

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAMIEN LAVAR RITTER,

APPELLANT.

APPELLATE CASE NO. 2021-000710

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1 Solicitor, call your first witness, please.

2 MR. GRAHAM: State calls James Anderson.

3 MR. JAMES ANDERSON was called as a witness,
4 being duly sworn, was examined and testified as follows:

5 THE CLERK: Have a seat up there, please,
6 sir. Once you're seated, you can remove your mask,
7 state your full name, spelling your last, please.

8 THE WITNESS: My name is James Anderson,
9 A-N-D-E-R-S-O-N.

10 DIRECT EXAMINATION

11 BY MR. GRAHAM:

12 Q. Mr. Anderson, can you pull the mic a little bit
13 closer to you and speak a little bit louder.

14 A. Okay.

15 Q. Thank you. Can you tell the jury back on July
16 5th of 2018 where you were living?

17 A. [REDACTED] Glenn Street.

18 Q. How long have you lived there?

19 A. Now, I've been there eight years.

20 Q. Let me show you a photograph and ask if you
21 recognize this. This has been pre-marked as State's
22 Exhibit No. 3. Do you recognize that?

23 A. Yes.

24 Q. Does that fairly and accurately represent the
25 layout of the apartment complex we're discussing?

1 A. Yes, it's an aerial view.

2 Q. Thank you.

3 MR. GRAHAM: Your Honor, the State would
4 move State's 3 into evidence.

5 THE COURT: Without objection?

6 MR. BROWN: No objection.

7 THE COURT: State's 3 is in evidence.

8 (State's Exhibit No. 3 was entered into evidence.)

9 BY MR. GRAHAM:

10 Q. Mr. Anderson, I'm going to hand you a pointer.
11 The button right there will light it up, and if you
12 will, point it over at the screen. Can you tell the
13 jury, did you know Samir Atkins?

14 A. Yes, I did.

15 Q. How well did you know him?

16 A. He was the grandson of some neighbors.

17 And I found him to be a very respectful young man,
18 and I knew him maybe a year or two.

19 Q. Which apartment did he live in?

20 A. You said "he"?

21 Q. Samir, yes, sir.

22 A. Okay. That would be building four.

23 Q. Okay. And you mentioned that his grandparents
24 lived there?

25 A. Um-huh.

1 Q. Where were they?

2 A. His grandparents lived in building three.

3 Q. And that's Jethro and Betty Martin; is that
4 correct?

5 A. Yes.

6 Q. And then you lived in that apartment complex
7 as well?

8 A. Yes.

9 Q. Back on July 5th, around 2, 2:15, what,
10 if anything, did you hear?

11 A. Well, I'm a musician, and I was practicing
12 unplugged acoustically, and I heard some pow pows.
13 Based on the fact that it was a holiday, I just simply
14 assumed it was fire crackers and -- because people
15 do that. They shoot fire crackers after the holiday.
16 And it wasn't until -- do you want me to proceed?

17 Q. Well, how many -- how did you describe it?
18 You said pow -- how did you describe what you heard?

19 A. I said pow pow because I'm ex-military,
20 but it may have been pop pop, you know.

21 Q. Okay. How many pow pow noises did you hear?

22 A. I couldn't really say because I was practicing
23 at the time.

24 Q. Okay. So you had first thought the pow pow
25 noises might have been fireworks. What was it that

1 caught your attention next?

2 A. When I heard Ms. Martin scream because
3 I'm ex-military, and I have accompanied chaplains
4 and officers to the home of people who have been killed
5 in Vietnam. And I've seen firsthand many times the
6 reaction of a mother or a grandmother when they have
7 realized that they have lost a son or a grandson ---

8 MR. BROWN: Objection. We have a matter
9 outside of the presence of the jury.

10 THE COURT: Let's talk over here.

11 MR. BROWN: Thank you. Yes, sir.

12 (Off-the-record conversation held at sidebar.)

13 (Back on the record.)

14 THE COURT: All right, Solicitor, please
15 continue.

16 MR. GRAHAM: Thank you, Your Honor.

17 BY MR. GRAHAM:

18 Q. Mr. Anderson, after you heard a scream, what did
19 you do next?

20 A. Well, it's not only just a scream. It was what
21 was being said. I can see she was screaming and saying
22 something, and that's when I went to the front door.
23 And then I could actually see her clearly and hear what
24 she was saying clearly.

25 Q. And after you saw her, what did you do next?

1 A. Would you speak up a little bit.

2 Q. I'm sorry. After you looked out, and you saw
3 her, and you heard her, what did you do?

4 A. I went toward her because she's my neighbor.

5 Q. Where was she?

6 A. At the time, I would say she was in the driveway
7 between buildings three and four.

8 Q. Using the pointer, can you show the jury where
9 you're talking about?

10 A. She was in the driveway somewhere between --
11 I would say midways between buildings three and four.

12 Q. All right. Did you approach her and talk to her?

13 A. Yes, I did.

14 Q. Based on that conversation with her, what did you
15 do?

16 A. Well, it was what she said. She said ---

17 MR. BROWN: Objection, Your Honor.

18 MR. GRAHAM: Your Honor, it would be an
19 excited utterance.

20 THE COURT: Do you anticipate her testifying
21 at some point?

22 MR. GRAHAM: I'm sorry?

23 THE COURT: Do you anticipate her testifying
24 at some point so that she could ---

25 MR. GRAHAM: No, Your Honor, we do not.

1 THE COURT: She will not be testifying?
2 Okay. Noted. Overruled. You can answer the question,
3 sir.

4 THE WITNESS: She said, oh my God, they've
5 killed my son, and she said it frantically. And she was
6 screaming to the top of her voice. And as I approached
7 her, she handed her phone that was in her hand, and she
8 said, oh, my God, I can't call nobody. And that's when
9 I told her that I would call 911.

10 Q. Mr. Anderson, let me show you what's been marked
11 as State's Exhibit No. 2. It's a DVD. Do you recognize
12 that?

13 A. Yes.

14 Q. And how do you recognize it?

15 A. Because I initialed it.

16 Q. And have you heard it before?

17 A. Yes.

18 Q. Okay. And does it fairly and accurately
19 represent your call to 911?

20 A. Oh, it definitely is.

21 MR. GRAHAM: Your Honor, the State would
22 move State's 2 into evidence.

23 THE COURT: Any objection?

24 MR. BROWN: Without objection.

25 THE COURT: Without objection, State's 2

1 is in evidence, and you can publish, if you wish.

2 MR. GRAHAM: And, Your Honor, we will
3 publish it at this time.

4 (State's Exhibit No. 2 was entered into evidence.)

5 (Pause.)

6 MS. FULLER: Beg the Court's indulgence.

7 THE COURT: While they're working on that,
8 Mr. Graham, did you have any additional questions of him
9 after you were going to play that?

10 MR. GRAHAM: Yes, Your Honor.

11 THE COURT: Let's see if they can get it.
12 Go ahead and ask him, if you could.

13 MR. GRAHAM: Thank you, Your Honor.

14 BY MR. GRAHAM:

15 Q. Mr. Anderson, after Ms. Betty asked you to call
16 911, you called 911 ---

17 A. I told her I would call. She really didn't ask.

18 Q. Okay. Tell me what happened as you're on the
19 phone with 911. What do you do?

20 A. I'm talking to the 911 operator, and she started
21 asking me different questions, fundamental questions,
22 like, location. But then she started asking me specific
23 questions, like, how many victims is there, male
24 or female, and they asked if the shooter was still
25 at the scene. And so then she asked a couple of other

1 questions. What room are they in? And that's when
2 I told her that I would have to enter the apartment
3 to give her that information.

4 Q. And did you, in fact, enter the apartment?

5 A. I entered the apartment through the front door,
6 and then stood in the doorway of the kitchen.
7 And I'm still on the phone with the 911 operator,
8 giving her the information that she was asking.

9 Q. Let me show you what's been pre-marked as State's
10 Exhibit No. 4, and ask if you recognize that.

11 A. Yes, that's the layout of the floor plan
12 of the apartment.

13 MR. GRAHAM: Your Honor, the State would
14 move 4 into evidence.

15 MR. BROWN: Your Honor, I have a concern
16 about the accuracy of the drawing as far as being to
17 scale.

18 THE COURT: All right. You can handle
19 it on cross. He's recognized that. That is roughly
20 the layout of that apartment?

21 THE WITNESS: Yes.

22 THE COURT: Okay. I assume all of the
23 apartments are pretty much set up in the complex the
24 same way; is that right?

25 THE WITNESS: Depending on which side

1 of the building. It just kind of reverses.

2 THE COURT: Very good. You can handle the
3 scale issues on cross.

4 MR. BROWN: Thank you.

5 THE COURT: State's 4 is in evidence.

6 (State's Exhibit No. 4 was entered into evidence.)

7 BY MR. GRAHAM:

8 Q. Mr. Anderson, looking at ---

9 THE COURT: We have to switch over.
10 Let's see if we can get that back up.

11 BY MR. GRAHAM:

12 Q. Mr. Anderson, do you even need to see this
13 diagram to describe the apartment layout?

14 A. No.

15 Q. Would you go ahead and describe the apartment
16 layout of Samir's apartment to the jury.

17 A. The -- you want me to describe the floor plan,
18 or the room I entered?

19 Q. Start with the overall floor plan, please.

20 A. Well, the apartments are the same. I mean,
21 you enter -- you're entering into the living room.
22 Depending on what side of the building the apartment
23 is, either you're going to go to the right or go to
24 the left to the kitchen area. You go down the hallway,
25 you enter a bedroom on the left, have a bedroom on

1 the right, and then you're going to have a bathroom.
2 You have a closet in the hallway where the hot water
3 heater is. And in the kitchen area, you have a reverse
4 door where the washing machine and dryer are.

5 MR. GRAHAM: Your Honor, I think we're ready
6 to play the 911 call now.

7 THE COURT: By all means, go ahead and play
8 it, if you could.

9 (The 911 call was played for the jury.)

10 BY MR. GRAHAM:

11 Q. Mr. Anderson, let me show you a photograph,
12 State's Exhibit 10. Do you recognize that photograph?

13 A. Yes.

14 Q. And do you see yourself in the photograph?

15 A. Yes, that's me.

16 Q. And does that fairly and accurately depict,
17 at least at that moment, where you were in the house
18 and what you were doing?

19 A. Yes.

20 Q. And what were you doing at that time?

21 A. Talking to the 911 operator.

22 MR. GRAHAM: Your Honor, the State would
23 move 10 into evidence.

24 MR. BROWN: Your Honor, I believe we've seen
25 that, but I would like to get a closer look. Thank you.

1 Without objection.

2 THE COURT: All right. State's 10 is in
3 evidence, without objection.

4 (State's Exhibit No. 10 was entered into evidence.)

5 BY MR. GRAHAM:

6 Q. Sir, can you tell the jury where you are in the
7 apartment at this time when you're on the phone?

8 A. I'm right inside the front door. And, again,
9 as you enter that particular apartment, the kitchen
10 would be to your left. So, I'm standing right inside
11 the front door and right in the breezeway that leads
12 into the kitchen area.

13 Q. And at some point did you move -- well, when you
14 walked into the apartment prior to the police showing
15 up, who, if anyone, was in the apartment?

16 A. Sir, speak up a little more, please.

17 Q. I apologize, Mr. Anderson. When you went into
18 the apartment ---

19 A. Yes.

20 Q. --- prior to you going in, did you see anybody
21 go in or out of the apartment?

22 A. Only Mr. Martin, the grandfather.

23 Q. Okay. What did you see Mr. Martin do?

24 A. Well, as you know -- well, the jury will see --
25 so he was standing over his grandson trying to get some

1 type of response from him. He was calling his name.

2 Q. When you walked into the kitchen, can you tell
3 the jury what you saw?

4 A. Well, the first thing I saw was the gentleman
5 that didn't live there. I saw his feet, his shoes
6 or what have you. And then I saw him laying face down.
7 And as I observed closely, I saw the gentleman that
8 lived there. He was laying on his back, and the first
9 thing I noticed was a pool of blood around him.

10 And the gentleman that was laying on his stomach,
11 on his chest, his body was sort of like raising up
12 and down as if there was still some life in his body.
13 But the other gentleman that resided there, he was still
14 as a board. I mean, there was no movement.

15 Q. What, if anything, did you touch while you were
16 in there?

17 A. I didn't touch anything.

18 Q. How about Mr. Martin, did you see him touch
19 or remove anything from the apartment?

20 A. No. Mr. Martin walks with a stick, a cane,
21 and he couldn't even bend over. He was just upset.
22 He was trying to lean the best he could towards
23 his grandson and trying to get a response. But, no,
24 he didn't. I saw him take nothing in or out. The only
25 thing he had when he went in there was his cane that

1 he walks with.

