q. Absolutely.

24 If I could direct your attention to

25 SLED Item No. 1.

1 A. Yes, ma'am.

2 Q. Can you please tell me what your involvement
3 with that item was?

4 A. It was submitted by me to SLED. I was -- it
5 was taken to SLED by myself.

6 Q. And can you tell me a little bit more about
7 what that process entails?

8 A. Yes, ma'am. We take the item from the -- the
9 evidence room. And it is submitted -- it is
10 pre-logged by -- to SLED. And then I -- it is taken
11 to the -- to the SLED department.

12 Q. And where would you drop it off at the SLED
13 department?

14 A. In their -- or in their SLED lab, the
15 receivings area. They have a sign-in lab.

16 Q. And would the process be the same for every
17 item that you would deliver to SLED?

18 A. Yes, ma'am.

19 Q. Can you please identify what Item No. 1 is?

20 A. A sealed heat -- one sealed -- heat-sealed
21 pouch containing a buccal swab, described as buccal
22 swab from victim's -- victim Monesha Cook's mouth.

23 Q. Would that be this item?

24 A. It would.

25 Q. This is State's Exhibit No. 10. Can I direct

1 your attention Item No. 2, please. Can you tell me
2 what that item is?

3 A. It's a sealed heat -- one heat-sealed pouch
4 containing buccal swabs described buccal swabs from
5 Jacob Cook's mouth.

6 Q. And what was your involvement with that item?

7 A. I transported it to -- I entered and
8 transported it to SLED.

9 Q. I'm showing you what has previously been marked
10 as State's Exhibit 8. Can you tell me if that is
11 the item?

12 A. It is.

13 Q. Thank you.

14 THE COURT: That's State's 8?

15 MS. RAYMER: 8, yes, Your Honor.

16 BY MS. RAYMER:

17 Q. Can I please direct your attention to
18 Item No. 3. Can you please identify that item?

19 A. It is a sealed box containing miscellaneous,
20 described as paper towel from kitchen table possibly
21 containing suspect's semen and victim's saliva.

22 Q. I'm now showing you what has previously been
23 marked as State's Exhibit 11. Can you tell me if
24 that contains that item?

25 A. Yes, ma'am.

1 Q. Can you please identify Item No. 4?

2 A. It is a bottle of Awesome cleaner from the
3 kitchen floor the suspects used to clean themselves.

4 Q. And what was your involvement with that item?

5 A. I -- I submitted it to SLED.

6 Q. And can you please tell me if that is also
7 enclosed in State's Exhibit 11?

8 A. It is.

9 Q. Can you please identify Item No. 7 for me?

10 A. It is a heat-sealed pouch containing a buccal
11 swab, described as buccal swab from Christopher
12 Cooper's mouth.

13 Q. What was your involvement with that item?

14 A. I also submitted it to SLED.

15 Q. Can you tell me if that is the same as what's
16 been marked as State's Exhibit No. 5?

17 A. It is.

18 Q. What was your involvement with Item No. 8?

19 A. It is a sealed gun box containing a weapon,
20 described as a black and gray Smith & Wesson SD9 VE,
21 Serial No. HFY9768.

22 Q. And what was your involvement with this item?

23 A. It was -- I took it to SLED for processing.

24 Q. Is that the same as State's Exhibit 84?

25 A. It is.

1 Q. Thank you.

2 Can you please identify Item No. 9?

3 A. One heat-sealed pouch containing a buccal swab,
4 described as DNA buccal swab, the right cheek of
5 Craig C. Cooper.

6 Q. Can you also please identify Item No. 10?

7 A. Heat-sealed pouch containing a buccal swab,
8 described as DNA buccal swab of the left cheek of
9 Craig C. Cooper.

10 Q. What was your involvement with both of these
11 items?

12 A. They were taken to SLED for processing.

13 Q. Are those the same -- are those both enclosed
14 in State's Exhibit No. 6?

15 A. They are.

16 Q. Okay. Did you also receive all of the returned
17 evidence that we just went through at the West
18 Columbia Police Department?

19 A. I did.

20 Q. And what would that entail?

21 A. Once we received it back from SLED, I take it
22 back into our system -- return it to our system and
23 then place it back into our evidence room.

24 Q. Ms. Otterbacher, do you also have the property
25 room report for the West Columbia Police Department

1 in front of you?

2 A. I do.

3 Q. If we could briefly go through that and you
4 explain briefly your involvement with the property
5 in this case.

6 A. Okay. All of it?

7 Q. Very briefly, yes.

8 A. Okay. On the 28th, the items were dropped --
9 most items were dropped -- I believe, dropped into
10 the evidence. And I collected it and checked the
11 proper seals and then entered it into our system.
12 It is generated a number. A label was attached to
13 each item. And it was assigned a place in our
14 evidence room and placed there.

15 Q. And would that include -- some of the property
16 you received for this case include the swabs from
17 the crime scene?

18 A. They do, yes, ma'am.

19 Q. Any latent print cards?

20 A. Pardon me?

21 Q. Any latent print cards?

22 A. Yes, ma'am.

23 Q. Any other evidence that would be collected at
24 the scene you would receive and check into evidence?

25 A. Yes, ma'am. Print cards, swabs.

1 Q. What about anything that would be obtained in a
2 subsequent search warrant, such as the items -- if I
3 could direct you to page 15, such as any items
4 seized from Christopher Cooper's home?

5 A. It was -- yes, ma'am, I did. I took them from
6 the drop box.

7 Q. Can you please identify those items?

8 A. There was a gray zip-up sweatshirt, a gray
9 sweatshirt with Philadelphia Eagles logo on the
10 front.

11 Do you want me to continue?

12 Q. Yes, please.

13 A. Oh, I'm sorry.

14 A firearm, the black and gray Smith & Wesson
15 firearm. The magazine to the Smith & Wesson.
16 Mr. Cooper's keys to his residence.

17 Do I continue? Need me to continue?

18 MS. RAYMER: I beg the Court's indulgence for
19 one second.

20 BY MS. RAYMER:

21 Q. Can you describe what this report is?

22 A. This is a report that is generated by our
23 system to keep track of all evidence submitted per
24 case, for each case, the ins and outs. Any time --
25 any time it goes out of our system or out of our

1 control into a different system, whatever, it's
2 notated.

3 Q. And this report is pertaining to this case
4 we're here for today?

5 A. Yes, ma'am.

6 Q. What does it mean if your name is listed with
7 an item on this report?

8 A. It means that I collected it from the drop box
9 and placed it into the system, into our evidence
10 system --

11 Q. And --

12 A. -- and placed it into the evidence room.

13 Q. -- does the -- your computer-generated system
14 place your name there?

15 A. It does.

16 Q. And that's how your name appears there?

17 A. It is, yes, ma'am.

18 Q. Once an item of evidence is entered, can anyone
19 come and get it and open it?

20 A. No. They have -- they have to sign it out.

21 Yeah. Everything has to be signed in and out.

22 Q. If an item is opened, would you know that it
23 had been opened?

24 A. I would.

25 Q. How would you know?

1 A. I would notate it in -- it would be checked
2 out, and I would notate it. Other than someone
3 checking it out, it doesn't get opened.

4 Q. If a seal is broken on an item, what would that
5 indicate to you?

6 A. If it was -- if a seal was broken on an item,
7 that it was checked out and looked into and
8 resealed.

9 Q. And there would be a record of that?

10 A. Yes.

11 Q. Do you enter your own name on the report or is
12 that generated every time you check in and out a
13 piece of evidence?

14 A. It's generated by the system.

15 Q. Is there anything you scan to generate that?

16 A. No, ma'am.

17 Q. So how does it know that it's you versus anyone
18 else checking it in and out?

19 A. Because I signed in under my -- I have a -- I
20 enter it through my system, through me.

21 Q. So you have to be logged in to the system?

22 A. I have to be logged in, correct. I'm logged in
23 to my system through -- just through me.

24 Q. And you're the only one that would be able to
25 log in to your system?

1 A. Correct.

2 MS. RAYMER: Thank you. Please answer any
3 questions the defense has.

4 MR. WILLIAMS: May it please the Court?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. WILLIAMS:

8 Q. How are you doing?

9 A. Fine. Thank you.

10 Q. Are you feeling better?

11 A. I'm working on it.

12 Q. There you go.

13 A. Still have lingering.

14 Q. I gotcha.

15 So, if you will, would you describe the -- it's
16 an evidence room or property room or is -- or is
17 that the same?

18 A. It's the same. It's property room, evidence
19 room. I interchange the names.

20 Q. Okay. And this is obviously at -- I call it
21 the new police department. And, of course, you've
22 been around long enough; you remember the old one
23 too.

24 A. I do, yes, sir.

25 Q. And the room that you have, is that the one

1 that's got the big table in it and it's just got a
2 bunch of walls around it and shelves and stuff like
3 that? Where is it? Let me ask you that: Where is
4 it?

5 A. It's behind -- it's at the West Columbia Police
6 Department, the main first floor.

7 Q. All right. And are there any other rooms off
8 of the evidence room or property room?

9 A. It's -- no, sir. It's just the -- it's the --
10 you walk into the evidence room. And then there is
11 a door behind it, but that's all sealed, where the
12 weapons, drugs, and jewelry are kept.

13 Q. Okay. So it's just one room, one wall behind
14 it with the door. And you've got the guns and
15 jewelry behind that door?

16 A. And drugs, yes.

17 Q. And drugs. Of course, that door is locked.

18 A. Correct.

19 Q. And the room that you enter, what does that --
20 is that -- like, these items here, are these kept on
21 a shelf or something like that?

22 A. They are. They're on the shelf.

23 Q. All right. And it's stored numerically; is
24 that right, maybe per case? Or do you go by
25 defendant's name? Or is it alleged victim's name?

1 Or is it kept by number?

2 A. It's entered by incident number.

3 Q. So your incident report, which controls
4 everything that the police department at West
5 Columbia does --

6 A. Correct.

7 Q. -- you would have that incident report --

8 A. Correct.

9 Q. -- and it would follow that evidence, if you
10 will.

11 A. Correct.

12 Q. Okay. Now, in this particular case, there was
13 reference to a box, and I'll show it back to you,
14 which is marked here as State's Exhibit No. 11.

15 A. Okay.

16 MR. WILLIAMS: May I approach the witness, Your
17 Honor?

18 THE COURT: Yes, sir. Yes, sir.

19 BY MR. WILLIAMS:

20 Q. Could I ask you to look at that box a second?

21 And this is -- this is the item. Can you -- can you
22 tell me from looking at that item and from the
23 number what was -- what was in that box when you
24 received it?

25 A. I can.

1 Q. Okay. And what was in that box?

2 A. A paper towel from the kitchen table possibly
3 containing suspect's semen and victim saliva and
4 also a bottle of Awesome cleaner from the kitchen
5 floor.

6 Q. Okay. Anything else?

7 A. That's all I -- from the labels, that's all
8 that's in there.

9 Q. All right. And who placed that label on that
10 box?

11 A. I did.

12 Q. All right. So that means that, obviously, you
13 had to look at those items when you -- you put them
14 in the box, right?

15 A. This is a return from SLED.

16 Q. So that's actually a box from SLED?

17 A. This was returned from SLED.

18 Q. So that's not the box that you sent it to SLED
19 in?

20 A. There should be, inside there.

21 Q. Can you tell if that box has been opened?

22 A. It was opened on 11 -- 4/13/21.

23 Q. Okay. And was it open at any other time other
24 than that date?

25 A. I have my initials on there, back when it was

1 sealed.

2 Q. Okay.

3 A. Also, the yellow tape is SLED-sealed tape on
4 7/28.

5 Q. Okay. So you opened it at some point in time.
6 And then it was opened on April the 13th, correct?

7 A. Not by me, but yes.

8 Q. I understand it's not by you. But it was
9 opened on that date?

10 A. Right.

11 Q. And you know that because you've worked with
12 evidence and property for a million years -- well,
13 not a million years. But you've worked there for a
14 long time.

15 Obviously, I've known her for a minute.

16 A. Yes. Yes.

17 Q. Okay. So are those the only two dates that
18 indicate that that box has been opened?

19 A. These two items were taken to SLED and placed
20 in a box at SLED and sealed on 7/28/17.

21 Q. Okay.

22 A. And -- okay. This is 7/28/17, my initials.

23 Q. Okay. So you didn't take it to SLED in that
24 box. SLED put it in a box; is that right?

25 A. It was placed in a box at SLED, right.

1 Q. All right. So what you actually took to SLED
2 was in some other container other than a box.
3 That's the box that SLED had.

4 A. Correct.

5 Q. Thank you.

6 A. They don't accept paper bags. So we -- or
7 whatever --

8 Q. And y'all tote paper bags?

9 A. They have to -- we have to put it into a box.

10 Q. Okay. I'm not trying to be tricky here.

11 Y'all -- y'all normally take it down there, and
12 you have paper bags, whatever you take it down there
13 in. And they actually put it in a box.

14 A. I do.

15 Q. Oh, you put in a box?

16 A. I put it in the box.

17 Q. Okay. Now, do you have independent recall of
18 those items before you took it to SLED? I mean,
19 you -- you got recall by looking at what your
20 numbers are and your dates and stuff like that? Do
21 you recall how it was packaged when you took it down
22 there?

23 A. No, sir. I mean, as far as is it in a paper
24 bag, probably. I don't know for sure. I don't
25 really have a --

1 Q. Would it be in that -- once you open that box
2 up, would it be in the same container that you put
3 it in when you --

4 A. Yes.

5 Q. Okay. There we go.

6 Okay. And do you have a specialized area in
7 the property room where you keep different types of
8 items regardless of -- I know we've already
9 indicated that you've got guns; you've got jewelry;
10 you've got drugs. And you keep those in a specific
11 room.

12 Do you treat other matters of evidence or items
13 differently, such as do you refrigerate items; do
14 you keep them in locked refrigerators, any of that
15 kind of thing?

16 A. We do have refrigerators.

17 Q. Do you use those refrigerators to place items
18 in there when they're being kept?

19 A. We do.

20 Q. Do you know if -- if any particular safeguards
21 were used in regards to the storing or the keeping
22 of these items before they got to SLED?

23 A. They were -- they were in a secured area,
24 evidence area, in the secured vault or room.

25 Q. So other than being in a room, there was no

1 other precautions that were done. You said you have
2 a refrigerator. I assume you use the refrigerator
3 for particular types of items that need to be
4 refrigerated.

5 A. If it has to be refrigerated.

6 Q. All right. But in this particular case, none
7 of the items that you have referenced had to be
8 refrigerated or kept in a special container?

9 A. Correct.

10 Q. Okay.

11 A. From -- from what I'm looking at so far.

12 Q. That's fine.

13 A. I haven't looked at every item.

14 Q. I gotcha.

15 So --

16 MR. WILLIAMS: May I approach the witness, Your
17 Honor?

18 THE COURT: Yes, sir.

19 BY MR. WILLIAMS:

20 Q. When you placed -- when you placed the item in
21 the box, do you recall if it was just a paper towel
22 or if it was a roll of paper towels?

23 A. It would have been in a sealed bag. I wouldn't
24 have seen the individual item.

25 Q. So, more than likely, it would have been a

1 piece of paper towel versus a roll that --

2 MS. RAYMER: Objection, Your Honor.

3 THE COURT: Calls for speculation. Sustained.

4 BY MR. WILLIAMS:

5 Q. Ms. Otterbacher, can you place -- can you
6 physically place a roll of paper towels into one of
7 those little plastic bags?

8 A. No, sir. All I can do is a paper towel.

9 Q. Right.

10 A. That -- whatever's on the -- described on the
11 item, that's what I enter into the system. I
12 don't -- I don't inspect what's in the bag. I look
13 at whatever they've written on the item. That's
14 what I enter into the system.

15 Q. Okay. So if you had a roll of paper towels,
16 how would you protect that so that it could be
17 examined at SLED? Would you put it in a little
18 plastic bag or would you put it in a bigger bag?

19 A. I don't place -- I don't place evidence into
20 anything. All I do is accept the evidence that's
21 been submitted by the officers.

22 Q. So you -- you had no contact with whatever
23 these items are, in regards to the packaging?

24 A. As far as the packaging, no, sir. I just make
25 sure that it is sealed and place into a bag.

1 Q. What about items which were collected which
2 were not taken to SLED?

3 A. They're -- they're still placed into whatever
4 packaging and they're submitted into our evidence --
5 the drop box. And then I collect them and enter
6 them, the same process.

7 Q. So who directs you in regards to what items you
8 take to SLED versus those items that you keep in
9 your property room?

10 A. If it's -- if we have a request for --
11 officer's request, DNA or whatever processing.

12 Q. So the officer would let you know which of the
13 items that had been collected he wishes to be
14 checked out at SLED for DNA and/or fingerprints,
15 correct?

16 A. Correct.

17 Q. Those other items, you obviously would just not
18 voluntarily take down to SLED. You would take the
19 ones that he wanted checked?

20 A. Correct.

21 Q. Now, when you take those items to SLED, do you
22 designate whether you want DNA tested or
23 fingerprints tested or does SLED automatically look
24 at the item and make that determination?

25 A. We specify what type of testing we request.

1 Q. All right.

2 MR. WILLIAMS: That's all the questions I have.

3 It's good to see you again.

4 THE WITNESS: Thank you.

5 THE COURT: Any redirect?

6 MS. RAYMER: Briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. RAYMER:

9 Q. Who all has access to the evidence drop box?

10 A. Just myself and Investigator McCraw, who also
11 works with me in evidence.

12 Q. Can you please read the item description on the
13 first page of that property sheet.

14 A. This one?

15 Q. Yes.

16 A. First item is a paper towel from the kitchen
17 table possibly containing suspect's semen and
18 victim's saliva.

19 Q. Does it say paper towel roll?

20 A. No, ma'am, just says paper towel.

21 MS. RAYMER: No further questions.

22 MR. WILLIAMS: No questions on recross.

23 THE COURT: Ma'am, you may step down.

24 THE WITNESS: Thank you.

25 MS. RAYMER: Your Honor, can we please release

1 this witness from her subpoena?

2 MR. WILLIAMS: Without objection, Your Honor.

3 THE COURT: Ma'am, you're released from your
4 subpoena. You're free to go. Have a nice day.

5 THE WITNESS: Thank you.

6 MS. WEISS: State calls Detective Bruce Wade.

7 Your Honor, I meant Captain Bruce Wade.

8 BRUCE WADE

9 being first duly sworn, testified as follows:

10 THE WITNESS: Yes, ma'am.

11 THE CLERK: Have a seat, please, sir. Once
12 you're seated, you can remove your mask.

13 State your full name, spelling your last.

14 THE WITNESS: My name is Bruce Wade, W-A-D-E.

15 DIRECT EXAMINATION

16 BY MS. WEISS:

17 Q. Captain Wade, where are you currently employed?

18 A. West Columbia Police Department.

19 Q. How long have you been employed there?

20 A. Almost 16 years.

21 Q. How long have you been in law enforcement?

22 A. 23 years.

23 Q. Where did you work before West Columbia?

24 A. I worked for Marion County Sheriff's Office and
25 Latta Police Department.

1 Q. In the last 16 years, how long have you been a
2 captain?

3 A. About six years.

4 Q. Would you please describe for the jury what the
5 role is of a captain at the West Columbia Police
6 Department -- or captain -- you're captain over
7 investigations or --

8 A. Yes, that's correct.

9 Q. All right.

10 A. I supervise about 13 employees. I think 11 is
11 investigators, a victim's advocate, and a secretary.
12 But I read all the reports that's written by the
13 police department, and I usually assign the ones
14 that fit the criteria to the investigator. I assign
15 it to an investigator.

16 And once the investigators look into the cases,
17 they bring their findings back to me, and I tell
18 them if they've got probable cause to actually get a
19 warrant on this person to make an arrest.

20 And from there, once they do make an arrest and
21 have to do a case file, then they turn their case
22 files in to me, and I review their case files.

23 Q. Your investigators -- well, I have another
24 question. Were you an investigator at West Columbia
25 before you became a captain?

1 A. Correct.

2 Q. And, as an investigator, were you trained as
3 well to do crime scene investigation and investigate
4 the crimes themselves?

5 A. That's correct.

6 Q. So as a captain, you're familiar with the
7 training that all of your investigators have.

8 A. That's correct.

9 Q. Do you have the opportunity to follow up, check
10 on that, make sure that they're still doing what
11 they should be up to a certain standard?

12 A. Yes, that's correct.

13 Q. Back in July of 2017, were you a captain over
14 investigations then?

15 A. That's correct. I was.

16 Q. Did you supervise Detective Chris Morris?

17 A. I did.

18 Q. So tell me about the call schedule. How did
19 that work, if somebody was on call?

20 A. If you're on call, you're usually on call
21 Monday through -- well, you're on call for a week at
22 a time. But Monday through Friday, you come in at
23 4:00 and work to 12:00 midnight. And if you get
24 a -- if we receive a call after 12:00 midnight, you
25 get called back out until 6:00 in the morning. Then

1 once 6:00 in the morning comes around, another
2 investigator actually comes on call.

3 Q. And if one of your investigators gets a call at
4 3:00 in the morning and they're on call, do you also
5 get a call?

6 A. If it's a serious crime, I'll get called.

7 Q. Okay. And does that necessarily mean you're
8 going to go out to the scene?

9 A. No.

10 Q. So on July 28th, 2017, in the early morning
11 hours, were you on the scene at F Avenue when this
12 crime we're here about today was called in?

13 A. No. When it was called in, no, I was not on
14 scene.

15 Q. When did you become aware of this case?

16 A. I did get a call that night about this case,
17 this particular case, because it's considered a
18 serious case.

19 Q. Okay. And what was your involvement with the
20 case immediately thereafter?

21 A. The next day, I was involved in a couple
22 interviews as far as the case goes. I'm saying the
23 next day because I think it was after midnight, but
24 it's pretty much the same thing.

25 Q. When a serious case comes in like the one we're

1 talking about today and you're supervising, do
2 you -- do you tend to try to stay up with what's
3 going on or do you wait till the investigator comes
4 to you and says, hey, I got all this; let's go over
5 the whole case?

6 A. No. A case this serious, I don't. I try to
7 keep up with what's going on because my supervisor's
8 going to continually ask me what's going on with it.

9 Q. Do you also assist in these investigations?

10 A. I do.

11 Q. On August 1st of 2017, at about almost 5:00, do
12 you recall an interview -- a person coming in to be
13 interviewed involving this case?

14 A. I do.

15 Q. Okay. And typically during an interview, what
16 is your procedure as far as how many people are in
17 the room?

18 A. We try to have two investigators in the room at
19 the time.

20 Q. I'll show you Defense Exhibit 1. Do you
21 recognize this?

22 A. I do. That's the West Columbia Police
23 Department's interview room.

24 Q. And where is that interview room located?

25 A. Just outside my office.

1 Q. There appears to be a camera right there in the
2 corner of the interview room.

3 A. That's correct.

4 Q. Can you please tell the jury about this camera?

5 A. That's a -- it's -- it's similar to a baby
6 monitor, like a parent would have in their room and
7 a camera that's in the actual child's room where you
8 can see them. But it's just a regular camera where
9 I can see what the investigators are doing. It's
10 nothing that records.

11 Q. Okay. Where does the feed go from that camera?

12 A. It's just a live feed.

13 Q. Where does it -- where does it live feed to?

14 A. I've got a TV in my office where I can see
15 what's going on in the interview room, but there's
16 also a TV in the back investigations office where
17 they can also see what's going on in that room.

18 Q. Have you ever been able to use that camera to
19 record anything going on in that room since you've
20 been at West Columbia?

21 A. No. That camera doesn't record. It's just
22 live feed where I can see what's going on.

23 Q. Now, in 2017, body-worn cameras were available
24 to all of patrol officers, correct?

25 A. That's correct.

1 Q. Did you attempt to get body-worn cameras for
2 your investigators?

3 A. No. There's no law requiring the investigators
4 to wear body-worn cameras.

5 Q. Would it not be helpful for your investigators
6 to have body-worn cameras?

7 A. I think it's a budget thing. They're
8 expensive. And buying 11 more, that's pretty
9 expensive for a police department the size of West
10 Columbia.

11 Q. Do you have trouble getting things that you
12 need for the police department through the budget?

13 A. I do.

14 Q. What is the policy? What is the policy
15 involving interrogations or interviews with suspects
16 at the West Columbia Police Department?

17 A. As far as taking statements --

18 Q. Yes.

19 A. -- we take handwritten statements. And that's
20 in our policy, unless the person can't read or
21 write. We'll record them at that point, and that's
22 usually an audio recording.

23 Q. So an investigator cannot take in a recorder
24 and record a statement if the person can read and
25 write and understand what's going on?

1 A. They can. But it would be a violation of our
2 policy. It's written in our policy that we're to
3 take handwritten statements.

4 Q. And when your investigators are trained, are
5 they trained on that policy?

6 A. That's correct.

7 Q. So going back to August 1st of 2017, is this
8 the interview room that Christopher Cooper was in?

9 A. That's correct.

10 Q. And were you aware that he had been brought to
11 that interview room?

12 A. I was.

13 Q. Initially, he was given Miranda rights that
14 were --

15 MS. WEISS: Beg the Court's indulgence.

16 BY MS. WEISS:

17 Q. I'm showing you what's been entered as State's
18 Exhibit 2. Do you recognize this form?

19 A. I do. That's the West Columbia Miranda rights
20 form.

21 Q. Okay. Does your policy require that if they're
22 interrogating a witness about potential involvement
23 in a crime that they have to read that -- they have
24 to go over that form with the person they're
25 interviewing?

1 A. That's correct.

2 Q. Okay. And who signed that form?

3 A. Investigator Morris and Investigator Putney.

4 Q. So -- and what time was that form signed? Or
5 what time was it started?

6 A. At 5 -- I'm sorry -- 4:54 p.m.

7 Q. So at 4:54, when Christopher Cooper was
8 originally brought to the interview room, he was
9 Mirandized by Chris Morris and it was witnessed by
10 Investigator Putney.

11 A. That's correct.

12 Q. There were two investigators in there.

13 A. Yes, ma'am.

14 Q. Okay. And you said you try to keep two
15 investigators in there.

16 A. Yes, ma'am.

17 Q. Were you observing what was going on from your
18 office?

19 A. I think I was, but I'm not 100 percent sure.

20 Q. Okay. At what point did you become aware of --
21 at what point do you remember becoming aware of what
22 was going on in the interview room?

23 A. I remember at 5:00, when I asked Putney to
24 leave out, and I came into the interview room.

25 Q. Why would you go into an ongoing an interview

1 and ask Investigator Putney to leave out to go into
2 the interview room?

3 A. It's not unusual for me to go into the
4 interview room and bring an investigator out,
5 especially if the person -- I feel like the person's
6 not telling the truth or --

7 MR. WILLIAMS: Objection, Your Honor.

8 THE COURT: Objection's sustained.

9 BY MS. WEISS:

10 Q. So at this point, we're talking about Miranda.
11 And do you recall what was going on in the room?

12 A. As far as -- I was not present for Miranda, no.

13 Q. Right.

14 But do you recall what was going on right
15 around 5:00? Were you -- did you --

16 A. It was time -- it was time for Investigator
17 Putney to leave work.

18 Q. Okay. Did you check to see what was going on
19 in the interview room before you went in there?

20 A. I did.

21 Q. And how did you do that?

22 A. Through the camera in my office.

23 Q. And so if you went in and asked Putney to
24 leave, why would you do that?

25 A. Because of the time and -- because of the time.

1 Q. Okay. So at 5:00 p.m., Investigator Putney was
2 not lead on this investigation?

3 A. No. He's not lead investigator.

4 Q. And so Chris Morris was still in the room?

5 A. That's correct. And any time I ask somebody to
6 come out, the lead investigator will stay in the
7 room.

8 Q. So when Investigator Putney left -- you said
9 you like to have two investigators in the interview
10 room when the interview is going on. So what did
11 you do?

12 A. I stayed in the interview room with
13 Investigator Morris.

14 Q. Okay. And do you recall Investigator Morris
15 talking to Chris Cooper?

16 A. Yes, I do.

17 Q. Okay. And at some time, did you become
18 involved in the conversation?

19 A. I did.

20 Q. And why was that?

21 A. I feel like he wasn't being completely
22 honest --

23 MR. WILLIAMS: Objection, Your Honor.

24 THE COURT: Can the lawyers approach?

25 (Sidebar conference.)

1 THE COURT: All right. Ms. Weiss, you may
2 continue.

3 MS. WEISS: Thank you, Your Honor.

4 BY MS. WEISS:

5 Q. And this -- so during this part, this is just a
6 verbal conversation between investigators and the
7 person being interviewed.

8 A. That's correct.

9 Q. Okay. And you had reviewed this case. You had
10 kept up with this case, talking to Investigator
11 Morris, and you knew what the facts were that had
12 been developed up to this point?

13 A. That's correct.

14 Q. And so you were listening to what Christopher
15 Cooper was saying. And was that matching the
16 information that you knew had already been developed
17 by the investigation?

18 A. No.

19 Q. Okay. And so, at that point, you got involved
20 in the conversation?

21 A. Yes.

22 Q. Okay. And then what was the purpose of your
23 getting involved?

24 A. In my 23 years of law enforcement experience,
25 I've been an investigator roughly 14 years. And I

1 have noticed it's a lot of times that you will find
2 that a black male will talk to a black male easier
3 than they will talk to a white male, through my
4 experience.

5 Q. Okay. And so what did you do next?

6 A. I explained to him that I had information that
7 he was involved in this case and that he needed to
8 clear his mind and get his head right and tell us
9 the truth.

10 Q. Okay. And what happened at that point?

11 A. At that point, he kind of dropped his head and
12 he started telling us the truth about what happened.
13 The story he told matched up to what I had
14 already -- what I had known about the crime.

15 Q. And did you see -- did his demeanor change at
16 all at that point?

17 A. To me, I would say he looked like he was beaten
18 at that point to me.

19 Q. Did he -- did he physically react once he
20 started talking?

21 A. Yes, he did. He was -- at no point was he ever
22 disrespectful. He -- he talked to me. And he
23 seemed comfortable with me and he pretty much told
24 me what happened.

25 Q. Okay. Was he giving details at that point?

1 A. Yes. He gave me details of what happened.

2 Q. And was Investigator Morris still in there
3 during this?

4 A. Yes, he was.

5 Q. At some point, as you went through, is -- as
6 you were talking to him, going through the
7 statement, at some point, did that verbal discussion
8 come to an end?

9 A. Yes, it did.

10 Q. Okay. And what is the procedure once you feel
11 like that the verbal discussion of what had happened
12 has come to an end? I guess, basically, at that
13 point, had Christopher Cooper implicated himself in
14 this case?

15 A. Yes, he did.

16 Q. Did he implicate somebody else in the case?

17 A. He did.

18 Q. And who was that?

19 A. Craig Cooper.

20 Q. And did he say how they were related?

21 A. It's his cousin -- it's his uncle. Craig
22 Cooper is Mr. Christopher's uncle -- Christopher
23 Cooper's uncle.

24 Q. I think -- you said first cousin. Are you sure
25 about --

1 A. I thought he was an uncle. I think he's the
2 uncle to him.

3 Q. Do you have any basis for that, or just that's
4 what you remember?

5 A. That's just what I remember.

6 Q. Okay. And did you interview Craig Cooper?

7 A. I witnessed the interview.

8 Q. No. Did you interview him?

9 A. No.

10 Q. And so what happens -- once that is wrapped up
11 and you got that verbal information, what is the
12 policy of the department at that point?

13 A. At that point, we normally ask the person we're
14 interviewing to give us a handwritten statement.

15 Q. Okay. And that's your policy?

16 A. Yes.

17 Q. To try to get a handwritten statement?

18 A. Right. Yes, ma'am.

19 Q. Okay. And were you in there when Chris Cooper
20 began writing his handwritten statement?

21 A. I didn't -- I was there when he'd handwritten
22 it, but I didn't stay for the whole statement.

23 Q. Why wouldn't you have stayed for the whole
24 statement?

25 A. Because Investigator Morris is an experienced

1 investigator. He'd know how to take a statement.
2 There would be no reason for me to stay in there.
3 He's capable of doing it.

4 Q. Okay. And so what did you do then?

5 A. I left to go home.

6 Q. I'm going to show you State's Exhibit 3 that's
7 already been entered into evidence. Do you
8 recognize this form?

9 A. Yes, voluntary statement form.

10 Q. Okay. At the bottom of that form, do you see
11 that are two lines for witness signatures?

12 A. That's correct.

13 Q. Is that because, typically, you like to have
14 two witnesses in the room; you have two people in
15 the room?

16 A. Yes, ma'am.

17 Q. Okay. How many signatures are on those blanks?

18 A. It's one.

19 Q. Why is there a blank?

20 A. Because Investigator Morris is the only one who
21 took this statement.

22 Q. Okay. If you had stayed till the end of that
23 written statement, who would have been the second
24 signature?

25 A. I would have signed it.

1 Q. And -- but you were there when he got started
2 writing?

3 A. That's correct. Yes.

4 Q. And Investigator Morris was there till it
5 ended?

6 A. Yes.

7 Q. Based on the signature there.

8 A. Right.

9 MS. WEISS: I have no further questions for
10 this witness.

11 Please answer any questions Mr. Williams may
12 have.

13 MR. WILLIAMS: May it please the Court?

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. WILLIAMS:

17 Q. Captain, as I was listening to your prior work
18 history, you indicated you worked at Latta, South
19 Carolina, the big town of Latta, South Carolina.

20 A. Yes, sir.

21 Q. And that -- that's in Dillon County, right?

22 A. That's correct.

23 Q. It's right down the road from Marion, isn't it?

24 A. That's correct.

25 Q. And you moved from Latta to Marion. Was it

1 from a smaller police station to a bigger police
2 station?

3 A. Yes, it was.

4 Q. And how many police officers were in Latta,
5 South Carolina?

6 A. Ten.

7 Q. And where are you originally from?

8 A. I'm from Latta.

9 Q. Okay. Did you -- when you determined budgets
10 in Latta, South Carolina, I assume that was
11 determined by the town council and maybe the police
12 chief.

13 A. That's correct.

14 Q. And when you moved to the city of West
15 Columbia, who determined the budgets in the city of
16 West Columbia?

17 A. The police chief and the city -- city council.

18 Q. All right. So it's kind of like in Lexington
19 County, where it's the sheriff that goes to the
20 county council and works out the budget that
21 they're -- that they're given for their police
22 department, isn't it?

23 A. I would imagine.

24 Q. So would you say it's the chief of police that
25 made the call on whether or not to have recorders

1 for your investigators or not?

2 A. I would say it's the chief of police and city
3 council.

4 Q. Right. Because it's a money thing.

5 A. Correct.

6 Q. And about the closest thing you got to
7 recorders are the handheld recorders that the
8 investigators have, right?

9 A. That's correct.

10 Q. Now, who determines how you use those handheld
11 recorders? Is that a policy that was placed by the
12 chief of police with the city of West Columbia or
13 are you involved in that decision-making?

14 A. I have no involvement in it. It's been in
15 place since I got there.

16 Q. All right. So it's -- this is -- the policy,
17 procedures dealing with the city of West Columbia
18 and recording have been in place before you got
19 there?

20 A. That's correct.

21 Q. So how many years, you think? You got a policy
22 book, don't you? You've got something --

23 A. We do.

24 Q. So what year would that have been in effect?

25 A. I'm not sure. I came there in 2005. But it

1 was prior to me being there.

2 Q. So it's -- it's really all about the money, in
3 regards to what you can afford, right?

4 A. I'm not sure.

5 Q. Okay.

6 A. Our policy says we'll only record if the person
7 can't read or write.

8 Q. So you got a feed, use a feed, like a feed like
9 a wire or -- you're able -- it's a feed. It's a
10 video feed that you can see what goes on inside the
11 interview room, right?

12 A. I'm not sure if it's called a video feed. I
13 call it a live feed.

14 Q. A live feed?

15 A. That's what I call it, sir. We call it live
16 feed.

17 Q. So you can see immediately whatever's
18 happening. It's not like it's a delayed recording
19 or anything like that?

20 A. No. It's not delayed. That's correct.

21 Q. So I think you said that you were in your room,
22 your interview room, and you were watching it. Or
23 you think you were watching it. Do you remember or
24 not?

25 A. Not -- I was in my office, not in my interview

1 room.

2 Q. All right. So you were in the office -- at
3 your office, and you were watching what was going on
4 in the room.

5 A. At some point, yes, sir.

6 Q. Do you remember when you were watching?

7 A. I remember immediately after Miranda, I had
8 walked into my office. And that's when I noticed
9 that Investigator Putney was still in the interview
10 room. And I looked down at my watch. I was
11 thinking it was after 5:00. I said, I need to get
12 him off the clock. And at that point, that's when I
13 went into the interview room.

14 Q. So you weren't able to hear what was going on?

15 A. You can hear. There's -- there's volume
16 attached to it.

17 Q. Oh, okay.

18 So when you're just looking in the interview
19 room, you're not -- it's not that you can't -- it's
20 not just a video. You can video and you can hear.

21 A. You can view it and you can hear it, yes, sir.

22 Q. View it. My word selection's terrible today.

23 But you can view and you can hear it?

24 A. That's correct.

25 Q. So because of your budget concerns, you walked

1 in there and kind of helped out, right, so Putney
2 could leave?

3 A. Correct.

4 Q. But on all these written statements, most
5 written statements that you have with the two
6 blanks, I think you said you normally want to have
7 two investigators in the room at the same time.

8 A. That's correct. Most of my interviews do take
9 place between 8:30 and 5:00 p.m.

10 Q. So the only reason why there was one
11 investigator in the room is because it was after
12 5:00?

13 A. When the statement was taken, yes.

14 Q. When the statement was taken.

15 A. Yeah, correct, when the handwritten statement
16 was taken.

17 Q. Well, that's the only -- that's the only record
18 we have of what exactly transpired. That -- it's
19 whatever that written statement is, right?

20 A. That's correct.

21 Q. So the only person who is there when that
22 written statement is going on is whatever that
23 police officer and the defendant, if he is the
24 defendant, or the witness is writing in that
25 statement?

1 A. That's correct.

2 Q. Because it's after 5:00 and everybody else gets
3 to leave?

4 A. Right.

5 Q. Since you had -- since you had left, was there
6 anybody in charge of -- over Morris?

7 A. I -- I still supervise Investigator Morris.
8 Even though I'm not there, I'm still his supervisor.

9 Q. But you just can't see or hear at that time?

10 A. Correct.

11 Q. So I think I also heard that when you were
12 going through the litany of things that you -- you
13 do crime scenes. You know forensics. Because of --
14 that's why you're a captain is because you know --
15 that's why you're in charge of investigations is
16 because you know how to do all that?

17 A. No, sir. Forensics, I have no idea about
18 forensics.

19 Q. But you supervise all the investigators, don't
20 you?

21 A. That's correct.

22 Q. So if you supervise all the investigators, you
23 have to know more than what they know or you're not
24 going to be able to supervise what they're doing,
25 right?

1 A. Not saying I have to know more than what they
2 know, but I have more experience than they have.

3 Q. Okay. Well, knowledge. Knowledge can be from
4 a book or could be from just, you know, getting old
5 like me.

6 A. Correct.

7 Q. Okay. So if you came upon a major scene where
8 there had been a break-in; there had been a
9 kidnapping; there had been an assault, and the last
10 piece of evidence that you knew had been touched by
11 the assailant and had not been touched by any other
12 person, would you retrieve that item and attempt to
13 get prints and DNA off of it, if you didn't know at
14 that time who the assailant was?

15 A. You said prints and DNA off of it?

16 Q. Either one. One or both. You can get touch
17 DNA, can't you?

18 A. It's possible.

19 Q. And you can get prints off of it?

20 A. Possibly.

21 Q. So would you attempt to do that?

22 A. Possibly. Possibly.

23 Q. Does it sound like a good idea? If you know --
24 if you know no one else has touched that phone since
25 the time in which the assailant had it, would you

1 attempt to get prints off of it?

2 A. I'm not sure what phone you're talking about.

3 Q. You're not?

4 A. No, sir.

5 Q. Are you aware of what went on in this case?

6 You're -- you're a supervisor. You know --

7 A. I'm very familiar with what went on in the
8 case, but you were just asking about a cell phone.

9 I'm not sure which one you're talking about.

10 Q. Did you know that there was a cell phone which
11 was found in a trash can --

12 A. I do.

13 Q. -- immediately after the assault occurred?

14 A. I'm not sure when it was found. But I do know
15 there was a phone found in the trash can. I want to
16 say it was the victim's phone.

17 Q. All right. So you know that there was the
18 victim's phone which was found in the trash can
19 immediately after the assault occurred. You knew
20 that?

21 A. I knew it was found at some point, yes, sir.

22 Q. Did you know the last person who would have
23 touched it would have been a possible assailant?

24 A. That would make sense, yes, sir.

25 Q. And do you think it would have been a good idea

1 to either get fingerprints and/or DNA from that cell
2 phone?

3 A. I think it would have been a great idea to
4 collect it and see if we can get fingerprints or
5 DNA.

6 Q. So if there was no attempt to do that, would
7 you think that was a mistake?

8 A. I wouldn't say it was a mistake. I have
9 noticed, in a lot of crimes, the victims immediately
10 want their phone back. That's -- I have people
11 asking can I get my phone all the time. That's not
12 unusual.

13 Q. Well, the victim in this crime never got their
14 phone back, did they? 'Cause we got it today, don't
15 we, three years later?

16 A. I'm not sure.

17 Q. Does it cost more to have fingerprints and DNA
18 tests made at SLED?

19 A. No, sir.

20 Q. So how is that paid for? Is that -- is that --
21 because there's a cost to SLED, right? Do they give
22 you a certain amount of things that you can test?

23 A. I think they let us bring in -- as far as DNA,
24 it's like two or -- it's two or three things at a
25 time they'll let us bring in per crime.

1 Q. And so you have to choose which two items you
2 want to submit to have the testing done on it?

3 A. That's correct.

4 Q. Which is why you don't take in all those items
5 that you maybe sometimes would like to do.

6 A. Right.

7 Q. I'm just being practical.

8 A. Right.

9 Q. And you have to be practical too, right?

10 A. Right.

11 Q. So the concern is really it's a lot
12 money-driven in regards to what -- what you do and
13 in regards to what you can take in because you can't
14 just spend all the money in the world working on
15 this -- this case, right?

16 A. We don't have to pay SLED anything to take the
17 items that are to be processed. That's not anything
18 West Columbia has to pay.

19 Q. But they will only take two or three items?

20 A. That's correct.

21 Q. Now, is -- the reason you won't allow an
22 investigator use his handheld recorder to record
23 interviews, is it because it's a violation of the
24 policy of the City of West Columbia to use handheld
25 recorders?

1 A. Yes, sir. That's violation of the policy. And
2 the policy wasn't written by me. It's written by
3 city council and chief of police.

4 Q. But everybody else in the West Columbia Police
5 Department can record everybody?

6 A. I honestly can't hear you.

7 Q. I'm sorry. Let me speak up.

8 The -- so the street patrolman, if you have
9 street patrolmen, or the guy in the car who's just
10 out there with the public, can wear those little
11 mics and record whatever goes on?

12 A. Yeah. Patrol officers have the body-worn
13 cameras. That's correct. The law says they have to
14 have them.

15 Q. And is that because there's some sort of
16 federal grant that pays for that?

17 A. They pay for so many per department. That's
18 correct.

19 MR. WILLIAMS: That's all the questions I have,
20 Your Honor.

21 I'm sorry, Your Honor. I beg the Court's
22 indulgence for one second.

23 BY MR. WILLIAMS:

24 Q. This sounds stupid, but it's not, after what we
25 just went through.

1 But the reason you don't -- the reason you
2 don't have the two investigators there is because
3 it's -- I mean, you -- you let the guys go home at
4 5:00. Would you like to be able to have two
5 investigators there?

6 A. I'd love to have two investigators there all
7 the time.

8 MR. WILLIAMS: That's -- that's all the
9 questions I have, Your Honor.

10 THE COURT: Any redirect?

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

12 THE COURT: Sir, you may step down. Thank you.

13 MS. WEISS: Your Honor, may this witness be
14 excused from his subpoena, please?

15 THE COURT: Any objection to him being excused?

16 MR. WILLIAMS: Without objection.

17 THE COURT: Without objection, sir, you're
18 released from your subpoena. Thank you for being
19 here.

20 MS. RAYMER: The State would call Brigitte
21 DeGuzman.

22 BRIGITTE DEGUZMAN, RN

23 being first duly sworn, testified as follows:

24 THE WITNESS: I do.

25 THE CLERK: Have a seat right up there, please,

1 ma'am. Once you're seated, state -- you can remove
2 your mask.

3 State your full name, spelling your last,
4 please.

5 THE WITNESS: My name is Brigitte DeGuzman,
6 D-E-G-U-Z-M-A-N.

7 MS. RAYMER: Your Honor, I would beg the
8 Court's indulgence to get some exhibits marked,
9 please.

10 THE COURT: All right. Yes, ma'am. Go ahead.

11 MS. RAYMER: State's Exhibits 88, 89, 90,
12 marked for identification.

13 (State's Exhibit Nos. 88, 89, 90 marked for
14 identification.)

15 VOIR DIRE EXAMINATION

16 BY MS. RAYMER:

17 Q. Good morning, Ms. DeGuzman. How are you?

18 A. Good morning. Doing well. Thank you.

19 Q. Are you currently employed?

20 A. I am.

21 Q. Where are you currently employed?

22 A. My primary job is at Prisma Health Richland as
23 a sexual assault nurse examiner or forensic nurse
24 examiner.

25 But I also have a few part-time jobs: I'm a

1 nurse at the USC Student Health Center; I'm also a
2 nurse at Kershaw ER; and I'm a COVID investigator
3 with DHEC.

4 Q. And Prisma Health Richland, what was that
5 previously called?

6 A. Palmetto Health Richland.

7 Q. And how long have you been at that job?

8 A. At that job, I've been since 2011. So 10, 11
9 years.

10 Q. And what did you say your position there was?

11 A. Forensic nurse examiner or sometimes they call
12 us sexual assault nurse examiner.

13 Q. What is a forensic nurse examiner?

14 A. So a forensic nurse examiner is a nurse that
15 has been trained specifically for depending on what
16 that nurse does. For me, it's sexual assault nurse
17 examiner. But we also perform examinations for
18 domestic violence or intimate partner violence. So
19 sometimes that's why we are called forensic nurse
20 examiners with Richland because it includes that.
21 We're not just sexual assault nurse examiners.

22 Q. And how long have you been a forensic nurse
23 examiner?

24 A. Since 2011. So 11 years -- 10, 11 years.

25 Q. Will you tell me a little about your

1 educational background?

2 A. Yes. I have a business degree from the
3 University of South Carolina. Graduated in '89, I
4 believe. And then I also have a nursing degree from
5 the University of South Carolina and graduated in
6 '96 from that.

7 Q. And do you have to have any specialized
8 training to be a forensic nurse examiner?

9 A. Yes. They want you to be a registered nurse
10 for at least two years. And then for the adult
11 SANE, it's 40-hour didactic or classroom
12 instruction. And then we also have clinical
13 requirements that we have to meet such as performing
14 so many pelvic examinations, shadowing law
15 enforcement, watching court proceedings. And we
16 also have a preceptorship where we have to be under
17 someone to perform exams. Then once they deem us
18 competent, then we can practice on our own. And
19 then there's a separate one for the pediatric sexual
20 assault nurse examiners as well.

21 Q. Is there a sort of a certification that you
22 have to keep current?

23 A. Yes. If you get certified, it's three -- every
24 three years.

25 Q. And how do you keep that certification current?

1 A. You can either retest every three years or you
2 can -- it's through continuing education. You have
3 to meet so many hours. And they'll -- you apply,
4 and then they'll approve that or not.

5 Q. And approximately how many sexual assault
6 examinations have you performed?

7 A. At minimum, 800.

8 Q. And have you ever testified in court before?

9 A. I have.

10 Q. Have you ever been qualified as an expert
11 before?

12 A. Yes, at least three times.

13 MS. RAYMER: Your Honor, at this time, we would
14 offer this witness as an expert in sexual assault
15 examinations.

16 THE COURT: Any requested voir dire?

17 MR. WILLIAMS: Yes, sir.

18 THE COURT: Go ahead.

19 VOIR DIRE EXAMINATION

20 BY MR. WILLIAMS:

21 Q. You have indicated that you have tested -- I'm
22 sorry -- have testified as an expert in three
23 courts; is that correct?

24 A. Yes.

25 Q. Which courts would those have been?

1 A. Well, there was -- sorry. I don't have the
2 judges' names. But there was one in Lexington
3 County, one in Richland County, and one in Fairfield
4 County.

5 Q. Do you know whether or not they were general
6 sessions court or just a -- a bigger court or if
7 they were in family court?

8 A. General sessions.

9 Q. All right. And how were you qualified in those
10 three particular cases?

11 A. They --

12 Q. Meaning -- meaning, what did they qualify you?
13 What was the technical term that they qualified you
14 as?

15 A. An expert witness for -- as a sexual assault
16 nurse examiner or for sexual assault.

17 MR. WILLIAMS: No further questions, Your
18 Honor.

19 THE COURT: Any objection to her being
20 qualified, sir?

21 MR. WILLIAMS: No, sir.

22 THE COURT: Before we go on, ladies and
23 gentlemen, let me give you a short charge here.

24 Normally, a person cannot give opinion
25 testimony. Normally, when a person testifies, they

1 must testify as to what they either saw, heard, or
2 sensed by smell or something of that nature.
3 However, there is an exception when someone is
4 qualified because of education or experience. They
5 are permitted to give their opinion in certain
6 areas, if the Court qualifies them that way.

7 This witness is being qualified in the area of
8 sexual assault nurse examiner to give opinion
9 testimony in that area. That does not mean that you
10 must accept the opinion, but is evidence for you to
11 use in any way that you see fit and give it the
12 weight and credibility that you believe is
13 appropriate.

14 You may continue.

15 MS. RAYMER: Thank you, Your Honor. I beg the
16 Court's indulgence one more time.

17 I apologize, Your Honor. I've located State's
18 Exhibit 49. May I approach the witness?

19 THE COURT: Yes, ma'am.

20 DIRECT EXAMINATION

21 BY MS. RAYMER:

22 Q. Ms. DeGuzman, I'm showing you what's been
23 previously marked State's Exhibit 49. Can you
24 please tell me what that is?

25 A. This is a picture of a sexual assault evidence

1 collection kit, and it's the box that it comes in.

2 Q. And in 2017, you say it came in a box. Is that
3 still how it comes?

4 A. No. Now it comes in a large envelope.

5 Q. Is this what it comes in now?

6 A. Yes.

7 MS. RAYMER: Your Honor, may I approach?

8 THE COURT: Yes.

9 BY MS. RAYMER:

10 Q. Ms. DeGuzman, can you please walk us through
11 what typically occurs with a sexual assault
12 examination? And it's helpful to demonstrate.

13 A. Okay. So I'll just start from the beginning.
14 So, typically, a patient will come from either --
15 you know, by EMS or they can be referred from an
16 agency such as Sexual Trauma Services or they can
17 come in on their own. Either way, they -- they come
18 into an emergency department.

19 They get medically cleared by the physician,
20 and then they contact us through a communications
21 center. And the communications center contacts one
22 of the sexual assault nurses on call, and they
23 connect us with the hospital that is asking for our
24 services.

25 We -- we get, you know, a brief report of what

1 happened, and they ask us to come. And we typically
2 respond within an hour to the hospital. There's
3 five different hospitals in Midlands that we come
4 to.

5 And so once we arrive there, we see the
6 patient, introduce ourself, and let them know what
7 our role is and what we -- what services we can
8 provide for them. So I explain what a forensic
9 nurse does. I give her or him the options because,
10 if it's an adult, they can -- I need their consent
11 for everything that I do. And if they decide to
12 proceed, then we go through the exam process.

13 So, typically, we first talk about medical
14 history, demographics. He or she will tell me about
15 the assault. I'll ask specific questions like
16 pre-assault or post-assault hygiene activity, such
17 as, you know, if they took a bath, they've brushed
18 their teeth, that sort of thing. And then, once we
19 finish talking, the assault history and all the
20 questions.

21 Then we go into the physical exam where I check
22 over their -- for possible injuries. And then I
23 also collect evidence. And this is where that comes
24 in. And in the kit itself, there are specific
25 envelopes for specific DNA that we collect. And as

1 I go through the medical exam, I try to do it from
2 head to toe. So --

3 Q. Brigitte, I don't want to cut you off. But,
4 real quick, you said you respond to five hospitals?

5 A. Yes.

6 Q. Does one of those include Lexington Medical
7 Center?

8 A. It does.

9 Q. What is the purpose of a SANE kit?

10 A. SANE kit?

11 Q. The purpose of it.

12 A. The purpose is to collect evidence from the
13 assault itself.

14 Q. All right. Please proceed. Thank you, ma'am.

15 A. So there's different envelopes that, you know,
16 are in the kit. And it's labeled specifically as to
17 what we should collect or what we should put in that
18 envelope.

19 So, for example, there's clothing bag. There's
20 a toxicology. If we feel like there was a
21 drug-facilitated sexual assault, we'll collect urine
22 or blood. Debris collection. If, you know, they're
23 from the scene, they will get undressed on top of
24 this sheet so that if there's any debris that falls
25 of the patient, it will be collected on that sheet.

1 There's an underwear envelope. Outer clothing,
2 for the outer clothing, if we collect it.

3 And then there's multiple envelopes here.
4 There's fingernail swabbing. Back then, we
5 didn't -- we used a -- not toothpicks. But these
6 are swabs now. There's DNA for the patient so we
7 can get their DNA to differentiate the other DNA, if
8 I'm able to collect any.

9 Miscellaneous, oral swabs, if the person was
10 orally assaulted.

11 Pubic hair combings. We comb the pubic hair
12 just in case there's any hair that was intertwined
13 with the patient and the assailant or there's any
14 dried semen or that sort of thing. We can comb
15 that, and there's a piece of paper there that
16 collects it.

17 Vaginal or penile swabs, rectal swabs,
18 suspected bodily fluids. So if there's anywhere a
19 patient says, well, I felt something on my arm, or
20 something like that, or on my leg, I can collect
21 that, or if I see it somewhere, and then suspected
22 saliva.

23 Q. Is that kit the same for every exam you
24 perform?

25 A. Yes.

1 Q. And did you have the opportunity to perform a
2 sexual assault examination on Monesha Cook?

3 A. I did.

4 Q. And is that what Exhibit 49 represents, the
5 sexual exam kit, the collection from that exam?

6 A. Yes, ma'am.

7 Q. When did you have the opportunity to perform an
8 exam?

9 A. That exam was performed on July 28th, 2017.

10 Q. And how did you become involved in this case?

11 A. So Lexington Medical Center social worker named
12 Katie called the comm center, and they connected me
13 to her. And she was the one that informed me of a
14 case at the hospital.

15 Q. And then what did you do after you were
16 contacted?

17 A. So after I was contacted, I went there; arrived
18 there about 5:55. And that's when I made my first
19 contact with Monesha.

20 MS. RAYMER: May I approach?

21 THE COURT: Yes.

22 BY MS. RAYMER:

23 Q. I'm showing you what has been previously marked
24 State's Exhibit 88. Is this how Ms. Cook appeared
25 when you first made contact with her?

1 A. Yes, ma'am.

2 MS. RAYMER: Your Honor, at this time, I'd like
3 to enter State's Exhibit 88 into evidence.

4 MR. WILLIAMS: Without objection.

5 THE COURT: Without objection, so admitted.

6 (State's Exhibit No. 88 admitted into
7 evidence.)

8 BY MS. RAYMER:

9 Q. What was her demeanor during the exam?

10 A. So her demeanor, I assessed that was quiet.
11 She had a quiet demeanor, but she easily engaged
12 with me. She, you know, spoke with me with -- and
13 the Sexual Trauma Services advocate. She was
14 tearful during her narration of the assault history.
15 She was able to tolerate the exam, or she was
16 cooperative with the exam. While, she was sitting
17 in the stretcher when I first got there, her knees
18 were drawn to her chest. She was tearful upon my
19 arrival.

20 Q. Did she appear under the influence or
21 intoxicated in any way?

22 A. No.

23 Q. And prior to the examination, did she disclose
24 to you that she had been sexually assaulted?

25 A. Yes.

1 Q. Did she say how she had been sexually
2 assaulted?

3 A. She did.

4 Q. How did she describe being sexually assaulted?

5 A. In -- in general terms, she was sexually
6 assaulted by two males, orally, anally. And she was
7 told to insert a dildo in her vagina. And a gun was
8 held to her head.

9 Q. Did she indicate any pain upon the -- during
10 the examination?

11 A. Yes. She -- she said she had some anal pain
12 and she also had pain in her head from her hair
13 being pulled.

14 Q. Did she say where this occurred?

15 A. She said it happened at her home, in the
16 bedroom and downstairs.

17 Q. Did she say when it occurred?

18 A. She wasn't sure the exact time. But she -- she
19 estimated that it happened at least 15 minutes prior
20 to the police arrival and then after her spouse left
21 the home, when she left the home around 1:20.

22 Q. And did you collect any evidence during this
23 sexual assault examination on Monesha Cook?

24 A. I did.

25 Q. What did you collect?

1 A. In addition to the photos, I combed pubic
2 hairs. I did an oral swab. Suspected body fluid,
3 so I collected from her left hand. She said that
4 she may have wiped semen off her left hand. I did a
5 vaginal swab, a rectal swab, a buccal swab from her
6 mouth. Suspected body fluid, there was some dried
7 secretion in her perineal area.

8 Q. Can you please tell me what the perineal area
9 is?

10 A. So it's that area below the vagina but above
11 the anus, just kind of that general area there.

12 Q. And what is a buccal swab?

13 A. Buccal swab is just a swab done inside of your
14 cheeks in your mouth to get your DNA or DNA. And
15 then I swabbed around her left nipple for possible
16 touch DNA.

17 Q. Why did you do that?

18 A. She said one of the assailants twisted her
19 nipple.

20 Q. And what were your findings from this
21 examination?

22 Actually, let me back up real quick. After you
23 collected these swabs, what did you do with them?

24 A. After I collected the swabs, I put them in the
25 envelopes. And then I seal them with evidence tape

1 that comes with the -- the kit. And so each
2 envelope, if I collect evidence, I seal it with the
3 tape and then put my initials on there.

4 Q. And I see that you're referring to what appear
5 to be your notes. Is that correct?

6 A. Yes.

7 Q. And can you explain how you take your notes
8 during the examination process?

9 A. So our program has a specific program and we
10 type it on the computer. You know, all the
11 questions are there. And we answer it and type it
12 on the computer. So when she -- while she's talking
13 to me and giving me answers, I type the answers. So
14 with her assault history, you know, when she starts
15 telling me what happened, I type -- I try to type
16 everything that she tells me verbatim, and that's
17 how I document it.

18 Q. And what were your findings from this exam?

19 A. So my findings to her genital area -- I
20 documented that she had a barbell jewelry, just to
21 show that that's what I saw at the exam. She had it
22 in her prepuce or at the clitoris.

23 On her vestibule, she had some discharge and
24 drainage, which was just white discharge that I
25 observed at the opening of the vagina or introitus,

1 and it kind of extended into her bilateral labia
2 minora or fossa navicularis. It's just the anatomy
3 of part of the vagina.

4 And then her anus, there was a laceration. She
5 had multiple lacerations or tears from 6:00 to 8:00.
6 So when we describe where the injuries are on --

7 Q. Let me stop you real quick. This might help.

8 MR. WILLIAMS: Your Honor, in reference to
9 these items, we would -- I think she's going to
10 attempt to introduce those items. We would object
11 to those photographs, Your Honor.

12 THE COURT: All right. Over defendant's
13 objection -- those are photographs I saw previously?

14 MR. WILLIAMS: Yes, sir. Those are the ones
15 you looked at yesterday.

16 THE COURT: All right. Over defendant's
17 objection, we'll move on.

18 MR. WILLIAMS: Thank you, Your Honor.

19 THE COURT: Objection so noted for the record.

20 BY MS. RAYMER:

21 Q. Brigitte, I'm showing you what has previously
22 been marked Exhibits 89 and 90. Would these be
23 photographs you took during the examination of
24 Monesha Cook?

25 A. Yes.

1 Q. Do these fairly and accurately reflect what you
2 observed that day?

3 A. Yes.

4 MS. RAYMER: Your Honor, at this time, the
5 State would seek to introduce Exhibits 89 and 90
6 into evidence.

7 THE COURT: So admitted. The defendant's
8 objection is noted, though.

9 (State's Exhibit Nos. 89 and 90 admitted into
10 evidence.)

11 BY MS. RAYMER:

12 Q. Ms. DeGuzman, can you please tell me what this
13 is a photograph of?

14 A. So that's --

15 THE COURT: Hold on a minute. Hold on a
16 minute. What exhibit is that?

17 MS. RAYMER: 89.

18 THE COURT: All right. 89. I'm sorry. Go
19 ahead.

20 THE WITNESS: So that's a photo of the -- of
21 Monesha's anus. And the injuries, whenever we
22 describe them or document them for the location, we
23 use the face of a clock just to kind of make it
24 easier to know where the injuries are. So she had
25 multiple lacerations from 6:00 to 8:00.

1 So if you imagine around a clock. And I said
2 that there was no active bleeding. But if you look
3 at 6:00, you'll see, like, a tear there, and then in
4 between 6:00, 8:00. There was also a laceration or
5 tear at 12:00, no active bleeding.

6 BY MS. RAYMER:

7 Q. I'm now showing you what's been previously
8 marked as State's Exhibit 90.

9 A. And then she complained of tenderness or pain
10 with palpation, of course, when I touched there.

11 So --

12 Q. Can you tell if these anal lacerations and
13 tearing were recent?

14 A. Yes. The -- there was no -- I don't see any
15 exudate. Or sometimes, when it's healing, you know,
16 after 24 to 48 hours, you'll see that it's healing
17 with, like, this yellowish mucus-like -- not
18 discharge, but draining. This one is bright red.
19 It doesn't look like there's any healing yet. It
20 looks fresh to me.

21 Q. Thank you.

22 And can you now please tell me what you did
23 when the exam was completed?

24 A. After the exam was completed, we -- what we
25 typically do is, you know, if I didn't get any lab

1 specimens, you know, blood work or STI screening --
2 we draw blood for HIV screening and syphilis. We
3 draw blood for toxicology.

4 In her -- her case, I didn't do that. Get a
5 urine specimen to check for pregnancy so that if
6 she's not on any birth control and if she wants, you
7 know, we offer that emergency contraceptive.

8 We also ask about safety planning to make -- to
9 ensure she feels safe going home or to make sure she
10 has a safe place to go. Also give her medicines --
11 STI prophylaxis, antibiotics -- to prevent her from
12 getting Trichomonas, gonorrhea, or chlamydia. We
13 give prophylactic treatment. So antibiotics.

14 Q. And what did you do with the physical SANE kit
15 with the evidence you had collected?

16 A. So after -- after she's -- she was at
17 Lexington. So what I had to do was go to Richland
18 to, after I'd taped everything up, secure it in our
19 refrigerator at the hospital. We have that in our
20 office. And then it's in another closet, which is
21 locked. And then we have a secure refrigerator that
22 is also locked with a combination lock. So we put
23 it in there, secure it in there, until it's picked
24 up by law enforcement.

25 Q. And you -- why would you bring it with you to a

1 different hospital if you're already at Lexington
2 Medical Center?

3 A. So our program, typically, we secure it in the
4 refrigerator because we have an agreement with the
5 different jurisdictions that they will pick up our
6 kits on Tuesdays, typically. And we've been doing
7 that for quite a few years, and it's worked.

8 Q. And before that kit is placed in a secured
9 location, does it ever leave your presence?

10 A. No.

11 MS. RAYMER: Beg the Court's indulgence.

12 No further questions for this witness.

13 Please answer any questions Mr. Williams may
14 have for you.

15 MR. WILLIAMS: May it please the Court?

16 THE COURT: Yes, sir. Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q. Ma'am, I'm sorry. Your last name again?

20 A. DeGuzman, D-E-G-U-Z-M-A-N.

21 Q. The -- I'm going to take you backwards. I'm
22 going to take you from when you -- when you left it
23 off. You were indicating that you placed it in a
24 refrigerated -- a locked refrigeration unit. And
25 that was at -- the location that you placed that at

1 was where?

2 A. Prisma Health Richland.

3 Q. All right. And would this have been on
4 Thursday?

5 A. It would have been -- I don't know if it's
6 Thursday. But it would have been July 28th.

7 Q. All right. And then you said something about
8 it would be picked up, like, on a Tuesday.

9 A. Typically.

10 Q. Typically.

11 So whatever that next following Tuesday would
12 have been, when it was picked up, correct?

13 A. I would have to look at the box just -- just to
14 verify on the back.

15 Q. You tell me which box we're looking for.

16 A. It's a white box -- red and white box.

17 Q. Red and white box?

18 A. Yeah. I mean, it would kind of look like these
19 colors. But it's white.

20 MS. RAYMER: Objection, Your Honor. She has
21 the photograph that Mr. Williams is looking for.

22 THE WITNESS: Okay. Sorry. I didn't know it
23 was on the --

24 MR. WILLIAMS: Tricky. Tricky. We could have
25 been here all day.

1 THE COURT: And that's exhibit what?

2 THE WITNESS: 49.

3 THE COURT: State's 49?

4 THE WITNESS: All right. So it was picked up
5 on August 1st.

6 BY MR. WILLIAMS:

7 Q. Okay.

8 A. 2017.

9 Q. So from July the 28th up until August the 1st,
10 it would have been at Prisma Richland?

11 A. Correct.

12 Q. In that -- in that locked refrigerated unit?

13 A. Yes.

14 Q. Why would you refrigerate that?

15 A. Just to maintain the integrity of the evidence.

16 Q. So I guess you're -- and what you're trying to
17 do is maintain whatever DNA is in there so that it
18 can be tested; is that right?

19 A. Correct.

20 Q. So refrigeration helps maintains the DNA so it
21 doesn't degrade; is that correct?

22 A. Correct.

23 Q. Okay. Now, I believe you said that based on
24 the -- the wound, that the injury would have had to
25 occur within 24 hours of the time in which you were

1 looking at it; is that correct? You used 24 hours
2 for some reason.

3 A. Right. So, typically, like, if an injury is
4 starting to heal, you would start seeing signs of
5 it. So there was no exudate. There was no bridging
6 of the tissue like the tissue was trying to heal.
7 So --

8 Q. So what time were you looking at her and
9 videotaping these items or taking pictures of it?

10 A. What time was I --

11 Q. What time was the exam conducted at?

12 A. So the exam time started at 7:20, and then I
13 completed it at 7:45 a.m.

14 Q. And this would have been -- so sometime between
15 those hours on July the 27th and that time on July
16 the 28th? Because this is -- the date that you're
17 looking at her is July the 28th; is that correct?