2 Q. And while you were in the apartment with
3 Mr. Martin, who else showed up?

4 A. There was a lady across the street who is now
5 deceased. She was, like, out -- on the sidewalk, and
6 this is just prior to the officers coming. And that's
7 when the officers asked us who we were and told us that
8 we had to get out of there. But I don't remember her
9 even entering the apartment.

10 Q. Let me show you another item, State's No. 1,
11 which is also a DVD. Do you recognize it?

12 A. Yes.

13 Q. How do you recognize it?

14 A. It's my initials and the date.

15 Q. And have you had an opportunity to listen
16 to this?

17 A. Yes, sir.

18 Q. And do you recognize the voice of the caller
19 on this disc?

20 A. Yes.

21 Q. And who is that?

22 A. Ms. Betty Martin.

23 MR. GRAHAM: Your Honor, the State would
24 offer this phone -- 911 call into evidence.

25 MR. BROWN: Without objection.

1 THE COURT: Without objection.

2 That's State's what?

3 MR. GRAHAM: Number 1.

4 THE COURT: State's 1 is in evidence.

5 (State's Exhibit No. 1 was entered into evidence.)

6 (Ms. Betty Martin's 911 call played for the jury.)

7 MR. GRAHAM: Thank you, Mr. Anderson.

8 Please answer any questions the defense has.

9 MR. BROWN: May it please the Court.

10 CROSS-EXAMINATION

11 BY MR. BROWN:

12 Q. Mr. Anderson, I want to go back and ask you,
13 first, were you sitting in here when the two lawyers
14 spoke at the beginning of the case and gave their
15 opening statements?

16 A. Yes.

17 Q. Okay. And did you hear some information related
18 to Mr. Atkins, and him and his responsibilities, earning
19 a living? Did you hear anything about that? Do you
20 remember that part, when Mr. Graham spoke about him
21 working in a tire store?

22 A. Yes. Well, I knew that.

23 Q. Okay. You knew that. All right. Fair enough.
24 Where do you think he worked?

25 A. Well, I understood that he worked at a tire

1 store, a tire company. That's what I had heard,
2 you know.

3 Q. Fair enough.

4 MR. GRAHAM: Your Honor, for the record,
5 I didn't say a tire store in my opening.

6 MR. BROWN: I'll withdraw that question.

7 BY MR. BROWN:

8 Q. Do you know where Mr. Atkins worked?

9 A. No, I can't say that I know where he worked.
10 That's what I heard.

11 THE WITNESS: Your Honor, may I say
12 something else?

13 THE COURT: Probably best if you just answer
14 the question.

15 THE WITNESS: Well, I just answered the
16 questions.

17 THE COURT: Okay.

18 THE WITNESS: But I want to clarify
19 something else. May I?

20 THE COURT: Let's let them ask you the
21 questions, and the solicitor can redirect you, okay?
22 I just don't want something come out that don't need
23 to come out, okay? That's why I'm stopping you.
24 Go right ahead.

25 MR. BROWN: Thank you, Your Honor.

1 BY MR. BROWN:

2 Q. You heard in opening that he had become
3 unemployed at that job. Did you hear them say that?

4 A. I can't say that I did.

5 Q. Okay.

6 A. And the reason ---

7 Q. Yes, sir.

8 A. --- I can't say that I did is because for about
9 a month now, I've relived this whole thing.

10 Q. Yes, sir.

11 A. So certain little details like that, I wouldn't
12 pick up on. I was focused on what I knew to be a fact
13 that I witnessed. And now may I say something else?
14 It was on the 911 call when I told her someone had been
15 shot. I know that may be contradictory to what I said
16 earlier. But I knew -- I told the 911 operator someone
17 had been shot because Ms. Betty had said her grandson
18 had been shot.

19 And now -- originally, I had said, which was
20 the truth, that I thought it was fireworks. I didn't
21 know until I entered the yard that there has actually
22 been a shooting. I want to clarify that for the record
23 because I know how that can be misconstrued.

24 Q. Fair enough. All right. Now, let me ask
25 you this. You admit to him being respectful,

1 and I'm assuming one of the things you found respectful
2 was that he took care of his daughter?

3 A. It's more than that. I'm 72 years old, so I come
4 from the old school. And basic manners and respect
5 is very, very important, and that's what Samir had.
6 He took care of his daughter. I saw his daughter
7 with him, and it appeared that he did take care of his
8 daughter. I have no reason to believe that he didn't.

9 But I'm basing it on what I observed when I was
10 around his grandparents when he was around the house,
11 when he talked to me, and he would always speak to me.
12 We had several brief conversations, and he was very
13 respectful. So that's based on that.

14 Q. Did you know about him drug dealing?

15 A. No, and I still don't.

16 Q. Okay. Fair enough. And that's not part of what
17 you figured when you made that statement about him being
18 respectful?

19 A. And it's still not. I mean, I can only speak
20 on a person what I know. And what pops up here today,
21 that's something totally different.

22 Q. Well, let me ask you, have you been to that
23 apartment?

24 A. No, I haven't.

25 Q. At all?

1 A. No.

2 Q. That's the first time you've been there?

3 A. Not until that day.

4 Q. All right. Now let me ask you, when we look
5 at the apartment, there's not a drawing about how big
6 this is, is there? It doesn't have any indication
7 of the size of this area, does it?

8 A. No.

9 Q. But you've been there for a little while.
10 You know about the square footage of the apartment?

11 A. No, I don't.

12 Q. Okay. And let me ask you, if you were sitting
13 at this door right here, can you touch this corner over
14 here?

15 A. Can I do what?

16 Q. Can you touch this wall? Can you touch the door
17 and the wall?

18 A. Well, if I do a military stand out,
19 maybe I could, you know.

20 Q. Pretty close, isn't it?

21 A. Yes. I mean, it's a standard-sized door.

22 Q. Yes, sir. And what I'm trying to find out is
23 the space between the door and the corner of that wall
24 about the same distance as the door itself. I mean,
25 it's about -- that's pretty close, isn't it?

1 A. Okay, point to it again, and then re-ask your
2 question so I can see what you're talking about.

3 Q. This is the door, right?

4 A. And that's the entrance, yes.

5 Q. All right. And if you put one hand on the door
6 and one hand on the wall, could you touch it?

7 A. Okay, let me clarify something. When you asked
8 the question, I thought you were talking about the
9 entrance to the kitchen. That's why I said I would do
10 a military stand out and touch both sides of the wall.
11 No, I mean, you're not going to stand in the entrance
12 of the door and touch that wall that you just described,
13 not unless you ---

14 Q. Between here and here, you could?

15 A. I'm sorry?

16 Q. Between these two you could?

17 A. Perhaps you could.

18 Q. Okay.

19 A. I mean, if the person had long enough arms.

20 Q. All right. And let me ask you, would there be
21 any problem if the person was standing in the kitchen
22 area or in the dining area? See where the dining table
23 is right here?

24 A. I can't say exactly where the dining table was
25 in that apartment.

1 Q. Okay.

2 A. At this time, I can't.

3 Q. The two people you saw were in this area?

4 A. Okay. Samir was near -- if I recall correctly,
5 he was closer to the range, the stove.

6 Q. Okay.

7 A. Yeah. And his body was at an angle. So it
8 wasn't like it was flush along that parameter where the
9 sinks are. His body was like at an angle. I remember
10 that specifically. The other gentleman was closer to
11 the entrance of the kitchen, and that's why I saw his
12 feet first. And then ---

13 Q. We're talking somewhere in this area here?

14 A. That's correct.

15 Q. All right. And let me ask you this. If the door
16 was shut, would there be any problem seeing from this
17 general area here into the living room here?

18 A. Say that again, please.

19 Q. Yes, sir. Besides the door, this isn't such
20 a great distance. I mean, you could see. It's close
21 enough you could see from here to here, right?

22 A. Okay. You did it reverse. I was never in the
23 kitchen area, I want to make that clear.

24 Q. Yes, sir.

25 A. I was at the entrance. I was never ---

1 Q. Yes, sir.

2 A. So the question that you're asking me ---

3 Q. Is where ---

4 A. --- is when I was over there by the range,
5 could I see in the living room. No, I couldn't.

6 Q. What I was asking is could a person see from
7 here?

8 A. I can't say what a person could see, sir.

9 Q. Close enough -- I understand that ---

10 A. I couldn't ---

11 Q. Well, let me ask you a different question.

12 THE COURT: Guys, guys, guys, we're talking
13 over each other. That makes it impossible for her.
14 Let him finish, you speak, let him finish, you speak.

15 THE WITNESS: Sorry.

16 BY MR. BROWN:

17 Q. So let me ask you, you were standing here?

18 A. Okay, you keep moving the pen. And I stated
19 earlier ---

20 Q. You have ---

21 A. --- I was in the entrance of the kitchen area.

22 Q. Yes, sir.

23 A. After I came into the apartment, I was in the
24 entrance of the kitchen area. And you moved your pen
25 back to the entrance of the apartment.

1 Q. Let's me ask you this. Let's do this and look.
2 Are you actually standing in the doorway there?

3 A. Yes.

4 Q. Okay. And when you're standing in that doorway
5 position, can you see into the kitchen area?

6 A. Okay. I could probably see the young man that
7 was laying on his stomach. But at that time, I was
8 talking to the 911 operator, and I was not stationary.
9 I was, like, moving back and forth. I mean, I just saw
10 a horrific scene. So, I mean, it wasn't like I was
11 frozen in one spot, sir.

12 So that means when the photograph you showed
13 me show me standing in the doorway, I mean that could
14 have been taken within those minutes that I was actually
15 in the apartment. So, again, I wasn't stationary, like,
16 you're doing now. I was moving back and forth.

17 Q. And all I'm trying to find out is can a human
18 being see that distance without the need for binoculars?

19 A. Without what, sir?

20 Q. Without binoculars or some type of eye
21 magnification?

22 A. Oh, sure, unless they wear glasses.

23 Q. You were able to see with no problem?

24 A. Able to see what, sir?

25 Q. You were able to see without needing anything

1 else to help you. Between this area here and this area
2 here, that's pretty close, isn't it? It's not a very
3 large distance?

4 A. And you keep moving your pen. So don't put
5 the pen in the living room area because I was never
6 in the center of that living room area. If you notice,
7 that's by the door.

8 MR. BROWN: Beg the Court's indulgence for
9 one second.

10 BY MR. BROWN:

11 Q. Let me ask you one more time. There's been
12 a little bit of communication on my part that I'm having
13 problem getting my point across here.

14 A. Okay.

15 Q. But you were clearly standing in the doorway,
16 right?

17 A. In that photo, yes.

18 Q. That's correct. Where you're standing in that
19 photo, could you see the person who's wearing this body
20 camera right there that's taking that photo of you?

21 A. Okay. The policeman was taking it, I assume.
22 It was his body camera ---

23 Q. Did you see him there?

24 A. --- because there was no one else in the
25 apartment other than Mr. Martin and myself. And then

1 when the officer came, he saw me there.

2 Q. Did you have any problems seeing that officer?

3 A. No. I mean, he drove up. I mean, I saw the car
4 when he came up on the scene. I saw him as he
5 approached the doorway.

6 Q. I'm talking about in this photo, you were able
7 to see him where the two positions are in that photo?

8 A. Well, if he's there I'm sure I saw him. Again,
9 I was all -- so, I'm not really observing where the
10 officer was. And, remember, I was still on the phone
11 with the 911 operator.

12 Q. Yes, sir. Yes, sir. Do you remember anything
13 about the contents of the living room?

14 A. No.

15 Q. Not at all. All right. Let me ask you about one
16 thing you did say when you first spoke. You said that
17 you had spoken to Ms. Martin. And did she tell you,
18 because I want to make sure I get this right, that they
19 had shot her grandson?

20 A. It wasn't like she told me. She was screaming
21 frantically. It was like an emotional reaction.
22 I mean, she probably said that if anyone had been
23 approaching. She was just crying out because she
24 was emotionally upset.

25 Q. But she didn't say who fired the shots?

1 A. No.

2 Q. Okay.

3 A. As a matter of fact, I can remember specifically
4 she used the word "they," which is a common term.

5 Q. Okay. Fair enough. Did you ---

6 A. Or maybe it might have been ebonics. She would
7 have said "dey," you know.

8 Q. Say that again, sir.

9 A. I said it may have been ebonics. She might have
10 even said "dey," which is ebonics for they.

11 Q. Okay. Did you see any people out there with
12 a gun?

13 A. I'm sorry?

14 Q. Did you see anyone out there with a gun
15 at the time that you went in the apartment?

16 A. No, I didn't see anyone with a gun.

17 Q. Okay. And, in fact, when you called 911,
18 you told them that you didn't know who the shooter
19 was?

20 A. That's correct.

21 Q. And Ms. Martin never told you who the shooter
22 was?

23 A. No.

24 Q. I appreciate your time. Thank you.

25 MR. GRAHAM: No questions, Your Honor.

1 THE COURT: Sir, thank you. You can step
2 down. You're free to go.

3 MR. GRAHAM: State calls David Myers.

4 SERGEANT DAVID MYERS was called as
5 a witness, being duly sworn, was examined and testified
6 as follows:

7 THE CLERK: State your full name and spell
8 your last, please.

9 THE WITNESS: David Myers, M-Y-E-R-S.

10 THE COURT: Okay. You may want to pull
11 that mic just a little bit closer to you, Mr. Myers.

12 DIRECT EXAMINATION

13 BY MR. GRAHAM:

14 Q. It's Sergeant Myers; is that correct?

15 A. Yes, sir.

16 Q. Where are you employed and what do you do?

17 A. I work for the West Columbia Police Department.
18 I'm the custodian of records, among other things.

19 Q. What are your other things you do too?

20 A. The terminal agency coordinator, which is, like,
21 an NCIC thing. I supervise the records department,
22 instructor in a few things, just kind of a jack of all
23 trades, I guess.

24 Q. How long have you been in law enforcement with
25 the West Columbia Police Department?

1 A. I've been in law enforcement for a little over
2 21 years, and August will be 20 years at West Columbia.

3 Q. You mentioned that one of your duties was
4 custodian of the records. What does that mean?

5 A. I do -- I have final approval over all incident
6 reports. I make sure that they are compliant with
7 the South Carolina Incident-Based Reporting System
8 and the National Incident-Based Reporting System,
9 which goes to SLED and then the FBI for statistical
10 records, maintain the database that records phone
11 calls, 911 calls, dispatch records, and incident
12 reports.

13 Q. Body cams too?

14 A. Body cams, tickets, dash cams.

15 Q. So you mentioned a few. Let's talk a little
16 bit more. So 911 calls, as the custodian of the record
17 what does that mean as far as 911 calls?

18 A. I have access to pull or recreate 911 calls
19 to be used -- to be submitted to the solicitor's office,
20 or to be played at trial, for pretty much anything.

21 Q. How many -- what's a dispatcher?

22 A. A dispatcher?

23 Q. Yes, sir.

24 A. They receive the 911 call, transmit over the
25 radio to patrol units and investigators where they need

1 to respond, what we know at the time the situation to be
2 so that they can tailor their response. They're pretty
3 much an intermediary between the public, who is calling
4 us, whether it be on 911 on the regular line, and the
5 officers on the street.

6 Q. So back on July 5th of 2018, how many dispatchers
7 did West Columbia have?

8 A. Just one in the office at the time.

9 Q. Okay. And so that dispatcher would receive
10 three --- well, tell me again what that dispatcher does.
11 As far as 911 calls, what does that dispatcher do?

12 A. As far as when they receive the call, when they
13 receive the call they answer. And the standard is,
14 you know -- sometimes they say West Columbia. Everybody
15 has their own little thing. But they say, 911, what's
16 the nature of your emergency, or 911, is your emergency
17 police, fire or medical? Because if it's medical,
18 we don't handle that. We transfer that to Lexington
19 County so that they can dispatch an ambulance.

20 Q. State's No. 1. Were you in the courtroom?
21 Did you hear that played?

22 A. Yes, sir.

23 Q. And do you recognize that disc?

24 A. Yes, sir.

25 Q. And how do you recognize it?

1 A. I initialed it.

2 Q. Okay. So you've listened to it?

3 A. Yes, sir.

4 Q. And 911 calls are recorded?

5 A. Yes.

6 Q. You all keep track of them?

7 A. Yes.

8 Q. And that's one of your jobs as custodian?

9 A. Yes, sir.

10 Q. So you actually pulled this call ---

11 A. Yes, sir.

12 Q. --- from West Columbia's database? What time did
13 this call come in?

14 A. If memory serves, obviously, it was the 5th
15 of July, 2018, and it was 14:15, and I think 54 seconds.

16 Q. 14:15 and 54 seconds. Can you translate that
17 into civilian time for us?

18 A. That's 2:15 and 54 seconds in the p.m.

19 Q. That's when that 911 came into dispatch?

20 A. Yes. The time stamp is when the line actually
21 makes connection.

22 Q. Okay. In addition to 911 calls that the
23 dispatcher is dealing with, are there also non-emergency
24 calls?

25 A. Yes, they're ---

1 Q. Explain to the jury what that means.

2 A. I guess to completely illustrate it, where
3 they're sitting, there's a phone, a radio pedestal where
4 they can transmit on the radio, two computer monitors
5 and a computer, the 911 screen with a telephone
6 receiver, and it has its own mouse for transferring
7 and things of that nature, and then NCIC computer.

8 So they probably have, I don't know, almost 180
9 degrees of things that require their attention sometimes
10 all at the same time.

11 Q. So in addition -- so when we say non-emergency
12 numbers, give me -- what are we talking about? How many
13 lines is that? What kind of lines are those?

14 A. I believe it's set up for four lines, and there's
15 also where you can park calls where they aren't taking
16 up that line. I don't know the technical stuff of that.

17 Q. Okay. So, hypothetically, a non-police officer,
18 a non-firefighter, another person who works for the city
19 of West Columbia, if they needed to contact dispatch,
20 do they call 911, or do they do something else?

21 A. They could do either, but it would be likely
22 that they would just know the number to dispatch.
23 There's two main numbers; there's a main number for
24 city hall, and the main number for the police department
25 goes directly to dispatch.

1 Q. And those are not 911 ---

2 A. Right, non-emergency regular landline.

3 Q. Okay. In addition to 911 calls and other lines
4 that come in to the dispatcher, does she also actually
5 dispatch out to law enforcement?

6 A. Yes.

7 Q. So what does that mean when we talk about
8 dispatching out? What is the dispatcher doing?

9 A. She -- he or she. We have a computer-aided
10 dispatch, so if I say CAD that's what that means,
11 creating a call as far as essentially an electronic
12 log of the call. And then using the radio that every
13 officer usually has on their person, tells them where
14 something is going on and as much information as can be
15 going from whatever phone call so that the officer knows
16 where they're going and, hopefully, as much about what
17 they're going to as possible.

18 Q. Let me show you what's been marked as State's 16
19 for identification at this time and ask if you recognize
20 it.

21 A. Yes.

22 Q. And how do you recognize it?

23 A. It's the dispatch audio CD. I initialed it.

24 Q. And that's the dispatch audio related to this
25 case?

1 A. Yes, sir.

2 Q. Okay. And this is information you pulled as
3 the records custodian for the West Columbia Police
4 Department?

5 A. Yes, sir.

6 Q. Does it fairly and accurately depict the radio
7 dispatch traffic from the dispatcher out to law
8 enforcement in regards to this case?

9 A. Yes.

10 MR. GRAHAM: Your Honor, the State would
11 just have this for identification at this time.

12 THE COURT: That's 16?

13 MR. GRAHAM: Yes, sir.

14 THE COURT: Very good.

15 BY MR. GRAHAM:

16 Q. Did you have an opportunity to review the
17 dispatch audio?

18 A. I have listened to it.

19 Q. And from that, were you able to determine whether
20 or not there was a call to a non-emergency number that
21 came in to dispatch?

22 A. Yes. On the recording, you can hear the
23 dispatcher advising the officers that she was on the
24 line with someone else that was involved in the
25 situation, that was on scene or was close to the scene.

1 And I think they had tracked down a city worker and got
2 a phone, and that's how they were on the phone with her.

3 Q. Based on your review of the dispatch audio --
4 well, when I say the word "BOLO" what does that mean?

5 A. Be on the lookout. That's the TV equivalent
6 of an APB.

7 Q. And what is the information provided by dispatch
8 out to law enforcement as an APB or a BOLO in this case?

9 A. Yes, for a red -- dark red Tahoe -- SUV, possibly
10 a Tahoe, I believe, is what it actually says.

11 Q. And do you remember if there was a description
12 given of the individual -- was there a description given
13 of the individual?

14 A. If I'm remembering correctly, I believe it was
15 a black male.

16 Q. And was there any indication of where that Tahoe
17 was going?

18 A. It stated that it was on -- that it had left on
19 Glenn Street, which is the only street you can access
20 from that property, heading towards Airport Boulevard,
21 which would be south, I believe.

22 MR. GRAHAM: Thank you, Sergeant.
23 Please answer any questions the defense has.

24 THE WITNESS: Yes, sir.

25 THE COURT: Mr. Brown.

1 MR. BROWN: May it please the Court.

2 And, Madam Court Reporter, may I get the next
3 Defendant's number?

4 THE COURT REPORTER: You were up to nine
5 yesterday.

6 (Defendant's Exhibit No. 10 was marked for
7 identification.)

8 MR. BROWN: And, Your Honor, I have marked
9 some reports for ID only as Defendant's 10.
10 May I approach?

11 CROSS-EXAMINATION

12 BY MR. BROWN:

13 Q. I'm going to ask you to look at Defendant's 10.
14 And if you'll just flip for a second, see the page
15 numbers, and then I'll ask you just kind of a question
16 or two about that once you get a little bit familiar
17 with the page number after you get to that first
18 contents page. Okay. You said you prepare items for
19 the prosecutor's office?

20 A. I am the liaison between the solicitor's office
21 and the police department.

22 Q. Okay. And the solicitor's office and the
23 prosecutor's office are the same thing in South
24 Carolina?

25 A. Yes, sir.

1 Q. Okay, fair enough. And these are representatives
2 from the solicitor's office?

3 A. Yes, sir.

4 Q. All right. And if you look at what's marked
5 in the book as Volume 1, quadruple zero 2-0, Page 20.
6 Tell me when you get there.

7 A. Which page is it?

8 Q. Twenty. At the bottom it will say VOL for
9 volume. Will have Roman numeral one for Volume 1,
10 then it's followed by four zeros and a two and a zero.
11 Volume 1, Page 20. On the bottom, sir. I know there
12 are a lot of page numbers on those pages.

13 A. It was on this side, then it was on that side.

14 Q. The volume number is at the bottom.

15 A. Okay. The prosecutor summary report, is that
16 where we're at?

17 Q. That's correct. And what I was going to ask
18 you is since you're the liaison with the prosecutor's
19 office, is that something that you compiled?

20 A. I do not prepare it; I don't type them.

21 Q. You don't type them?

22 A. That's correct.

23 Q. You gave this to them?

24 A. Yes.

25 Q. Okay. And who prepared that before you gave

1 it to them? Is there an officer's name at the top --
2 excuse me -- in the middle of it about one, two, three,
3 four, five, six lines down?

4 A. Yes.

5 Q. And which officer is that?

6 A. That is Investigator Deas.

7 Q. Okay. All right. And he compiled this summary
8 and gave it to you?

9 A. Yes.

10 Q. Okay. And do you believe there's anything false
11 in there?

12 A. Not that I can personally refute, no, sir.

13 Q. Okay.

14 MR. GRAHAM: You Honor, I was going to,
15 I guess, object to try to figure out what knowledge
16 he has about the case before we start asking him about
17 things he does or doesn't know.

18 THE COURT: Obviously, there's no hearsay.
19 If you're trying to lay a foundation for something
20 that he provided the solicitor's office, that's fine.
21 But, obviously, if he's not the author of a report,
22 he just collected it, you need to move on.

23 MR. BROWN: And if I may follow up,
24 Your Honor, I think I can get some of those
25 questions addressed because until I ask him those

1 questions, I'm not very sure of the answer myself.

2 BY MR. BROWN:

3 Q. But you have seen that before?

4 A. Yes, sir.

5 Q. Okay. And you actually turned it over to the
6 prosecutor's office, you were the one?

7 A. Yes, sir.

8 Q. All right. And you turned it over after it was
9 provided to you extensively by Officer Deas?

10 A. Yes, sir.

11 Q. All right. And let me just ask you this.

12 Do you believe that the person who made that statement
13 was truthful when they made it? Do you believe that
14 Officer Deas is a truthful officer?

15 MR. GRAHAM: Objection, Your Honor.

16 He's already asked him. I don't know the relevancy.
17 He doesn't have firsthand knowledge is my understanding.

18 THE COURT: Is this officer -- do we
19 anticipate this person to testify?

20 MR. GRAHAM: Investigator Deas.

21 THE COURT: Right. So he will be
22 testifying.

23 MR. BROWN: I know. I haven't asked him
24 any other questions yet. I'm just -- I mean, I can't
25 even get close to the foundation, and he's objected

1 my foundational question.