18 A. The day that I'm looking at her is July the
19 28th, correct.

20 Q. So sometime between July the 27th at 7:00 in
21 the morning and July the 28th at 7:00 in the
22 morning, would it -- the -- whatever caused that
23 would have had to have been there on those -- during
24 that time span?

25 A. Possibly.

1 Q. Okay. Now, can you give me an -- and I hate to
2 make you reiterate this. Give me a list of the
3 separate samples that you took. Because I think you
4 said hand, nipple for DNA, touch. Just -- just run
5 over it one more time.

6 A. Okay. I combed the pubic hair.

7 Q. All right.

8 A. Oral swab.

9 Q. All right.

10 A. Suspected body fluid. So that was from the
11 left hand.

12 Q. Right.

13 A. Vaginal swab.

14 Q. All right.

15 A. Rectal swab.

16 Q. All right?

17 A. Buccal swab.

18 Q. All right.

19 A. Suspected body fluid. One for possible touch
20 DNA from her left nipple. And then that's it.

21 Q. So when you use the buccal swab inside her
22 mouth, are you checking for her DNA or are you
23 checking for someone's DNA that is separate and
24 apart from her?

25 A. For the buccal swab, it's for her DNA. But if

1 there's any mixture, it might catch it. But it's
2 for her DNA specifically.

3 Q. But if there's any mixture, meaning if
4 anyone -- anyone else had left DNA in her mouth, you
5 might pick up two different types of DNA?

6 A. It's possible.

7 MR. WILLIAMS: Thank you, ma'am. That's all
8 the questions I have.

9 THE COURT: Any redirect?

10 MS. RAYMER: No redirect from the State, Your
11 Honor.

12 If we could please excuse this witness from
13 her --

14 MR. WILLIAMS: Without objection, Your Honor.

15 MS. RAYMER: -- subpoena?

16 THE COURT: Ma'am, you're excused from your
17 subpoena. You're free to go. Have a nice day.

18 THE WITNESS: Thank you. You too.

19 THE COURT: All right. Ladies and gentlemen,
20 we've been going about an hour and 15, 20 minutes.
21 We're going to take a short break, let you step to
22 the jury room. Do not discuss the case. I'll get
23 you back in here as quickly as possible.

24 (The jury exits the courtroom at 11:16 AM.)

25 THE COURT: All right. Anything from the State

1 before we stand down for a few minutes?

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

3 THE COURT: Defense counsel?

4 MR. WILLIAMS: Nothing from the defendant, Your
5 Honor.

6 THE COURT: All right. Who -- who all do you
7 anticipate calling after the break?

8 MS. WEISS: We have -- one, two, three four --
9 one, two, three, four -- five SLED and then Page
10 from evidence. So --

11 MS. RAYMER: Three are chain witnesses -- no.
12 Two are chain witnesses.

13 MS. WEISS: Three are chain witnesses.

14 THE COURT: All right. We'll stand down a few
15 minutes.

16 Let me say this before we break: I'm working
17 on jury charge in this matter. I have not -- based
18 upon evidence I've heard, I've not heard any
19 evidence of any lesser included charges. Looks to
20 be, like, straight up on everything.

21 MR. WILLIAMS: Yes, sir.

22 MS. WEISS: Hand of one, hand of all?

23 THE COURT: Yeah.

24 MR. WILLIAMS: Mere presence, Your Honor.

25 THE COURT: Sir?

1 MR. WILLIAMS: Mere presence also.

2 THE COURT: We'll see.

3 (Brief recess.)

4 THE COURT: All right. State ready to proceed?

5 MS. WEISS: State's ready, Your Honor.

6 THE COURT: Defense counsel?

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

8 THE COURT: All right. One of the things --
9 during the course of Ms. DeGuzman's testimony, who
10 was the forensic nurse examiner, there were a couple
11 of photographs that were entered into evidence,
12 which were State's Exhibits 89 and 90, that the
13 defense objected to. The Court overruled defense
14 counsel's objection and admitted those photographs.

15 Let me just place this on the record concerning
16 the admission of State's Exhibit 89 and 90.

17 Under -- the under the law, if photographs tend to
18 corroborate testimony of injuries, they're certainly
19 admissible. State's 89 and 90 corroborated the
20 testimony of Ms. Cook as to the assault, of being
21 anally assaulted. It provides -- those photographs,
22 the Court believes, provides concrete evidence of
23 what happened in the assault and the injuries of
24 such. And they certainly help establish the
25 elements of the criminal sexual conduct, which is a

1 sexual battery -- is a sexual battery.

2 Furthermore, those photographs showed the
3 extent and nature of Ms. Cook's injuries. They
4 showed the unaltered condition of Ms. Cook's
5 injuries after the incident, after the assault. The
6 photographs certainly shed light on or strengthen or
7 gave character to the other evidence that's already
8 been testified to from the witness stand concerning
9 the assault.

10 The Court gleans furthermore that the
11 photographs were useful for Ms. DeGuzman to testify
12 more effectively concerning the injuries, and the
13 photographs were of such that they would enable the
14 jury to better understand the testimony and the
15 injuries to Ms. Cook.

16 Also, and finally, the photographs certainly
17 show the type and location of the victim's injuries
18 as well.

19 And for those reasons, for those reasons, the
20 Court overruled the defendant's objections
21 concerning those photographs. However, again,
22 Mr. Williams, your objections are surely noted for
23 the record.

24 MR. WILLIAMS: Thank you, Your Honor.

25 And, obviously, Your Honor -- I don't know if I

1 put this on the record. The reason I objected to it
2 was it's highly -- the prejudicial value highly
3 outweighed the probative value.

4 THE COURT: And under a 403 analysis, the Court
5 believes that they were more probative than they
6 were prejudicial. As you-all well know, there are
7 certainly a lot more gruesome photographs that are
8 entered during the course of murder trials, for
9 instance. These photographs were not of such a
10 nature to be gruesome in any way, shape, or form to
11 the extent that they were more prejudicial than they
12 were probative in this case. But, again, your
13 objection is so noted for the record.

14 All right. Anything further before I bring the
15 jury back, from the State?

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

17 THE COURT: Defense counsel?

18 MR. WILLIAMS: Not from the defendant, Your
19 Honor.

20 THE COURT: Bring in the jury, please, sir.

21 Before the jury comes in, I know prior to us
22 starting, you handed up a proposed stipulation. Is
23 that stipulation, the proposed stipulation --

24 MS. WEISS: Yes, sir. The proposed stipulation
25 was that Defense had said that he would agree to

1 Lisa Chapman being excused from having to testify in
2 her role in the chain. And it explains what her
3 role was. I just -- we just needed to put it on the
4 record, and the defense agrees.

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

6 THE COURT: I guess you need to read that into
7 the record before you rest your case.

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

9 THE COURT: And you saw the proposed
10 stipulation, Mr. Williams?

11 MR. WILLIAMS: I did, Your Honor.

12 (The jury enters the courtroom at 11:42 AM.)

13 THE COURT: All right. All the jurors are
14 back. I hope you-all had a nice break. We're ready
15 to proceed at this time.

16 The State's recognized. Call your next
17 witness, please.

18 MS. RAYMER: May it please the Court? The
19 State would call Jackie Davis.

20 JACKIE DAVIS

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Have a seat right up there, please,
24 ma'am. Once you're seated, you can take off your
25 mask.

1 State your full name, spelling your last,
2 please.

3 THE WITNESS: My name is Jackie Davis,
4 D-A-V-I-S.

5 DIRECT EXAMINATION

6 BY MS. RAYMER:

7 Q. Good afternoon, Ms. Davis.

8 Where were you employed in July and August of
9 2017?

10 A. South Carolina Law Enforcement Division, also
11 known as SLED.

12 Q. What was your job title there?

13 A. I was a forensic technician in the evidence
14 room.

15 Q. Can you tell me a little bit more about what
16 that role entails?

17 A. Yes. When the officers or the evidence
18 technicians would bring evidence in for a case, they
19 would drop it off in the lockers. And my job was to
20 go back and retrieve it from the lockers, log it in,
21 and place it in a secured evidence room until the
22 analyst requested it.

23 Q. And can you elaborate a little bit on what you
24 mean by logging it in?

25 A. Yes. Once we receive the evidence, my job was

1 to make sure it was sealed securely before we ever
2 really pulled it out of the locker. And once it was
3 secured and sealed, we would take it to the log-in
4 area and log in each piece of evidence that
5 corresponded to a case.

6 Q. I'm handing up what has been previously
7 identified as State's Exhibit 84. It's Item No. 8,
8 if you're referring to SLED's chain of custody. Can
9 you please identify what Item No. 8 is?

10 A. According to the chain of custody, it is a gun
11 box containing a weapon.

12 Q. What was your role with this item?

13 A. I retrieved it from the evidence room. Once it
14 was logged in, I retrieved it and gave it to the
15 analyst requesting to work it.

16 THE COURT: Excuse me. What's the State's
17 exhibit number on the box there?

18 THE WITNESS: Right here?

19 THE COURT: Yes, ma'am.

20 THE WITNESS: Number 8.

21 THE COURT: On the red sticker on top.

22 THE WITNESS: 84.

23 THE COURT: Thank you. I'm sorry.

24 BY MS. RAYMER:

25 Q. I'm handing you State's Exhibit No. 6. Can you

1 please identify which items are in that bag?

2 It is State's Exhibit 9 and 10.

3 A. Yeah. On my chain of custody, it's going to be
4 listed as -- when we log something in, we would give
5 each piece of evidence a unique lab number. So
6 everything dealing with this case was given this lab
7 number. There's more than one item in here. And
8 when the officers would bring it to us, they would
9 bring it in a bag and heat-seal it, sign it, and
10 date it. That way, it's secured. We never opened
11 evidence.

12 So this is in a container, D. And so I'm
13 trying to figure while looking at this -- hang on
14 one second -- what is in this container.

15 Q. Absolutely.

16 MS. RAYMER: And for the record, Your Honor,
17 this is State's Exhibit 6, SLED Item No. 9 and 10.

18 A. And according to my chain of custody, it is a
19 buccal swab from the right cheek of Craig Cooper.

20 Q. And what item number is that?

21 A. It's -- it's in a container, so it's D.
22 Apparently there is -- yes. There are two swabs
23 from Craig Cooper, from the right and left. And
24 there are two -- and so it's container D.

25 Q. And what role did you have with this object?

1 A. The object? I actually log this in and, like I
2 said, placed the unique lab number on it, made sure
3 it was sealed, initialed, and dated, as it was, and
4 then I placed it in the secure evidence room.

5 Q. And that was for both of those items?

6 A. That is correct. They traveled together.

7 Q. Did you have any role with any of the other
8 items of evidence in this case, particularly
9 Item No. 1, 2, 3.1, and 4.1, which pertain to
10 State's Exhibits 8, 9, and 10?

11 A. I did. On -- this evidence was logged in on
12 7/28. And then it was placed in the evidence room.
13 And then the analyst requested it, so I went and
14 pulled this evidence from the evidence room and I
15 transferred it to the analyst to work it. And then,
16 it looks like, four days later, they brought it
17 back. And I placed it back in the evidence room,
18 and then I returned it back to the submitting
19 agency.

20 Q. This is State's Exhibit 8. Can you please
21 identify what this object is?

22 A. This is a buccal swab from Jacob Cook's mouth.

23 Q. And what item number is that?

24 A. Item No. 2 on our chain of custody.

25 Q. This is State's Exhibit 10. Can you please

1 identify this item?

2 A. This is a buccal swab from the victim's mouth,
3 Monesha Cook, if I'm pronouncing that correctly. If
4 not, I'm sorry.

5 Q. And what item number is that?

6 A. That is number 1.

7 Q. This is State's Exhibit No. 9. Can you please
8 tell me what objects are enclosed in this?

9 A. Again, we received more than one item, and they
10 put it in a container. So it looks as if it's
11 cuttings from paper towels, DNA swabs from the
12 trigger and the upper area of a bottle.

13 Q. What item numbers are those?

14 A. Yeah. That's all that's in there. That's
15 container B. And the item numbers are Item 3.1 --
16 I'm sorry -- 4.1 and 3.1.

17 Q. For Item 3.1, if that's the cutting of the
18 paper towel, that would be a cutting from Item 3,
19 the paper towel from the kitchen table possibly
20 containing suspect's semen and victim's saliva?

21 A. That's correct.

22 Q. Did you have any other involvement in this
23 case?

24 A. I did not.

25 MS. RAYMER: No further questions from the

1 State.

2 MR. WILLIAMS: May it please the Court?

3 CROSS-EXAMINATION

4 BY MR. WILLIAMS:

5 Q. Ma'am, could I see the exhibit that you were
6 just referring to that was the cutting from the
7 paper towel?

8 I note that you said that there were several
9 items in this package; is that correct?

10 A. According to my chain of custody, that is
11 correct.

12 Q. And there are separate envelopes. The brown
13 envelopes are the separate things that are supposed
14 to be in there, which is swabs. Because it says
15 swabs on it, correct?

16 A. Okay. I can't see it that far.

17 Q. I'm sorry.

18 A. No. You're fine.

19 Yes. That's what it says.

20 Q. What is the plastic box with those items in it?

21 A. I do not know. We received evidence and it was
22 sealed, initialed, and dated. So when we receive
23 the evidence, we take it on a said-to-contain, which
24 means whatever they said when they brought it in is
25 what it is supposed to contain.

1 Now, I do know, when the analyst opens that up
2 and they do what they need to do, they will put a
3 swab, so to speak -- say -- say, they took the swab
4 from something. They will put it in that envelope
5 and seal it, initial and date it. So that is
6 something the analyst would have done. I have no
7 idea what it is.

8 Q. So the plastic box that I'm referring to, it
9 has something inside of it, doesn't it?

10 A. Looks like it. But I don't know what it is.

11 Q. And it has a number on it, doesn't it?

12 A. Yes, it does.

13 Q. What is the number?

14 A. The same lab number, L17-11532.

15 Q. Is -- is there -- so is there any designation,
16 by number, as to what that is other than it's from
17 the same lab -- has the same lab number as the other
18 items?

19 A. It has -- just by looking at this, it has the
20 analyst who worked it. It's got her initials and
21 date that she worked it. So it is a piece of
22 evidence that goes with something in this container.

23 Q. And the only one that would actually know what
24 that is, is whoever the analyst is?

25 A. That is correct.

1 Q. And who was the analyst, based on the initials?

2 A. It looks like Verona Herrera. That looks like
3 a VTH, does it not?

4 Q. I can't testify, ma'am. They won't let me.

5 A. Yes. That's a VTH on 7/28/17.

6 Q. Okay.

7 In that these are in one package, is that an
8 indication that it's going to go to a separate part
9 of SLED for testing? Doesn't mean anything like
10 that?

11 A. If it is in the same package, it goes to the
12 same department.

13 Q. Which might be serology or --

14 A. DNA. In this case, that is DNA.

15 Q. Okay.

16 MR. WILLIAMS: That's all the questions I have,
17 Your Honor.

18 THE COURT: Any redirect?

19 MS. RAYMER: No, Your Honor.

20 If we could, please excuse this witness from
21 her subpoena.

22 THE COURT: You may step down.

23 Any objection?

24 MR. WILLIAMS: No objection, Your Honor.

25 THE COURT: You're excused. Have a nice day.

1 Thank you.

2 MS. WEISS: State calls Investigator Page
3 McCraw.

4 PAGE MCCRAW

5 being first duly sworn, testified as follows:

6 THE WITNESS: I do.

7 THE CLERK: Have a seat, please. Once you're
8 seated, you can remove your mask.

9 State your full name, spelling your last.

10 THE WITNESS: My name is Page McCraw. And
11 that's P-A-G-E and last name is M-C-C-R-A-W.

12 DIRECT EXAMINATION

13 BY MS. WEISS:

14 Q. Investigator McCraw, can you tell us what your
15 role is at the West Columbia Police Department?

16 A. My main title is crime scene investigator. But
17 currently, I do both jobs, which is crime scene and
18 evidence.

19 Q. Okay. And when you say you do evidence, can
20 you explain what that title is?

21 A. Yes, ma'am, which is the job that Jan
22 Otterbacher was doing until she retired. Prior to
23 her retiring, I basically assisted her in everything
24 that -- logging in evidence, taking in evidence, and
25 carrying it to SLED. Basically, our job is the

1 custody and control of the evidence and the security
2 of it.

3 Q. Okay. So now that Jan has retired, are you
4 the -- the evidence custodian for -- primary
5 custodian for West Columbia?

6 A. Yes, ma'am.

7 Q. And you also do crime scenes?

8 A. Yes, ma'am. My crime scene is during the day.
9 As the investigators told you, they work 4:00 to
10 midnight. And from midnight to 12:00, they're still
11 on call -- I mean, midnight to 6:00, they're still
12 on call. From 6:00 to 8:00, I go on call in the
13 mornings, and then I work will 4:30.

14 Q. Okay. Back in July of 2017, what was your role
15 at the West Columbia Police Department?

16 A. I was doing crime scene and assisting Jan in
17 evidence.

18 Q. And we've gone through a lot of the evidence in
19 this case, things that were taken to SLED and
20 brought -- taken -- put in West Columbia, taken to
21 SLED, brought back. And a lot of those, Jan
22 testified earlier, had her name on it. Would you
23 have been with her when she went to those places?

24 A. Yes, ma'am. Part of my job was the -- Jan is a
25 civilian, so she doesn't have a police car. And

1 since I'm police-certified, any type of gun, money,
2 drugs, anything that goes to SLED, I ride her --
3 drive her over there. I'm right beside her, helping
4 her log it in, and she just puts her initials on it.
5 So I'm right there.

6 Q. Okay. And that was true in 2017 as well?

7 A. Yes, ma'am.

8 Q. Okay. On July 28th of 2017, that was early, I
9 guess, on a Friday morning. Were you working that
10 day?

11 A. I came in that morning, yes, ma'am, at 8:00.

12 Q. Okay. And do you recall anything being brought
13 into the evidence room?

14 A. I recall -- recall several items being logged
15 in, yes, ma'am.

16 Q. Okay. And how are the decisions made as far as
17 what needs to go to SLED immediately to be analyzed
18 and --

19 A. The seriousness of the crime. And SLED allows
20 us at least five items to be sent at one time for
21 them to test those items.

22 Q. Okay. And how is that decision made?

23 A. On the seriousness and with the investigator --
24 with him being at the crime scene, he would try to
25 make the -- on some of the most important pieces, of

1 which pieces need to go that had most value for
2 evidence on it.

3 Q. Okay. And so once he determined what had best
4 potential for evidence on it, what did you and --
5 what did you and Jan Otterbacher do next?

6 A. We would sign those items out and we would
7 carry those straight to SLED. And then they have
8 a -- I can't remember. I know they changed.

9 But, at one point, you'd go to a desk and sit
10 with one of their evidence technicians, which would
11 have been Jackie or Ms. Doty, or there's two other
12 ladies. So you would need to sit there.

13 But now they have a prepackaging area that we
14 have to package them. We timestamp them and log
15 them in and put them in lockers and lock that
16 locker. And that's when -- they'll -- they'll go
17 get those lockers, get our items out, and that's
18 when they log them in to their system.

19 Q. Okay. And do you have the West Columbia
20 property report --

21 A. I do. Yes, ma'am.

22 Q. -- to refer to?

23 Did you print that out?

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

25 Q. Okay. And how does information get on that

1 report?

2 A. We log in to a computer. I have my own log-in
3 and Jan had her own log-in. But I log in and the
4 computer recognizes me, that I'm on that system.
5 And I can go in and I can only have access to that
6 property section.

7 Q. And the items that are in the courtroom today,
8 have they been in your custody ever since they were
9 taken out of the evidence room?

10 A. Yes, ma'am. I have a record of any time
11 they're signed in or signed out and where they go.

12 Q. Okay. Based on that, is there a pink cell
13 phone in property right now?

14 A. No, ma'am.

15 Q. Okay. Was there ever a pink cell phone in
16 property?

17 A. Doesn't appear to be. No, ma'am.

18 Q. Do you also have the SLED evidence form?

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

20 Q. I'm going to show you State's Exhibit 11. Can
21 you identify this exhibit?

22 A. Yes, ma'am. It's got our case number and it's
23 got our tag numbers. It's two items. The
24 Item 15513 is paper towel from kitchen table,
25 possibly containing suspect semen and victim saliva,

1 and Tag No. 15514 is a bottle of Awesome cleaner
2 from the kitchen floor.

3 Q. Okay. And can you tell, from your log, when
4 that box was received back into the evidence room?

5 A. Yes, ma'am.

6 Q. When was that?

7 A. All right. For both those items, they went up
8 to SLED on 7/28 at 1622 p.m. They returned on
9 September 5th of -- at 1544, which is 3:44 p.m.
10 That was on the paper towel.

11 And the bottle of Awesome was signed out to
12 SLED on 7/28, 1622 p.m., which is 4:22 p.m., and
13 then it was signed back in on September 5th at
14 1546 p.m., which is 3:46 p.m.

15 Q. Okay. And you say September 5th. Is that also
16 2017?

17 A. Yes, ma'am. That's correct.

18 Q. Since they were signed back in to the evidence
19 room at the West Columbia Police Department, were
20 they -- was that box checked out again?

21 A. No, ma'am. It was never checked out.

22 Q. So has any -- has it been in anyone's custody
23 other than yours or Jan Otterbacher's --

24 A. No.

25 Q. -- since that time?

1 A. No, ma'am. It's been in the evidence room.

2 Q. Okay. And can you tell, by looking at that
3 box, who the last person was to open that box?

4 A. Yes, ma'am.

5 Q. Who was it?

6 A. Myself.

7 Do you want me to tell you the date?

8 Q. Sure.

9 A. I put my initials and the date any time I open
10 or seal something -- or seal it. Excuse me. And
11 that was on 4/13 of '21.

12 Q. Okay. Why did you open that box?

13 A. I opened it for the defense attorney and
14 yourself to view the items of evidence.

15 Q. And did you leave those items of evidence once
16 you had opened that box?

17 A. Yes, ma'am. I wore gloves.

18 Q. Did you leave the items of evidence?

19 A. They're in the box.

20 Q. Did you leave them -- did you leave the room
21 and leave them --

22 A. Oh, no, ma'am. They're in my custody and
23 control. Sorry. They stay in my presence the whole
24 time.

25 Q. Can you open the box for us today?

1 A. Yes, ma'am.

2 Sorry.

3 Q. You can stand up if you need to.

4 A. Oh, I'm good.

5 Q. So what is in that box?

6 A. That will be the two items. And these are our
7 packagings that we put them in that we send to SLED.
8 And it has the investigator's name and time and date
9 and what the item is.

10 Q. Okay. Hold on, Detective. Just one minute.

11 Okay. You have what's been identified as
12 State's Exhibits 91 and 92. Do you recognize those
13 packages?

14 A. Yes, ma'am.

15 Q. Using the number that I just put on there, can
16 you tell us which one is which item?

17 A. Number 91 is the paper towel from the kitchen
18 table.

19 Q. Okay. And you said that is one of your
20 evidence bags?

21 A. Yes, ma'am, that's correct.

22 Q. How do you know that?

23 A. These are our evidence bags that we use. And,
24 plus, it has a seal on it. And Investigator Morris,
25 he collected that item.

1 Q. And what's inside the bag?

2 A. It's the paper towel from kitchen table
3 possibly containing suspect's semen and victim's
4 saliva.

5 Q. And is that what is actually inside the bag?

6 A. It's in SLED packaging.

7 Q. Can you just pull that out?

8 A. Yes, ma'am.

9 SLED puts the white paper on it --

10 Q. Okay.

11 A. -- to contain any other evidence.

12 Q. Gotcha. You can put it back in.

13 And what's in the second bag? And what number
14 is it?

15 A. Second bag is the bottle of Awesome cleaner
16 from the kitchen floor.

17 Q. And what's the number?

18 A. That's Number 92.

19 Q. Okay.

20 A. And then Investigator Morris also entered that
21 into evidence.

22 Q. Okay. And is that your packaging?

23 A. Yes, ma'am, it is.

24 Q. That's how it was entered into evidence at West
25 Columbia?

1 A. Yes, ma'am, in a paper bag.

2 Q. And what's inside the paper bag?

3 A. Bottle of Awesome, and also in SLED's
4 packaging. And they put their numbers on it.

5 Q. Okay. And can you unwrap that?

6 Was there a time when you assisted Investigator
7 Morris in obtaining a buccal swab in this case?

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

9 Q. Okay. Would you please tell us about that?

10 A. I don't have the paperwork in front of me. But
11 I do distinctly remember that he and I went to the
12 Lexington County Detention Center.

13 Q. Okay. And who did you obtain a buccal swab
14 from?

15 A. We met with the defendant. I believe it was
16 going to be --

17 Q. Hold on.

18 A. -- Mr. Craig Cooper.

19 Q. Okay.

20 I'm going to show you State's Exhibit 6.

21 A. Can I refer to my supplemental, if you have a
22 copy of that?

23 Q. Sure.

24 A. I can probably just go by this, if I need to.

25 Q. Okay.

1 A. I do know that we went to the jail and we met
2 with the -- with his attorney, along with
3 Investigator Morris and myself. They were able to
4 get a room to the side and we were able to get
5 buccal swabs from Mr. Craig Cooper. And, at that
6 time, I wore gloves, a mask. And the buccal swab is
7 just of the cheek on the inside of the left and
8 right cheek, and that's what this is.

9 Q. Okay.

10 A. And then so I sealed it and wrote his name, my
11 name in front of him and his attorney. I sealed
12 everything, put it in these bags, sealed it, and
13 initialed it and filled it out.

14 Q. Okay. And is that what's on those bags?

15 A. That's correct.

16 Q. Okay. Do you have -- it has your initials on
17 it?

18 A. It does.

19 Q. Can you tell from the bags when you put it into
20 evidence?

21 A. 3/9 of 2018.

22 Q. Okay. Thank you.

23 And that's State's Exhibit 6.

24 Would you have put it back into evidence the
25 same day that you took the buccal swab?

1 A. Yes, ma'am. I can probably tell you the exact
2 time.

3 Q. And as far as the SANE kit or the CSC kit that
4 we heard about earlier, what is your procedure for
5 getting those kits from the SANE nurses after you've
6 had an exam done for your department?

7 A. Every Tuesday, law enforcement picks up at
8 11:00. And I usually pick those up since Jan is not
9 certified and I'm police-certified. I pick those up
10 on Tuesday. I picked it up -- I think it was five
11 minutes before 11:00. And then we either take those
12 back or either we take them straight to SLED. And I
13 had taken it straight to SLED.

14 Q. Okay. State's Exhibit 49, do you recognize
15 this?

16 A. Yes, ma'am, I do. It's the CSC kit.

17 Q. And, obviously, that's a piece of paper. So
18 that's not --

19 A. Yes, ma'am.

20 Q. -- the CSC kit.

21 But it's a photocopy --

22 A. Yes, ma'am.

23 Q. -- of -- what is it a photocopy of?

24 A. Of the CSC box. And the back of the box has
25 chain of custody. And the front of the box has West

1 Columbia's case information and victim's name.

2 Q. Okay. And you said you typically go around
3 11:00 on Tuesday. That's when law enforcement goes?

4 A. Yes, ma'am.

5 Q. And do they -- so how do you go about
6 retrieving the box?

7 A. So I let them know I'm coming, and they have to
8 buzz me in the room. And I'm there to pick up a CSC
9 kit. So I meet one of the nurses that were here
10 earlier. And she goes to the locked room and brings
11 the kit back. And she signs and then I sign. And
12 we put our date and time on it --

13 Q. Okay.

14 A. -- which is chain of custody.

15 Q. And is your name on that?

16 A. It is, yes, ma'am, for August 1st, 2017, at
17 10:55 a.m.

18 Q. Okay. And you said -- what did you do with
19 that immediately after you left?

20 A. I was going to see -- normally, for a chain of
21 custody, we either take it to SLED or either -- if
22 it doesn't have to go straight to SLED, then we'll
23 come and log it in and put it in the refrigerator.

24 Q. Do your notes reflect what you did with it?

25 Would it refresh your memory to see the chain

1 of custody from SLED?

2 A. Yes, ma'am.

3 So we took it to SLED on August 1st, 2017. And
4 they logged it in at 1:36 p.m.

5 Q. Does that stay in your custody from the time
6 you leave the Palmetto Richland to the time you log
7 it in to SLED?

8 A. Yes, ma'am.

9 Q. And were you present when the CSC kit was
10 returned from SLED?

11 A. Yes, ma'am.

12 Q. Okay. And what's different about the condition
13 in which it's returned from SLED?

14 A. It's returned in a sealed package. It's not
15 returned in the box. And the package is -- all the
16 things that Ms. De Guzman showed is what's in that
17 bag, all the samples.

18 Q. I'm going to show you State's Exhibit 14. Is
19 that what you're describing?

20 A. Yes, ma'am. Yes, ma'am. That's correct.

21 Q. I'm going to show you State's Exhibit 13. Do
22 you recognize this item?

23 A. Yes, ma'am.

24 Q. And what is that?

25 A. That's the black-and-brown-striped skirt in a

1 SLED evidence bag, labeled Monesha Cook.

2 Q. Okay.

3 A. This is what they collected at the hospital.
4 And then once it's sent to SLED, they also send it
5 back in their sealed bag.

6 Q. Okay. And you said it's collected at the
7 hospital. Is it kept with the SANE kit?

8 A. Yes, ma'am, it is. They actually keep it in a
9 bag with the box with the rubber band, and we send
10 it off to SLED.

11 Q. Okay. So you would have picked that up at the
12 same time that you picked up the actual SANE box?

13 A. That's correct.

14 Q. And you also took that straight to SLED?

15 A. Yes, ma'am.

16 Q. Tell me about the evidence room. Can you
17 describe it for us?

18 A. Yes, ma'am. Myself and Jan had access to it;
19 we had the only keys. No one else has access to it.
20 It's small. We do have evidence that's kept in
21 there. The temperature is kept low, on a very cool
22 temperature, kind of like in here, so -- for items
23 that need to be kept at a cooler temperature.

24 Q. Okay. Is it kept at a consistent temperature?

25 A. It is.

1 Q. So it doesn't get extremely hot?

2 A. No.

3 Q. And it doesn't get freezing cold?

4 A. No, ma'am.

5 Q. So it's not, like, outside in the elements in a
6 container somewhere?

7 A. It's just kept at a very cool temperature.

8 We do have a refrigerator that's in our lab for
9 other items that have to be refrigerated. Sometimes
10 SLED will send back items such as these that has a
11 red tag on it that says needs to be in the
12 refrigerator/needs to be refrigerated. And that's
13 when we put them in the refrigerator or freeze them.

14 Q. Okay. And were these items -- did these items
15 have that designation?

16 A. No, ma'am. They just have to be kept at a cool
17 temperature to be preserved.

18 MS. WEISS: No further questions, Your Honor.

19 Please answer any questions Mr. Williams may
20 have.

21 MR. WILLIAMS: May it please the Court?

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. WILLIAMS:

25 Q. Ma'am, you were giving the date that you went

1 to the Lexington County Jail to take a buccal swab
2 from Craig Cooper. What was the date that you went
3 there?

4 A. I don't have my supplemental in front of me. I
5 could go by what's on that bag.

6 On March 9th, 2018.

7 Q. March 9th of 2018?

8 A. Yes, sir.

9 Q. Thank you.

10 Were you involved in securing a buccal swab of
11 Craig Cooper at any time before that?

12 A. Before that, no, sir.

13 Q. Now, out of curiosity, you said when you went
14 down there on that date, you wore gloves. I
15 obviously understand the gloves. And you wore a
16 mask.

17 A. I do, sir.

18 Q. Tell me why.

19 A. Because I don't want to get my DNA on someone
20 else's DNA.

21 Q. So the mask -- a person is capable of
22 influencing the DNA by what they breathe; whether
23 they could breathe DNA onto whatever sample you're
24 testing?

25 A. Sure.

1 Q. The sample that had the paper towel in it that
2 you received that you took to SLED that was tested
3 by SLED and subsequently brought back to West
4 Columbia, was that a paper towel or was it from --
5 or was it a roll of paper towels originally and then
6 it was made to a paper towel?

7 A. If you show me the package, I can show you how
8 the investigator described it.

9 Q. Could you tell from looking at --

10 A. I don't have it.

11 Q. You really don't know whether or not it was a
12 paper towel or --

13 A. I can tell you by the crime scene photos that
14 I've seen here.

15 Q. And? And the answer is?

16 A. Looks like a paper towel.

17 Q. Okay. So it looks a paper towel and not a roll
18 of paper towels?

19 A. I saw what you saw.

20 Q. Thank you.

21 A. You're welcome.

22 Q. One other question I was going to ask you,
23 you -- there's been some talk about a cell phone, a
24 pink cell phone, in the trash can. Because you've
25 been in here the whole time. That would have been

1 the alleged victim's cell phone?

2 A. Yes. I saw it.

3 Q. All right. Did y'all give that back to the
4 alleged -- to the victim? Or did -- or what
5 happened to it? 'Cause it --

6 A. I was not there on the crime scene. You would
7 have to ask Investigator Morris.

8 Q. It was clearly there, wasn't it, in the
9 pictures at least?

10 MS. WEISS: Objection, Your Honor. This is
11 asked and answered.

12 THE COURT: We need a proper response too.

13 THE WITNESS: Yes, sir.

14 THE COURT: Objection overruled. I'll let her
15 answer.

16 Go ahead.

17 BY MR. WILLIAMS:

18 Q. Do you know of anything that was done in
19 reference to that cell phone? Since you were the
20 evidence custodian, was anything done in reference
21 to that cell phone in the area that you deal with,
22 which is West Columbia?