2 THE COURT: All right. I think I know the
3 answer, answer the question.

4 BY MR. BROWN:

5 Q. Do you have any reason to believe that
6 he misrepresented something in that report?

7 A. No, sir, I do not.

8 Q. And you wouldn't have turned it over to him
9 if you thought he did, would you?

10 A. Knowingly, no, I would not turn over anything
11 that I believe to be false.

12 Q. Okay.

13 A. Or could prove to be false.

14 Q. All right. And looking at that, and adopting
15 the belief and the truthfulness of Officer Deas'
16 report, I would ask you to look at the summary of facts.
17 Do you see that part that says summary?

18 A. Yes, sir.

19 Q. All right. So let me ask you, and it's about
20 one, two, three, four, five, six, seven, eight lines
21 down.

22 A. Yes, sir.

23 Q. Okay. And does it say, in part, that there was
24 shots fired or Mack to the ground?

25 A. Yes, sir. The cousin ordered Mr. Mack to the

1 ground, shot him, and then fired at Mr. Furtick,
2 but his gun jammed.

3 Q. Fair enough.

4 MR. GRAHAM: I'm objecting to the line
5 of questioning. It's not relevant; it's not the
6 eyewitness. Investigator Deas is going to testify.

7 THE COURT: All right. I will sustain.
8 Sustained.

9 MR. BROWN: As to which crime?

10 THE COURT: It is ---

11 MR. GRAHAM: He said it's not relevant.

12 THE COURT: It is not proper to hear that
13 through this witness. It would be more proper to get
14 that through the investigator. So let's move along with
15 this witness. His role is very limited. If you've got
16 any questions ---

17 MR. BROWN: Well, I do want to follow back
18 up, Judge, if I just may?

19 THE COURT: Go ahead.

20 BY MR. BROWN:

21 Q. It's not like you -- and I want to ask just
22 one more time. You would believe in the truth
23 of a statement prepared by Officer Deas?

24 A. Yes, sir.

25 Q. Fair enough.

1 MR. BROWN: No other questions at this time.

2 THE COURT: Thank you. You could step down.
3 Just leave that -- Defendant's 10 down there.

4 MR. BROWN: And I'll just take that and put
5 it on the table.

6 THE COURT: Very good. Ladies and
7 gentlemen, we're going to take a brief five-minute
8 break. I need more -- we're going to take probably
9 one more witness before we break for lunch, but we'll
10 be at ease for about ten minutes. Refresh yourselves.
11 We'll be back on the record at 12:30, okay? We'll break
12 for lunch around ---

13 THE CLERK: Everyone remain seated until
14 the jury leaves, please.

15 THE COURT: Don't talk about the case.

16 (Jury exits the courtroom at 12:17 p.m.)

17 MR. BROWN: And, Judge.

18 THE COURT: Yes, sir.

19 MR. BROWN: At the right time, I would like
20 to revisit that, although I don't -- but I foresee this
21 being a reoccurring issue. It's not hearsay if it's
22 a statement adopted, and the person is adopted as being
23 truthful by a party, and they're the State.

24 THE COURT: I understand. But it's not
25 something that simply -- you're not necessarily adopting

1 it simply by passing it along. The mail carrier,
2 this letter that was sent from John Darby in the local
3 detention center, when it was given to the mail carrier,
4 the mail carrier did not adopt the truthfulness or the
5 contents of this statement when they delivered it to me.

6 MR. BROWN: But he does review it, and he
7 said that. And I wouldn't have asked him if he wouldn't
8 have said he reviewed it and asked him whether he turned
9 anything over he knew to be false and whether he found
10 Officer Deas to be a truthful person. And I just point
11 that out because I do foresee us getting into this
12 again. It's very common for law enforcement to rely
13 on each other's report to show up at a house at Estill
14 or things like that, and I think we're going to hear
15 that.

16 THE COURT: I don't disagree. Here is my
17 point ---

18 MR. BROWN: Yes, sir.

19 THE COURT: --- and here's what I want you
20 to focus on, please, Mr. Brown.

21 MR. BROWN: Yes, sir.

22 THE COURT: Okay. This witness was put up
23 there for an extremely limited reason.

24 MR. BROWN: But we're not limited ---

25 THE COURT: Hold on. Hear me out.

1 Hear me out, okay?

2 MR. BROWN: Yes, sir.

3 THE COURT: If we're going to go through
4 and be questioning every witness about every report that
5 every other witness did, no. You're going to address
6 that through this investigator. Deal with that through
7 the investigator. Obviously, every officer is going
8 to testify that they thought that the other officer
9 is truthful, so.

10 MR. BROWN: We agree.

11 THE COURT: You've gotten that point out.
12 We don't need to revisit that, and we're getting into
13 hearsay territory. You can try your case on cross
14 through him. I know where you're going with this;
15 I know what you want. But you're basically -- your
16 defense is y'all got on this track, and you kept
17 on driving. I understand that, but we're not going
18 to be getting into hearsay, and I gave you a little bit
19 of latitude on that one.

20 I don't see how you can, under the rules,
21 elicit that kind of evidence. And that's going to take
22 -- if we're revisiting every witness who heard from
23 every other witness who saw every other witness's
24 incident report, et cetera, no. We're going to be here
25 forever. That's my ruling on that. We'll be at ease

1 for about ten minutes.

2 MR. BROWN: I do foresee it coming up,
3 Your Honor.

4 MS. FULLER: Thank you, Judge.

5 MR. BROWN: I would suggest it's actually
6 more efficient than presenting every witness.

7 THE COURT: If you want -- try your case.
8 If there's an objection, we will deal with it,
9 all right.

10 MR. BROWN: Yes, sir. Thank you.

11 (Recess taken.)

12 (Back on the record.)

13 THE COURT: Thank you. Let me put something
14 on the record real quick concerning sidebar just so that
15 when the jury gets here -- the side bar that we had
16 at 11:25 a.m. was an objection to victim impact evidence
17 of a fine young man. The witness's response, oh, my
18 God, they've killed my son, or words to that effect.

19 And I instructed Mr. Graham simply to move
20 along and ask a question, but there was an objection
21 to that at sidebar, and that's how it was addressed.

22 MR. PHILLIPS: Thank you, Your Honor.

23 MR. BROWN: Yes, sir. And the objection
24 was that it was a victim impact.

25 THE COURT: Sorry. I thought I said that.

1 I must have misspoke.

2 MR. BROWN: Well, I may not have heard it.
3 I apologize, Your Honor.

4 THE COURT: All good. You have your next
5 witness in here?

6 MR. GRAHAM: Yes, Your Honor.

7 THE COURT: Very good.

8 MR. BROWN: Judge, more matter of
9 housekeeping. You know what, Your Honor, I think
10 we can ---

11 THE COURT: Well, the jury is going to be
12 coming in a moment is the point.

13 MR. BROWN: Well, it has to do with marking.
14 I think they changed the exhibit number, and the record
15 would note.

16 MS. FULLER: Judge, just for the record,
17 yesterday the photo lineup was marked as State's 1.

18 THE COURT: Okay.

19 MS. FULLER: Today, we started over,
20 and we marked another item as State's 1.

21 THE COURT: Okay.

22 MS. FULLER: Changed the West Columbia 911
23 call to State's 17, and the photo lineup is remaining
24 State's 1.

25 THE COURT: All right. So long as you

1 or the court reporter and the pot is right and everybody
2 agrees, we're okay. Thank you.

3 MR. BROWN: So what was marked as State's
4 1 today, the 22nd of June, is now State's 17. What was
5 marked at State's 1 on June 21st, is still State's 1.

6 THE COURT: I'm going to let you guys keep
7 track of that.

8 MR. BROWN: That's my understanding as the
9 defense attorney.

10 THE COURT: All right.

11 (Jury enters the courtroom at 12:34 p.m.)

12 THE COURT: The record will reflect that
13 the jury is back and seated. Solicitor, call your next
14 witness, please.

15 MR. GRAHAM: Thank you, Your Honor.
16 The State calls Ashton Miles.

17 MR. ASHTON MILES was called as a witness,
18 being duly sworn, was examined and testified as follows:

19 THE CLERK: Thank you, sir. Have a seat
20 right up there. You can remove your mask once you're
21 seated. State your full name for the record and then
22 spell your last, please.

23 THE WITNESS: My name is Ashton Miles,
24 M-I-L-E-S.

25 DIRECT EXAMINATION

1 BY MR. GRAHAM:

2 Q. Mr. Miles, where are you employed, and what do
3 you do?

4 A. I work in the city of West Columbia Water and
5 Sewer Department.

6 Q. How long have you worked there?

7 A. August will be five years.

8 Q. Back on July 5th of 2018, what were you doing
9 for the city of West Columbia?

10 A. We were working on water line repairs on Platt
11 Springs Road.

12 Q. Let me show you two maps that are marked State's
13 8 and State's 9 and ask if you recognize those as
14 depicting the area where you were working?

15 A. Yes, sir.

16 Q. And I'm assuming that you are familiar with
17 West Columbia?

18 A. Yes, sir.

19 Q. Do these fairly and accurately depict the streets
20 in West Columbia, including the area you were working
21 at that day?

22 A. Yes, sir.

23 MR. GRAHAM: Your Honor, the State would
24 move 8 and 9 into evidence.

25 THE COURT: Without objection?

1 MR. BROWN: Without objection, Your Honor.
2 Thank you.

3 THE COURT: They're in evidence.

4 (State's Exhibit Nos. 8 and 9 were entered into
5 evidence.)

6 BY MR. GRAHAM:

7 Q. Looking at State's 9, can you describe to the
8 jury an overview of where we are at in West Columbia,
9 where you were working that day?

10 A. Where it says D&D Restaurant on Platt Springs
11 Road right there.

12 Q. Laser pointer.

13 A. Oh, okay. (Indicating.) About right in there
14 is where we were working. We had a work zone set up
15 from about right here to about right in there.

16 Q. And when you say a work zone was set up,
17 what does that mean?

18 A. It's traffic control, we had a lane shutdown.

19 Q. What were you all doing?

20 A. Making a water line repair.

21 Q. Can you describe to the jury the major roads --
22 what road is D&D on?

23 A. D&D is on Platt Springs Road. Then we have
24 William Street, I think, that takes you out there by
25 Maurice's Piggie Park.

1 Q. And then Glenn Street. Where is Glenn Street?

2 A. (Indicating.) Glenn Street is going to be right
3 there.

4 Q. Okay. On the other side of Glenn Street from
5 Platt Springs Road, what road is that?

6 A. Are you talking Glenn Street this side of it?

7 Q. To the right, yes, sir.

8 A. To the right, it would be [REDACTED] Airport Boulevard.

9 Q. Now, State's 8 is kind of a blowup of that area.
10 Again, would you point out where you were working?

11 A. Yes, sir. (Indicating.) We were about right
12 in here.

13 Q. So what, if anything -- this is on July 5th of
14 2018, 2:15 or so, what, if anything, out of the ordinary
15 happened?

16 A. An individual proceeded down Platt Springs Road
17 this way, and he turned into our work area. And it's
18 very uncommon, you know, a car turning into a lane
19 closed area, you know, kind of like look out, you know,
20 what's going on.

21 Q. Do you remember what kind of vehicle ---

22 A. Yes, sir.

23 Q. --- the individual was driving?

24 A. A white Dodge Challenger.

25 Q. A Dodge Challenger. Can you -- well, when that

1 car pulled in there, what's the next thing that
2 happened?

3 A. Well, the next thing that happened was he
4 stopped, and I proceeded towards him, trying to figure
5 out what's going on, like, what's -- why is this car
6 in our area and proceeded to communicate with the young
7 man who jumped out.

8 Q. How was he dressed?

9 A. He was dressed in dress slacks, white button-up
10 shirt, torn, bloody.

11 Q. How was he acting?

12 A. Frantic.

13 Q. What, if anything, did he say to you?

14 A. He said -- the first thing that he said to me
15 was that his homeboy had been shot.

16 Q. What is the next thing that happened after
17 he said that his homeboy had been shot?

18 A. That he needed to use a cell phone.

19 Q. What, if anything, did you do to help him with
20 his request for a cell phone? Did you have a cell
21 phone?

22 A. No, sir, I did not have one on me.

23 Q. So what did you do?

24 A. I turned to our crew leader who I knew had a city
25 phone.

1 Q. And did you get him a phone?

2 A. Yes, sir. I told him what was going on,
3 and he gave us his phone to use to call dispatch.

4 Q. Can you explain to the jury what kind of numbers
5 you would use as a city worker to call dispatch?

6 A. I have, I guess, the landline for dispatch that
7 we use for utilities when we're on call and stuff like
8 that. They call -- people call in, they'll use that
9 number to call us to come in.

10 Q. And did you hear -- well, did the individual
11 pull up in the Challenger -- you described his clothes.
12 I can't remember, did you describe what the color of his
13 skin was?

14 A. Yes, he was a black male.

15 Q. A black male. Let me show you a piece of paper
16 and ask if you recognize this as your statement.

17 A. Yes, sir.

18 Q. And if you read through on the second page to
19 yourself the questions and answers.

20 A. First question?

21 Q. Just to yourself.

22 A. Yes, sir. "He said his cousin shot his homeboy
23 and shot up the apartment."

24 Q. Did you -- I may have asked. Did you overhear
25 the man's conversation with dispatch?

1 A. No, sir, I did not. He had done started kind
2 of walking away on the phone.

3 Q. Okay. After he was done, what did he do?

4 A. He got back in the car, and he brandished
5 a pistol that he got out of his glove box.

6 Q. What did he say when he did that?

7 A. He told us -- because, you know, we'd seen
8 the pistol, so it was like, hoe, hoe, you know,
9 you're clothes are torn, bloody, like what's going
10 on, you know. And he said, no, it's not for y'all;
11 it's for my protection. And he started looking around
12 and looking up the road, down the road, like he was
13 looking for somebody.

14 Q. Okay. And what's the next thing he did -- what's
15 the next thing you saw or heard?

16 A. Well, the next thing I heard was a police car,
17 I heard sirens. And I'm guessing that somebody had done
18 call 911 before we actually called -- you know, called
19 dispatch and got that rolling because they were already
20 on the way. And then the first car came, and he took
21 off right behind them.

22 Q. So he took off after the police?

23 A. I think so. I think it was right there neck
24 and neck.

25 Q. Did he go in the same direction with the police,

1 or did he go in a different direction?

2 A. He went in the same direction.

3 Q. Okay.

4 A. Yes, sir.

5 Q. Did you know which way he was headed?

6 A. I'm guessing that when he left from right here,
7 he was coming back this way toward Glenn Street.

8 MR. GRAHAM: Thank you, Mr. Miles.

9 Please answer any questions the defense has for you.

10 THE WITNESS: Yes, sir.

11 THE COURT: Mr. Phillips, any questions?

12 MR. PHILLIPS: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. PHILLIPS:

15 Q. Good morning, Mr. Miles.

16 A. Good morning.

17 Q. How are you?

18 A. Good.

19 Q. You're familiar with the area?

20 A. Yes, sir.

21 Q. Okay. And so how far is your business from those
22 apartments?

23 A. Like our office, our shed?

24 Q. The office shed, yes, sir.

25 A. Oh, it's a good distance away.

1 Q. How far?

2 A. I'm guessing maybe -- it's hard to guess.

3 I really can't say.

4 Q. It's not close?

5 A. No, sir.

6 Q. You're familiar with those apartments?

7 A. Yes, sir.

8 Q. That's a pretty normal cut-through road?

9 A. Yes, sir.

10 Q. And so you have Platt Springs Road,
11 Airport Boulevard?

12 A. Yes, sir.

13 Q. And so in between going from those apartments
14 to where your business is, obviously, when you get to
15 Platt Springs, you can turn left or you can turn right.
16 There's a church and there's a -- I mean, there's
17 businesses up and down that road.

18 A. Yes, sir.

19 Q. There's plenty of places between those apartments
20 and your shed?

21 A. Well, are you saying our shed, like -- because
22 our shed is not even on this map. I mean, we're ---

23 Q. I'm not worried about the map. But as far as you
24 know, from personal experience, if somebody was leaving
25 that apartment there's plenty of places in between from

1 where your shed is and those apartments that somebody
2 could stop before they get to your shed?

3 A. I'm still not figuring out what the shed part
4 is, because, I mean, we're working on a job site.
5 It wasn't our shed.

6 Q. I apologize. As far as the job site is
7 concerned. I mean, you're familiar with the area,
8 and you know there's businesses in between?

9 A. Yes, sir.

10 Q. And you said it's not close to those apartments?

11 A. Right. Yes, sir.

12 Q. Okay. And in between there are plenty of places
13 to pull in, so to speak?

14 A. Yes, sir.

15 Q. Okay. And if somebody was to come out of those
16 apartments and head towards Airport Boulevard, that's
17 not the direction you were in?

18 A. No, sir.

19 Q. Your direction is the other direction towards
20 Platt Springs Road?

21 A. Yes, sir.

22 Q. So if somebody left those apartments, went
23 towards Airport Boulevard, that ain't in the direction
24 that he went towards you?

25 A. No, sir.

1 Q. Okay. That's the opposite direction?

2 A. Yes, sir. Yes, sir.

3 Q. When he pulled that gun out, did you see a big
4 ammo drum that clips in?

5 A. No, sir.

6 Q. Okay.

7 MR. PHILLIPS: Just a second, Your Honor.
8 No further questions, Your Honor.

9 MR. GRAHAM: Briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. GRAHAM:

12 Q. Mr. Miles, from where you were at working on
13 the water line at D&D, how close are those apartments
14 on Glenn Street?

15 A. Like I said, we were approximately right in here
16 somewhere, and Glenn Street Apartments are right --
17 well, let me get my bearings straight -- right there.

18 Q. Do you have -- how far is that, do you know?

19 A. I mean, I guess, if we draw a picture from right
20 there to there, I mean, I guess, maybe a mile, maybe
21 a mile and a half.

22 Q. When you were being asked about a shed, your
23 maintenance doesn't have anything to do with where you
24 all were at that day?

25 A. No, sir. Like I said, it was -- we were working

1 at this water leak right here.

2 MR. GRAHAM: Thank you, Mr. Miles.

3 MR. PHILLIPS: I'll be super brief,
4 Mr. Miles.

5 RECROSS-EXAMINATION

6 BY MR. PHILLIPS:

7 Q. You've got your pointer, and so if you were
8 leaving those apartments, you see the hardware store?

9 A. Yes, sir, right there.

10 Q. Right. And then you see that school, South
11 Carolina Virtual Charter School, it's right there?

12 A. Yes, sir.

13 Q. And then you see that tire store that's been
14 there forever?

15 A. Yes, sir.

16 Q. Practically my whole life, you know that,
17 right here?

18 A. Yes, sir.

19 Q. And then, of course, there's some other
20 businesses, a church, and all that?

21 A. Yes, sir.

22 Q. Thank you.

23 THE COURT: All right, sir. Thank you.

24 You can step down. You just want to give your statement
25 back to the solicitor. Do you have a five-minute

1 witness? No?

2 MR. GRAHAM: It will take a little longer
3 than that, Your Honor.

4 THE COURT: Very good. Ladies and
5 gentlemen, we're going to go ahead and take our lunch
6 break. I'm going to ask that you be back in the jury
7 room at two o'clock, please. That'll give you about
8 an hour and ten minutes to grab lunch somewhere, get
9 you back in the jury room at two o'clock. Of course,
10 don't discuss the case if you happen to go to lunch with
11 a fellow juror, and we'll resume promptly at two o'clock
12 when everyone is back from lunch, okay? Enjoy your
13 lunch and see you all shortly.

14 (Jury exits the courtroom at 12:48 p.m.)

15 THE COURT: All right. We'll be at ease
16 until two o'clock. See you all then.

17 (Recess taken.)

18 (Back on the record.)

19 THE COURT: Thank you. Let's get the jury.

20 MR. GRAHAM: Your Honor, can we approach
21 for a moment?

22 THE COURT: Sure.

23 (Off-the-record conversation held at sidebar.)

24 (Back on the record.)

25 (Jury enters the courtroom at 2:16 p.m.)

1 THE COURT: All right. The record will
2 reflect that the jury is back and seated. Ladies and
3 gentlemen of the jury, welcome back. We're still in the
4 State's case in chief, so, Solicitor, if you would call
5 your next witness, please.

6 MR. GRAHAM: Thank you, Your Honor.
7 The State calls Andrew Jackson.

8 MR. ANDREW JACKSON was called as a witness,
9 being duly sworn, was examined and testified as follows:

10 THE CLERK: Once you have a seat, sir,
11 you can remove your mask. State your full name,
12 spelling your last, please.

13 THE WITNESS: My name is Andrew Jackson.
14 Jackson, J-A-C-K-S-O-N.

15 DIRECT EXAMINATION

16 BY MR. GRAHAM:

17 Q. Mr. Jackson, where are you currently employed?

18 A. I currently work for the South Carolina Law
19 Enforcement Division as a special agent. Before,
20 I was at the West Columbia Police Department,
21 previously.

22 Q. So how long have you been in law enforcement?

23 A. This year will be six years.

24 Q. Back on July 5th of 2018, where were you working?

25 A. I was working in the city of West Columbia for

1 the police department.

2 Q. And what were you doing for the city of West
3 Columbia Police department on that day?

4 A. I was a patrol officer at the time.

5 Q. Do you remember responding to a call for service
6 at [REDACTED] Glenn Street, Apartment [REDACTED], on July 5th of 2018?

7 A. Yes, sir, I do.

8 Q. Tell me about that.

9 A. It was just the day after July 4th, which
10 is usually pretty busy. I remember getting the call
11 over the radio. I was somewhere in the area of Platt
12 Springs, at the lower end, very close to Triangle City.
13 Once the call came out, our dispatcher who's usually
14 pretty good about if it was a serious call, which
15 is just getting out as much as you can. It wasn't
16 just a normal dispatch, and she just basically started
17 directing us in that area to a tune of something about
18 gunshots.

19 Q. As you're responding to that location, what,
20 if anything, did you notice?

21 A. That the road got blurry.

22 Q. As far as officers arriving on scene, what was
23 the order of who arrived?

24 A. Sergeant Fair pulled out at one point directly
25 in front of me. We both came from Platt Springs after

1 crossing the railroad tracks past D&D, took a left onto
2 Glenn, and we pulled in, you know. The apartment
3 numbers were kind of the same, so I remember just
4 following his lead because he had been there a lot
5 longer. And so we pulled in the second entrance.

6 Q. [REDACTED] Glenn Street, Apartment [REDACTED], is that in
7 Lexington County?

8 A. Yes, sir.

9 Q. Let me show you State's 15 and ask if you
10 recognize it. Have you had an opportunity to view
11 the contents of this disc?

12 A. Yes, sir, I have.

13 Q. And does it fairly and accurately depict what
14 your body cam caught as you responded and went into
15 the apartment?

16 A. Yes, sir.

17 MR. GRAHAM: Your Honor, the State would
18 move 15 into evidence.

19 THE COURT: Without objection?

20 MR. BROWN: Without objection.

21 THE COURT: Without objection, 15 is in
22 evidence.

23 (State's Exhibit No. 15 was entered into evidence.)

24 THE COURT: And you may publish at your
25 leisure, if you wish.

1 on the ground, let me show you a photograph, I guess,
2 a still shot that was taken from the video and ask
3 if that fairly and accurately represents what we just
4 saw?

5 A. Yes.

6 Q. And what you saw when you went into the apartment
7 that day?

8 A. Yes, sir.

9 MR. GRAHAM: Your Honor, the State would
10 move 12 into evidence.

11 THE COURT: Without objection? That's the
12 one we were looking at a moment ago?

13 MR. BROWN: That's correct, Your Honor.

14 THE COURT: State's 12 is in evidence.

15 (State's Exhibit No. 12 was entered into evidence.)

16 BY MR. GRAHAM:

17 Q. So can you tell the jury what this photograph
18 shows?

19 A. This is right after the grandfather -- we were
20 finally able to get him out of the door. I was trying
21 to put on my gloves to try to triage with what medical
22 equipment I had.

23 Q. Do you know the names of the two people that
24 are seen down on the ground in that photograph?

25 A. At the time, no, but now I do.

1 Q. Okay. The one furthest from us, who is that?

2 A. That's Samir.

3 Q. Okay. In this photograph, is he faced up
4 or faced down?

5 A. He's faced up.

6 Q. And is that the way you found him?

7 A. Yes, sir.

8 Q. Were you able to tell what, if any, kind of
9 injury that Samir had?

10 A. From the visual inspection, I was trying to get
11 everything assessed. Samir appeared to be lifeless at
12 first contact.

13 Q. Do you know where his injuries were?

14 A. It appeared that he had a wound to the head.

15 Q. The individual closest to us at the bottom
16 of the photograph, who is that?

17 A. That's Mr. Mack.

18 Q. Now when you came in, in this photograph,
19 was Mr. Mack faced up or faced down?

20 A. He was faced down.

21 Q. Were you able to see -- you said that Samir
22 was dead. How about Mr. Mack?

23 A. Mr. Mack was gurgling in his own blood, and so
24 that's why I reiterated that he was semi-conscious
25 because ---

1 Q. So he was gurgling and semi-conscious?

2 A. Yes, sir.

3 Q. Did he ever say anything to you?

4 A. No, sir.

5 Q. Okay. Did you leave him face down, or did you
6 do something?

7 A. No, sir. Once I was able to put my gloves --
8 plastic gloves on, I turned him on his side without
9 moving too much to cause any more injury. And that's
10 when I realized I couldn't do anything else once
11 I observed the wound to his head.