23 A. No, sir.

24 MR. WILLIAMS: That's all I have, Your Honor.

25 THE COURT: Redirect?

1 MS. WEISS: Very briefly.

2 REDIRECT EXAMINATION

3 BY MS. WEISS:

4 Q. I'll show you -- do you recognize this
5 document?

6 A. Yes, ma'am.

7 Q. Does that help refresh your memory? I know it
8 doesn't say pink phone.

9 A. Yes, ma'am.

10 Q. How is that described?

11 A. Samsung phone from trash can outside.

12 Q. Okay. And is that still in your custody?

13 A. No. It was returned to owner on 8/25/2017.

14 Q. All right. Thank you.

15 MS. WEISS: No further questions, Your Honor.

16 MR. WILLIAMS: One follow-up question, Your
17 Honor.

18 THE COURT: Yes.

19 RECROSS-EXAMINATION

20 BY MR. WILLIAMS:

21 Q. So the event occurred on July the 28th; is that
22 correct?

23 A. Yes, sir.

24 Q. Of 2017?

25 A. Yes, sir.

1 Q. And it was returned to the owner approximately
2 a month later; is that correct?

3 A. On the 25th that I just read.

4 Q. 25th of August.

5 A. Yes, sir.

6 Q. So it was in West Columbia's possession for at
7 least a month; is that correct?

8 A. Yes, sir.

9 Q. And you said it wasn't documented in your files
10 as being a piece of evidence that was retained or
11 was taken at the time; is that correct?

12 A. I didn't see it on here because I saw two other
13 phones. So I had overlooked that.

14 Q. So it was received by West Columbia?

15 A. Right.

16 Q. And then it was just given back to -- as far as
17 you know, nothing was done with it --

18 A. Right.

19 Q. -- except given back to the owner by --

20 A. Right.

21 MR. WILLIAMS: That's all I have, Your Honor.

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

23 MS. WEISS: Your Honor, I know Investigator
24 McCraw is going to stay with her evidence. But may
25 she be excused from her subpoena?

1 THE COURT: Any objection?

2 MR. WILLIAMS: No objection.

3 THE COURT: You're excused from your subpoena.

4 Thank you, ma'am.

5 MS. WEISS: Your Honor, may we approach?

6 THE COURT: Yes, ma'am.

7 (Sidebar conference.)

8 THE COURT: All right. Ladies and gentlemen of
9 the jury and Madam Forelady, we are at a good
10 stopping point right now. So what I'm going to do
11 is let you go to lunch -- let you go to lunch and
12 ask you to be back here at 2:00. 2:00, we'll resume
13 as prompt to that time as possible.

14 As I've said throughout, do not discuss the
15 case with anyone. You're not to do any independent
16 investigation. You're to decide this case based
17 solely on evidence and testimony presented in this
18 courtroom.

19 Y'all have a nice lunch, and we'll resume at
20 2:00. Thank you.

21 (The jury exits the courtroom at 12:30 PM.)

22 THE COURT: All right. Anything from the State
23 before we break for lunch?

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

25 THE COURT: Defense counsel?

1 MR. WILLIAMS: Nothing from the defendant, Your
2 Honor.

3 THE COURT: All right. Y'all -- see you-all
4 back here at 2:00.

5 (Luncheon recess 12:31 PM - 2:01 PM.)

6 THE COURT: All right. Anything from the State
7 before I bring the jury in?

8 MS. WEISS: Your Honor, quick housekeeping
9 matter: As far as Craig Cooper, did you want to
10 deal with him later today or did you want to deal
11 with him tomorrow?

12 THE COURT: Let's see where we get as far as
13 what time y'all -- let's go ahead and finish your
14 case.

15 MS. WEISS: Oh, absolutely.

16 THE COURT: And we'll see what time it is.

17 Why don't we do it tomorrow after argument and
18 charge?

19 MS. WEISS: Yes, sir.

20 THE COURT: And that way, the jail will know to
21 have him here at a certain time and won't be kind of
22 up in the air as far as where he may be, when he
23 needs to be here, and when he needs to go back.

24 MS. WEISS: Sound good.

25 And then as far as the stipulation, do you mind

1 if I just go ahead and read that in when we get
2 started this afternoon, since it kind of falls right
3 in with these witnesses?

4 THE COURT: Okay.

5 MS. WEISS: I'll start with that.

6 And then you're good with it as it's written?

7 MR. WILLIAMS: I am.

8 MS. WEISS: Okay. Thank you.

9 THE COURT: Anything from defense counsel
10 before we --

11 MR. WILLIAMS: Nothing, Your Honor.

12 THE COURT: Let's bring the jury in, please,
13 sir.

14 (The jury enters the courtroom at 2:05 PM.)

15 THE COURT: All right. Madam Forelady, ladies
16 and gentlemen of the jury, I hope you-all had a nice
17 lunch.

18 We are ready to proceed here this afternoon.
19 Before we call the next witness, I believe the State
20 is going to read what's called a stipulation into
21 the record. That's an agreement between the State
22 and defense counsel as to a matter.

23 I'll recognize Ms. Weiss to read the
24 stipulation.

25 MS. WEISS: Thank you, Your Honor. May it

1 please the Court?

2 Stipulation 1: Lisa Chapman, a forensic
3 technician at SLED, via sealed box with a weapon
4 on -- in it, already in the evidence room, to Thomas
5 Darnell for analysis, is accepted as a chain witness
6 and does not need to appear to testify in the trial.

7 THE COURT: Any exception or objection from
8 defense counsel?

9 MR. WILLIAMS: No, Your Honor.

10 THE COURT: All right.

11 MS. WEISS: We ask this be admitted as a
12 stipulation for the trial.

13 THE COURT: So admitted.

14 Call your next witness, please.

15 MS. RAYMER: May it please the Court? The
16 State calls Doris Yarborough.

17 DORIS YARBOROUGH

18 being first duly sworn, testified as follows:

19 THE WITNESS: I do.

20 THE CLERK: Have a seat please, ma'am. Once
21 you're seated, please speak up loud and clear.

22 State your full name, spelling your last. You
23 may remove your mask.

24 THE WITNESS: My name is Doris Yarborough.
25 Y-A-R-B-O-R-O-U-G-H.

1 DIRECT EXAMINATION

2 BY MS. RAYMER:

3 Q. Good afternoon, Ms. Yarborough.

4 Where were you employed in July and August of
5 2017?

6 A. I was formerly employed with South Carolina Law
7 Enforcement Division until my retirement this past
8 year.

9 Q. Congratulations.

10 A. Thank you.

11 Q. What was your job title at SLED?

12 A. I was a forensic technician in the evidence
13 control department.

14 Q. And how long were you there?

15 A. 12 years.

16 Q. And what did that role entail?

17 A. It entailed receiving, transferring and storing
18 evidence submitted by local agencies.

19 Q. Did you handle any of the evidence in the case
20 today?

21 A. I did.

22 Q. Would seeing the chain of custody report
23 refresh your recollection in regards to --

24 A. Yes, it would.

25 Q. Can you start by telling me the process in

1 which -- starts when evidence is delivered to SLED?

2 A. The agencies submitting evidence bring it into
3 the SLED evidence area where we have submission
4 lockers. And at this time, when we're no longer
5 doing face-to-face submissions, unless it was
6 special circumstances, they would come into the
7 evidence control locker area, make sure their
8 packaging was sealed correctly with the correct
9 markings, and place it into a locker, lock. And
10 then sometime during the day, a technician like
11 myself would go into the locker room and unlock the
12 locker and take the evidence out.

13 Q. And in the report you have in front of you,
14 there's submission numbers next to the items. Can
15 you explain to me what that means?

16 A. Okay. A submission is the times that evidence
17 is brought in on a particular case. This one that I
18 handled was actually Submission No. 2.

19 Q. And can you tell me what Submission No. 2 was?

20 A. Submission No. 2 was a CSC kit, labeled Monesha
21 Cook and some clothing, a black and brown striped
22 skirt in a bag.

23 Q. And is that all that you handled in this case?

24 A. Submission No. 2.

25 Q. Was there another submission involved?

1 A. Submission No. 3 had Item No. 7, which was a
2 buccal swab from a Christopher Cooper's mouth, and
3 No. 8 was a weapon, which was a black and gray
4 Smith & Wesson handgun.

5 Q. I'm handing up what has been marked as State's
6 Exhibit No. 13. Ms. Yarborough, can you please tell
7 me what this item is?

8 A. This is Item No. 6, which was the clothing,
9 which is a black and brown striped skirt. And
10 that's indicated by the yellow label that's on there
11 that has the lab number, which is the number that
12 was given to this case when it was submitted
13 electronically. And No. 6 is the item number that
14 was designated by -- electronically.

15 Q. I'm now handing up State's Exhibit No. 14.

16 Well, before I do so, can you tell me what
17 involvement you had with that item particularly?

18 A. It was -- it came in a bag, and it was placed
19 into this heat-sealed pouch actually by the officer
20 that submitted it. And all I did was take it and
21 put the yellow label on it so it could be placed
22 into storage.

23 Q. I'm now handing up State's Exhibit No. 14.

24 A. Which, for the chain, is Item No. 5, which was
25 actually the sexual assault kit that was submitted

1 to our agency. And it is labeled Monesha Cook.

2 Now, I would have -- a CSC kit comes in a box.

3 Q. Okay. And when you get the CSC kit in a box,
4 what do you do with that box?

5 A. It is given to the hospital at the time that
6 it's needed by the law enforcement agency. The
7 nurse at the hospital is the one who takes out this
8 packaging. She uses what she needs inside that box.
9 Then she puts it back in that box, and she labels
10 that box and seals it with her initials and the
11 date. The submitting agency, being West Columbia
12 PD, brings it to SLED.

13 And I would have opened that box. I would have
14 taken this evidence out. I would have put it into
15 this heat-sealed pouch along with the label that
16 says Item No. 5 with the corresponding lab number.
17 And then the box is actually photographed from the
18 top and bottom so you can get any pertinent
19 information that was on the box. And then the box
20 is actually shredded.

21 Q. And I'm going to project what has been labeled
22 State's Exhibit No. 49. Would this be the photocopy
23 of the box as it came in?

24 A. It is. The box also -- we place that same
25 yellow number on the box.

1 Can you slide it down a little bit --

2 Q. Yes.

3 A. -- so we can see the name?

4 We make sure the name at the top matches what's
5 in the kit, and then we put a label on that box
6 before we photograph it so that you know that that
7 was the box that this was in.

8 Q. Would this be the top or the bottom of the box?

9 A. That's the top.

10 Q. And this?

11 A. And that is the back of the box.

12 Q. What do you do with that box after you've
13 removed the items, sealed them, and made photocopies
14 of --

15 A. We scan the photocopies into the case, as well
16 as the information that's submitted with it, and
17 then the box is actually shredded.

18 Q. So what do you do with the items that are
19 inside of the criminal -- the sexual assault kit? I
20 apologize.

21 A. Okay. We open the box, determine what's in it.
22 Sometimes there's blood; sometimes there's urine;
23 sometimes there's both. And they will go to the
24 toxicology department.

25 The other items that are going to DNA go into

1 this plastic pouch separately and are stored for DNA
2 purposes.

3 Q. And I noticed on here that it says refrigerate
4 kit after use. What is the purpose of
5 refrigerating -- what items in the box need
6 refrigerating?

7 A. The blood or the urine or both that may be
8 submitted at the time at the hospital.

9 Q. So it's the blood and the urine that's then
10 placed in a refrigerated section?

11 A. Correct.

12 Q. Do the DNA or the buccal swabs need
13 refrigerated?

14 A. No.

15 Q. And what other steps do you take regarding the
16 sexual assault kit?

17 A. Once it has been electronically submitted, then
18 it is scanned to a storage shelf or area until it's
19 requested by either a serologist or the DNA analyst.

20 Q. And does that complete -- so you take the items
21 out of the kit, separate them, sort them
22 essentially, label them appropriately, and then it's
23 assigned through the computer.

24 A. Right. And then we put it on a storage shelf,
25 and that shows up -- we have to actually go to the

1 shelf, scan the shelf, then -- then this bar-coded
2 label. And it shows where the custody has been
3 transferred to.

4 Q. Is there anything -- does that complete your
5 involvement with your role in the process?

6 A. Yes, it does.

7 Q. And for this item, did you have any other role
8 down the line?

9 A. I'd have to look at the chain of custody. It's
10 a possibility that I could have transferred it to
11 one of the technicians. It all -- I mean, the
12 analysts. I'd have to look at the chain of custody
13 to see that.

14 I think that ends my interaction with that
15 item.

16 Q. And I'm now handing up State's Exhibit 84.

17 A. This is a handgun that's labeled Item No. 8. I
18 wouldn't have done anything. It already is -- the
19 submitting officer puts the yellow tape on it
20 because it's already got the red tape on it. All I
21 would have done is put this label, which is the item
22 number, on there, and then I would have transferred
23 it to the shelf.

24 And it looks like at the time that it was
25 submitted, it needed to go to latent prints before

1 it went to DNA. Or actually, it goes to latent
2 prints so that they can swab it for DNA, and then
3 they create the swabs. And then they're placed back
4 to evidence control so they can go to DNA.

5 Q. I'm now handing up State's Exhibit No. 5. Can
6 you please tell me what item this is?

7 A. This is labeled Item No. 7. This was the
8 buccal swab from a Christopher Cooper. That was
9 placed into a heat-sealed pouch by the submitting
10 officer, sealed. And all I would have done is look
11 at the information that's on -- that they have, and
12 then I would have put the label on it to correspond
13 with the item for that submission.

14 Q. All right.

15 MS. RAYMER: I beg the Court's indulgence for
16 one minute.

17 No further questions for this witness.

18 Please answer any questions Mr. Williams has
19 for you.

20 MR. WILLIAMS: May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. WILLIAMS:

24 Q. Ms. Yarborough, you mentioned something, and I
25 wanted to make sure everybody understand what the

1 difference was, I guess. You said you would -- you
2 would get it prepared for a serologist or a DNA
3 analysis?

4 A. Well, if -- and you'd have to speak with them
5 more on it. Clothing items will go to serology to
6 be processed for DNA. They create the swabs, put
7 them back in the package, and then the swabs go to
8 the DNA analyst.

9 Q. So it's like one -- one group of people are
10 better at getting the DNA off material maybe?

11 A. It just kind of -- yes, sir.

12 Q. Okay.

13 A. I don't know if I'd say better. It's just a
14 step less that the DNA analyst has to do.

15 Q. All right. And then when it came to the -- to
16 the weapon there, you described that it was done,
17 and you made a point of saying that it was done
18 by -- it was examined for latent prints, then DNA.

19 A. That's the analyses that I see that were
20 requested on the submission form.

21 Q. And there's a real reason why you would do
22 latent prints before you did DNA. And tell the jury
23 why you would want to do the latent prints first.

24 MS. WEISS: Objection, Your Honor.

25 THE COURT: Sustain the objection.

1 MR. WILLIAMS: Okay.

2 BY MR. WILLIAMS:

3 Q. Do you know why they would do latent prints
4 before DNA?

5 A. I think -- I can't answer that.

6 MS. RAYMER: Objection, Your Honor. This is
7 outside of her scope of knowledge.

8 THE WITNESS: That's -- that's --

9 THE COURT: Hold on a minute, ma'am. When an
10 objection is made, you need to let me make a ruling.

11 THE WITNESS: Sorry.

12 THE COURT: You're okay. You're okay.

13 I'll sustain the objection.
14

15 BY MR. WILLIAMS:

16 Q. When you're instructed on what you do with
17 items, are you instructed to send it to a particular
18 place first, or do you make that decision where it
19 goes?

20 A. It's predetermined that if an item has a latent
21 print request and a DNA request, it's going to
22 latent print first.

23 Q. And you were never explained why.

24 A. No, sir.

25 Q. Now, one other thing I want to ask you, on your

1 forms, you have forms -- SLED is full of forms. You
2 keep up with everything, don't you?

3 A. Yes, sir.

4 Q. And -- and you were just referencing that there
5 was a -- let me -- let me ask you to look at this
6 first, make sure you understand what we're looking
7 at when I ask you the question.

8 A. Okay.

9 Q. All right. You know what it is?

10 A. Yes, sir.

11 Q. And what is that -- that form?

12 A. This is a submission form that shows it was
13 Submission No. 3, Items 7 and 8; Item 7 being the
14 buccal swab from a Christopher Cooper's mouth,
15 Item 8 being the weapon or the handgun that was in
16 the box.

17 Q. And that's what you were talking about earlier
18 when you talked about the fact that you received it.
19 And, as a matter of fact, on the back of the form,
20 it actually doesn't have a person's name. It just
21 says evidence locker, and then it's got your stamp
22 when you signed as receiving it, doesn't it?

23 A. That -- that is true. Yes, sir.

24 Q. So that kind of backs up what you were saying,
25 that you go to the evidence locker; you get it.

1 There's nobody -- the evidence locker, there's not a
2 person to sign it?

3 A. No. And -- no. That's why that -- things have
4 changed over the years like they do. Used to, the
5 submitting officer would have to sign, and then
6 there would be my name also. But since it went into
7 the locker, it just shows evidence submission
8 lockers.

9 Q. And then when it comes to -- it documents
10 exactly what you're -- what you're receiving and --
11 and -- or what you're receiving, doesn't it?

12 A. This is a submission form. There is -- I mean,
13 this is a submission receipt. There is a submission
14 form that shows what they were bringing or the --
15 I'm sorry. Let me -- we also refer to that as a
16 packing slip, which has a barcode in the top corner.
17 And when we get that packing slip with the evidence;
18 we scan that barcode, and all the evidence that's
19 already in the system populates.

20 Q. May I see that one second?

21 A. Yes, sir.

22 Q. And it's basically a two-page document,
23 correct?

24 A. Yes, sir.

25 Q. And on the front page, it actually lists who

1 the investigating officer is.

2 A. Yes, sir.

3 Q. Doesn't it?

4 A. Yes, sir.

5 Q. Who -- who the police department is?

6 A. Yes, sir.

7 Q. It lists what is requested for DNA analysis?

8 A. Yes, sir.

9 Q. From what item, a buccal swab and/or a weapon,
10 correct?

11 A. Yes, sir.

12 Q. It has a section that lists victims and
13 subjects.

14 A. Yes, sir.

15 Q. Why does it list Craig Cooper and Chris Cooper
16 and then it has two unknowns on the top of that
17 form?

18 A. When it was initially submitted as Item No. 1,
19 there was not a known suspect at the time. So when
20 I -- the second submission was created and they had
21 names, those names were added as suspects along with
22 the victim's name.

23 Q. So you don't have two other people you're
24 checking out at that time, even though it has, like,
25 unknown, unknown, then Chris, and then Craig? You

1 don't have two other people that you're checking
2 out?

3 A. No, sir. They don't take the names off as they
4 come in. It's not uncommon to not know who a
5 suspect is when evidence comes in.

6 Q. So -- so you basically just keep a running log
7 of everything --

8 A. Correct.

9 Q. You don't really go back and change anything?

10 A. No, sir.

11 Q. You've got, like, a running deal, and you just
12 add the names to it?

13 A. Yes, sir.

14 Q. And does Amy Stephens do the same type of work
15 that you do?

16 A. She did.

17 Q. She's doesn't do it anymore?

18 A. She's not there anymore either. She's moved
19 on.

20 Q. Uh-oh.

21 Thank you, Ms. Yarborough.

22 A. You're welcome.

23 THE COURT: Any redirect?

24 MS. RAYMER: No redirect, Your Honor. We would
25 ask that this witness please be excused.

1 THE COURT: Ma'am, you can step down.

2 THE WITNESS: Thank you.

3 THE COURT: Thank you.

4 Any objection to her being excused,

5 Mr. Williams?

6 MR. WILLIAMS: No objection, Your Honor.

7 THE COURT: You are excused. You have no
8 further responsibility here. Have a nice day.

9 THE WITNESS: Thank you.

10 MS. RAYMER: May it please the Court? The
11 State calls Thomas Darnell.

12 THOMAS EDWARD DARNELL

13 being first duly sworn, testified as follows:

14 THE WITNESS: I do.

15 THE CLERK: Have a seat, sir. Once you're
16 seated, you may remove your mask.

17 State your full name, spelling your last,
18 please.

19 THE WITNESS: My name is Thomas Edward Darnell,
20 D-A-R-N-E-L-L.

21 DIRECT EXAMINATION

22 BY MS. RAYMER:

23 Q. Good afternoon.

24 A. Good afternoon.

25 Q. Where were you employed in July and August of

1 2017?

2 A. I'm employed and -- and was employed back then
3 at the State Law Enforcement Division. I'm in the
4 forensic laboratory within the latent print --
5 fingerprint department.

6 Q. And what was your role -- what did -- what did
7 your role entail when you were in that position --
8 are in that position?

9 A. I am a latent print examiner. And what that
10 means is that I process evidence that's brought into
11 the laboratory to determine if there's any usable
12 fingerprints that might be present on the evidence
13 itself.

14 Q. I'm handing up State's Exhibit 84. Can you
15 please identify this item?

16 A. Yes, I can.

17 Q. And what was your involvement with this item?

18 A. State's 84 is a Smith & Wesson semiautomatic
19 pistol that came into my -- to my laboratory. And I
20 was assigned to the case, and I was asked to process
21 it for latent fingerprints.

22 Q. I'm handing up what's been labeled State's
23 Exhibit No. 7.

24 A. State's 7 is an envelope that contains some
25 swabs that I made or collected from the pistol,

1 which what I was doing was collecting what might
2 determine to be DNA on the pistol itself. So
3 basically, I was asked to do two things: I was
4 asked to collect any DNA that might be present and
5 to process it for latent -- latent prints.

6 Q. When you're asked to do both of those things,
7 which one do you do first?

8 A. Well, I -- I typically do the swabs first. But
9 actually, what I do is as I take -- in this case, I
10 took the pistol, and I did -- I do a visual
11 examination, looking at the pistol to see if I can
12 see -- sometimes you can actually see the -- see the
13 prints on the -- on the evidence. That's what I
14 would have done in this case.

15 And then once I determined that there was
16 nothing visible, I then swabbed certain areas of the
17 pistol and -- for DNA determination by the DNA
18 analyst. In this case, I swabbed the trigger, the
19 grip, and parts of the slide on the pistol.

20 Q. Mr. Darnell, will you please show the jury the
21 gun? In the box is fine or if it's easier to show
22 out of the box.

23 Sorry. Let me get you some gloves before you
24 touch it. I apologize.

25 THE COURT: Ladies and gentlemen of the jury,

1 State's No. 7, I believe it is, the firearm --

2 MS. RAYMER: 84 is the actual firearm, Your
3 Honor.

4 THE COURT: I'm sorry. 84. It has a lock on
5 there, an installed lock on that firearm. Okay?

6 You may continue.

7 THE WITNESS: This would be the pistol that I
8 processed back in August of -- August of 2017.

9 BY MS. RAYMER:

10 Q. And can you walk us through what your process
11 would have been with this gun at that time?

12 A. Yes. The first thing I -- I did was I did a
13 visual examination using a lighted -- strong light
14 and a magnification light. And I looked for -- to
15 see if there's any prints that might be visible on
16 the gun itself. I did not see any at the time. So
17 then what I did was I took a dry swab, a sterile
18 swab, and I swabbed the trigger. I swabbed the
19 textured part of the grip, and I swabbed portions of
20 the slide. I swabbed those for DNA.

21 And then -- and then once I completed that,
22 then I would -- I would -- I fumed it with superglue
23 with a fuming technique that we use, and then I used
24 a fluorescent dye stain to spray onto the weapon.
25 And then I look ed at it under an alternate light

1 source to see if I could find any prints on the gun.

2 MS. RAYMER: And, Your Honor, at this time, I
3 would move to enter Exhibit No. -- State's
4 Exhibit 84 into evidence.

5 THE COURT: Any objection?

6 MR. WILLIAMS: No objection, Your Honor.

7 THE COURT: Without objection, so admitted.

8 (State's Exhibit No. 84 admitted into
9 evidence.)

10 BY MS. RAYMER:

11 Q. And were you able to find -- what were the
12 results of the swabbing of the gun?

13 A. From the -- when I swabbed the -- the gun, I
14 actually packaged those up in State's 7. And then
15 this -- this container was transferred to our log-in
16 department and, ultimately, this container went on
17 to the DNA analyst for further examination.

18 Q. And were you able to lift any latent prints
19 from the gun?

20 A. As far as on the -- on the gun itself, on the
21 weapon, the result was no value for comparison. And
22 what that simply means is that I was able detect
23 prints, but just was not enough detail to be able to
24 compare it to anyone.

25 Q. Is that unusual, to not find anything of value?

1 A. It's -- it's not at all. In fact, more often
2 than not, I -- I come up with a no value result. So
3 it's -- it's not uncommon to process evidence and
4 not get useful prints. And there are several
5 reasons as to why that might be. But that's not an
6 uncommon result.

7 Q. What are those reasons, that it's more often
8 than not that you wouldn't find a usable print on a
9 firearm?

10 A. Well, basically, a -- the impression that's
11 left behind on a surface is about 99 percent
12 moisture, which comes from the pores of your skin.
13 Whenever you touch something, you're going to
14 leave -- might be that impression on the surface.
15 It just depends on things like the condition of the
16 surface that you touch. It depends on how you touch
17 it. It depends on -- if something comes in contact
18 with it, it could actually obliterate any -- any
19 prints that might be there because fingerprints,
20 when you leave it on a surface, they're -- they're
21 extremely fragile.

22 So there are lots of variables as to why you
23 don't get -- why you might not get usable prints on
24 an item of evidence.

25 MS. RAYMER: I beg the Court's indulgence.

1 No further questions from the State for this
2 witness.

3 MR. WILLIAMS: May it please the Court?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Is it Agent Darnell?

8 A. That's fine. Yes, sir.

9 Q. Are you, like, a lieutenant?

10 A. I'm a retired lieutenant. How about that?

11 Q. That's what I thought. That's what I thought.

12 So can I call you Lieutenant Darnell?

13 A. That's fine.

14 Q. Lieutenant Darnell, as I understood what you
15 did, you had the gun, and you also had -- did you
16 have the magazines there with you?

17 A. No, sir. When I received this pistol, there
18 was no magazine with it and there was no cartridges
19 or no bullets with it. All I had was the pistol
20 itself.

21 Q. So there was no request to do any type of
22 forensics, any type of fingerprints, or any type of
23 DNA off the magazines that were -- if there were any
24 with the gun?

25 A. Had it been there, I -- I would have completed

1 whatever request that the agency would have asked
2 for. But in this case, there was no magazine
3 with -- with the weapon.

4 Q. Would it have been more likely that there would
5 have been prints on the magazine versus the gun if
6 the magazine was in the gun?

7 A. Well, I can say, I mean, I -- I have gotten
8 prints on magazines before, just as I have gotten
9 prints on the guns before. So, you know, to say
10 whether the chance is greater to get a print on a
11 magazine versus a gun, I really couldn't say which
12 would be greater. But I have gotten prints on both.
13 Yes, sir.

14 Q. And I believe in this particular case, I think
15 you've already told the jury that, basically, you
16 look at it under a light to see visually what you
17 could see. And having not seen something at that
18 point in time, you decide to go ahead and do the
19 swabs to check for DNA; is that basically correct?

20 A. That's correct.

21 Q. Were you concerned at any point in time what
22 would happen if you had sprayed the gun with the
23 glue and then took the fingerprints off? Were you
24 concerned that they would be affected in any way?
25 Because you'd already taken the DNA, right, so it

1 didn't matter.

2 A. Right. I was -- I was just swabbing --
3 basically, I was swabbing areas that I did not
4 detect any prints from visually examining the
5 evidence, and then I swabbed areas that are -- that
6 are not conducive to latent prints. Like, the grip
7 has a got a textured surface to it, so that was why
8 I swabbed the textured areas of the -- of the gun.

9 But I -- I try -- you know, anytime you get a
10 request to do more than one examination, you've got
11 to try to take it to the next level and determine
12 which -- which might give you the best chance to get
13 some evidence. So that's what I have -- that's the
14 approach I have to take.

15 Q. I gotcha.

16 And this may sound silly. Did you wear a mask
17 when you -- when you checked the DNA? Meaning, did
18 you wear -- did you physically put on a mask when
19 you took the swab and swabbed the pistol for the
20 DNA?

21 A. I probably did not have on a mask, but I have
22 on -- I wear a laboratory coat. We wear latex
23 gloves. And we -- we have a room in our laboratory
24 that's referred to as the clean room. In other
25 words, I've got a -- I've got a designated area

1 where I do the swabbing, and there's no one else in
2 there in that same area. I'm -- I'm the only one in
3 that area.

4 And then once I complete the swabbing process,
5 I'll take them and put them under a hood, which
6 allows them to air dry at that point.

7 Q. So the only DNA you could have imparted would
8 have been your own DNA. It wouldn't have been
9 somebody else's, if you could, by breathing on it?

10 A. Well, you know, actually, with the -- with the
11 amount of evidence that we process in the
12 laboratory, we actually do have our DNA profiles on
13 file at SLED in the event we accidentally leave our
14 DNA on something.

15 Q. Because -- I'm sorry. Go ahead. I cut you
16 off. I didn't mean to.

17 A. No. I was just saying that we -- we have our
18 profiles on file at SLED in the -- in the event that
19 we inadvertently leave our DNA on something.

20 Q. Because it could happen very easily.

21 A. Well, you know, it doesn't -- I've been doing
22 this for probably 35 years, and I've -- I've
23 probably had three or four cases where I -- I left
24 my DNA on something.

25 But -- but I'm handling evidence, all sorts of

1 evidence, all day long, and we take -- we do take
2 necessary precautions not -- for that not to happen.
3 But to say it doesn't happen, I mean, sometimes it
4 does happen. But it doesn't happen very often.

5 Q. Are you retired now?

6 A. Actually, I'm still working at SLED.

7 Q. It's good to hear that.

8 Thank you, Lieutenant. Good seeing you.

9 THE COURT: Any redirect?

10 MS. RAYMER: Nothing from the State, Your
11 Honor. If we could please excuse this witness from
12 his subpoena.

13 THE COURT: Any objection?

14 MR. WILLIAMS: No objection, Your Honor.

15 THE COURT: Sir, you're free to go. Have a
16 nice day.

17 THE WITNESS: Thank you. You too.

18 MS. WEISS: Your Honor, may we approach real
19 quick?

20 (Sidebar conference.)

21 THE COURT: Call your next witness, please.

22 MS. WEISS: May it please the Court? The State
23 calls Verona Herrera.

24 VERONA HERRERA

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Have a seat. Once you're seated,
3 you may remove your mask. You need to speak up loud
4 and clear.

5 State your full name, spelling your last.

6 THE WITNESS: My name is Verona Herrera,
7 H-E-R-R-E-R-A.

8 DIRECT EXAMINATION

9 BY MS. WEISS:

10 Q. Good afternoon, Ms. Herrera. How are you?

11 A. I'm well. And you?

12 Q. Good.

13 Where are you currently employed?

14 A. DHEC or the South Carolina Department of Health
15 and Environmental Control.

16 Q. How long have you been employed there?

17 A. Approximately a year and a half.

18 Q. Prior to that, where were you employed?

19 A. South Carolina Law Enforcement Division or
20 SLED.

21 Q. What was your position there?

22 A. Forensic serologist in the DNA section.

23 Q. How long were you a forensic serologist at
24 SLED?

25 A. I worked with SLED for approximately 12 years.

1 I was a DNA serologist for approximately the last
2 seven or eight years.

3 Q. Will you please tell this jury what a DNA
4 forensic serologist is?

5 A. Sure. There's kind of two sections to
6 serology.

7 One is getting larger pieces of evidence, such
8 as bed linens, clothing, guns, car parts, and those
9 items of evidence, usually looking for body fluids,
10 such as blood, semen, or saliva or touch DNA, which
11 is trying to collect the skin cells where someone
12 had touched that item.

13 There's also the aspect of, like, swabs or very
14 small amount of fabrics that may be submitted to the
15 laboratory that we would just test for just the
16 specific body fluid of interest. We wouldn't have
17 to look at the entire item. It would just be a
18 small portion that they send to us.

19 Q. And so what do you do when you get those larger
20 pieces of evidence or you're asked to swab these
21 fabrics?

22 A. First, we would -- depending on the substance
23 we're looking for, we do a visual exam. If
24 necessary, an alternate light source may be utilized
25 to determine the areas that we would need to see to

1 test. And then there's a quick color change test
2 for semen and one for blood. If we think those --
3 those areas appear to be that substance, we can test
4 it for that quick color change test. If that is
5 positive, then we would send it for further testing.

6 Q. Okay. And we've been talking a lot about chain
7 of evidence from intake all the way -- all the way
8 through. So when an agency brings objects to SLED
9 and it goes through intake, are you typically the
10 step after intake?

11 A. Yes. Usually, I am.

12 Q. Okay. And how is it determined if there's a
13 piece of evidence that's going through you and
14 through your eyes or if it's something that's going
15 directly to a lab within the agency?

16 A. It depends on what the request for the item is.
17 It also depends on what type of item it is. If it's
18 just a swab for touch DNA, it would go directly to
19 the DNA analyst because there's no testing that
20 needs to be performed to determine whether it would
21 be tested.

22 If it is a piece of clothing or a larger item
23 that's not basically about the sheet -- the size of
24 a sheet of paper, then there's no room for the DNA
25 analyst to process it. That's the reason it would

1 come through me.

2 Also, if swabs need to be tested for semen,
3 saliva, or blood before the DNA analyst could run it
4 on their machines, I would also do that testing.

5 Q. You said tested for saliva, semen, blood. Do
6 you do rule out/rule in testing, or do you do more
7 the actual DNA analysis?

8 A. No. I'm -- I'm more of a weed-out step, I
9 guess you could say. If -- if a substance that
10 appears to be blood is on a swab and it's sent to me
11 and it does not test positive for the chemical test
12 that we would do, then that would not go forward to
13 DNA for a DNA profile to be developed because the
14 substance of interest was not there.

15 Q. And is there a limit to the number of items
16 that a -- that an agency can bring at one time to
17 SLED for one case?

18 A. At the time of this case, there were some
19 limits in place based on the -- the case type. The
20 situation for most cases, it's a limit of five items
21 to begin with plus any standards. And a standard is
22 basically a swab from the inside of the cheek that
23 we know it came from that person for comparison. So
24 they can bring as many standards as they would like,
25 but we usually limit it to five items of evidence on

1 a violent crime.

2 CSC kits -- or CSC cases is usually the CSC kit
3 and any buccal swabs or standards, as I was talking
4 about. If there was reason to believe evidence
5 could be on clothing, due to the case scenario,
6 sometimes we'll take extra clothing or something.

7 Q. And why would you limit -- or try to limit
8 things to five pieces of evidence to begin with?

9 A. SLED does most of the processing of evidence
10 for a -- crime scene evidence for the State.
11 There's a few regional labs that do just their area.
12 But, for the most part, SLED does the entire state's
13 testing. We could not, with the resources that we
14 had, test every piece of evidence from every crime
15 scene that came, if the evidence came to SLED.

16 So we started out by limiting to basically,
17 say, five pieces of evidence. If there's -- no
18 correlations were made between a possible suspect
19 and either the scene or victim, then the agency was
20 allowed to submit five more items. And it would
21 continue that way until either all the evidence was
22 exhausted or a correlation was made with a possible
23 suspect and either the victim or the scene.

24 Q. And were you involved in working with some of
25 the agencies, helping them to understand what might

1 be useful to submit to SLED versus what may not be
2 as useful in determining those five pieces?

3 A. Sometimes I would help assist the agency just
4 based on the case scenario of what happened at the
5 crime, what might be the better pieces of evidence.
6 Sometimes the agencies were well versed in that,
7 and -- and they'd just send it on their own.

8 Q. If you were explaining to an agency or trying
9 to help them go through a pile of evidence, what
10 would you be looking for? How would you describe
11 that?

12 A. Basically, anything that you think the subject
13 may have blood -- may have bled on or their clothing
14 that may have victim blood on it. Blood, semen,
15 saliva are some of the best evidence, just because
16 those hold a lot of body -- of cells that have a lot
17 of DNA. Touch DNA is like -- that is where you
18 touched a surface or you wore an item or you handled
19 a pen, maybe who drove the car. You could swab the
20 steering wheel. Those don't tend to produce as
21 great results just because it's much more limited
22 sample size than, say, where someone bled on the
23 carpet or on a piece of clothing. That tends to
24 have more usable DNA.

25 Q. And is it important to understand the crime

1 scene and the allegations of the crime to be able to
2 go through and figure out those five pieces that are
3 most likely to give you those results?

4 A. It's helpful to know that. It's not absolutely
5 necessary. We could speak in generics and then let
6 the agency determine based on their knowledge. But
7 it tends to be easier for them to give us a quick
8 synopsis and then us advise them on the area --
9 items that were collected that might be best sent to
10 the lab.

11 Q. In your years of experience, have you ever
12 experienced an agency trying to bring in, like, an
13 entire bedroom suite or multiple mattresses and
14 mattress pads and everything?

15 A. Oh, yes, many times.

16 Q. And what normally happens at that point?

17 A. Based on the guidelines at the time, anything
18 more than the five items would be sent back with the
19 agency when they tried to submit it. They would be
20 assisting in picking out the best evidence of what
21 they had with them, and then anything over the five
22 items in the case provided from the -- would be sent
23 back to the agency to house.

24 Q. So in your evidence room, you have -- we've
25 talked about shelves. And do you also have

1 refrigerators in the evidence room?

2 A. There are refrigeration areas, yes.

3 Q. For the majority of the evidence that you
4 receive at SLED, does it need to be kept in a
5 refrigerator?

6 A. It depends on the -- the type of evidence.
7 Liquids such as blood, urine, or foods would need to
8 stay frozen or refrigerated. If it is a dry sample,
9 like on a piece of clothing, on a swab, a small
10 cutting, that is shelf stable as long as it's dry
11 and packaged in breathable material such as brown
12 paper bag, paper box, not sealing it in a plastic
13 bag.

14 Q. So paper bags are perfect?

15 A. Paper bags are best, yes.

16 Q. And in your experience, what most -- most
17 likely can affect the quality of the DNA samples
18 that you're looking for?

19 A. Through my training, we were told -- were
20 taught that -- sorry -- we're taught that heat,
21 humidity, UV light, such as sunlight, and then
22 moisture are the biggest things that can degrade
23 DNA.

24 Q. And is your evidence room kept at a fairly
25 stable temperature?

1 A. Yes, ma'am, it is.

2 Q. I'm going to take you to July 28th of 2017.

3 Were you working on that day?

4 A. I was, yes, ma'am.

5 Q. Do you recall a case coming in from the West

6 Columbia Police Department that day?

7 A. Yes.

8 Q. What do you recall about that case?

9 A. I was asked to expedite the testing in the
10 case, so that just meant that I pretty much stopped
11 what I was doing to work that case.

12 Q. And when you get an instruction to expedite,
13 does that mean cut corners, shortcut what you're
14 doing, just --

15 A. No, ma'am.

16 Q. -- rush through things?

17 A. No, ma'am, not at all. That means that I need
18 to stop what I'm in the process of doing as soon as
19 possible. I'm not going to jeopardize the evidence
20 in the other case, but I would stop on what I was
21 doing with any other case that I was working on as
22 soon as safe. And then I would start work on this
23 case in the normal way that I would process the
24 case.

25 It does not mean that I would only look at one

1 side of something or only look at the outside of the
2 shirt as opposed to inside and outside of the shirt.
3 It doesn't mean I would test 3 areas instead of 15.
4 It's just time management of prioritizing that case
5 over another case.

6 Q. And on January 28th of 2017, when did you first
7 get involved with this case?

8 A. You mean July? I'm sorry.

9 Q. I mean July.

10 A. Just making sure.

11 It appears that I took the evidence into my
12 custody as soon as it was logged in to our intake
13 system.

14 Q. Okay. So the person who logged it in was --

15 A. Amy Stephens Black.

16 Q. And then you said you took it immediately into
17 your custody.

18 A. Yes, ma'am. According to the time stamp, it
19 was entered into our system at 1542, and it was
20 taken into my custody at 1542. So as soon as she
21 was finished entering it into the system, it was
22 transferred to my custody.

23 Q. Would that indicate that you were waiting on it
24 to arrive?

25 A. Pretty much, yes, ma'am.

1 Q. And it says that it was hand-delivered. Was
2 that unusual -- was that unusual in those days
3 versus the evidence lockers?

4 A. I am not sure when we went to evidence lockers.
5 I don't know if we were -- they were in use at that
6 time. But if anything was coming in as an expedited
7 case, it would not go through the locker system. It
8 would have been hand-delivered to one of our log-in
9 technicians.

10 Q. Can you tell the jury what was included in that
11 first submission?

12 A. Yes, I can. There was a buccal swab from
13 Monesha Cook, a buccal swab from Jacob Cook, paper
14 towels from a kitchen table, and a bottle from
15 kitchen floor.

16 Q. And when you received those, were there any --
17 any names of suspects that came in with those?

18 A. According to the paperwork I have there, it
19 was -- it was an unknown subject.

20 Q. I'm going to show you what's been marked as
21 State's Exhibit 11, 92, and 91. Do you recognize
22 this box?

23 A. I do. This is my writing that has return
24 written there as well as my initials and the date
25 that I sealed the box.

1 Do you want me to take the items out of the
2 packing?

3 Q. Please.

4 A. Okay.

5 Q. Thank you.

6 A. I'm so sorry.

7 My name, the date, the SLED identification
8 number, and the item number is written on the
9 exterior of the packaging as well as on the paper on
10 which I processed the items.

11 Q. So when you say the paper on which you
12 processed the items, that white paper comes from you
13 and your processing?

14 A. That is correct. We spread -- spread out this
15 paper on the table in which we work. We change that
16 paper between every item, and we clean the table
17 between at least every box of evidence, but
18 sometimes between every item, depending on the type
19 of evidence.

20 Q. Would it help you to step down to have more
21 space, if you --

22 A. Oh, I'm fine.

23 Q. Okay.

24 THE COURT: What item is that? 91?

25 THE WITNESS: This is Item No. -- oh. Yes, it

1 is 91. Yes.

2 THE COURT: State's 91. Thank you.

3 THE WITNESS: And this is some paper towels.

4 BY MS. WEISS:

5 Q. And is that the -- that's the same item that
6 you put in there.

7 A. Yes, ma'am. My initials, lab number, item
8 number are on the item as well.

9 MS. WEISS: Your Honor, at this time, I'd like
10 to enter State's Exhibit 91 into evidence.

11 THE COURT: Any objection?

12 MR. WILLIAMS: No, Your Honor.

13 THE COURT: Without objection, so admitted.

14 (State's Exhibit No. 91 admitted into
15 evidence.)

16 THE COURT: For the record, what was handed to
17 this witness was State's 11, which is, at this
18 point, only the box which includes 91 and 92.

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

20 THE COURT: So the record's clear on that.
21 There's no -- I want the record clear on it. You
22 may continue. I'm sorry.

23 BY MS. WEISS:

24 Q. Okay. So you said that had a paper towel in
25 it. So what did you do once you opened -- once you

1 took that paper towel -- you took it out of that
2 plastic -- out of that paper bag, right?

3 A. That is correct, yes.

4 Q. Okay. And then you put it on that piece of
5 paper?

6 A. That is correct.

7 Q. Okay. So what do you do next?

8 A. Look at the item of evidence under what's
9 called an alternate light source, a little bit
10 similar to a black light, if you could think of it
11 that way. Areas of biological fluids, except blood,
12 fluoresce or so they glow. We would circle those
13 areas and then test the areas with the quick color
14 change test for -- for semen, since that was the
15 request on the side.

16 And if that's positive, I would take a cutting
17 of that, do further testing on that small cutting,
18 and then also send a portion of that cutting for DNA
19 analysis if it passed the other test.

20 Q. Okay. And looking at that paper towel, can you
21 tell by looking at it if you were able to identify
22 anything on it?

23 A. Sorry.

24 I did take an area -- I did cut an area.

25 Q. Okay.

1 A. I also tested other areas that were positive as
2 well for the quick color change test.

3 Q. Okay. So how many areas did you cut off to
4 send on for further testing?

5 A. One.

6 Q. I'm going to hand you what's been admitted as
7 State's Exhibit 9. Do you recognize that package?

8 A. Yes, ma'am, I do. My name, the date, as well
9 as my initials and the date, the SLED lab number,
10 which is unique, are all on the front of it. And I
11 recognize my handwriting on -- on the items of
12 evidence inside.

13 Q. So when you took -- when you cut out a piece of
14 the paper towel, is -- what would you have put it
15 in?

16 A. It would be one -- in one of these coin
17 envelopes, and it would be marked 3.1, parent item
18 of -- what we call the piece of evidence that came
19 in to us is a parent item, and that was Item 3. So
20 anything taken from that item is going to become
21 3.1, 3.2, 3.4. So we always know which -- which
22 parent item it came from.

23 Q. I'm going to hand you these scissors. There
24 appear to be multiple items in that bag that you
25 testified that, at the time, you only had the paper

1 towel and the bottle. So how -- how do those items
2 that came at different times end up in that bag? Do
3 you know?

4 A. So these are the two item -- this is the swab
5 from the bottle. This is the cutting from the paper
6 towel.

7 MS. WEISS: Your Honor, if I may stop for just
8 a minute. I want to put stickers on those.

9 (Off-the-record discussion.)

10 MS. WEISS: We'll just do those two envelopes.

11 BY MS. WEISS:

12 Q. Okay. So just talking about the paper towel
13 still.

14 A. Okay.

15 Q. We're talking about 3.1.

16 A. Yes.

17 Q. So what exhibit number is that?

18 A. 93.

19 Q. So Exhibit No. 93, is that the envelope you
20 would put it in?

21 A. That is correct. This is -- it's paper towel
22 written here. The item number identifies the paper
23 towel cutting, also has my initials and the date on
24 the back.

25 Q. And what would you do with that?

1 A. Took that for further testing for semen. So
2 another test was performed on it to see if it
3 contained other components of semen, actually two
4 other components, which are called P30, which is in
5 the liquid portion of semen, and spermatozoa, which
6 is the cellular portion of semen.

7 Q. Okay. And what were the results of that?

8 A. The cutting from the paper towel were -- was
9 positive for components of semen -- acid
10 phosphatase, which is the quick filter change test,
11 P30 and spermatozoa. And that made semen
12 identified. And then that item was forwarded to the
13 DNA section in an attempt to develop the DNA
14 profile.

15 Q. And what's in the other items of the box?

16 A. And, again, I recognize this item number, lab
17 number, initials, and date.

18 THE COURT: Number 92?

19 THE WITNESS: Yes, sir, it is.

20 Again, the same information's on the paper.

21 And then the item number, my initials, the lab
22 number here. And I swabbed this item, the trigger
23 and the handle area, in an attempt to collect skin
24 cells that would have been left from touch DNA.

25 Q. Okay. And what did you do once you swabbed

1 that?

2 A. I allowed those swabs to dry and then placed
3 them in one of the manila envelopes, like the drink
4 bottle.

5 Q. Okay. And what would you do with the bottle?

6 A. The bottle would be returned with the paper
7 towels to the agency.

8 Q. Will it go back into --

9 A. Resealed into the evidence box, resealed back
10 in the box?

11 Q. -- evidence at that point?

12 A. Yes. It would, yes, until the agency returns.

13 Q. And what number is that?

14 A. This is Item 4.

15 Q. Sorry.

16 A. Oh, I'm sorry.

17 Q. The number on this bag.

18 A. 92.

19 MS. WEISS: Your Honor, at this time, I'd move
20 Exhibit 92 into evidence.

21 THE COURT: Any objection?

22 MR. WILLIAMS: No objection, Your Honor.

23 THE COURT: So admitted.

24 (State's Exhibit No. 92 admitted into
25 evidence.)

1 MS. WEISS: And, Your Honor, I'd also like to
2 move State's Exhibit 11 into evidence, which is the
3 box that held 91 and 92.

4 THE COURT: Any objection?

5 MR. WILLIAMS: No objection.

6 THE COURT: So admitted without objection.

7 (State's Exhibit No. 11 admitted into
8 evidence.)

9 BY MS. WEISS:

10 Q. And then you said you did the swabs. And what
11 would you have done with the swabs?

12 A. This is the envelope that contains the swabs
13 after they dry. They were placed in here.

14 THE COURT: And what is that now marked?

15 THE WITNESS: This is marked 94.

16 THE COURT: Thank you.

17 THE WITNESS: And sealed. Again, my initials
18 and the date and then the item number and the lab
19 number.

20 BY MS. WEISS:

21 Q. And then what would you have done with those?

22 A. These two envelopes along with some of the
23 testing materials are sealed in this heat-seal pouch
24 and then taken back to the evidence control to await
25 the agency to pick it up -- oh, I'm sorry. These

1 were given to Jennifer Clayton, the DNA analyst, to
2 perform further testing. I apologize.

3 Q. Okay. State's Exhibits 8 and 10, I think they
4 are SLED's 1 and 2. Do you recognize these two
5 items?

6 A. Yes, ma'am, I do.

7 Q. Please tell the jury what involvement you had
8 in those two items.

9 A. I'll start with Item 1. This is the buccal
10 swab from Monesha Cook. My initials --

11 THE COURT: SLED Item 1 or State's 1?

12 THE WITNESS: It -- oh, I'm sorry. State's 10.

13 It's the buccal swab from Monesha Cook. My
14 initials are on the bottom of it where I resealed
15 it. I can also see my initials and the envelope in
16 which I put the cutting that was taken from the
17 swabs to forward to DNA.

18 BY MS. WEISS:

19 Q. Okay. And so what would you do with the swabs?

20 A. Basically just take a portion of them, prep
21 them for the DNA analyst so they didn't have to open
22 the evidence. They would already just have a small
23 cutting to work with.

24 Q. And what does prep mean when it comes to a
25 swab?

1 A. Basically just cutting a small portion of that
2 and placing it in the -- the plasticware they need
3 for their -- their testing.

4 Q. Okay. And then what would you do at that
5 point?

6 A. It would have sealed back in here and given to
7 Jennifer Clayton.

8 Q. And No. 2 or Exhibit --

9 A. Exhibit No. 8 --

10 Q. -- 8.

11 A. -- is the buccal swab from Jacob Cook. Again,
12 my initials and date; initials, date, all that
13 information on the back. And it would have been
14 treated the same way as Monesha Cook's buccal swab.

15 Q. Okay. So you would have prepped it and then
16 put it in there --

17 A. Yes.

18 Q. -- and then sent it to Jennifer Clayton.

19 A. Actually, I -- all these were handed directly
20 to Jennifer Clayton.

21 Q. Walked to Jennifer Clayton?

22 A. Yes.

23 Q. And that was everything that you had in
24 Submission 1, correct?

25 A. That is correct.

1 Q. Okay. And so as far as the rush on this case,
2 everything was hand-delivered to Jennifer Clayton to
3 start processing same way you were so she could get
4 to it as soon as possible.

5 A. That is correct.

6 Q. And you did everything you could to -- to make
7 it as easy as possible for her to start her testing.

8 A. That is correct.

9 Q. Then, at some point, did you get a second
10 submission?

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

12 Q. And what was that?

13 A. That was the sexual assault kit from Monesha
14 Cook and a skirt.

15 Q. I'm going to show you State's Exhibits -- I'm
16 going to take these.

17 Okay. I'm going to hand you State's
18 Exhibits 14, 13, and 12.

19 A. State's Exhibit 14 is the sexual assault
20 evidence collection kit or the CSC kit. Again, item
21 number, initials, lab number, date, and where I
22 sealed it on the bottom here, as well as item number
23 and lab number on the top.

24 Q. Okay. And what was the item number for SLED?

25 A. That is Item No. 5.

1 Q. And what did you do with Item No. 5?

2 A. First, I would inventory the swabs that had
3 been collected or materials that had been collected
4 in the CSC kit. Not every available collection is
5 always taken. It's dependent upon the SANE nurse's
6 understanding of the incident that happened. So I
7 would inventory what was actually collected and
8 create those sub-items or the 5.1, 5.2, 5.3. And
9 then I would test those items for the appropriate
10 body fluid or evaluate them for sending forward for
11 DNA.

12 Q. Okay. And what sub-items did you identify for
13 this?

14 A. 5.1 is vaginal swabs. 5.2 is oral swabs. 5.3,
15 rectal swabs. 5.4, miscellaneous collection swabs
16 from the left nipple. 5.5 is suspected body fluid
17 swabs from left hand. 5.6, suspected body fluid
18 swabs from the perineal area. 5.7 is a victim
19 buccal swab.

20 Q. Okay. And, at this point, 5.7 is the victim
21 buccal swab. So that's Monesha Cook's buccal swab?

22 A. Correct.

23 Q. You had received a buccal swab from Monesha
24 Cook in Submission No. 1 that you had already sent
25 to Jennifer Clayton before you ever received this.

1 So would you go ahead and repeat that test?

2 A. No, we would not.

3 Q. Okay. And why is that?

4 A. It's a standard from the same person. Their
5 DNA should not be different from the time it was
6 taken, even -- even if it's a year or five years or
7 ten years later. It's the same DNA no matter when
8 it's taken.

9 Q. And so you would have -- once you made sure
10 that a -- that the standard was able to develop a
11 profile, you've got the profile.

12 A. Yes, yes. And -- and if there had been an
13 issue with that standard that's submitted earlier,
14 this one's still there. We didn't throw it away.
15 We didn't alter it in any way. It wasn't even
16 opened. So that's available, should it be needed in
17 the future for some reason.

18 Q. And what did you do with 5.1 through 5.6?

19 A. 5.1, 5.2, 5.3, 5.5, and 5.6 were tested for the
20 presence of semen or -- or spermatozoa as well as
21 the other components.

22 Q. Okay. And what did you --

23 A. I'm sorry. And 5.4 was just forwarded to the
24 DNA section because it was, I believe, for touch
25 DNA.

1 Q. Okay. And so what did -- so you didn't process
2 that one. What did you -- on the ones you
3 processed, what did you find?

4 A. For Item 5.1, vaginal swabs, the examinations
5 for components of semen, P30 and spermatozoa were
6 negative, so no semen was identified.

7 5.2, oral swab, examination for component of
8 P30 was positive. No spermatozoa was identified, so
9 that item was forwarded to the DNA section.

10 5.3, rectal swabs, examination for component of
11 semen, P30 and spermatozoa were positive, so semen
12 was identified. The item was forwarded to the DNA
13 section.

14 5.4, the miscellaneous collection swab from the
15 left nipple, was forwarded to the DNA section.

16 Suspected body fluid swabs, left hand, the
17 examination for components of semen, P30 and
18 spermatozoa, were negative. No semen was
19 identified.

20 5.6, suspected body fluid swabs from the
21 perineal area, examine for -- examination for
22 components of semen, the P30 was negative.
23 Spermatozoa was identified, so the item was
24 forwarded to the DNA section.

25 Q. And those forwarded pieces, are those included

1 in anything that you have up there?

2 A. The actual ones I forwarded are not. The
3 extracts from where the DNA analysts did their work
4 are in here.

5 They would not -- they would not be anywhere
6 else. They were in here at the time I -- I
7 separated them out. I'm sorry. That wasn't clear.

8 So, basically, I took small cuttings from each
9 sample that was forwarded to DNA, and they were put
10 in tubes that are similar to what's here. Those are
11 consumed during the DNA process. So those clippings
12 or cuttings that I took for the DNA analyst to start
13 their work are not physically here because they were
14 consumed during the processing. This is what's
15 leftover from her processing. I apologize.

16 Q. That's okay.

17 So that is 5.0?

18 A. This is 5.0, yes, which contains the 5.135.7.

19 Q. Okay. And where would those have gone?

20 A. This went directly to Jennifer Clayton.

21 Q. Would that have gone back to evidence --

22 A. It did not in this case. If we knew who the
23 analyst was who was going to be working, even if
24 it's not an expedited case, we would generally take
25 it straight to them. It just makes the chain of

1 custody easier, and it also keeps more evidence out
2 of log-in storage area.

3 Q. Okay. So 5.0 and all of the things you
4 extracted all went together to Jennifer Clayton?

5 A. That is correct. They stay with the parent in
6 the case of a CSC kit.

7 Q. Got it.

8 And then did you have another submission? Oh,
9 wait. No. Sorry. We still have another one on
10 this one.

11 A. Right.

12 Q. What evidence number is that?

13 A. This is State's Exhibit 13. SLED's No. 6.

14 Q. And what is it?

15 A. I'm sorry?

16 Q. I said what is it?

17 A. It's a skirt.

18 Q. Go ahead and show it.

19 A. And, again, I recognize this packaging,
20 initials, date, item number, lab number. And,
21 again, my information on the exterior of the bag and
22 on the paper that I used to process that and the
23 skirt that I processed. My initials, the item
24 number, the lab number, again, are here.

25 Q. Okay. And how did you process that?

1 A. Basically, the same as the paper towels. An
2 alternate light source was used to identify areas
3 that could potentially be body fluids other than
4 blood. Those areas are circled, and then they're
5 tested with the quick color change test, the AP or
6 the acid phosphatase test.

7 Q. And --

8 A. And the area -- if there's areas that tested
9 positive, we don't usually take all the areas off
10 the item. If they're clustered in one area, we
11 would take the best sample that gave the best result
12 for the quick color change test and forward that one
13 for her testing.

14 Q. When you say best result --

15 A. Usually, the darkest color change, the
16 quickest, or the largest stain. Sometimes there may
17 be weaker looking stains, just like with blood. You
18 can kind of tell if something was, like, as -- not
19 as bloody as another area. You can kind of do that
20 with alternate light source. You can tell what
21 looks more concentrated than another one. But that
22 also is usually in your color change test as well.
23 Usually, it will change color quicker, become a
24 darker color faster, that type of thing.

25 Q. And did you find anything to cut out on this --

1 on the skirt?

2 A. Yes. I took a cutting from the side seam.

3 Q. Okay. And then what did you do with that
4 cutting?

5 A. I took that cutting for further testing for the
6 P30 and the spermatozoa, just like the swabs from
7 the CSC kit.

8 Q. And what were the results of that test?

9 A. The cutting from interior right seam area of
10 the skirt, examinations for components of semen,
11 acid phosphatase and P30 were positive, no
12 spermatozoa identified, and the item was forwarded
13 to the DNA section.

14 Q. And that was item number?

15 A. 6.1.

16 Q. Okay. And was 6.0 returned to evidence?

17 A. 6.0, yes, was returned to evidence.

18 MS. WEISS: Your Honor, at this time, I'd move
19 6.0 into evidence.

20 MR. WILLIAMS: Without objection.

21 MS. WEISS: I'm sorry. That's State's Exhibit
22 No. 13.

23 MR. WILLIAMS: Without objection.

24 THE COURT: Without objection, so admitted.

25 (State's Exhibit No. 13 admitted into

1 evidence.)

2 BY MS. WEISS:

3 Q. What's that, the exhibit number?

4 A. This is State's Exhibit 12, which is Item 6.1,
5 the cutting from the skirt. Again, my initials, the
6 date, where I sealed it as well, the item number and
7 the lab number.

8 Q. And what did you do with that?

9 A. This is the cutting that was sealed inside the
10 coin envelope. After my testing, this went to
11 Jennifer Clayton.

12 Q. Okay. Did you send it to her or hand that to
13 her?

14 A. Handed it to her directly.

15 MS. WEISS: Thank you.

16 Beg the Court's indulgence.

17 Thank you. I have no further questions for
18 this witness at this time, Your Honor.

19 Please answer any questions the defense may
20 have.

21 THE COURT: Cross-examination?

22 MR. WILLIAMS: May it please the Court?

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. WILLIAMS:

1 Q. You are Herrera, correct?

2 A. Correct, Verona Herrera.

3 Q. And you are a lab tech? Do you have, like, a
4 rank or something like that?

5 A. I was a forensic serologist.

6 Q. All right. When you were doing -- essentially,
7 you're the middle person. You find the evidence and
8 send it to somebody else for testing and see if it's
9 got the DNA in it, right?

10 A. I test for the possible presence of body
11 fluids, which contain the DNA. And then I forward
12 it on for them to develop the profile DNA, should
13 there be one there.

14 Q. So when you -- you indicated there was a
15 solution which you place on these items and, if it
16 turns a color, that's an indication of semen and/or
17 sperm; is that correct?

18 A. One of the tests for the quick color change
19 test that indicates a sample may be semen is a
20 solution that would be applied to a swabbing or a
21 small cutting of the stain area.

22 Q. And does it always indicate that it is semen if
23 it turns -- does it turn a color?

24 A. It does. For semen, it turns a really dark
25 purple.

1 Q. All right. That's for semen.

2 A. Well, the test for semen turns a dark purple.

3 The test for blood turns a different color.

4 Q. What color does the test for blood turn?

5 A. A very bright pink.

6 Q. Okay. Using the same sample -- using the same
7 item to test it with?

8 A. We would take -- if we were testing for both
9 blood and for semen, there would be a swab taken
10 from the item or a small cutting that we would test
11 for blood. It would be another swab or another very
12 small cutting taken to test for blood. We do not
13 test the same swab or cutting for the -- the small
14 cutting for testing would not be tested for both
15 samples, no.

16 Q. And you're using different items to test it.
17 Are you using a different chemical to test it on the
18 swab for blood versus whatever chemical's on the
19 swab to test for semen?

20 A. That is correct. They're different --
21 different tests.

22 Q. Two different tests.

23 A. Yes, sir.

24 Q. So what about saliva, if you're testing for
25 saliva?

1 A. The test for saliva, we don't have a quick
2 color change test. That is a process of extracting
3 a sample in a special buffer. That is applied to a
4 card test, which -- I don't know if you've seen some
5 of the pregnancy tests or some of the COVID tests;
6 the quick COVID test, where a sample's placed in it,
7 and after 10 or 15 minutes, you get a certain number
8 of lines. And the number of lines tell you whether
9 it's positive or negative.

10 In the case of our saliva test, if there's two
11 lines on the card test, that would mean it's
12 positive. If there was only one line, that would
13 mean it was negative. But the chemical we test for
14 saliva is not specific for saliva. It can also be
15 in other body fluids. So we would never
16 definitively say that something is saliva. We would
17 say it's potentially saliva.

18 Q. And when you make the test, are you able to
19 determine how strong a sample it is such as for P30
20 or something like that? Could you tell if it was
21 very positive -- like, very weak or very strong by
22 the color?

23 A. For P30, the acid phosphatase is, general
24 experience, the stronger the -- the stain, the more
25 color -- the quicker and stronger the color change

1 would be. With the card test for P30 -- that's for
2 acid phosphatase. Excuse me.

3 For P30, the actual test is quantitative and
4 can be used to determine how -- like, if a sample is
5 stronger versus another one based on the color of
6 the line that develops. We, at SLED, do not call
7 the stain as a strong positive stain or a strong
8 weak stain. We only say that the reaction on the
9 test was a strong reaction or a weak reaction.

10 Q. So if you were -- if you were doing some sort
11 of sheet designating what the items were and you put
12 down very weak or positive or very positive, is that
13 your determination, looking at the swab, that it's
14 very weak or very strong?

15 A. Okay. So I would not do very weak or very
16 strong for acid phosphatase.

17 Q. Uh-huh.

18 A. Are you talking about a P30 result on my
19 worksheet?

20 Q. Yes. Yes.

21 A. Okay. Which result are you talking about?

22 Q. Well, right now, I'm -- on 5.2, 5.3, and/or
23 6.1.

24 A. Okay. So -- so 5.2 was a very weak positive
25 for the P30. That is correct, yes. So the line was

1 very faint, but it was a positive test because the
2 line did develop.

3 Q. So is that a heads-up to the person who's
4 actually checking the DNA so that they know it's not
5 a very strong, that they have to change how they
6 test? Do they have to add a little something to get
7 a better result when they're testing it?

8 A. No, sir. What I would do is -- potentially,
9 you can use more of the sample off the swab to try
10 to get a -- a DNA profile. But we would not do
11 anything special in the testing that I'm aware of.
12 But I do not do DNA analysis in that way.

13 Q. But are you -- are you sending a --
14 information, I guess, if you will, to the person
15 who's going to do the DNA testing in regards to how
16 strong your -- how strong your results are?

17 A. It could be helpful to them. This is --
18 actually, this sheet is filled out more for me for
19 court purposes, or if I have to retest the item for
20 some reason or something. I will know exactly -- or
21 someone in the future, since I'm no longer with
22 SLED, if they were to have to test something behind
23 me, they would know what I've already done and
24 understand what my processing was.

25 Q. What would it mean if you just had equals, if

1 you -- if you --

2 A. That's negative.

3 Q. That's negative?

4 A. That is negative. Yes, sir.

5 Q. So two lines does not mean negative. It
6 means -- I mean, two lines does not mean equal. It
7 means negative?

8 A. That is correct. Our -- our laboratory
9 requires the two lines because it's very easy with a
10 pen to put a cross on one -- one negative and make
11 it a positive. So those results could be altered
12 too easily, so we use the negative sign -- or the
13 equal sign. Excuse me.

14 Q. Okay. I think that may be it. They did such a
15 good job.

16 Was there any -- did you have any other
17 involvement with these items?

18 A. Only the bottle, the paper towels, the two
19 standards, the sexual assault kit, and the skirt.

20 Q. Okay. And the bottle, again, you were just
21 checking for touch DNA, right?

22 A. I was attempting to -- to collect cells of
23 whoever may have touched the trigger and the handle
24 of that bottle. Yes, sir.

25 Q. Because there was nothing on the bottle to

1 indicate that it had semen or had any type of bodily
2 fluids on the bottle, did it?

3 A. The request that came in was for touch DNA.
4 That's what the agency has -- had requested. So I
5 took -- that's the reason I just swabbed it and
6 didn't actually test for semen.

7 Q. So in this testing process, it kind of begins
8 at the beginning that you're kind of informed what
9 you need to test for or what you could look for, and
10 then you do it in that manner?

11 A. To a certain extent. If the testing that the
12 agency has requested is not in accordance with what
13 the incident report tells us should be there, we do
14 have some leeway to test what we think is going to
15 be the probative evidence. That would usually
16 involve a conversation with the investigator to make
17 sure that the information we were given is not
18 incorrect or they didn't have some special reason
19 for requesting what they requested.

20 Q. Did you have a conversation with the
21 investigating officer in regards to these?

22 A. I have no notes that I did, so I do not believe
23 I did, sir.

24 Q. When did you turn these items over to -- to
25 Ms. Clayton?

1 A. The first submission's evidence was turned
2 over -- pardon me just one moment. Well, the second
3 submission was turned over on 8/22/17.

4 Q. Okay.

5 A. And that included the CSC kit and the skirt
6 cutting.

7 My stuff has gotten out of order here. But
8 actually, I gave -- here it is -- the two buccal
9 swabs, the cutting from the paper towels, and the
10 swab from the bottle to Jennifer Clayton on 7/28/17.