12 Q. Were you able to observe the injuries on him?

13 A. Yes, sir, just to the head.

14 Q. In the area that we are looking at right there,
15 what part of the apartment is that?

16 A. This is the kitchen just as you come through the
17 front door to the left.

18 Q. Looking at State's 4, that diagram, is that the
19 area labelled kitchen where you found them?

20 A. Yes, it is.

21 Q. State's 3, the apartment diagram, that's the
22 apartment complex we're talking about?

23 A. Yes, sir.

24 Q. And that's in Lexington County?

25 A. Yes, sir.

1 Q. State's 10 that's already in evidence, do you
2 recognize that as also being from your body camera?

3 A. Yes, sir, I do.

4 Q. And then the individual right there, do you know
5 who that is?

6 A. Yes, sir.

7 Q. And who is that?

8 A. Mr. Anderson.

9 MR. GRAHAM: Thank you, Agent.
10 Please answer any questions the defense has for you.

11 THE COURT: Mr. Brown.

12 CROSS-EXAMINATION

13 BY MR. BROWN:

14 Q. Let me ask you, Mr. Jackson, do you recall
15 Mr. Mack's legs, and one was crossed over the other
16 one when he was lying down?

17 A. I don't immediately recall.

18 Q. All right. We can go back. You don't recall
19 that?

20 A. I don't remember what his legs were like.

21 Q. Okay. And I'm not sure how to go back and play
22 their player. Let's see if I could get this to play
23 back through, get that volume down just a hair. And you
24 may be able to see right there. Can you see one leg
25 crossed back over the other leg?

1 A. It appears it can be.

2 Q. Okay.

3 A. Black and white is a little different.

4 Q. All right. Fair enough. And then the next thing
5 I want to ask you about, you mentioned -- and I know you
6 didn't provide full medical attention to him. But did
7 you notice a through and through on his right wrist?

8 A. No, sir, I didn't.

9 Q. You didn't notice that at all?

10 A. No, sir.

11 Q. And through your review because you didn't notice
12 at the time either?

13 A. No, sir.

14 Q. Okay. And nobody when they told you his name,
15 also told you that he had a through and through on his
16 wrist as well?

17 A. I didn't ---

18 Q. Nobody told you that?

19 A. No, sir.

20 Q. Okay. Fair enough. Fair enough. Now, I noticed
21 one of the chairs got moved outside, and it looks like
22 somebody moved it out there for Mr. Atkins' grandfather?

23 A. Yes, sir.

24 Q. Do you know what else was moved ---

25 A. No, sir.

1 Q. --- from the apartment? Okay. Let me ask you
2 this. Did you note in your report, and if you got it
3 there, you let me know where that chair was moved?

4 That's one thing y'all do is secure the scene, right?

5 A. Right. Just from remembering that incident,
6 Sergeant Fair moved the chair.

7 Q. All right. So Sergeant Fair moved the chair,
8 and did Sergeant Fair do a report that you're aware of?

9 A. No, sir, I don't believe.

10 Q. Okay. And did you note about that chair being
11 moved, besides us just seeing it in the video?

12 A. I did not realize at the time.

13 Q. I'm sorry?

14 A. I didn't realize at the time.

15 Q. All right. Now at that point in time, how many
16 non-law enforcement and non-EMT are in the apartment?

17 A. When I first entered?

18 Q. Well, yes, sir, before y'all secured it.

19 A. Four total.

20 Q. And that would be Mr. Anderson and Mr. Martin?

21 A. Yes, sir, the grandfather.

22 Q. And Ms. Martin?

23 A. Just the two victims.

24 Q. Oh, okay. But the folks who entered after
25 the incident would just be those two.

1 A. Okay. I only remember those two. I don't
2 remember any others.

3 Q. All right. And you don't know whether Officer
4 Fair picked up a shell casing from that kitchen,
5 do you? Would that be something if law enforcement,
6 or if you picked up a shell casing from the kitchen
7 area, would you have noted that?

8 A. Yes, but -- yeah, that's rule number one is don't
9 touch anything, besides people.

10 Q. Okay. Fair enough.

11 A. Yeah, I would have noted it.

12 Q. Yeah, you're soft spoken. So rule -- rule one?

13 A. Rule one, don't touch anything on the scene.

14 Q. You got it. Okay. And we know the chair was
15 moved, and we certainly understand why, and, you know,
16 I'm not arguing with that. But you're not aware of
17 anybody that came and manipulated or policed the brass
18 inside that kitchen?

19 A. No, sir.

20 Q. Okay. Fair enough. Fair enough. And just
21 to figure it out, we've got one shot that you saw
22 to Mr. Atkins, does that sound right? And one shot
23 that you saw to Mr. Mack, and then at some point
24 you heard there was a shot to Mr. Furtick also?

25 A. Later on.

1 Q. Right. You heard about that?

2 A. Yes, sir.

3 Q. Okay. That would be three shots?

4 A. Yes, sir.

5 Q. All right. Fair enough. And, again, you're
6 not aware of anybody that would have gone in there
7 and compromised the integrity of the kitchen area
8 as far as picking up a fired shell casing?

9 A. No, sir.

10 Q. All right.

11 MR. BROWN: Beg the Court's indulgence.
12 No further questions, Your Honor.

13 MR. GRAHAM: Nothing from the State,
14 Your Honor.

15 THE COURT: Thank you, sir. You can step
16 down. You're free to go. Thanks for coming. Call your
17 next witness, please.

18 MR. GRAHAM: The State calls Patrick
19 O'Toole.

20 MR. PATRICK O'TOOLE was called as a witness,
21 being duly sworn, was examined and testified as follows:

22 THE CLERK: Have a seat, please, sir.
23 Once you're seated, you can remove your mask.
24 State your full name, spelling your last.

25 THE WITNESS: My name is Patrick O'Toole,

1 O-apostrophe-T-O-O-L-E.

2 DIRECT EXAMINATION

3 BY MR. GRAHAM:

4 Q. Mr. O'Toole, where are you employed, and what do
5 you do?

6 A. I work for the city of West Columbia Fire
7 Department. I'm currently an engineer.

8 Q. How long have you been a firefighter?

9 A. I've been a firefighter for ten years total,
10 three years with the city of West Columbia.

11 Q. Back on July 5th of 2018, were you employed
12 as a firefighter with West Columbia?

13 A. That's correct. At the time, I was the rank
14 of a firefighter.

15 Q. And did you receive a call for service for
16 █ Glenn Street, Apartment █, in West Columbia?

17 A. Yes, sir.

18 Q. And is that area in Lexington County?

19 A. It is.

20 Q. When you responded on scene, were you responding
21 as a firefighter or some other capacity?

22 A. My rank was a firefighter; however, for that day,
23 I was riding up as a rank of an engineer. So, I was
24 driving a fire apparatus.

25 Q. Why would a fire truck respond to a shooting?

1 A. The city of West Columbia employs first
2 responders as a part of the firefighter role. There are
3 far more firefighters, far more fire stations in
4 Lexington County than there are EMS units. So we often
5 get there before the EMS unit so we can start the
6 life-saving process before a Lexington County ambulance
7 gets there.

8 Q. So what is -- as a first responder, what kind
9 of aid do you render?

10 A. We do basic life support. So we can open
11 airways, we can do chest compressions, we can do basic
12 things that are below the level of a paramedic.

13 Q. When you arrived on scene and went into the
14 apartment, law enforcement was already inside; is that
15 correct?

16 A. That's correct.

17 Q. The diagram that's on the overhead, State's 4,
18 do you recognize that as the layout of at least the
19 front half of the apartment?

20 A. That's correct.

21 Q. And when you came in the front door what,
22 if anything, did you do? Where did you go?

23 A. We were directed -- as soon as we entered
24 the front door, I was the first one through the door
25 for firefighters. And we were directed immediately

1 to the left into the kitchen by police where I found
2 the two bodies.

3 Q. Over in the kitchen area?

4 A. That's correct.

5 Q. Looking at State's 12, do you recognize that
6 photo?

7 A. Yes, I do.

8 Q. Is there something from when you walked in that's
9 different from this photo?

10 A. Yes, that's correct.

11 Q. What's the difference?

12 A. The difference is the body in the foreground,
13 Mr. Mack, was face up when I entered the residence.

14 Q. So when you walked in, Samir Atkins,
15 the individual in the back, was like that?

16 A. That's correct. And Mr. Mack was in the same
17 body position, just rolled over.

18 Q. Okay. So tell me about, as a first responder,
19 when you walked in, the ambulance isn't here yet?

20 A. That's correct.

21 Q. So as the lead on patient care, what do you do
22 when you walk into the scene?

23 A. I started -- we have more than one patient,
24 so my job is to do patient triage. That's, basically,
25 I need to decide which patient is more critical,

1 and I need to start dividing my resources on how
2 to treat both patients at the same time.

3 Q. What did you end up doing?

4 A. We checked Mr. Atkins in the back. I examined
5 him, a real quick ten-second examination. I found
6 a small hole in his head at approximately the left side
7 of his head, a larger hole at approximately the right
8 side of his head. When I first arrived, police told
9 me that there were two males inside, both have been
10 shot through the head, and one was still breathing.
11 So, I had high index of suspicion that those holes
12 were caused by a gunshot.

13 I checked his jugular pulse, which is the pulse
14 in his neck. I found him to be pulseless. I checked
15 his breathing; I found him to be apneic, which is not
16 breathing. We determined that the patient had expired,
17 and we turned our attention to Mr. Mack, who was still
18 breathing agonally, which means he's having a hard time
19 breathing.

20 When I examined him, I found similar holes,
21 small in the left, a little bit larger in the right.
22 Once again I had a high index of suspicion that it
23 was caused via a gunshot. He was breathing about 10 --
24 12 breaths per minute. Although they were labored,
25 they were agonal. His pulse, I believe, was 60 beats

1 per minute, which is low. So we immediately started
2 to render care to him.

3 Q. What kind of care did you give to Mr. Mack?

4 A. The first things first was agonal breathing
5 is a very big problem to us. So -- well, before that,
6 he had the holes in his head, like I said. My first
7 plan of action was to hold his head to reduce the
8 bleeding. I did that with gloved hands. My partner
9 handed me gauze, and he handed me a cling wrap so
10 I can properly bandage the head to prevent any more
11 brain matter or blood exiting the head.

12 From there, we started to do an OPA, which is an
13 oropharyngeal airway, which is just a curved stick that
14 we put through the mouth to open up the airway to give
15 the patient a better chance of breathing since he
16 was agonal. That failed because the patient's jaw was
17 clenched shut, and we could not open the jaw to improve
18 the patient's airway.

19 Q. At some point, did an ambulance arrive?

20 A. That's correct.

21 Q. And when the paramedics and EMTs arrived what,
22 if anything, did your role change to?

23 A. No, I was still at the head. I was still more
24 or less in charge. Once the paramedics got there,
25 we did not stay on scene very long. We knew that

1 we had a red patient in triage, which is a critical
2 patient. We need to load that patient up and get
3 him out of the residence and into a hospital as soon
4 as possible.

5 Q. Did you assist in loading Mr. Mack onto an
6 ambulance?

7 A. Yes, we assisted with applying a C-collar to his
8 neck to make sure his neck was intact because we weren't
9 exactly sure what happened to him. Once again, we had
10 a good idea, but we weren't exactly sure, so we applied
11 a C-collar, fastened him to the backboard. On the
12 backboard, we transported him to the front yard where
13 we applied him to a gurney, from the gurney to the
14 ambulance, from the ambulance to the hospital.

15 MR. GRAHAM: Thank you, Mr. O'Toole.
16 Please answer any questions the defense has for you.

17 THE WITNESS: Absolutely.

18 THE COURT: Mr. Phillips.

19 MR. PHILLIPS: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. PHILLIPS:

22 Q. Good afternoon, Mr. O'Toole.

23 A. Good afternoon.

24 Q. Doing all right?

25 A. Yes, sir.

1 Q. I've just got a few questions for you.

2 When you secured the scene, and you're rendering aid,
3 you didn't pick up any shell casings?

4 A. We do not secure the scene.

5 Q. Okay. Well, while people were in that process,
6 and you're rendering aid, you didn't pick up any shell
7 casing?

8 A. Negative.

9 Q. All right. And your sole focus was just on
10 rendering aid?

11 A. My sole focus was on preserving life.

12 Q. That's right. And you didn't compromise the
13 integrity of the scene at all, other than to render aid?

14 A. I think my -- not myself, but some of the people.
15 We had a lot of EMS agents who were there. So we had
16 three fire trucks and two ambulances. We had a lot
17 of people inside just for the EMS section. There might
18 have been minor pieces of furniture, such as the kitchen
19 table, some chairs might be pushed out of the way to
20 create room.

21 Q. Understood. Now do you remember the gunshot
22 wound to the wrist?

23 A. No, sir.

24 Q. If you feel more comfortable, I could put on my
25 mask before I approach.

1 A. You're fine.

2 Q. Thank you. I am vaccinated.

3 A. So am I.

4 Q. So having a moment to look over that picture,
5 as far as rendering aid, does that refresh your
6 recollection ---

7 A. No, sir.

8 Q. --- regarding -- so you have no memory as far
9 as a gunshot wound to Mr. Mack's ---

10 A. I do not. Once again, I was at the head.
11 I was in charge of maintaining airway and holding his
12 head together, controlling breathing. I had a partner
13 check for secondary injuries. With a situation such
14 as that, with massive head trauma, we're looking for
15 life-threatening injuries. Something as small as that,
16 physically as small as that, would probably have escaped
17 our attention. We're looking for things -- other
18 things, that are going to, you know, put the patient's
19 life in danger.

20 Q. Critical?

21 A. That's correct.

22 Q. And so you talk about a direction as far as
23 bullet path that you could see from -- what is it you
24 said, from the right to the left. Could you explain
25 that again?

1 A. I observed the size of the holes. Once again,
2 this was all going very fast. I probably had two
3 seconds to look at it before I started applying
4 pressure. I observed on -- I believe both patients,
5 I observed a smaller hole somewhere on the left side
6 of the head near the ear, and a little bit of a larger
7 hole somewhere on the right side of the head near the
8 ear.

9 Q. And we're talking about Mr. Mack?

10 A. Mr. Mack.

11 Q. Okay.

12 MR. PHILLIPS: Just a moment, Your Honor.

13 No further questions, Your Honor. Thank you.

14 MR. GRAHAM: Nothing from the State,
15 Your Honor.

16 THE COURT: All right, sir. Thank you.
17 You can step down. You're free to go. Thanks for
18 coming. Call your next witness, please, Solicitor.

19 MS. FULLER: Yes, Your Honor. Beg the
20 Court's indulgence. Yes, Your Honor. State calls
21 Bryan Chassereau.

22 MR. BRYAN CHASSEREAU was called as
23 a witness, being duly sworn, was examined and testified
24 as follows:

25 THE CLERK: Have a seat right up there.

1 You may remove your mask. Upon seating, state your
2 full name, spelling your last, please.

3 THE WITNESS: My name is Bryan Chassereau.
4 Last name is C-H-A-S-S-E-R-E-A-U.

5 DIRECT EXAMINATION

6 BY MS. FULLER:

7 Q. Thank you, Mr. Chassereau. Can you tell the jury
8 where you currently work?

9 A. It's Builders Hardware of South Carolina.
10 It's 835 Sox Street in West Columbia.

11 Q. Okay. I'm going to approach and show you
12 State's 8 and 9 and see if you recognize them.

13 A. I do. It's my building here. Want me to show
14 everybody that?

15 Q. I'll put it on there. Thank you.

16 A. And this is right here. This is the DMV,
17 and that's me right here.

18 Q. Perfect. And here's the laser pointer.
19 I'm going to put it on the overhead. And if you could
20 point out to the jury where you were just pointing when
21 I was -- when I approached you.

22 MS. FULLER: And I apologize, Your Honor,
23 I move about the courtroom.

24 THE WITNESS: All right. Let's see.
25 So my vision is not that great.

1 BY MS. FULLER:

2 Q. I could zoom in. Do you recognize this street?

3 A. Yes, that's Platt Springs Road.

4 Q. Okay. And do you recognize this street?

5 A. Yes, it's Glenn Street. So that would be me
6 right there.

7 Q. Okay. And then looking at State's 8, just zoomed
8 in, and do you see?

9 A. Yeah, that's me right there.

10 Q. And so is your building at the intersection,
11 roughly, of Glenn and Sox Street on State's Exhibit 8?

12 A. That's correct.

13 Q. And are you the owner and operator of Builders
14 Hardware of South Carolina?

15 A. I am.

16 Q. And as the owner and operator, would you also
17 be the custodian of the record?

18 A. That's correct.

19 Q. And as it relates to this case, did you allow
20 law enforcement access to your video surveillance?

21 A. I did.

22 Q. And you recall doing that?

23 A. I do.

24 Q. And can you on this -- and I'll zoom in. Can you
25 point out to the jury, if you can, where your cameras

1 would have been set up?

2 A. Okay.. We've got several cameras. So we've got
3 cameras at the front of the building here out to Glenn
4 Street. I've also got cameras pointing in this
5 direction going over towards Sox Street covering
6 a parking lot, and I've also got cameras on the back
7 building going this way.

8 Q. Okay. And are your -- the footage that your
9 camera records, is it motion or is it constantly
10 recording?

11 A. It's constantly recording.

12 Q. And so do you do this in the normal course
13 of your business?

14 A. Yes.

15 Q. I'm going to hand you what's been premarked
16 as State's 18 and ask you if you recognize this.

17 A. I do. It's the disc you guys took off my video
18 surveillance system, and that's my initials.

19 Q. And you said that's your initials?

20 A. Um-huh.

21 Q. And so you recognize -- you watched this already?

22 A. I did.

23 Q. And you know that this is from your video
24 surveillance system?

25 A. I do.

1 MS. FULLER: Your Honor, at this time
2 the State seeks to introduce State's 18 and publish
3 with another witness.

4 MR. BROWN: Without objection.

5 THE COURT: Without objection, 18 is in
6 evidence.

7 (State's Exhibit No. 18 was entered into evidence.)

8 BY MS. FULLER:

9 Q. I'm also going to show you a few still shots,
10 19, 20 and 21, and ask if you recognize them.

11 A. I do.

12 Q. And what do you recognize those to be?

13 A. The front of my the building from my parking
14 lot and Glenn Street. Same here and same here.

15 Q. Okay. And these are -- do you recognize these
16 to be still shots from your surveillance system?

17 A. That's correct.

18 MS. FULLER: At this time, Your Honor,
19 State seeks to introduce 18, 19 and 20 into evidence
20 and publish with another witness.

21 THE COURT: Could you show it to Mr. Brown
22 real quick.

23 MS. FULLER: I apologize. I'm jumping
24 ahead.

25 THE COURT: You said 19, 20 and 21, right?

1 MS. FULLER: That's correct, Your Honor.

2 I apologize.

3 THE COURT: Okay.

4 MR. BROWN: Without objection.

5 THE COURT: In evidence, without objection.

6 MS. FULLER: Thank you.

7 (State's Exhibit Nos. 19, 20 and 21 were entered into
8 evidence.)

9 BY MS. FULLER:

10 Q. And I'm going to approach and show you what's
11 been marked as State's 5. And do you recognize?

12 A. That is the top of my building.

13 Q. And that's ---

14 MS. FULLER: For the record, State's 5 for
15 ID at this time. And let the record reflect the witness
16 is pointing at his building in this video -- in this
17 image. No further questions, Your Honor.

18 THE COURT: Any questions, Mr. Brown?

19 MR. BROWN: Unless he knows that the price
20 of lumber is dropping.

21 THE COURT: I doubt it is. You're free
22 to go. Thank you very much for coming. Call your next
23 witness, please.

24 MR. GRAHAM: States calls Sergeant Fair.

25 SERGEANT RONALD FAIR was called as

1 a witness, being duly sworn, was examined and testified
2 as follows:

3 THE CLERK: Have a seat up there, please,
4 sir. Once you're seated, you can remove your mask.
5 State your full name, spelling your last.

6 THE WITNESS: Ronald Fair, F-A-I-R.

7 DIRECT EXAMINATION

8 BY MR. GRAHAM:

9 Q. Sergeant Fair, where are you employed, and what
10 do you do?

11 A. Employed at the city of West Columbia Police
12 Department, and I'm currently a supervisor in community
13 actions.

14 Q. What is a community actions team?

15 A. We go to events; we go to schools, talk to kids.
16 We go to, like, back to school -- give out free items
17 to kids, and stuff like that.

18 Q. Back on July 5th of 2018, what were you doing
19 for West Columbia Police Department?

20 A. I was a sergeant on the road patrol.

21 Q. So what does a sergeant on patrol do?

22 A. Supervise a shift, respond to calls, the same
23 thing a road officer would do, but I'm a direct
24 supervisor of those road officers.

25 Q. Do you remember getting a call for service that

1 took you to [REDACTED] Glenn Street, Apartment [REDACTED], on July 5th
2 of 2018?

3 A. I do.

4 Q. Would you describe to the jury what you were
5 doing when that call for service came in and walk us
6 through what you did?

7 A. I don't know the exact location I was at when
8 I received the call. The call came out. Initially --
9 head towards Glenn Street in reference to calls coming
10 about shots being fired and possible multiple victims.
11 Running code down Platt Springs Road. I was running
12 from Triangle City outbound, which would be towards,
13 like, Springdale, crossed over railroad tracks,
14 made a left onto Glenn.

15 Once I got onto Glenn Street, I noticed that
16 there was a silver Dodge Challenger with his hazards
17 on in front of me, traveling pretty much the same speed
18 I was traveling.

19 Q. Looking at State's 9, and there's a pointer --
20 a laser pointer right there on the corner, could you
21 tell the jury where you were at when the call came in
22 and which way you approached Glenn Street?

23 A. So this is Platt Springs, so I was this way,
24 traveling this way, traveling to the left on that map.

25 Q. So you would have past the D&D Restaurant?

1 A. I did, yes.

2 Q. And, at some point, did you notice another
3 vehicle?

4 A. I did.

5 Q. What was it about that vehicle that caught your
6 attention?

7 A. It had the hazards on, and it was traveling
8 at a higher than normal pace in front of me because
9 I was running code, which was lights and siren at
10 the time.

11 Q. Where did you -- where was that vehicle,
12 and where was it headed?

13 A. That vehicle was on Glenn Street in front of me,
14 and it headed to the same location that I went to.

15 Q. Were you wearing a body camera at that time?

16 A. I was.

17 Q. And, at some point, did your body camera get
18 activated?

19 A. It did.

20 Q. What causes it to be activated?

21 A. I have to push a button in the dead center.
22 I'm actually wearing a body cam today. In the very
23 center of it is a big round button that I have to push
24 to activate it.

25 Q. Were you running -- did you have your lights

1 and sirens on?

2 A. I did.

3 Q. Do you remember where you turned those on?

4 A. I don't recall exactly where I turned them on.
5 I would imagine as soon as the call came out. With it
6 being a high-priority call like that with a shooting
7 involved, I turned them on immediately.

8 Q. Are you familiar with the city of West Columbia
9 Water and Maintenance Department?

10 A. I am.

11 Q. If they -- would you describe how they go about
12 locking out a lane when they're repairing a water line?

13 A. So they put cones out. They have a trailer out.
14 A lot of times they put mechanical trailers out with
15 lights that flash arrows. Their trucks are going
16 to have alternating, flashing white and amber lights
17 to alert the public.

18 Q. Let me show you State's No. 14 and ask if you
19 recognize this.

20 A. I do.

21 Q. And how do you recognize it?

22 A. That's the DDD-R that has my body camera on it,
23 recording my body camera.

24 Q. And you recognize -- you've reviewed it before?

25 A. I have reviewed it before, yes.

1 Q. And your initials are on there?

2 A. They are.

3 Q. And does it fairly and accurately depict what
4 your body cam captured as you're responding to Glenn
5 Street?

6 A. Yes, it does.

7 MR. GRAHAM: Your Honor, the State would
8 move 14 into evidence.

9 THE COURT: No objection?

10 MR. BROWN: No objection, Your Honor.

11 THE COURT: State's 14 is in evidence,
12 and you may publish, if you wish.

13 (State's Exhibit No. 14 was entered into evidence.)

14 (Body camera video played for the jury.)

15 BY MR. GRAHAM:

16 Q. Let me show you two still shots that were taken
17 from your body camera right there. Do you recognize
18 State's No. 6?

19 A. I do.

20 Q. And does that show you arriving on the scene?

21 A. It does.

22 Q. And then State's No. 7, is that the apartment
23 when you went into it?

24 A. It is.

25 MR. GRAHAM: Your Honor, the State would

1 move 6 and 7 into evidence.