11 Q. When did you actually receive them?

12 A. 7/28/17.

13 Q. So you did all your work in one day and turned
14 it over to her?

15 A. Yes, sir. That's the -- the -- what we attempt
16 to do with an expedited case.

17 MR. WILLIAMS: Thank you, ma'am. That's all I
18 have.

19 THE COURT: Any redirect?

20 MS. WEISS: No, Your Honor.

21 THE COURT: You may step down, ma'am.

22 THE WITNESS: Thank you.

23 MS. WEISS: Your Honor, may Ms. Herrera be
24 excused from her subpoena?

25 THE COURT: Any objection?

1 MR. WILLIAMS: No objection, Your Honor.

2 THE COURT: Ms. Herrera, you're excused from
3 your subpoena. Thank you for being here. Have a
4 nice day.

5 All right. Ladies and gentlemen, we've been
6 going about an hour and a half. We're going to take
7 a break right now. I'll ask you to step to the jury
8 room. Do not discuss the case at all. I'll get you
9 back in here shortly. Okay? Thank you.

10 (The jury exits the courtroom at 3:31 PM.)

11 THE COURT: Anything from the State before we
12 break?

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

14 THE COURT: Anything from the defense?

15 MR. WILLIAMS: Nothing from the defendant, Your
16 Honor.

17 (Brief recess.)

18 THE COURT: Is the State ready to proceed?

19 MS. WEISS: The State's ready, Your Honor.

20 THE COURT: Defense ready?

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

22 THE COURT: All right. Bring the jury in,
23 please, sir.

24 Mr. Williams, with the board up, if you need to
25 move around or anything to see, feel free to do so.

1 MR. WILLIAMS: Thank you, Your Honor.

2 (The jury enters the courtroom at 3:53 PM.)

3 THE COURT: All right. All the jurors are
4 present.

5 Madam Forelady and ladies and gentlemen of the
6 jury, we're going to continue the trial of this case
7 at this time.

8 The State's recognized. Call your next
9 witness, please.

10 MS. WEISS: Thank you, Your Honor. The State
11 calls Jennifer Clayton.

12 JENNIFER CLAYTON

13 being first duly sworn, testified as follows:

14 THE WITNESS: I do.

15 THE CLERK: Have a seat right up there. Once
16 you're seated, ma'am, you can remove your mask.

17 State your full name, spelling your last.

18 THE WITNESS: Jennifer Clayton, C-L-A-Y-T-O-N.

19 VOIR DIRE EXAMINATION

20 BY MS. WEISS:

21 Q. Ms. Clayton, where are you currently employed?

22 A. I'm currently employed by the Orangeburg
23 Department of Public Safety.

24 Q. And how long have you been employed there?

25 A. Since July of 2020.

1 Q. And where were you employed before -- well,
2 what do you do at the Orangeburg Department of
3 Public Safety?

4 A. I am currently a forensic DNA analyst, and I'm
5 working with another forensic DNA analyst to open a
6 DNA lab for the Orangeburg Department of Public
7 Safety.

8 Q. Where were you employed before the Department
9 of Public Safety?

10 A. I was employed by the South Carolina Law
11 Enforcement Division, also known as SLED.

12 Q. And how long were you employed there?

13 A. Approximately 18 years.

14 Q. Did you work -- what where you -- what was your
15 position there?

16 A. I was a forensic DNA analyst there as well.

17 Q. Were you employed anywhere prior to SLED as a
18 DNA analyst?

19 A. I was not.

20 Q. Will you please tell this jury about your
21 background, education, and how you became a forensic
22 DNA analyst?

23 A. I earned a bachelor's of science in biology
24 from the University of North Carolina Chapel Hill.
25 I've also taken classes at NC State and USC. My

1 coursework includes molecular biology, biochemistry,
2 statistics, and genetics.

3 I completed an internship with the North
4 Carolina State Bureau of Investigations molecular
5 genetics department, which is the equivalent of
6 SLED's DNA department.

7 I originally hired on with SLED as a forensic
8 technician in the DNA department, and I worked as a
9 technician for two years before being hired as an
10 analyst. Once I was hired as an analyst, I
11 completed a one-year training program under another
12 qualified analyst, and I worked casework under his
13 supervision before I was allowed to do casework on
14 my own.

15 In addition to that, we were required to -- I
16 was required to complete a competency test before I
17 was allowed to do case work on my own.

18 Q. Have you obtained continuing education and
19 training as you've continued your career?

20 A. Yes. As a DNA analyst with an -- at an
21 accredited agency, you are required to obtain at
22 least a minimum of eight hours of continuing
23 education every year.

24 Q. And you still are qualified as a forensic DNA
25 analyst to work with -- are you with -- are you

1 trying to create a -- an accredited unit for
2 Orangeburg?

3 A. That's correct. We are in the process. It
4 requires -- because it's a new laboratory, we had to
5 validate our methods. We had to write manuals. And
6 we are in the final steps. We've applied for
7 accreditation. We are waiting for the accrediting
8 agency to schedule the accreditation review.

9 Q. Okay.

10 A. So we're in that final process.

11 Q. Sorry.

12 So that means that you continued that
13 continuing education after you left SLED into these
14 last couple years you've been with Orangeburg?

15 A. The -- the last continuing education that I
16 had was with -- wasn't while I was still at the DNA
17 department at SLED. I have continued to do some
18 additional training. I don't know if it adds up to
19 eight hours since I've been at Orangeburg. However,
20 I've continued to read scientific articles and do
21 some online training, particularly with some of the
22 methods that we are employing at our laboratory.

23 So -- but I don't -- because we haven't been
24 recording it as we've been doing all the validation
25 work. I can't verify that it totals eight hours,

1 but it is continuing education. And once we reach
2 our accreditation and open as a laboratory, yes,
3 we'll continue to maintain at least eight hours.

4 Q. Have you -- have you ever testified in general
5 sessions court as an expert?

6 A. Yes, I have.

7 Q. Approximately how many times?

8 A. Approximately 50 times.

9 Q. And of those 50 times, what type of expert were
10 you qualified as?

11 A. I was qualified as a forensic DNA analyst.

12 Q. Were all 50 of those times in South Carolina?

13 A. Yes, they were.

14 MS. WEISS: Your Honor at this time, I'd like
15 to enter Jennifer Clayton as an expert -- as an
16 expert forensic DNA analyst.

17 THE COURT: Any objection?

18 MR. WILLIAMS: No objection.

19 THE COURT: Ladies and gentlemen, I previously
20 gave you a charge concerning expert witnesses. That
21 charge remains the same. This young lady is being
22 qualified as -- qualified as an expert in forensic
23 DNA analysis or analyst, as an expert forensic DNA
24 analyst.

25 She is going to give opinion testimony in that

1 area. Again, that does not mean that you must
2 accept the opinion as evidence, but for you to use
3 in any way that you see fit and give it the weight
4 and credibility that you deem appropriate.

5 Ms. Weiss?

6 MS. WEISS: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MS. WEISS:

9 Q. Ms. Clayton, will you please explain to the
10 jury, what is a forensic DNA analyst?

11 A. Evidence is often collected at a crime scene
12 that may contain DNA in the form of blood, semen,
13 saliva, or even skin cells that are left behind on
14 an item. And a forensic DNA analyst attempts to
15 develop DNA profiles from that evidence and then
16 also develop DNA profiles, if available, from known
17 standards.

18 A known standard is a sample that came directly
19 from a particular individual, so we know the DNA
20 profile developed from that individual came from
21 that individual. And that allows us to compare DNA
22 profiles from a known standard to profiles from
23 evidence to determine if the individual that donated
24 this standard could have possibly contributed to the
25 DNA found on an item of evidence.

1 Q. Okay. And are you involved in the collection
2 of the item of evidence?

3 A. Typically, no.

4 Q. Okay. How does that evidence get to you?

5 A. The evidence is submitted to the evidence
6 control department at SLED, and sometimes I will go
7 down and pick up the evidence directly. Sometimes
8 it will go to our serology or evidence processing
9 department, and they will do some initial work on
10 the evidence and then forward either the item or a
11 cutting or swab from the item to the DNA department,
12 and so I'll receive it from them.

13 Q. Once you receive those cuttings or pieces of
14 evidence, whatever from serology, or you get it
15 directly, what is the next step that you take? And
16 if you would, just walk this jury through. What are
17 the different steps you take to be able to analyze
18 that evidence?

19 A. The first thing that we do is called
20 extraction. That is a step that separates the DNA
21 from the other parts of the cell, as well as
22 whatever fabric or cutting swab that it might be on
23 so that, in the end, we have a tube with a liquid in
24 it that has -- it just contains the DNA -- isolated
25 DNA.

1 The next step is to determine how much DNA is
2 present in that sample. It's called a quantitation
3 step. So we will run the quantitation step to
4 determine how much DNA is in the sample. Our final
5 instrument that we run it on has a target amount of
6 DNA. If there's too much DNA in the sample when we
7 run it on the instrument, it will overwhelm the
8 instrument and cause false peaks that -- or results
9 that aren't -- aren't true results. If there's not
10 enough DNA, then it can fall below the instrument's
11 limit of detection, and information will be missing.

12 So once I know how much DNA is in a sample,
13 then I will adjust the amount of DNA in the sample.
14 I might dilute it out; I might concentrate it down
15 to try to concentrate how much DNA is in the sample;
16 or, if it is already at a good concentration, I'll
17 just leave it where it is.

18 And then, at that point, I do the amplification
19 step. And what that means is that we test
20 particular pieces of the DNA. We don't test all the
21 DNA of the entire DNA strand. We test particular
22 locations that vary between individuals. And
23 there -- as we do that, it makes lots and lots of
24 copies of those particular locations. That's the
25 amplification part. And it's tagged with a dye.

1 And then the sample is run on our final
2 instrument, which has a camera, and the dye -- as
3 the sample is run past the camera on the instrument,
4 it can detect those samples.

5 And then a program is used to basically
6 interpret the information that comes off the
7 instrument as a DNA profile, and that is reported as
8 a sequence of numbers, essentially.

9 Q. Okay. And you talk about these instruments.
10 How did you come to be trained on these instruments,
11 and do you -- how -- what is the accuracy of the
12 instruments that you're using and how do you test
13 that?

14 A. The -- learning how to do -- run the
15 instruments is part of my initial training. And
16 then, over the years, because I worked there for so
17 long, we added new instruments. So each time a new
18 instrument is added or a new method is added, we
19 receive training from -- generally from the
20 manufacturer of the instrument or the -- the new kit
21 we're using.

22 And then we are required to run what are called
23 competency samples, samples to which the tester
24 knows the true answer. I'm then required to run
25 those samples using the method, and then whoever is

1 looking at the results will verify that I did the
2 work correctly and came up with the correct answer.
3 So that's sort of the training part of it.

4 As far as the instrument itself, there's, I
5 think, a kind of two-part answer to that. The --
6 before we can use any method, we're -- we're
7 required to do what's called validation. And what
8 validation means is that when we receive an
9 instrument, the manufacturer says, okay, the
10 instrument should work this way; you should get the
11 proper results. But we have to verify that. We
12 can't just go on and start using the instrument.

13 So we run samples with -- to which we know the
14 answer, to which we know what profile we expect to
15 come from that sample. And so we run the samples
16 and we verify that, yes, we are, in fact, getting
17 the results that we'd expect.

18 Additionally, we run different concentrations
19 of the sample, depending on which type of elevation
20 we're doing, to find out how low we can go before we
21 start losing information or how high we can go
22 before we start getting results that we shouldn't be
23 interpreting because the instrument's giving false
24 signals. So that's all part of the validation
25 sample.

1 Additionally, when we run samples, every time
2 we run samples on the instrument, we're required to
3 run controls. And we have two types of controls.
4 We have a negative control, and what that is is a
5 sample that doesn't contain DNA or shouldn't contain
6 DNA. So in the final analysis, when we go to look
7 at the profile from that, it shouldn't have a
8 profile. It should be a blank sample. And this
9 indicates that the reagents that we're using are not
10 contaminated.

11 Q. And if you run that control and something comes
12 up, it's not blank, what do you do?

13 A. Well, we go back and we have to assess what the
14 cause of that is. So sometimes there can be
15 carryover in a capillary, for instance. And that's
16 a -- that's a part of the final instrument. So if a
17 sample that was run previously had a lot of DNA in
18 it, a little bit of it may still be left in the
19 instrument, and it will show up in that negative
20 control. It's rare. It doesn't usually happen, but
21 it can. So we'll run it -- rerun the sample on the
22 instrument to make sure that that's not the cause of
23 the problem.

24 We can also go back and re-amplify the reagent,
25 depending on which negative control it is, to see if

1 it's something that happened during the
2 amplification process. If -- and sometimes it's
3 just a -- like, a particle or something will pass --
4 pass by the camera that causes a result. It's not a
5 true result.

6 But if -- if we run the sample again and
7 determine that, no, there is, in fact, a contaminant
8 in the reagents, we can't use any of the samples
9 from that batch. We have to go back to the original
10 samples that we cut. We have to recut the samples,
11 re-extract them, re-quantitate them, re-amplify
12 them, and then run them on our new instrument -- run
13 them on the instrument all over again, because we
14 don't want to report a sample if there's a possibly
15 it's a contaminant.

16 And then --

17 Q. So, basically, if these controls show up
18 anything other than what they are supposed to, you
19 cannot -- you have to stop, fix it, and not use
20 anything until you've got it running correctly.

21 A. Correct, correct. We -- we are not going to
22 report any results until we're confident they're the
23 correct results. And if we have any reason to
24 believe that they might have been contaminated,
25 we're not going to use that sample. We're going to

1 go back. And if there's sample remaining, we'll
2 retest; and if there's no sample remaining, then
3 we're required to report that sample as
4 inconclusive.

5 Q. Okay. I'm sorry. You said you have a
6 negative, and then I stopped you. What's the other
7 one?

8 A. That's fine.

9 The other control is called a positive control.
10 And that's a sample that it's the same -- it's the
11 same source sample that we run every time and we
12 know what the profile is supposed to be. So we --
13 we expect to get a certain result. So we always
14 have to check that sample as well to make sure that
15 it's -- it's giving us the correct profile. If it's
16 not giving us the correct profile, then it can mean
17 that something went wrong during the amplification
18 process, or there's an effect called migration that
19 can happen on the instrument that causes the wrong
20 calls in a profile. And so if that occurs, if
21 there's something wrong with the positive control,
22 then we have to go back and do initial analysis.

23 A lot of times, all it requires is an
24 additional injection for the last portion of the
25 test because if it's a migration problem, it just

1 means sometimes that it got a little bit too cold in
2 the room or a little too warm in the room, and it
3 affects how the instrument ran. So we just run it
4 again, and it will run properly. It's not that
5 there's something wrong with the source sample. It
6 just affected the way that the instrument for that
7 one particular run.

8 And when we repeat it, if it gives us the
9 correct results for the samples in the control, then
10 we can use those samples. If not, then we have to
11 back up and, perhaps, again, at that point, we
12 probably just need to re-amplify rather than recut
13 because that's a little bit different problem. The
14 positive control indicates -- can be an indication
15 of some different parts of the analysis versus a
16 contaminated reagent.

17 Q. And you run those controls every time you run a
18 sample for -- to test for DNA for a forensic case.

19 A. That's correct. We run positive and negative
20 controls with every batch of samples.

21 Q. And how often does someone come in and check
22 the machines themselves?

23 A. The instruments themselves?

24 Q. Uh-huh. Or is that what these are for?

25 A. These are essentially -- right. These are

1 essentially checks. They -- they also have annual
2 performance checks, where the manufacturer comes in
3 and verifies that the instrument's still working
4 well; that the laser on the final instrument is
5 still putting out the power it's supposed to; the
6 camera is aligned correctly.

7 So -- and we also run -- whenever we change a
8 capillary, which is a portion of the instrument, we
9 have to run a set of samples on that one to verify
10 that information we're getting is correct; that the
11 instrument's working as it -- as it is. So it's
12 not -- it's -- it's periodic. It's different tests
13 are due, determining -- based on time of year and --
14 and what point it is in the instrument and
15 maintenance. If you change a polymer or if you
16 change a capillary, it has different requirements.

17 Q. Okay. And does SLED keep a record of every
18 time this is done?

19 A. Yes, they keep a record. We track which
20 reagents we use both for each step of the analysis
21 and on the final instrument. And they also keep a
22 record of when performance checks are completed and
23 when -- like I said, if we change a capillary, when
24 that's done. And we record that the proper tests
25 were done and that the results passed.

1 Q. And are these all the same tests and checks
2 that were done in 2017?

3 A. They're standard tests, yes.

4 Q. Okay. So once you've run them through and you
5 get the set of numbers, then what do you do?

6 A. Then each -- for -- we run our evidence samples
7 and our standards separately. And we interpret our
8 evidence first. We look at the samples and
9 determine -- I have to look at the samples and
10 determine if it's suitable for comparison.

11 So things that can affect that are the
12 complexity of a mixture. When there's four
13 individuals in a mixture, it can become very
14 difficult to interpret the mixture. By policy, once
15 there's more than four individuals in a mixture, we
16 cannot interpret the mixture.

17 Some mixtures, you can pull out a major
18 contributor. What that means is that based on the
19 information that's in that profile, we're able to
20 determine that one individual contributed the
21 majority of the DNA to the sample, and they're
22 referred to as the major contributor.

23 So we'll go through and determine if a major
24 contributor can be identified, and I'll identify
25 which portion of the mixture belongs to that major

1 contributor. And all of this is done prior to
2 comparing the standards.

3 Once I've done my determination of what can be
4 compared and what can't be compared to standards in
5 the evidence, then I will look at the standards and
6 compare the evidence -- the standards to the
7 evidence to see if those individuals could have
8 contributed to the evidence samples.

9 Q. And if you have a full DNA profile that you can
10 get from these machines, approximately how many
11 different sets of numbers will you have to compare
12 to a known standard?

13 A. So the kit that we were using at the time and
14 that SLED is still using is called GlobalFiler, and
15 it tests -- it tests 21 locations. And,
16 additionally, it tests a few of what's referred to
17 as sex markers. It can help you determine if a male
18 contributor might be present in the sample.

19 Q. Do you have standards at SLED that say you have
20 to have at least so many locations before you can
21 even compare to see if you have a match?

22 A. Yes. The -- there -- there's a number of
23 requirements, and the requirements vary depending on
24 whether it's a mixture, it's a single-source sample,
25 whether you can pull a major contributor. So we

1 actually have very lengthy protocols on what can be
2 interpreted and what cannot be interpreted.

3 Q. Okay. And just to try to simplify my
4 understanding of it -- hopefully, I'm correct on
5 this.

6 But if you have a mixture and you have a major
7 contributor and a minor contributor, if you have,
8 like, a certain number, a high number, of marks that
9 go along these different -- these different
10 locations and then you have another set on the same
11 locations that have much smaller numbers -- so they
12 go by the camera, is my guess. They go by --
13 there's a whole lot more that go by this one than
14 this one.

15 You would expect that the major contributor is
16 going to have the heavier concentration or the
17 numbers pretty much across the board, and the minor
18 one's going to have the smaller ones to kind
19 separate out who's the major contributor and who's
20 the minor to know which one to be looking at?

21 A. Correct. The -- the results are displayed on
22 what's called an electropherogram. And basically,
23 what this is, it's a set of peaks, and these peaks
24 have a measurements, much like an inch or a yard.
25 It's called RFU. And so the larger the RFU number

1 is, the higher peak is, the more DNA that was
2 present for that sample.

3 So for a major contributor, I might -- the
4 major contributor might have an RFU value of 8,000
5 for a peak, and a minor contributor might have a
6 value of 400 RFU for a peak, just to kind of, you
7 know, demonstrate the discrepancy that can occur
8 between two contributors in a mixture.

9 It -- it really varies from sample to sample,
10 but that's just one example of what we're looking
11 at.

12 Q. And between one person and another, we have a
13 lot of DNA in common; is that correct?

14 A. So -- yes. So when you compare the individual
15 possibilities at a location, there's going to be
16 some sharing between individuals. So, as I said
17 before, it's reported as a sequence of numbers, and
18 we test a number of locations. So say, for
19 instance, one of the locations is referred to as
20 TH01, and there's only so many possible number
21 combinations at TH01.

22 So we interpret -- we inherit half of our DNA
23 from our mother and half of our DNA from our father.
24 So we can have either one number at a location or
25 two numbers at a location. If we only have one

1 number type at a location, it means we inherited the
2 same number from our mother that we inherited from
3 our father. So an individual might be a 9 at TH01,
4 or they might be a 9, 11 at TH01.

5 (Brief interruption by the Court Reporter.)

6 THE WITNESS: I'm sorry.

7 A. So another individual might be a 7 and a 10 at
8 that location. But there's only so many
9 possibilities at that particular location, and
10 that's why we test multiple locations because the
11 more locations we have, the more likely it is or
12 less likely it is that two individuals are going to
13 share the same numbers at every single location.

14 So the -- if you, say, test two locations,
15 there might be a lot of individuals that would just,
16 by random chance, share the same -- same numbers at
17 those two locations. But when you test 21
18 locations, it becomes very improbable that two
19 individuals would just happen, by random chance, to
20 share the same numbers at all locations, at all 21
21 of those locations.

22 Q. Based on the science, is there anyone that
23 we -- any two people that we know that share the
24 same 21 locations?

25 A. Yes. Identical siblings would share the same

1 21 locations.

2 Q. Beyond that, at this point, has science proven
3 that anyone else shares those 21 locations?

4 A. No. It's statistically possible, but it is not
5 expected. It's highly improbable that two
6 nonidentical siblings would -- would share the same
7 location. Even -- even siblings that share the same
8 mother and father, if they're not identical
9 siblings, I would not expect them to have the same
10 DNA profile at 21 locations.

11 Q. And that's --

12 A. It's theoretically possible, but I haven't seen
13 an instance of that occurring.

14 Q. And when you say you haven't seen an instance,
15 science hasn't seen an instance yet?

16 A. Not to the best of my knowledge, no, not in any
17 of the papers that I've read.

18 Q. Okay. So once you get these numbers recorded
19 out and then you've decided that there's enough
20 there for you to compare and you compare, what do
21 you do next?

22 A. Once we've made our comparisons and determine
23 if an individual can be included or is excluded,
24 we -- if there's a possible inclusion, we'll
25 calculate a statistic to determine how rare it would

1 be, how rare the profile is, how likely it would be
2 to be able to choose an individual at random from
3 the population that would, just by random chance,
4 share the same information. If an -- and then we
5 write a report.

6 And if an exclusion, we'll state that it's an
7 exclusion; this individual is excluded from the
8 sample that could not have contributed to the
9 sample.

10 If they're included as a contributor, we will
11 report the statistic as well to give some
12 significance to the inclusion. Is it -- is it a
13 limited profile? Is it a partial profile, where a
14 lot of individuals might just randomly be included
15 by sheer coincidence, or is it a complete profile
16 where it would be really rare and unexpected to see
17 individuals that could -- at random from the
18 population that could have contributed to that
19 sample?

20 Q. And when you write a report, is it done at that
21 point?

22 A. No. Every report that we write, every case
23 that we work has to be technically reviewed from
24 another -- by other qualified DNA analysts. So
25 they're required to go over all of our worksheets,

1 verify that we were using the correct reagents; that
2 the reagents we were using were not expired.
3 They're required to review our projects.

4 So the negative controls that I checked to
5 verify they were negative, the positive controls
6 that I checked to verify it gave the correct
7 profile, they're required to do that same check to
8 verify that I got all the same results.

9 They are then required to look at the DNA
10 results and determine, do they agree this is a
11 two-person mixture; do they agree that I can pull a
12 major contributor; do they agree with the statistic
13 that I calculated; is it -- is it correct; is it
14 scientifically founded? And then they also read the
15 report to make sure that the report is correct.

16 Q. Okay. And once that is done, what happens?

17 A. Once that is completed, then it goes to an
18 administrative reviewer who goes through the report
19 a second time, and, generally, they'll check to make
20 sure the statistics number was written correctly in
21 the report and that the -- there's not duplicate
22 words. It's mainly an administrative check to make
23 sure there's no typographical errors in reports or
24 on worksheets.

25 Q. And do typographical errors still happen?

1 A. Yes, they do. We're -- we're all human. So
2 sometimes we still make typographical errors, and
3 sometimes they make it past a reviewer.

4 Q. Now, if you are doing a forensic analysis and
5 you have an unknown sample and you develop a DNA
6 profile, if you don't have a standard to compare it
7 to, do you have another option of how you might be
8 able to look and try to find something that matches
9 it or someone that matches it?

10 A. We do. We have a database that we have access
11 to. And this database, it's referred to as CODIS.
12 It contains samples from other cases, forensic
13 samples from other cases, as well as samples from
14 known individuals.

15 So if we develop a profile from an evidence
16 sample and we're trying to determine who it's from
17 but we don't have a standard for comparison, if we
18 believe the profile is from a suspect, we can enter
19 that sample into CODIS.

20 We're not -- we cannot put victims, things that
21 we believe are from the victim, things that we
22 believe are from witnesses or innocent bystanders;
23 we cannot put those things into CODIS. But if we
24 have a profile that we believe may be from the
25 perpetrator, we can enter that into CODIS.

1 It's checked against the other samples in
2 CODIS. And if it is indicated that it's either a
3 sample from another case, has a common contributor
4 or an individual -- a known individual that's in the
5 sample could have contributed to the sample, then
6 that's referred to as a CODIS hit.

7 Q. Okay. And if there's a CODIS hit, do you then
8 have to review that?

9 A. Yes. The review -- the profile from the
10 sample, if it's either from a forensic sample or
11 from a known individual, the profile is sent to me,
12 and I will compare the profile to the evidence
13 sample to verify that yes, this individual could
14 have contributed to this sample.

15 And then, at that point, the CODIS department
16 will issue a report to the submitting agency stating
17 there was a CODIS hit; this is the individual;
18 please submit a known standard from that individual.

19 Q. Okay. And how many on that, the submitting a
20 known standard -- so you said this is a tool. So
21 when you -- when you get that, you compare it, and
22 you say, okay, please submit a known standard.

23 That's sent back as -- as potential -- as a
24 potential suspect to the agency for them then to
25 continue investigation.

1 A. Correct. That's what we refer to as an
2 investigative lead. We're not stating that this is
3 the individual, but we're stating that they are
4 included as a possible contributor based on the
5 CODIS hit and that the investigator should follow up
6 on the lead. And then if they believe that
7 individual could still be the perpetrator at that
8 point, they should submit a known standard from that
9 individual.

10 Q. Okay. And as far as you being willing to
11 report out a match or not able to report out a
12 match, are you doing that on a CODIS hit or do you
13 need to have a known standard for it to officially
14 be reported out for a case?

15 A. To officially put it out for a case and put it
16 in my DNA report, it has to be a known standard from
17 an individual. The samples that are in CODIS do not
18 have a chain of custody and are just used as a tool.
19 The sample that we use is required to have a chain
20 of custody, meaning that from the time the sample
21 was collected to the time it was submitted for
22 analysis, there's a record of everyone that was
23 present when it was collected to the time that it
24 was submitted to the agency.

25 Q. Okay. Thank you.

1 I'm going to take you back to July 28, 2017.
2 That was a Friday. And did you receive a call about
3 a case that was going to be coming in?

4 A. Yes. I --

5 THE WITNESS: May I refer to my notes, Your
6 Honor?

7 THE COURT: Yes, ma'am.

8 THE WITNESS: Okay.

9 Okay. I was looking -- I can't remember if I
10 actually received the call or if another analyst
11 received the call. But someone in our DNA
12 department did receive the call.

13 Q. Were you informed that there was a case that
14 was going to be coming in?

15 A. Yes, I was.

16 Q. Was the term expedited associated with that
17 case?

18 A. Yes. They did request that we expedite the
19 case.

20 Q. So what is required for an expedited request to
21 be -- to be done by SLED?

22 A. There's a number of reasons. Basically,
23 they're -- they're -- what they're asking is that we
24 move that case above -- ahead of all the other cases
25 that are there at SLED waiting to be worked, and so

1 we have to have justification for that.

2 It may vary from we have a possible suspect,
3 but we think he may leave the area if we're not able
4 to arrest him soon; we need probable cause to arrest
5 him. It may be that we -- we think the individual
6 may commit another crime if we don't identify him
7 quickly and arrest him. It may be that sometimes
8 they're worried about retaliation. And there's a
9 number of reasons.

10 So if they call us and say, we really -- would
11 really like you to expedite this case, move it ahead
12 of the other cases and this is our reason why, then
13 we will -- we will typically do that for them.

14 Q. When you're asked to expedite, does that mean
15 cut corners, skip some of these steps that you've
16 been talking about, don't worry about some bleeps
17 here and there that might indicate you need to go
18 back and retest? Does it change what you do?

19 A. No. No. Absolutely not. We -- for every
20 case, we follow the same protocols. We have the
21 same controls in place. We're required to do the
22 same review. We're required to have the same
23 technical review. The same administrative review is
24 done before the report is issued. So, all along the
25 way, we follow exactly the same steps that we would

1 with any other case.

2 The difference is that we move it ahead of
3 other cases that were already at SLED. And,
4 additionally, it may mean that we work after hours;
5 we may come in on the weekend; we may come in
6 earlier than normal to continue analysis on the
7 case. And it also means that even if we're in the
8 middle working a batch of samples, we may have to
9 stop that batch, set it aside, work this one case
10 that they've requested be expedited, and then, once
11 that's finished, continue the batch that we were
12 working on at the time the request came in.

13 Q. Okay. And when an agency is bringing in that
14 request, can they bring in as many samples as they
15 want?

16 A. No. We request that they limit the number of
17 samples that they bring in. We request that they --
18 for a violent crime, we request that they limit it
19 to five items on an initial submission. Or in the
20 case of a sexual assault, we request that they,
21 like, limit it typically to a sexual assault kit and
22 possibly the panties.

23 Q. And do -- are you involved in helping inform
24 law enforcement agencies what samples would be
25 preferred over others to have the best chance of

1 getting useful results?

2 A. SLED does offer training to agencies if they'd
3 like it. Additionally, we have an evidence
4 submission guide that can also give them some
5 indication of what samples might make better
6 evidence than others.

7 Q. And what would some of those examples be?

8 A. So saliva is a good source. Blood is an
9 excellent source of DNA. Semen is an excellent
10 source of DNA. Touch DNA, meaning skin cells that
11 are sloughed off an item from somebody handling it,
12 are typically not the best samples. It's not that
13 we can't get good profiles from those samples, but
14 it's -- that's much more -- much more rare that we
15 would get a really good profile from those, whereas
16 with blood, you have a good chance of getting a
17 single source profile, or with a semen sample, you
18 have a good chance of being able to separate that
19 sample out and get a good clean profile that's
20 suitable for comparison.

21 Q. Okay. On July 28th, 2017, Submission 1 came in
22 to SLED evidence. And I'm going to show you State's
23 Exhibits 8 and 10. Can you identify these two
24 items?

25 A. State's Exhibit 10 is SLED Item No. 1, which is

1 the buccal swabs from the inside of the victim's
2 mouth, Monesha Cook.

3 Q. Okay. And did you handle that item?

4 A. Yes, I did.

5 Q. And how do you know that?

6 A. It matches the information on my paperwork.
7 Additionally, I wrote the -- actually, it looks like
8 Verona wrote the lab number on the packaging on the
9 inside. I initialed it as well. When I resealed
10 the heat-sealed pouch, I initialed and dated it as
11 well to verify that I was the last one that had this
12 and that I properly sealed it when I was finished
13 with it.

14 MS. WEISS: Okay. Your Honor, at this time, I
15 would like to move State's Exhibit 10 into evidence.

16 THE COURT: Any objection?

17 MR. WILLIAMS: No objection.

18 THE COURT: Without objection, State's Exhibit
19 No. 10 is admitted.

20 (State's Exhibit No. 10 admitted into
21 evidence.)

22 BY MS. WEISS:

23 Q. And then State's Exhibit 8?

24 A. State's Exhibit 8 is SLED Item No. 2, and that
25 is buccal swabs from the inside of Jacob Cook's

1 mouth. And, again, I have -- the lab number is
2 written on the inner packaging. My initials are on
3 the inner packaging. And when I resealed the pouch
4 when I was done with my analysis, I put the date and
5 my initials on the heat seal.

6 Q. Okay.

7 MS. WEISS: Your Honor, at this time, I'd like
8 to move State's Exhibit 8 into evidence.

9 THE COURT: Any objection?

10 MR. WILLIAMS: Without objection, Your Honor.

11 THE COURT: Without objection, State's Exhibit
12 No. 8 will be admitted.

13 (State's Exhibit No. 8 admitted into evidence.)

14 BY MS. WEISS:

15 Q. All right. So State's Exhibits 8 and 10, which
16 are your Item Nos. 1 and 2, can you talk us through
17 what you did with those item numbers?

18 A. So those are known standards. And so the
19 process that I talked about earlier, I completed
20 that process -- with standards, we're able to do a
21 little bit of an abridged process. We have a kit
22 that's specific for known standards that -- it does
23 all the same things that our normal process does,
24 but it eliminates the quantitation step.

25 The chemistry in the kit itself limits the

1 amount of sample that's amplified. So, basically,
2 it's a little bit of a timesaver for known
3 standards. We -- we can't use that kit on evidence
4 samples because you don't want to -- you don't want
5 to limit what you retrieve from an evidence sample.
6 You want to make sure that you collect everything
7 that's possibly there. With known standards,
8 there's so much sample present that you have plenty
9 to go back to if you need to.

10 So to expedite analysis, you can use what's
11 called a GlobalFiler express kit. So that's what I
12 did with this. But, essentially, the process was
13 the same for that as it was for all of the other
14 samples, and I developed a DNA profile for
15 comparison.

16 Q. So you were able to develop a DNA profile for
17 Monesha?

18 A. Correct.

19 Q. Okay. And you would expect the only other
20 person that would have the exact same DNA profile
21 would be if she had a twin sibling -- identical twin
22 sibling?

23 A. That -- yes. I would only expect the -- the
24 same profile to be in another individual if she had
25 an identical sibling.

1 Q. And you did the same thing for Jacob, a known
2 profile?

3 A. That's correct.

4 Q. And what's the importance of going ahead and
5 having those in this first submission?

6 A. The purpose of having those in the first
7 submission is that it allows us to compare them to
8 the evidence to see if they're a contributor to the
9 evidence.

10 And, as I said before, if we're looking to put
11 a sample into CODIS, we don't want to put the victim
12 in there; we don't want to put a witness in CODIS;
13 we don't want to put an innocent bystander into
14 CODIS.

15 So if a sample -- if the victim or suspect --
16 or victim or a bystander appears to be the
17 contributor of a sample, we do not put that sample
18 into CODIS. But we can say that they're included as
19 a possible contributor to the mixture or that the
20 profile developed from the item of evidence matches
21 their profile.

22 So whenever we have an incident, we always try
23 to have the agency submit standards from anybody who
24 might have contributed DNA to those samples.

25 Q. I'm going to show you what have now been marked

1 as State's Exhibit 9, and that also contains State's
2 Exhibits 93 and 94. Can you identify these?

3 A. Yes. The State's Exhibit 9 contains a few
4 items. It contains smears that were made by Verona
5 Herrera during her analysis, as well as the extracts
6 that I dried down when I completed my analysis and
7 returned to the submitting agency.

8 And it also contains State's Exhibits 93 and
9 94. State's Exhibit 93 is SLED Item 3.1, which is a
10 cutting from a paper towel. And State's Exhibit 94
11 is SLED Item 4.1, which is swabs from a spray
12 bottle.

13 Q. Okay. And did you handle 9, 93, and 94?

14 A. Yes, I did.

15 Q. And how do you know that?

16 A. The -- again, these were all contained in this
17 heat-sealed pouch. The heat seal on it is initialed
18 and dated by me. And I also have the information
19 for these samples documented in my case file
20 throughout my paperwork.

21 MS. WEISS: Your Honor, at this time, I'd like
22 to enter State's Exhibits 9, 93, and 94 into
23 evidence.

24 THE COURT: Any objection?

25 MR. WILLIAMS: No objection.

1 THE COURT: Without objection, so admitted.

2 (State's Exhibit Nos. 9, 93, and 94 admitted
3 into evidence.)

4 BY MS. WEISS:

5 Q. I'm going to talk about 93 and 94 because those
6 are the -- I guess those are the brown packets. But
7 9, that includes 93 and 94. Were those entered in
8 that first initial submission that you were asked to
9 expedite?

10 A. Yes, they were.

11 Q. And would these be what you've already talked
12 to us about as forensic samples?

13 A. Yes. They were samples that the submitting
14 agency believed may have contained DNA from the
15 perpetrators.

16 Q. And did you have any identification as to who
17 the perpetrators might be?

18 A. No. At the time that these samples were
19 submitted, we were told they did not know who the
20 perpetrators were.

21 Q. And were you told what types of DNA you'd be
22 looking for on each of these samples?

23 A. They do put in submission requests. So if they
24 believe the sample may contain semen, they'll put a
25 request on there that we test it for semen. If they

1 believe there may be blood, they'll put in a request
2 for possible blood.

3 Q. By the time you start testing it on your
4 machines, does -- you're searching for DNA, correct?

5 A. Correct.

6 Q. So does it matter at this point if it's saliva,
7 semen, or blood or skin cells, as far as just
8 looking for DNA?

9 A. As far as looking for DNA, essentially, no.
10 However, if a sample uses -- if it -- if it may
11 contain semen, we use a slightly different
12 extraction. So it's still the same basic chemicals.
13 However, because spermatozoa are more difficult to
14 break open than typical cells, they just require an
15 additional reagent. So during that is what we call
16 a differential extraction. The portion of the
17 extraction that contains or possibly contains
18 spermatozoa cells will have an additional reagent
19 added to it.

20 Q. Okay. And in 93, did that have the spermatozoa
21 cells that you're talking about or the sperm cells?

22 A. 93, was that Item 3.1?

23 Q. It was.

24 A. Okay. The -- the testing for the presence of
25 spermatozoa, as far as visualizing it and testing

1 for semen, that was done by Verona Herrera. So I --
2 unfortunately, I don't remember if she specifically
3 identified spermatozoa visually on that sample. I
4 can refer to her report, if you would like.

5 Q. You can. And do you know, as far as -- did you
6 use that special reagent when you were dealing with
7 3.1?

8 A. Yes, I did. I did perform a differential
9 extraction on that item.

10 Q. Okay. So it did indicate for sperm,
11 spermatozoa, something that indicated you needed to
12 use that?

13 A. Yes. There was semen identified on that
14 sample.

15 Q. Okay. And for 4.1, what about that one?

16 A. 4.1 would have been a swab for possible skin
17 cells from somebody who may have handled the item.
18 So I did not use the differential extraction on that
19 one. I did our standard extraction that would be
20 used for skin cells, saliva, or blood.

21 Q. So when you -- when you ran your test, can you
22 explain what you did at this point?

23 A. So I followed the same procedure that I
24 explained earlier, and I developed DNA profiles from
25 Items 3.1 -- SLED Item 3.1 and SLED Item 4.1, which

1 is State's Exhibit 93 and 94, I believe.

2 And then once the profiles were developed and I
3 reviewed all the samples, I checked my controls. I
4 then analyzed -- I went through and looked at the
5 samples to verify that they were suitable for
6 interpretation. And once I confirmed they were
7 suitable for interpretation, I compared them to the
8 profiles that were developed for Monesha Cook and
9 Jacob Cook to determine if they could have been
10 contributors to the samples or at least the portion
11 of the samples that were suitable for comparison.

12 Q. Okay. And once you got those and compared
13 them, did you find Jacob or Monesha as being a
14 contributor to either the paper towel sample or the
15 Awesome bottle sample?

16 A. The DNA profile from the paper towel -- I'll
17 start with the paper towel.

18 Q. Okay.

19 A. The DNA profile from the non-sperm fraction of
20 the paper towel was a mixture, and the major
21 contributor to the -- the profile for the major
22 contributor to that item matches the DNA profile of
23 Monesha Cook.

24 Q. That's the non-sperm?

25 A. Correct, that's the non-sperm. That would be

1 the portion of the test that we would expect to
2 contain DNA from skin cells, blood, or -- or
3 possibly saliva samples.

4 Q. And you said it was a combination of two
5 profiles.

6 A. The -- that -- the DNA profile was a mixture
7 from at least three individuals for the non-sperm
8 fraction.

9 Q. Okay. And Monesha was the major contributor?

10 A. That's correct. Well, the DNA profile
11 developed from the major contributor matches Monesha
12 Cook. We don't --

13 Q. Gotcha.

14 A. We don't specifically state that it is an
15 individual. We just say that their profile matches
16 and then calculate a statistic for how probable you
17 would choose an individual at random from the
18 population.

19 Q. So Monesha's profile matched the profile of the
20 major contributor in the non-sperm section.

21 A. That's correct.

22 Q. Okay. And so would the other section be the
23 sperm section?

24 A. The sperm fraction.

25 Q. Sperm fraction.

1 A. Fraction, yes. The other fraction's the sperm
2 fraction.

3 Q. Okay.

4 A. And for the sperm fraction, it was initially
5 reported as -- the profile as a mixture from at
6 least two individuals. The profile from the major
7 contributor is from an unidentified male individual.
8 And that profile was entered into CODIS, and then
9 due to the inability to calculate a statistic, no
10 further interpretation would be offered regarding
11 the minor contributor. There just wasn't enough
12 information for the minor contributor to be able to
13 do a comparison to standards.

14 Q. Okay.

15 A. And then for Item 4.1, that was swabs from the
16 trigger and upper area of the bottle. The DNA
17 profile was determined to be a mixture from at least
18 three individuals. And in that case, Monesha Cook
19 and Jacob Cook are included as possible contributors
20 to the mixture.

21 Q. Okay. What about that third person?

22 A. The -- we only had two standards for
23 comparison. However, given the information in the
24 incident, it was possible that the -- the third
25 contributor was from a perpetrator. So that -- the

1 mixture profile was entered into CODIS to be
2 searched for a possible contributor.

3 Q. And just to understand, you said there's at
4 least three contributors. So you were able to get
5 enough to do -- to establish at least three separate
6 profiles or a portion of at least three separate
7 profiles?

8 A. Not -- with this particular mixture, whereas
9 with the -- the non-sperm fraction and the sperm
10 fraction, I was able to pull out a major contributor
11 and say this is the profile for the major
12 contributor.

13 I was not able to do that with this mixture of
14 three individuals. It was just -- I was able to
15 determine it's a mixture of at least three
16 individuals, and then compare, could this individual
17 have -- could an individual have contributed to the
18 mixture based on the information in their profile?

19 So if there's information in the individual's
20 profile that's not present in the mixture profile,
21 then that individual would be excluded as a
22 contributor to the mixture. We're not able to match
23 individuals to a more complex mixture like this
24 three-person mixture.

25 Q. Okay. So -- but it was suitable to run through

1 CODIS to see if there was anybody already in CODIS
2 that could also be considered a contributor to this
3 mixture?

4 A. Correct, to see if there was another individual
5 that could have contributed to the mixture.

6 Q. Okay. So you said you ran this through CODIS.

7 A. Correct.

8 Q. And did you get a result when you ran this
9 through CODIS?

10 A. Yes, I did.

11 Q. Okay. And did you get multiple results or just
12 one?

13 A. I did. The CODIS department initially informed
14 me that there were ten CODIS hits on this sample, to
15 ten separate individuals. And so we had to do some
16 follow-up analysis.

17 The -- when we first started doing the type of
18 DNA analysis we are doing currently, we used a
19 different type of kit. We actually used two
20 different kits. But they -- even combined, those
21 two kits did not test as many locations the current
22 kit tests. So these samples that hit, they were --
23 they were -- originally, the profiles were developed
24 using these older kits.

25 So the CODIS department informed me there were

1 ten samples.

2 Q. I'm going to stop you there. So what you just
3 said is the older kits used fewer locations, and
4 fewer locations can match to many more people.

5 A. Right. As I said before, the more locations
6 that you test, the more likely that it is that
7 you're able to eliminate a non-contributor.

8 Q. So the new kit that you're able to then use
9 tests more locations so you can hopefully narrow
10 that down?

11 A. Right. That increases our ability to -- to
12 eliminate somebody who did not contribute to a
13 sample.

14 Q. Okay. So did you run this unknown using the
15 new kit?

16 A. Yes. The -- the ten samples that had come back
17 as a hit, we ran GlobalFiler on all of those
18 samples. And -- or the CODIS department did. They
19 developed the samples with the new kit. And based
20 on the additional information that was obtained from
21 running those additional kits, nine of the
22 individuals were eliminated as possible
23 contributors, and one individual remained as a
24 possible contributor.

25 Q. And when you said there were ten individuals

1 identified, is that -- did you get a list of ten
2 names?

3 A. No, I did not. When samples are entered into
4 CODIS, they're assigned a number, a unique number.
5 And so when the samples are sent to me -- the DNA
6 profiles are sent to me to compare to my evidence
7 samples, they're labeled with that number. I don't
8 actually know what the name of the individual is
9 that I'm comparing a standard for.

10 Q. Okay. And these individuals, they're from all
11 over the country?

12 A. It depends. There -- we have levels of CODIS.
13 There's the state level, and that contains
14 individuals from -- or at the time that they were
15 entered into CODIS, lived in the -- or lived in
16 South Carolina.

17 And then there's the national level. And that
18 national level, that contains individuals from all
19 over the United States.

20 Q. Okay. And so when they ran GlobalFiler on the
21 ten numbers, they -- it eliminated nine so that they
22 couldn't be involved because they weren't included
23 in one of those locations. And they gave you one
24 number?

25 A. They -- yes. There was -- there was one

1 individual remaining that could -- could be included
2 as a possible contributor to the mixture.

3 Q. Okay. So what do you do once you get that
4 information?

5 A. They sent that -- that one profile to me. I
6 confirmed that, yes, this individual could be a
7 contributor to the mixture. And then the CODIS
8 department issued a report or a CODIS hit letter to
9 the submitting agency. And, in fact, I believe they
10 also called the agency, because it was an expedited
11 case, and informed them that there was a hit. And
12 they informed them of the name of the individual.
13 And the letter standard, in its standard format,
14 requests that they submit a standard from that
15 individual, if they believe that that individual is
16 significant.

17 Q. Okay. And who is that individual?

18 A. That individual was Craig Cooper.

19 Q. Based on that hit from CODIS, you've given
20 possible contributors, major contributors. How
21 would you classify Craig Cooper's inclusion in the
22 standard that came -- or in the swab that came from
23 the Awesome bottle?

24 A. I'm not sure I understand the question. At
25 that time, I did not have an agency standard, so --

1 I mean, a standard submitted from an agency. So I
2 did not report anything in my report --

3 Q. Right.

4 A. -- until at a later date when the standard was
5 submitted from Craig Cooper.

6 Q. So when you -- when you informed the agency,
7 basically, Craig Cooper is included in this possible
8 at least three -- I mean, his CODIS hit shows that
9 his DNA could be included in that -- in that swab,
10 in the sample from that swab?

11 A. Yes. Yes. In his -- yes. That is -- that is
12 what that letter means: That he's included; he
13 could be a possible contributor; and for
14 confirmation purposes, please submit a standard from
15 that individual.

16 Q. And the information that goes to the agency is,
17 all right, you said you didn't have a clue who it
18 might be; we've got Craig Cooper hit in CODIS; now
19 here's the lead; go investigate; send us a standard,
20 if you're able to include -- if there's a reason you
21 think he might be involved in this case?

22 A. Correct.

23 Q. And you ran the major contributor from the
24 paper towel through CODIS and did not get any
25 results that you could -- got no results.

1 A. That's correct. That did not yield a hit.

2 Q. Okay. So that remains unknown?

3 A. Correct.

4 Q. The -- and that was the end of the expedited
5 group of -- the first submission that you were asked
6 to expedite and give information?

7 A. That's correct.

8 Q. You got a second submission?

9 A. That's correct.

10 Q. And what was in the second submission?

11 A. The second submission contained standard
12 from -- buccal swabs from a Christopher Cooper. It
13 also contained a sexual assault kit from Monesha
14 Cook. I received a cutting from the interior right
15 seam area of a skirt, which was black and brown.

16 And I also received swabs from a trigger and
17 grip and groove area of the slide of Item 8, pistol,
18 which was a black and gray Smith & Wesson SD9 VE,
19 SN HFY9768.

20 Q. Okay. I'm going to hand -- I'm going to take
21 these from you. And I'm going to give you what's
22 been marked as State's Exhibit 5, State's
23 Exhibit 14, State's Exhibit 12, and State's
24 Exhibit 7.

25 All right. And I'm going to ask you to start

1 with State's Exhibit 14.

2 A. State's Exhibit 14 is SLED Item No. 5, and that
3 contains the sexual assault kit from Monesha Cook.

4 Q. And what did -- did you handle State's
5 Exhibit 5?

6 A. Yes, I did.

7 Q. And how do you know that?

8 A. My initials are on the sexual assault kit
9 inside the packaging, and my initials and the date
10 of when I resealed the heat-sealed pouch are also
11 present on the packaging.

12 MS. WEISS: Your Honor, at this time, I'd like
13 to enter State's Exhibit 5 into -- or State's
14 Exhibit 14 -- SLED Exhibit 5, State's Exhibit 14
15 into evidence.

16 THE COURT: Any objection?

17 MR. WILLIAMS: No objection, Your Honor.

18 THE COURT: State's Exhibit 14 is admitted
19 without objection.

20 (State's Exhibit No. 14 admitted into
21 evidence.)

22 BY MS. WEISS:

23 Q. Okay. If you could, tell us what you're able
24 to analyze in State's Exhibit 14.

25 A. So from State's Exhibit 14, I did analysis on

1 SLED Items 5.2, which was the oral swabs from the
2 sexual assault kit, 5.3, which was rectal swabs from
3 the kit, 5.4, which was miscellaneous collection
4 swabs from the left nipple, and Item 5.6, which was
5 suspected body fluid swabs from the perineal area.

6 Q. Okay. So 5.2, can you please tell us what you
7 tested there and what the results were from that?

8 A. Yes. 5.2 was the oral swabs. I did perform a
9 differential extraction on that one. No semen was
10 identified on that item. However, because of the
11 nature of saliva and how it can begin to break down
12 the sample very quickly, I went ahead and ran a
13 differential in the event that there might be
14 spermatozoa present in that sample anyway.

15 And the DNA profile from the non-sperm fraction
16 is attributable to Monesha Cook. That means all the
17 information from that fraction matched the
18 information in her profile. And because that sample
19 was taken directly from her mouth, the assumption is
20 made that it is, in fact, from her.

21 The DNA profile from the sperm fraction was a
22 mixture from at least two individuals. The DNA
23 profile of the major contributor is attributable
24 to -- attributable to Monesha Cook. And due to the
25 inability to calculate a statistic, no comparisons

1 will be offered regarding the minor contributor or
2 contributors.

3 Q. What does that mean?

4 A. It just means that there was very little
5 information present for the minor contributors to be
6 able to include someone and calculate a statistic.

7 We have to be confident that there's sufficient
8 information there to calculate an accurate
9 statistic. And there was just very limited
10 information from the minor contributor on this
11 sample, and we're not able to do that, given our
12 protocols and interpretation guidelines at that
13 time.

14 Q. And so you've got numbers there. But there are
15 protocols in place. And the purpose of those
16 protocols and standards being in place are what?

17 A. To make sure that we don't overstep the bounds
18 of the science essentially.

19 Q. So you're not going to report something out
20 just because you think it might be helpful?

21 A. Right. We -- we need to give some kind of a
22 weight to it. So if you have a sample and someone
23 may share some of the numbers at the locations, that
24 might be significant. But if 99 percent of the
25 people that you tested might also share that

1 information, that's not a useful piece of
2 information. And without a statistic, we can't make
3 that determination.

4 So if we can't calculate a statistic, we're not
5 going to -- we're not going to make a comparison
6 because what we're -- what we're telling you is not
7 going to be -- not going to be helpful.

8 Q. What is the next piece of evidence you tested?

9 A. Item 5.3 was the rectal swabs, and, again, a
10 differential extraction was performed on that one.
11 The non-sperm fraction of the DNA profile is
12 attributable to Monesha Cook. And for the sperm
13 fraction, the profile is consistent with being a
14 mixture from two individuals. The partial DNA
15 profile of the major contributor matches the DNA
16 profile of Craig Cooper. And then for the partial
17 DNA profile of the minor contributor, it was
18 determined to be attributable to Monesha Cook.

19 So in that particular instance, even though
20 there was a limited amount of information, there was
21 less information present for the minor contributor,
22 it was sufficient to be able to make a comparison
23 and determine that's attributable to Monesha Cook.

24 Q. Okay. What's the next one?

25 A. Item 5.4 was miscellaneous collection swabs

1 from the left nipple. The DNA profile is a mixture
2 from at least two individuals. Due to the inability
3 of calculating a statistic, no comparisons will be
4 offered. And this one, just a limited amount of DNA
5 was recovered, and it made it not possible to
6 calculate a statistic and, therefore, not possible
7 to do a comparison.

8 Q. Okay. What's the next one?

9 A. The next one was Item 5.6, suspected body fluid
10 swabs from the perineal area. The non-sperm
11 fraction, the DNA profile is attributable to Monesha
12 Cook, and the sperm fraction, the DNA profile is a
13 mixture from at least three individuals. The
14 partial DNA profile of the major contributor matches
15 the DNA profile of Craig Cooper. And due to the
16 inability to calculate a statistic, no comparison
17 will be offered regarding the minor contributors.

18 Q. And if you say that you're unable to give
19 results because of the mixture, that means you're
20 unable to include or exclude, right, either?

21 A. That's correct. We -- we make that
22 determination before we look at the standards. And
23 once we look at it and determine it's not suitable
24 for comparison, we don't -- we don't compare it to
25 standards to include people, and we don't compare it

1 to standards to exclude people because we've already
2 determined it's not suitable for that comparison.

3 Q. Okay. And were you able to get any more
4 results from number -- or SLED Evidence No. 5?

5 A. Those were all of the items that I did analysis
6 on.

7 Q. Okay. And we now can go to State's Exhibit 12.

8 A. State's Exhibit 12 is SLED Item No. 6.1. And
9 that is a cutting from the right -- the interior
10 right seam area of the skirt, black and brown.

11 Q. And did you handle that item?

12 A. Yes, I did. Again, the -- my initials are on
13 the inner packaging as well as on the heat-sealed
14 pouch with the date of when I resealed the evidence.

15 MS. WEISS: Your Honor, at this time, I'd like
16 to enter State's Exhibit 12 into evidence.

17 MR. WILLIAMS: Without objection, Your Honor.

18 THE COURT: Without objection, State's Exhibit
19 No. 12 admitted into evidence.

20 (State's Exhibit No. 12 admitted into
21 evidence.)

22 BY MS. WEISS:

23 Q. And what were you able to do as far as testing
24 that piece of evidence?

25 A. I, again, performed a differential extraction

1 on that sample. The non-sperm fraction yielded a
2 profile that's a mixture from at least two different
3 individuals. The DNA profile of the major
4 contributor is attributable to Monesha Cook. And
5 due to the inability to calculate a statistic, no
6 comparisons will be offered regarding the minor
7 contributor or contributors.

8 And for the sperm fraction, the DNA profile is
9 a mixture from at least two individuals. However,
10 due to the inability to calculate statistics, no
11 comparisons will be offered for that -- that
12 fraction.

13 Q. Now I'm going to take you to State's Exhibit 7.

14 A. State's Exhibit 7 is SLED Item No. 8.1, and
15 that swab's from the trigger, grip, and groove areas
16 of the slide of Item 8, pistol, which is a black and
17 gray Smith & Wesson.

18 Q. Okay. What were you able to do with that?

19 A. I analyzed that sample. The DNA profile is a
20 mixture from at least four individuals. And due to
21 the inability to calculate the statistics, no
22 comparisons will be offered.

23 Q. You say -- so there's at least four. That
24 means there's too many for SLED to be willing to
25 report out anything?

1 A. That's -- that's correct. Based -- well, the
2 protocols at that time were if we could pull out a
3 major contributor, we could interpret the major
4 contributor to a four-person mixture. However, I
5 was not able to do that with this mixture. And if
6 you cannot pull out a major contributor, you could
7 not do any interpretation of the four-person
8 mixture, just due to the complexity of the mixture.
9 And, certainly, once we reach five or more
10 individuals, we are not -- we could not do any
11 interpretation because the mixture's that complex.

12 MS. WEISS: Your Honor, at this time, I'd like
13 to move State's Exhibit 7 into evidence.

14 THE COURT: Any objection?

15 MR. WILLIAMS: No objection.

16 THE COURT: Without objection, so admitted.

17 (State's Exhibit No. 7 admitted into evidence.)

18 BY MS. WEISS:

19 Q. Okay. Ms. Clayton, did that conclude the
20 forensic DNA analysis that you were given as far as
21 unknowns to search to try to get DNA profiles?

22 A. Yes.

23 Q. Okay. And those were the results that you were
24 able to retrieve, absent any more standards to be
25 able to make an absolute determination.

1 A. Yes, that's correct. And, in fact, I think
2 when I read the results that I had on this, I was
3 referring to a later report. So I actually --
4 actually reported results for Craig Cooper. And I
5 did not actually have his standard yet; I received
6 his standard later.

7 Q. So the major Craig Cooper results for the
8 perineal swabs and the rectal swabs, that's still
9 from the CODIS information that you received, or is
10 that just from a later report?

11 A. I was referring to a later report --

12 Q. Okay.

13 A. -- when I referred to my results earlier. So
14 when I did the -- the initial analysis on Items 5
15 and 6, it would have been still reported as an
16 unidentified individual.

17 Q. Okay. And I'm going to go through and take off
18 the list. So we've got a list here of each of the
19 things you just talked about.

20 A. Okay.

21 Q. The ones that were not able to be reported out.
22 So you couldn't report out anything on the pistol;
23 correct?

24 A. Correct. That was not suitable for comparison.

25 Q. Okay. And the skirt, you're able to say that

1 Monesha is on there. There are at least two, but
2 you couldn't differentiate between the two because
3 of what was actually on there. So you weren't able
4 to report anything out on the skirt as far as an
5 unknown?

6 A. As far as an unknown, that's correct.

7 Q. Okay. And on the perineal swabs, you have
8 Monesha as the non-sperm major contributor. And the
9 major contributor on the sperm side is Craig Cooper,
10 but not officially because, at this point, we don't
11 have Craig Cooper's. And it's at least three --
12 it's three individuals, but you're unable to
13 distinguish between the minor results?

14 A. That's correct. The minor -- the information
15 for the contributors was not suitable for
16 comparison.

17 Q. And that's on the sperm fraction.

18 A. That's on the sperm fraction, correct.

19 Q. Left nipple, you have DNA from at least two,
20 but unable to get a result as to whose DNA that
21 might be?

22 A. That's correct.

23 Q. On the rectal swabs, on the non-sperm fraction,
24 you were able to identify Monesha as the major
25 contributor and two individuals on the sperm

1 fraction. The major contributor is possibly going
2 to be Craig Cooper, but we don't have that file.
3 And the minor is Monesha Cook?

4 A. That's correct.

5 Q. Okay. And on the oral swabs, the non-sperm
6 fraction is Monesha. But the sperm fraction, while
7 it's at least two, you could not identify a major
8 contributor?

9 A. I'm sorry. Which item was that?

10 Q. Oral swabs.

11 A. Oh, the oral swabs. For the sperm fraction,
12 you said?

13 Q. Yes.

14 A. Yes. That's a mixture from at least two
15 individuals. And the -- while the major was
16 attributable to Monesha Cook, the minor was -- minor
17 or minor contributors was not suitable for
18 comparison.

19 Q. So the major is still Monesha. And that's from
20 her mouth. But the minor -- now, why would there be
21 a female's DNA in the sperm fraction?

22 A. So it's not uncommon for a little bit of the
23 female victim's DNA to remain in the sperm fraction
24 of the sample because the -- it all comes -- it all
25 starts at one sample.

1 And so the initial portion of the extraction
2 breaks open any skin cells or blood cells that might
3 be in the sample. And then it's -- essentially,
4 it's spun down to make a pellet of spermatozoa at
5 the bottom, and then the liquid containing the DNA
6 is pulled off of the top of that sample and added to
7 a new tube. And that new tube contains what's
8 referred to as the non-sperm fraction.

9 However, it's not possible to remove every last
10 little bit of liquid from the initial tube that now
11 contains the sperm pellet. So there's still a
12 little bit of liquid possibly containing non-sperm
13 DNA in that small amount of remaining liquid.

14 We do additional washes and remove the liquid
15 from the washes to try to clean the pellet to remove
16 as much non-sperm DNA as we can from what will be
17 referred to as the sperm fraction. But because
18 there's typically so much female DNA present on a
19 swab from a female individual's mouth or the vaginal
20 area, it doesn't always all get removed. So it's
21 not uncommon to find some of the female individual's
22 DNA present in the sperm fraction.

23 Q. Thank you.

24 Now I'm going to take you to State's Exhibit
25 No. 6.

1 A. State's Exhibit 6?

2 Q. Yes.

3 A. State's Exhibit 6 is SLED Items No. 9 and 10.

4 And that is -- SLED Item No. 9 is buccal swab from

5 the right cheek of Craig Cooper, and SLED Item

6 No. 10 is buccal swabs from the left cheek of Craig

7 Cooper.

8 Q. Okay. And did you handle this evidence?

9 A. Yes, I did. Again, the lab number, item

10 number, and my initials are on the packaging, the

11 interior packaging, as well as my initials and the

12 date are on the heat-sealed pouch.

13 MS. WEISS: Your Honor, at this time, I'd like

14 to enter State's Exhibit No. 6 into evidence.

15 MR. WILLIAMS: Without objection, Your Honor.

16 THE COURT: Without objection, so admitted.

17 (State's Exhibit No. 6 admitted into evidence.)

18 BY MS. WEISS:

19 Q. Okay. So what kind of testing were you able to

20 do on State's Exhibit 6?

21 A. So because the Item 9 and Item 10 were

22 essentially the same sample, a swab from the

23 interior of Craig Cooper's mouth, I did analysis on

24 Item 9. There was no reason to duplicate the

25 analysis on 10 because there's no reason to believe

1 I would get a different result. So I was able to
2 develop a DNA profile from Item 9 and compare it to
3 the evidence samples.

4 Q. So you were able to develop a DNA profile
5 belonging to Craig or -- yeah, belonging to Craig
6 Cooper?

7 A. Correct.

8 Q. Once you have that profile, that profile you
9 would not expect to match anybody other than an
10 identical sibling?

11 A. I would not expect anyone to have the same DNA
12 profile as Craig Cooper other than an identical
13 sibling.

14 Q. Okay. And then you were able to match it
15 against what you had gotten back from CODIS as well
16 as the rectal swabs and the perineal swabs to see if
17 there was a match between Craig Cooper and the DNA
18 that was found in those samples?

19 A. So Item -- or Item 4.1, which was the swabs
20 from the trigger and upper area of the bottle, that
21 was the sample that went into CODIS and developed a
22 hit. That was a mixture. And we're not able to
23 pull a major contributor, so we're not able to
24 declare a match in that case. We're only able to
25 say that an individual is included as a possible

1 contributor to the mixture. And that was true for
2 Craig Cooper; he was included as a possible
3 contributor to the mixture.

4 Q. Craig's included as a possible contributor on
5 the Awesome bottle along with Monesha and Jacob?

6 A. Correct. They were also included as possible
7 contributors.

8 Q. Okay. And as far as the rectal swabs, what
9 were you able to determine?

10 A. The DNA profile of the major contributor to the
11 sperm fraction matches the DNA profile of Craig
12 Cooper.

13 Q. And you said you can get a good DNA profile off
14 of sperm. So on the rectal and the perineal, were
15 you able to -- with the major contributor, were you
16 able to get a fairly complete profile?

17 A. Yes. There was a lot of information. I do
18 have it saved here that they are -- they were both
19 partial profiles. However, they both yielded strong
20 statistics, so it was a significant amount of
21 information in those profiles.

22 Q. Okay. So the perineal swabs, what were you
23 able to determine?

24 A. The DNA profile of the major contributor
25 matches the DNA profile of Craig Cooper for the

1 sperm fraction of the perineal swabs.

2 Q. Okay. And just talking about the strong
3 statistics, so how many people currently live on
4 earth?

5 A. Approximately 7.5 billion.

6 Q. Okay. So that's 7.5. And then how many zeros
7 come after that 5?

8 A. It would be five zeros -- no. Sorry. It would
9 be seven zeros.

10 Q. Hold on. So you say 7.5.

11 A. Oh, I'm sorry. It would be eight zeros. It
12 would be eight zeros. I apologize.

13 Q. Okay. So that's how many human beings are on
14 earth, correct, approximately?

15 A. Approximately, yes.

16 Q. Okay. And were you able to determine a
17 statistic for the Awesome bottle that you were able
18 to say that Craig Cooper could be included in the
19 mixture?

20 A. Yes.

21 Q. What is the chance that you could randomly pick
22 somebody else to be included with that -- in that
23 mixture?

24 A. The probability of randomly selecting an
25 unrelated individual from the population to the

1 major contributor's mixture is approximately one in
2 37 million.

3 Q. And that's because it's a collection of at
4 least three people?

5 A. Yes. The statistic for a mixture is not going
6 to be as unique as the statistic for a -- for
7 instance, a full single-source profile.

8 Q. Okay. What's the chance of picking an
9 unrelated person as the major contributor on the
10 sperm fraction of the rectal swabs, other than -- an
11 unrelated person other than Craig Cooper?

12 A. Well, it's not another other than Craig Cooper.
13 It just refers to randomly selecting an unrelated
14 individual from the population that's unrelated to
15 the individual that left the sample on the evidence.
16 And the probability of randomly selecting an
17 unrelated individual having the DNA profile -- you
18 said the rectal swabs?

19 Q. The rectal swabs, major contributor of the
20 sperm fraction.

21 A. Okay. The -- the probability of randomly
22 selecting an unrelated individual having a DNA
23 profile matching the major contributor is
24 approximately one in 28 septillion.

25 Q. Okay. That's 28. And how many zeros are in

1 septillion?

2 A. It should be -- there's thousands, millions,
3 billions, trillions, quadrillions, quintillions,
4 sextillions, septillions. So it would be 28 -- the
5 number 28 with 24 zeros behind it.

6 Q. Okay. So that's randomly selecting somebody
7 having the DNA profile matching that major
8 contributor. So one in 28 septillion match the DNA
9 profile, but Craig Cooper matches that DNA profile?

10 A. Yes. The profile drawn from Craig Cooper
11 matches the DNA profile of the evidence.

12 Q. Okay. And what about the perineal swabs, the
13 major contributor on the sperm section?

14 A. The probability of randomly selecting an
15 unrelated individual having a DNA profile matching
16 the major contributor to the sperm fraction of the
17 perineal swabs is approximately one in
18 53 septillion.

19 Q. One in 53 septillion on that one?

20 A. Yes.

21 Q. Okay. So that's how many zeros after the --

22 A. It would be the number 53 with 24 zeros after
23 it.

24 Q. Okay. So those are the chances of randomly
25 selecting somebody, yet Craig matches the DNA that

1 was left on the perineal swab from the CSC kit?

2 A. The DNA profile of Craig Cooper does match the
3 main profile from the major contributor to that.

4 Q. And, finally, I'm going to ask you to look at
5 State's Exhibit 5.

6 A. State's Exhibit 5 is SLED Item No. 7, and that
7 is buccal swabs from Christopher Cooper's mouth.

8 Q. Okay. And did you analyze State's Exhibit 5?

9 A. Yes, I did.

10 Q. Okay. And how do you know that?

11 A. Again, the SLED item number, the lab number,
12 and my initials are on the inner packaging and
13 the -- my initials and the date on the resealed
14 heat-sealed pouch are also on the packaging.

15 MS. WEISS: Your Honor, at this time, I'd like
16 to enter State's Exhibit 5 into evidence.

17 THE COURT: Any objection?

18 MR. WILLIAMS: No, Your Honor.

19 THE COURT: Without objection, State's Exhibit
20 No. 5 is admitted.

21 (State's Exhibit No. 5 admitted into evidence.)

22 BY MS. WEISS:

23 Q. And what is State's Exhibit 5?

24 A. That is the buccal swabs from Christopher
25 Cooper.

1 Q. Okay. And what were you able to develop from
2 that buccal swab?

3 A. I was able to develop a DNA profile suitable
4 for comparison.

5 Q. And were you able to compare that DNA profile
6 to the sperm fraction of the paper towels?

7 A. Yes, I was.

8 Q. Were you able to make a match at that point?

9 A. Yes, I was. The DNA profile of the major
10 contributor to the sperm fraction matches the DNA
11 profile of Christopher Cooper.

12 Q. Okay. And what are the chances of randomly
13 selecting somebody that matches the profile left on
14 the paper towel from the sperm fraction of the DNA
15 analysis?

16 A. The probability of randomly selecting an
17 unrelated individual from the population having a
18 DNA profile matching the major contributor to the
19 sperm fraction of the paper towel is approximately
20 one in 260 octillion.

21 Q. One in 260 octillion?

22 A. Yes.

23 Q. How many zeros is that?

24 A. That would be the number 260 with 27 zeros
25 behind it.

1 Q. So one in 260 octillion people would match the
2 profile that was left on the paper towel, the
3 non-sperm fraction of Monesha Cook and a sperm
4 fraction of Christopher Cooper -- I mean, and a
5 sperm fraction that matched the DNA of Christopher
6 Cooper?

7 A. I'm sorry. Could you repeat that, please?

8 Q. One in 260 octillion people would match the DNA
9 left on the paper towel and the sperm fraction.
10 However, Christopher Cooper matches that DNA?

11 A. Statistically speaking, you would expect that
12 profile to occur approximately one in 260 octillion
13 individuals.

14 Q. And Chris Cooper, Christopher Cooper, matches
15 that sample that was left in that DNA?

16 A. Yes. The DNA profile from Christopher Cooper
17 matches the DNA profile developed from the major
18 contributor.

19 Q. Ms. Clayton, is there anything else that you
20 did involving this case?

21 A. No. I did not do anything additional.

22 MS. WEISS: Thank you. I have no further
23 questions. Please answer any questions the defense
24 may have.

25 THE COURT: Can the lawyers approach a minute,

1 please?

2 (Sidebar conference.)

3 THE COURT: All right. Ladies and gentlemen,
4 I'm going to give you a short break. We've been
5 going at least an hour and a half, and we'll try to
6 finish this witness for the day. We may be here
7 beyond 6:00 tonight. I want to try to finish this
8 witness today.

9 Do not discuss the case. I'll get you back in
10 here as quickly as I can. Thank you.

11 (The jury exits the courtroom at 5:23 PM.)

12 THE COURT: You may step down. Do not discuss
13 your testimony. Okay? When I come back, we'll get
14 you back up here.

15 MR. WILLIAMS: Your Honor, could I ask the
16 chart -- it is not evidence here -- but that it be
17 moved somewhere where the jury won't be focused
18 on whatever type of --

19 MS. WEISS: I was going to do that anyway.

20 (Brief recess.)

21 THE COURT: All right. Bring in the jury,
22 please, sir.

23 (The jury enters the courtroom at 5:56 PM.)

24 THE COURT: All right. We have all the jurors
25 present.

1 Madam Forelady, ladies and gentlemen of the
2 jury, due to some unforeseen circumstances, I am
3 going to get you out of here before 6:00 today.
4 Okay? So what I'm going to do, I'm going to let you
5 go home. I'm going to ask that you be back here by
6 9:00 in the morning. It's my intention to start at
7 9:00 in the morning. So be back here so we can
8 start at 9:00.

9 Do not discuss this case at all with anyone.
10 This case will be given to you-all to begin your
11 deliberations and decide a verdict for this case.
12 Okay?

13 Do not -- do this also: For lunch tomorrow,
14 you will not be leaving for lunch. When you return
15 tomorrow morning, the bailiff will have a piece of
16 paper which will be a menu from Jimmy John's sub
17 shop or sandwich shop. There will be boxed lunches
18 that will be brought in to you tomorrow; boxed
19 lunches, and keep things separate and whatnot for
20 protective purposes. And so those will be brought
21 in tomorrow for lunch for you.

22 So you-all have a nice evening. Again, do not
23 discuss the case at all. As I've said from the
24 outset, you're to decide this case based solely upon
25 the evidence and testimony presented here in this

1 courtroom and nowhere else. Thank you for your
2 patience. Thank you for your attentiveness. And I
3 look forward to seeing y'all tomorrow morning at
4 9:00. Thank you.

5 (The jury exits the courtroom at 5:59 PM.)

6 THE COURT: Ms. Clayton, I'm sorry, but you'll
7 have to come back in the morning. I was hoping to
8 get you done today. We're going to start at 9:00 in
9 the morning. Please be here. And when we come back
10 tomorrow, when the jury comes in, I'll have you sit
11 back up here just like you are right now. So when
12 they come in, you'll already be back on the stand.

13 During our break tonight, same instruction to
14 you: Do not discuss your testimony with anyone.

15 We will start at 9:00 tomorrow morning with
16 your cross-examination, and we'll get you in and out
17 of here as quickly as we can. Okay?

18 THE WITNESS: Okay. Thank you.

19 THE COURT: Thank you. Have a good night. You
20 may step down.

21 All right. Anything else from the State before
22 we break for the day?

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

24 THE COURT: Defense counsel?

25 MR. WILLIAMS: Nothing for the defendant, Your

1 Honor.

2 THE COURT: All right. Please be here, ready
3 to go at 9:00. Thank you.

4 (The following proceedings were held
5 April 23, 2021.)

6 THE COURT: Is the State ready to proceed?

7 MS. WEISS: In about 30 seconds, when my
8 co-counsel walks right back in. I said, I think you
9 have -- I think we're waiting on one juror, so I
10 told her she had enough time to run across the hall.

11 THE COURT: They're here. We've got them all
12 now.

13 MS. WEISS: Okay. She'll be back literally in
14 about 30 seconds.

15 THE COURT: All right. Anything from defense
16 counsel before we bring the jury back in?

17 MR. WILLIAMS: No, sir, Your Honor.

18 THE COURT: Ms. Clayton, want to come on up
19 here please, ma'am?

20 Ms. Clayton, I'll remind you -- I'm not going
21 to swear you again. I'll remind you that you're
22 still under oath. Okay?

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Bring the jury in,
25 please, sir.

1 (The jury enters the courtroom at 9:07 AM.)

2 THE COURT: All right. Madam Forelady, ladies
3 and gentlemen of the jury, good morning. I hope
4 you-all had a nice restful evening yesterday and are
5 ready to proceed here today.

6 At this time, defense counsel's recognized for
7 cross-examination.

8 MR. WILLIAMS: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. WILLIAMS:

12 Q. Good morning.

13 A. Good morning.

14 Q. How are you?

15 A. I'm doing well this morning. Thank you.

16 Q. Well, good.

17 Try to slow it down. It got a little fast
18 yesterday afternoon.

19 A. Okay. I'll try to do that. I do talk very
20 quickly sometimes.

21 Q. Well, and there was a lot going on.

22 Let me kind of start you at the beginning, I
23 guess. Obviously, back then, you were working for
24 SLED. Now you're working at Orangeburg.

25 A. That's correct.

1 Q. You've gone through your qualifications. And
2 you were talking about -- you originally were
3 talking about the setup, about the machine, and some
4 of the things you had to deal with. And you were
5 talking about when you came to the samples, you had
6 to be careful about having too much of what that
7 would create a problem?

8 A. Okay. So there is a target amount of DNA that
9 you want to amplify. That's the step that we make
10 lots and lots of copies of the locations that we're
11 testing for in particular. And our final instrument
12 has a range of DNA that's the ideal amount of DNA to
13 detect all of the contributors. And if the
14 concentration is too high, it can cause additional
15 peaks that are -- are not true peaks.

16 And it's usually very evident in the data that
17 this has occurred because as I referred to, the RFU
18 values, when the peaks become very high, when they
19 exceed 30,000 RFU, we know the concentration is
20 often too high at that point and that we need to
21 dilute the sample out and bring it down.

22 If the concentration is too low, then the
23 instrument may not detect all of the information in
24 that profile. And that happens quite frequently
25 with touch DNA samples. That's the most common

1 source of samples that would cause that kind of
2 problem. And sometimes that can be compensated or
3 adjusted for a little bit, and sometimes it can't;
4 there's not enough DNA in the sample, and that --
5 there's nothing that can be done. And that
6 sometimes leads to the sample being declared not
7 suitable for comparison.

8 Q. So what do you do when it's too high?

9 A. We do a dilution step. So we use a reagent to
10 dilute out the sample based on the quantitation step
11 that we did. There's a calculation that we use to
12 determine how much of that reagent needs to be added
13 to just a portion of the sample.

14 A small portion of that sample's taken out and
15 added into that -- that reagent to dilute it down.
16 And, at that point, the analysis would continue just
17 as normal. We would do the amplification step and
18 then run it on the final instrument.

19 Q. So there's a lot of hands on in regards to this
20 testing procedure. It's not just a simple procedure
21 that you do. You can't just hand it to a machine
22 and let it go. You have to look at it. You have to
23 do things sometimes.

24 A. Some of -- yes. Some of the steps that we do
25 are automated by robotics, but the dilution step is

1 done manually.

2 Q. So in terms of looking at those peaks, is this
3 a visual thing, or does the machine tell you it's
4 too high?

5 A. It's a visual thing. The -- the instrument
6 reports the RFU value. It assigns the RFU value
7 using the software that comes with the equipment.
8 And then I do a visual analysis of the sample, and
9 in addition to the RFU values, it will be evident in
10 the sample if there are peaks there that are not
11 true peaks. They are -- for instance, there's
12 things that we look at such as the peak shape or
13 whether or not they fall under what's called a bin.
14 There are a number of characteristics that we look
15 at to determine. If it's -- the sample is too high
16 and based on that, I will go back if necessary and
17 adjust the concentration levels.

18 Q. And would -- would that influence -- would that
19 influence how the test was done? There's a reason
20 why you obviously worry about that. How does that
21 affect your test that you run if it's too high, if
22 you have too many DNA in it?

23 A. If it's too high? Again, it makes
24 interpretation of the sample difficult because it
25 makes it more difficult to determine which are the

1 correct allele calls, and that's why we adjust it to
2 the correct concentration or slightly less
3 concentrated to run the sample and get a profile
4 that doesn't contain those artifacts that are
5 clearly not true -- true information from a profile.

6 Q. Now, you just used the word allele calls.

7 A. Oh, yes. I'm sorry. Allele calls are -- as I
8 told you, we generally just refer to it as a series
9 of numbers. So those numbers -- each of those
10 numbers, individual numbers, in a location are
11 referred to as alleles. That would be the technical
12 term for those numbers.

13 Q. All right. And those numbers, do they
14 represent locations on the DNA strand? There's 23
15 locations that -- we often hear about 23. What is
16 the 23 for?

17 A. We -- we test 21 locations using the kit that
18 we use as well as a few additional locations that
19 are for testing for the possible presence of male
20 DNA specifically. The -- the alleles are separate
21 from the location. The locations are referred to as
22 loci. So when I referred to TH01 yesterday, that
23 would be a location. The -- the alleles are the
24 possible variations of that location. So the
25 variation that the allele might be a 9 allele or a

1 14 allele, and that is a reflection how long the
2 piece of DNA is at that particular location.

3 Q. So it's a reflection of the length, if you
4 will, of that particular --

5 A. Yes. So what we -- the type of testing that we
6 do is called short tandem repeat testing. And so at
7 these locations, there's a repeat of a sequence of
8 DNA in these samples. So if that sequence repeats
9 nine times, it's referred to -- that allele is
10 referred to as the 9 allele. If it's repeated 14
11 times, then that allele is referred to as a 14
12 allele.

13 And, obviously, the more times that that
14 sample -- or that sequences repeats, the longer the
15 piece of DNA; the fewer times it repeats, the
16 shorter the piece of DNA is at that location.

17 Q. So when you normally look, when you run a
18 testing result, you'll have a string loci, 21 or 23,
19 and then it would have a number next to it. And
20 that number is assigned to the number repeats that
21 that shows on that particular allele; is that
22 correct?

23 A. So it's -- I don't know that I would --

24 Q. Phrase it -- you phrase it the best way,
25 because you're the expert.

1 A. Okay. It's -- it's reported -- it's reported
2 visually as a set of peaks. And they're in -- when
3 they're displayed, it's in -- the peaks are in
4 different colors, depending on which dye was used to
5 dye that -- that -- to tag that piece of DNA when it
6 was tested.

7 So there's -- when it's visualized, it's
8 referred to as the blue dye, green dye, yellow dye,
9 red dye, purple dye, just for easy reference and
10 easy visualization. And so, yes, those numbers,
11 the -- the different locations are separated both by
12 the dye and by the length of the DNA.

13 Q. All right. Now, when you're running these
14 tests on -- in this particular case, when you
15 were -- when you were doing the work on these tests
16 that were being done, there was a rush to have these
17 DNA things done. But you've already talked about
18 that and that you -- you still don't cut corners and
19 still go through all the same testing and stuff like
20 that, correct?

21 A. That's correct.

22 Q. On that weekend, were there -- do you ever
23 share the equipment that you have with other
24 individuals?

25 A. Yes. We do use -- we all use the same

1 equipment. We have multiple robots that we use for
2 extraction. We use the same Capillary
3 electrophoresis instrument. We -- well, we have two
4 instruments. We have multiple thermocyclers.
5 That's used during the amplification process. But
6 the -- for instance, the extraction instruments,
7 those are cleaned between every single use. So even
8 if I use the same instrument multiple times, it is
9 cleaned between every single set of samples that I
10 put on that instrument.

11 Q. And how many employees are using that equipment
12 over, say, that particular weekend?

13 A. Over the weekend?

14 Q. Right.

15 A. Typically, unless someone's working overtime
16 that weekend, there generally are not too many
17 individuals using the instrument over the weekend.

18 Q. And on that particular weekend -- who is Donna
19 Money?

20 A. Donna Money is another qualified analyst that
21 worked in the department.

22 Q. And a lot of your worksheets indicate that
23 there was more than one person involved in the work
24 that you had done. So Donna Money would have
25 been -- would she have been supervising you, or

1 would she have been checking your work or doing her
2 own work?

3 A. No. I would have -- I would have done the work
4 on my samples, and she would have done the work on
5 her samples. I'm not sure which -- which worksheets
6 you're referring to specifically.

7 Q. Well, do you record -- do you record cases
8 together? Meaning, like, you have a certain case
9 that is -- what is that, L17-11532, and that would
10 be the case that we're handling now. That would be
11 the -- the case involving my client. You'd be
12 handling other cases that might have information
13 recorded at the same time on the worksheets?

14 A. That's correct, depending on the -- depending
15 on the day and whether it's part of a batch.
16 This -- for at least the initial samples, I -- it
17 was the only case -- the only items I worked because
18 it was a rush case. However, on later batches, when
19 additional evidence came in, I did batch it with
20 other cases. So, yes, there would have been
21 multiple -- multiple cases in a batch.

22 Q. Gotcha.

23 Now, you already indicated that -- that you ran
24 a CODIS check. A CODIS is really a -- it's a
25 check on whatever sample you have, isn't it? You're

1 sending it out to -- is it just South Carolina -- is
2 it United States that, really, in this particular
3 case, it went to, or was it worldwide?

4 A. It's -- CODIS is not worldwide. It is either
5 at the state level or at a national level. In this
6 case, both scenarios are true. The mixture, because
7 of the -- because it was a mixture of three
8 individuals, did not go to the national level but
9 was searched at the state level only. The other two
10 samples were uploaded to the national level to be
11 nationally.

12 Q. So in this particular case, it -- it initially
13 matched up with ten individuals in the state of
14 South Carolina.

15 A. Correct.

16 Q. Now, aside -- aside from that, when you were --
17 when you were testing things, you had a -- can you
18 tell me the total number of things which you tested
19 in your lab for this particular case?

20 A. The total number of items that I tested for
21 this particular case?

22 Q. Yes, ma'am.

23 A. It was 12 individual items. However, all of
24 the samples in the sexual assault kit for submission
25 purposes would have been considered a single item.

1 Q. Would have been considered as what?

2 A. As a single item for submission purposes.

3 Q. All right. So it actually would have more than
4 12, is what you're saying, if you count the sexual
5 assault, or am I reading that wrong?

6 A. No, no. It was -- it was -- as far as
7 individual samples that I analyzed, it was 12
8 individual samples. However, when the sexual
9 assault kit was submitted and contained all of
10 those -- those individual samples -- the oral swab,
11 rectal swab, et cetera -- it was submitted as
12 Item 5.

13 So upon submission, it was considered a single
14 sample. And then we do what's called sub-itemizing
15 it. And that's how we ended up with multiple items
16 for the sexual assault kit after it was submitted.

17 Q. And, again, for the jury's benefit, you're at
18 the end of the chain. You don't collect the
19 evidence; you don't maintain the evidence; you don't
20 decide which evidence to send to you. Everything is
21 determined by other people. And then when you
22 finally get it, you -- you get this -- this small
23 part of the process that you analyze. You're not
24 involved in anything else, are you?

25 A. Typically, that decision is made by the

1 submitting agency. Sometimes they will consult with
2 us. If they need, maybe, guidance, if they have a
3 lot of samples and they're not sure which samples
4 might be the best samples for DNA analysis, they may
5 call us for some -- for some suggestions or some
6 input. I believe, on this particular case, they
7 knew up front which items they wanted to submit, and
8 they submitted those.

9 Q. Now, I believe there was testimony that SLED
10 only allows, like, five things to be tested because
11 of the monetary aspect and because of the number of
12 things that y'all have to check.

13 A. That -- that is part of it. The other part of
14 it is, again, the -- the farther you get from the
15 most intimate samples to the incident, the more
16 likely you are to introduce profiles that are not
17 related to the incident at hand. So there's --
18 there's both a scientific and -- yes, he's correct.
19 There is a monetary and a staffing aspect of that.

20 Q. In your -- in your years, I guess, of being a
21 DNA analyst, if you had a cell phone which was the
22 last item that the alleged assailant touch ed; no
23 one had touched it since the assailant had touched
24 it; there was no allegation that the person wore
25 gloves or anything like that, would that have been

1 one of the more important items that you wanted to
2 test?

3 A. That really depends on the scenario, and it
4 really depends on if -- if they're already
5 identified on another item, it may or may not be
6 necessary. As I said before, they can request
7 additional items to be tested, if they feel like it
8 can prove a different element of the crime.

9 But typically, if they submit items and we are
10 able to link the possible individual to the -- the
11 incident, we typically request that they not submit
12 additional items unless they have an additional
13 element of the crime that they would like to
14 possibly support or prove with the additional
15 testing.

16 Q. So is that a yes or a no?

17 A. That -- that would be a call for the
18 investigators to make.

19 Q. Now, when it comes to, I guess, things that you
20 would check -- and we've talked about this is a
21 little bit. And I think the testimony was that
22 unless -- unless you are biological twin, you would
23 more than likely not have the same DNA as somebody
24 else, correct?

25 A. Correct. With the exception of identical

1 siblings, I would not expect two individuals to have
2 the same DNA profile.

3 Q. But you'd expect relatives to share a lot of
4 the same DNA, and it would appear that that's how
5 you can tell they're relatives, isn't it, because
6 you --

7 A. Yes, that's -- that's correct. Related
8 individuals do share more information in their
9 profile because their -- their DNA is passed down
10 from the -- the related individuals. So there's --
11 there's going to be greater -- greater sharing of
12 information between related individuals than
13 non-related individuals.

14 The amount of information that's shared between
15 related individuals is also going to vary depending
16 on the relationship. The amount of DNA between a
17 mother and father would be greater than the amount
18 of DNA shared between, for instance, cousins.

19 Q. So in that regard, you might see as high as 17
20 loci, where they would be identical in regards to
21 the DNA -- when I refer to loci, let's pretend I'm
22 dumb, because I am. And there's, like, 23 that
23 you're actually checking. You might get 17 that are
24 identical versus 23; is that correct?

25 A. There -- the correct pronunciation a loci.

1 Q. Okay.

2 A. There -- they may share information at a number
3 of locations. For instance, father and child will
4 share at least one number, one allele, at each
5 location or in mutation. They will share at least
6 one allele at each location across all locations
7 tested. Siblings may also share one -- one allele
8 or more at a location across the profile.

9 Q. And -- and it's called loci because it comes
10 from the Latin word loco, which means place,
11 correct?

12 A. That sounds correct. I have not explored the
13 etymology of the word.

14 Q. Okay.

15 A. But that sounds like a valid explanation.

16 Q. Okay. So I'm going to take you to the end, you
17 know, because what happened in your particular case,
18 you sent several reports out, didn't you?

19 A. That's correct.

20 Q. How many reports did you send out?

21 A. I issued six reports.

22 Q. All right. Six different reports where you
23 had -- you were finding for six different things.
24 You were checking for different things, six
25 different testings, if you will, right?

1 A. No. I had three initial reports that I issued
2 each -- for each step of the analysis. And then
3 once the reports were all finished, I was reviewing
4 the case file, I believe for a discovery, and
5 discovered that I had a -- an error in the wording
6 of the report. And, in fact, it had carried over
7 from the initial report to the two supplemental
8 reports. And so three new reports were issued that
9 amended that error.

10 Q. So -- so you have reports. You -- you have
11 amended reports. And then you have amended
12 supplemental reports, right?

13 A. Correct. A report -- a supplemental report is
14 any report that's issued in addition to the initial
15 report. So the initial report would have included
16 just the first few items that were submitted. I
17 believe that was the paper towel and the swabs from
18 the bottle. So that would have been the initial
19 report.

20 And then when the additional items were
21 submitted, that would have been the second
22 supplemental report -- or the first supplemental
23 report. It would have been the second report, first
24 supplemental. And then additional items were
25 admitted, and that would have constituted the second

1 supplemental report or the third report in total.

2 So when the error was discovered in the wording
3 on the report, the -- an amended report had to be
4 issued for each of those individual reports.

5 Q. And now I'm going to be real quick. I want to
6 take you back through those findings that you had
7 from 8.1. Do you recall what 8.1 was for?

8 A. 8.1 was the swabs from the pistol.

9 Q. Yes. And what you're testing there is the DNA,
10 the touch DNA, that would be on the groove side, the
11 slide, the trigger, and the grip, right?

12 A. Correct.

13 Q. And in that DNA profile, you're looking for
14 touch DNA, aren't you?

15 A. Yes. In that particular sample, that was what
16 we were testing for. There was no reason to believe
17 that, at the time, that there was blood or saliva on
18 the sample. So the presumed source of DNA on that
19 sample was touch DNA or skin cells that were left on
20 the item when it was handled by one or more
21 individuals.

22 Q. And you use -- you make a finding, do you not,
23 that it's at least four individuals who have touched
24 it; is that correct?

25 A. In this particular case, there is DNA from at

1 least four individuals on the -- in the mixture.

2 Q. So could there have been -- you say at least
3 four. Linguistically, it sounds like there could
4 have been more; is that correct?

5 A. That is possible.

6 Q. And the number is infinite. We don't know what
7 that number is, do we?

8 A. Theoretically, it could be infinite. The more
9 individuals that you have in a mixture, the more
10 probable it is that you will detect additional peaks
11 that indicate additional individuals. But we cannot
12 determine the number of individuals that were in the
13 mixture with certainty.

14 However, the results do indicate that it was at
15 least four. It could have been five, could have
16 been seven. I have no way to determine that.

17 Q. Let me take you to 6.1. And you obviously --
18 you've got a record, so you can show what that was,
19 right?

20 A. 6.1?

21 Q. Yes, ma'am.

22 A. That was the cutting from the interior right
23 seam area of the skirt.

24 Q. Correct.

25 And what was your finding in that?

1 A. The DNA profile from the non-sperm mixture
2 is -- or the DNA profile from the non-sperm fraction
3 is a mixture from at least two individuals. And the
4 DNA profile of the major contributor is attributable
5 to Monesha Cook. And due to the inability to
6 calculate a statistic, no comparison would be
7 offered recording the minor contributor or minor
8 contributors.

9 And for the sperm fraction, the DNA profile is
10 a mixture from at least two individuals. And due to
11 the inability to calculate a statistic, no
12 comparisons will be offered.

13 Q. What does that mean, that no -- that -- that
14 you couldn't calculate the statistics? So you
15 didn't do any comparisons. What does that mean?

16 A. So there are -- there's protocols in place to
17 make sure that the statistic that we calculate is
18 accurate and significant. So there are a couple of
19 requirements. One is that you have to know that all
20 information is present for the individuals for whom
21 you are calculating a statistic.

22 So when there's a mixture of at least two
23 individuals, you have to be able to determine that
24 all of the information is present for those
25 individuals at locations that you're using for the

1 calculations.

2 If you can't be confident that all the
3 information's present there, then you cannot
4 calculate a statistic at that location because it
5 would not be accurate. It would not be an accurate
6 reflection of the data or the probability that you
7 could choose an individual at random that would be
8 included as a possible contributor.

9 And because it was not possible to do a
10 calculation at any of the locations, the sample was
11 determined not suitable for comparison.

12 Q. All right. Only just a few more.

13 Can I take you to 5.6?

14 A. That is the suspected body fluid swabs from the
15 perineal area.

16 Q. And -- and I'll -- I'll try to lead you a
17 little bit. You had two sections, non-sperm
18 fraction and sperm fraction; is that correct?

19 A. That's correct.

20 Q. And the non-sperm fraction of the DNA profile
21 was who?

22 A. The DNA profile is attributable to Monesha
23 Cook.

24 Q. And it was a mixture. The sperm fraction was a
25 DNA profile from at least three individuals; is that

1 correct?

2 A. That's correct.

3 Q. So there could have been how many?

4 A. I cannot say with certainty. There was
5 information that there were at least three present.

6 Q. Infinite?

7 A. Theoretically. It's improbable, but it's
8 theoretically possible.

9 Q. Well, you can't put everybody in the same room
10 probably, can you?

11 A. That would be very difficult.

12 Q. So you developed a partial DNA profile on that
13 one, and it matches -- it matched who?

14 A. The DNA -- the partial DNA profile of the major
15 contributor matches the DNA profile of Craig Cooper.

16 Q. Okay. Now, the oral swab, which is No. 5.2?

17 A. 5.2?

18 Q. Yes.

19 A. That's correct. That's the oral swabs from
20 Monesha Cook.

21 Q. And, of course, the DNA profile was who?

22 A. The DNA profile from the non-sperm fraction is
23 attributable to Monesha Cook.

24 Q. And the sperm fraction was for who?

25 A. The profile from that was a mixture from at

1 least two individuals. The profile of the major is
2 attributable to Monesha Cook. And due to the
3 inability to calculate a statistic, no comparisons
4 will be offered regarding the minor contributor or
5 contributors.

6 Q. Again, it's at least two people; maybe three,
7 maybe four, maybe infinite.

8 A. I know it's at least two. That's correct.

9 Q. Okay. Now, the 5.3, which is the rectal swabs.

10 A. That is correct.

11 Q. And what was the non-sperm fraction?

12 A. The non-sperm fraction of the DNA profile is
13 attributable to Monesha Cook.

14 Q. And the sperm fraction was what?

15 A. The sperm fraction is consistent with being a
16 mixture from two individuals. The partial DNA
17 profile of the major contributor matches the DNA
18 profile of Craig Cooper, and the partial DNA profile
19 of the minor contributor is attributable to Monesha
20 Cook.

21 Q. So Monesha Cook fit into the sperm fraction
22 also, and you discussed that yesterday; is that
23 correct?

24 A. That's correct.

25 Q. And it's at least two individuals again. So

1 could be three, four.

2 A. In this particular -- I reported it as
3 consistent with being a mixture from two
4 individuals. So the -- all of the -- all of the
5 information in there, there was more information
6 present for the second contributor. So there's a
7 strong indication that it is a mixture of only two
8 individuals.

9 It's -- it is theoretically possible that it's
10 a mixture of two -- more than two individuals.
11 However, the indications are that it's a mixture of
12 only two individuals in this particular case.

13 Q. So that's why there's different wording. You
14 felt -- felt more comfortable saying that it was two
15 versus at least two or at least three?

16 A. That's correct. There was greater confidence
17 in determining the number of contributors due to the
18 additional information.

19 Q. And, again, 5.3 -- 5.4, which is the left
20 nipple, it's a DNA profile of?

21 A. The DNA profile, again, is a mixture of at
22 least two individuals. And due to the inability to
23 calculate a statistic, no comparisons will be
24 offered.

25 Q. 4.1?

1 A. 4.1 is the swabs from the trigger and upper
2 area of the bottle. Again, this is a -- the profile
3 is a mixture from at least three individuals.

4 Q. And you actually list three possible
5 contributors to this, do you not?

6 A. That's correct. Monesha Cook, Jacob Cook, and
7 Craig Cooper are included as possible contributors
8 to the mixture.

9 Q. But, again, since you used the wording of at
10 least three individuals, it could be three, four,
11 five, six, or seven, eight?

12 A. That is possible. Certainly, once I see more
13 than four individuals, I would expect indications of
14 the additional contributors. But it is
15 theoretically possible. There could be five or six
16 individuals present.

17 Q. And I'm -- I'm just about through.

18 When you talk -- when you do your statistical
19 analysis -- and I know we looked at those -- those
20 numbers and all that stuff. You appear to have
21 charts that you refer to dealing with whether or not
22 it's an Asian-American, whether or not it is a black
23 American -- well, I shouldn't say American --
24 whether or not it's Asian, Caucasian, or black.

25 A. So yes. When we calculate our statistics,

1 there are slight variations between the frequencies
2 of those alleles or the numbers in the profile in
3 the -- in the population by race.

4 So we calculate the statistics for Caucasians,
5 Hispanics, and African-American populations. And at
6 one time, we were doing Asian calculations, and then
7 we -- we're not -- okay -- yes, in Asian populations
8 at this time. We then determine which is the most
9 conservative statistic, and we report that
10 statistic.

11 Q. And why are you not doing Asian populations
12 now?

13 A. I -- I would have to double-check. But I
14 believe we are still doing Asian populations.
15 Actually, I believe what changed was we used to
16 separate Southwestern Hispanic and Southeastern
17 Hispanic, and now we just do the Hispanic population
18 as a whole.

19 Q. Okay. There's nothing different -- I mean,
20 everybody still has 23 loci, don't they? You're
21 doing this -- why would you separate those different
22 groups of people?

23 A. Well, I said before, because of ancestry, the
24 certain alleles occur with different frequencies in
25 different racial populations. So the frequency of,

1 say, 9 at TH01 might be slightly different in a
2 Caucasian population than it is in an
3 African-American population.

4 So, to be conservative, we calculate the
5 population -- we calculate the statistic in all of
6 the populations or the four that were stated, and
7 then we report whatever is the most conservative.

8 When we say conservative, that means it's the
9 highest probability, the result that gives you the
10 highest probability of possibly being able to choose
11 an individual from the population at random that
12 would be included as a possible contributor.

13 Q. And you actually do break it down,
14 African-American. You don't break it down by
15 African. You go by Caucasian, African-American,
16 Hispanic, and Asian; is that correct?

17 A. That's -- that's correct. We use the
18 populations that are most prevalent in the United
19 States, because the majority of the black
20 individuals in the United States are of
21 African-American origin. That is the population
22 database that was calculated rather than individuals
23 who are directly from Africa and are most likely to
24 have the influence of the American -- interracial
25 marriages that may affect the frequency.

1 MR. WILLIAMS: That's all the questions I have.

2 THE COURT: Any redirect?

3 MS. WEISS: Briefly, Your Honor.

4 REDIRECT EXAMINATION

5 BY MS. WEISS:

6 Q. Ms. Clayton, just to make sure that we
7 understand the most conservative you were just
8 talking about, we've talked about a lot of big
9 numbers. But -- so one in 7 million would be a
10 higher probability than one in 7 billion?

11 A. That's correct. Your -- your probability of
12 being able to choose someone at random from the
13 population would be better if the -- if the
14 statistic's approximately one in 7 million than it
15 is if it is one in 7 billion?

16 Q. So most conservative is you just -- you run all
17 the different statistics that y'all have, all the
18 numbers that have been run and qualified, and you
19 find whatever is the highest probability. You don't
20 look at what's been reported as far as race or sex
21 or anything else. You look at -- you run -- you run
22 it across whether it's Hispanic, Asian, white,
23 Caucasian, African-American. You find out, of all
24 of that, what is the most conservative or highest
25 probability?