2 MR. BROWN: Without objection.

3 THE COURT: 6 and 7 are in evidence,
4 without objection.

5 (State's Exhibit Nos. 6 and 7 were entered into
6 evidence.)

7 BY MR. GRAHAM:

8 Q. So looking at State's 6, what is it we're seeing
9 here?

10 A. So that is the point I'm out of my car,
11 I am activating my body camera, and Mr. Furtick is there
12 to the left with the Dodge Challenger that I followed
13 into the parking lot.

14 Q. Looking -- just so the jury will understand when
15 they look at this later, how do you know whose body
16 camera it is, and how do you know the date and time?

17 A. So the date and time is going to be on the
18 bottom left there as the date, the time, which is 2:21
19 and ten seconds. And then my name on the next line
20 down, which is Ronald Fair, and then R. Fair is the
21 user.

22 Q. And those times are set by you, or are they set
23 by computer? How does that happen?

24 A. It is set by computer. We don't have any access
25 to program the body cams. They go into a cradle.

1 They automatically upload and update via that cradle
2 to the computer system.

3 Q. And in the past, have you verified that the times
4 are accurate?

5 A. Yeah, in the past, my body camera has reflected
6 the accurate time on all calls.

7 Q. State's No. 7 is another still shot from that
8 video. Do you recognize that?

9 A. I do.

10 Q. Now over here, there are some chairs. Do you
11 remember how many chairs there were?

12 A. Three chairs, I believe.

13 Q. When you came in. At some point, did that number
14 go down to two?

15 A. It did.

16 Q. Why?

17 A. I had an elderly gentleman who was identified
18 as the grandfather in the house. He clearly had some
19 kind of disability. I needed him out of the house
20 and out of the crime scene; therefore, I grabbed a chair
21 to give him a place to sit once I had him exit the
22 apartment.

23 Q. Now, the video that we watched, did it show that?

24 A. It did.

25 Q. Have you also had an opportunity -- let me show

1 you another exhibit, State's No. 5. Do you recognize
2 that?

3 A. I do.

4 Q. Was that also a still shot from your body camera?

5 A. It is.

6 MR. GRAHAM: Your Honor, the State would
7 move 5 into evidence.

8 THE COURT: Five? The video is five.

9 MR. GRAHAM: Five, Your Honor.

10 THE COURT: The building -- yeah, okay,
11 you're right. Yeah, that was from the last witness.
12 State's 5, no objection?

13 MR. BROWN: Without objection.

14 THE COURT: It is in evidence.

15 (State's Exhibit No. 5 was entered into evidence.)

16 BY MR. GRAHAM:

17 Q. Sergeant Fair, looking at State's No. 5,
18 what is the time of this photograph?

19 A. 2:21:12.

20 Q. And this again is your body camera?

21 A. That is my body camera, yes.

22 Q. And this is while you're in the car,
23 prior to arriving?

24 A. Correct. It does a 30-second backup when you
25 activate it.

1 Q. Looking at this building over here, do you
2 recognize that building?

3 A. I do.

4 Q. And what is that building?

5 A. That's an -- it used to be a flooring discount
6 place, but it is now a business that sells locks
7 and doorknobs and stuff.

8 Q. So looking at State's No. 8, do you recognize
9 where that building is?

10 A. I do. (Indicating.) It's right here.

11 Q. It's labelled Builders Hardware on the map?

12 A. Correct.

13 Q. Have you had an opportunity to watch the security
14 video that was put in from of the witness previously
15 labelled State's No. 18, Glenn and Sox Street video?

16 A. I have.

17 Q. And does that fairly and accurately depict
18 your arrival on scene, as well as some other items?

19 A. It does.

20 MR. GRAHAM: Your Honor, the State would
21 move 18 into evidence at this time.

22 MR. BROWN: Without objection.

23 THE COURT: Without objection, 18 is in
24 evidence.

25 (State's Exhibit No. 18 was entered into evidence.)

1 MR. GRAHAM: We will publish it, Your Honor.

2 THE COURT: Please.

3 MR. GRAHAM: The purpose of this witness
4 is the video store, going to move ahead to the area
5 that concerns him.

6 MR. BROWN: Without objection.

7 BY MR. GRAHAM:

8 Q. Starting on 2:21. Please pay attention
9 to the vehicles coming from the lower left, coming in.
10 What street is that?

11 A. That's Glenn.

12 Q. Those two cars we see right there -- three cars,
13 whose are those?

14 A. That's Mr. Furtick in the Dodge Challenger.
15 I'm the first patrol car, and then Officer Jackson
16 was the second patrol car.

17 Q. The apartment complex is where in relation
18 to the video we're watching?

19 A. It's -- the direction that we're traveling there,
20 it would be up on the left-hand side.

21 Q. So you have not arrived on the scene.
22 This is you ---

23 A. This is me headed to the scene, yes.

24 Q. The image that's frozen on the car on Glenn
25 Street, whose vehicle is that?

1 A. That's Mr. Furtick's vehicle.

2 Q. And you were following him?

3 A. I followed him straight to the scene, yes, sir.

4 Q. The next vehicle that we see right there?

5 A. That's my patrol car.

6 Q. And the time on that video right there is what?

7 A. 2:21:11.

8 Q. Let me show you what's been previously marked
9 as State's 21 for ID, I believe. Do you recognize that
10 as being an image taken from the video that we just
11 watched?

12 A. Yes.

13 THE COURT: Twenty-one is in evidence.

14 MR. GRAHAM: Twenty-one is already in
15 evidence?

16 THE COURT: Yes.

17 BY MR. GRAHAM:

18 Q. So the two vehicles that we see in 21,
19 that's basically what we just saw on the video,
20 correct?

21 A. Yes, sir.

22 Q. So the two vehicles, the one in the front is who?

23 A. That's Mr. Furtick in the silver Dodge
24 Challenger.

25 Q. And then the vehicle behind it?

1 A. That is me in the patrol car.

2 Q. Additionally, in another photograph that's in
3 evidence as State's No. 20 put in by the last witness,
4 do you recognize that as being a still shot of the
5 security camera from Builders Hardware?

6 A. I do.

7 Q. Looking at the vehicle that's traveling in --
8 State's 21, you said, is traveling towards the
9 apartment, correct?

10 A. Correct.

11 Q. In State's 20, the vehicle is traveling in which
12 direction?

13 A. It's traveling away from the apartment.

14 Q. And do you recognize that vehicle?

15 A. That looks like Mr. Furtick's Dodge Challenger.

16 Q. So in State's 21, that is you coming elsewhere?

17 A. That's me passing the hardware store going to
18 the scene.

19 Q. All right. Now State's 21 is the hardware store
20 video. What's the time on that?

21 A. On that there is 2:21:11.

22 Q. On your body cam, State's No. 5, you testified
23 previously that the building in there is the same
24 building where the security camera footage was taken,
25 correct?

1 A. Yes, correct.

2 Q. Builders Hardware. So the time on your body
3 cam when you're passing that building was what?

4 A. 2:21:12.

5 Q. And the time as your car is passing on the
6 security camera was what?

7 A. 2:21:11.

8 MR. GRAHAM: Thank you, Sergeant.

9 Please answer any questions the defense has for you.

10 CROSS-EXAMINATION

11 BY MR. PHILLIPS:

12 Q. Good afternoon, Sergeant Fair.

13 A. Good afternoon.

14 Q. You're pretty familiar with Glenn Street?

15 A. Yes, sir.

16 Q. And so in the direction you're going, if you pass
17 the apartments, you would be headed towards Airport
18 Boulevard?

19 A. Correct.

20 Q. Right. Like you wanted to head towards ---

21 A. Yes, sir.

22 Q. --- I-26?

23 A. Yes, sir.

24 Q. Now earlier you saw the picture that was timed
25 as 2:15, and Mr. Furtick was traveling in the other

1 direction, that's towards Platt Springs Road?

2 A. Yes, sir.

3 Q. Okay. And so the first time you see Mr. Furtick
4 is when he's traveling back towards the apartments
5 at 2:21?

6 A. Yes, sir.

7 Q. Okay. And just to make sure between --
8 obviously, him driving by going towards Platt Springs
9 Road at 2:15, you don't know what he did in that
10 six-minute time period?

11 A. No, sir.

12 Q. You only saw him six minutes later heading back?

13 A. Yes, sir.

14 Q. When he got out, did he have a gun?

15 A. I did not see a gun, no, sir.

16 Q. Did he have an ammo drum with him?

17 A. I did not see an ammo drum.

18 Q. See any shell casings?

19 A. I did not see any shell casings.

20 Q. Did you let Mr. Furtick move his car?

21 A. No.

22 Q. Did he move his car?

23 A. To my knowledge, no.

24 Q. Okay. You weren't involved if he did?

25 A. No.

1 Q. Now responding to the scene, and you noticed
2 people were moving items in and out, as you testified
3 to, you could see people doing that, did you see anybody
4 move a red bag?

5 A. No.

6 MR. GRAHAM: Objection, Your Honor,
7 mischaracterization. The only thing we can talk about
8 moving out is the chair.

9 THE COURT: All right.

10 MR. PHILLIPS: It's what he's observed.

11 THE COURT: You can handle it on redirect,
12 if you need to, but I think the testimony is clear.
13 Last question was did you -- did the witness see anybody
14 move a red bag. What's that answer?

15 THE WITNESS: No.

16 BY MR. PHILLIPS:

17 Q. As far as you know, you didn't see anybody remove
18 any shell casings from that scene?

19 A. No, sir.

20 Q. All right.

21 MR. PHILLIPS: Just a moment, Your Honor.

22 BY MR. PHILLIPS:

23 Q. Were you able to observe any injuries on the
24 individuals?

25 A. I was not.

1 MR. PHILLIPS: No further questions,
2 Your Honor. Thank you.

3 MR. GRAHAM: Nothing else from the State,
4 Your Honor.

5 THE COURT: Sir, thank you. You could
6 step down. Thanks for coming. You're free to go.
7 Call your next witness, please.

8 MS. FULLER: Thank you, Your Honor.
9 The State calls Chris Morris.

10 MR. CHRIS MORRIS was called as a witness,
11 being duly sworn, was examined and testified as follows:

12 THE CLERK: Once you're seated, you can
13 remove your mask. State your full name and spell your
14 last.

15 THE WITNESS: My name is Chris Morris,
16 M-O-R-R-I-S.

17 MS. FULLER: Judge, may we approach?

18 THE COURT: Sure.

19 (Off-the-record conversation held at sidebar.)

20 (Back on the record.)

21 THE COURT: Go ahead and proceed, Solicitor.

22 MS. FULLER: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. Investigator Morris, where are you currently

1 employed?

2 A. I'm currently employed at the city of West
3 Columbia Police Department?

4 Q. And what is your current position?

5 A. I'm an investigator with the West Columbia Police
6 Department.

7 Q. I'm sorry. I didn't hear that. I apologize.

8 A. I'm an investigator.

9 Q. And how long have you been in law enforcement?

10 A. Nine and a half years.

11 Q. And how long have you been at West Columbia?

12 A. Nine and a half years.

13 Q. And as an investigator, did you have any --
14 did you play any roles as it relates to this case?

15 A. I did.

16 Q. And starting from the beginning, can you tell
17 the jury did you arrive on scene at [REDACTED] Glenn Street
18 in West Columbia, here in Lexington County?

19 A. I did.

20 Q. And can you describe for the jury what
21 you witnessed when you arrived on scene?

22 A. When I arrived on scene, I first saw Mr. Furtick
23 outside of the apartment complex.

24 Q. And can you describe Mr. Furtick to the jury?

25 A. He seemed to be frantic, sweating, just very

1 frantic about what just happened. He also -- at that
2 time, I had just gotten done with some sort of training
3 for technical medical and began asking him some
4 questions and asked him to check himself to see
5 if he had been shot during this incident.

6 Q. And let's back up a little bit. What did you
7 know prior to arriving on scene?

8 A. The only thing I know was the radio traffic had
9 come out as gunshots and possible victims. Therefore,
10 I ran code, lights and sirens, from the police
11 department to the crime scene.

12 Q. Okay. And when you arrived on scene, were other
13 law enforcement officers present on scene?

14 A. Yes, there were already officers on scene.

15 Q. How about EMS?

16 A. I don't recall.

17 Q. Okay. And fire, were they on scene by the time
18 you arrived on scene?

19 A. I can't recall. I believe both were either there
20 or close to being there.

21 Q. Okay. Do you recall if you were still on scene
22 when they were on scene as well? Were you on scene
23 at the same time as first responders, EMS, and
24 firefighters?

25 A. Yes, ma'am.

1 Q. Okay. And while you were speaking with Rodney,
2 where was this taking place?

3 A. It was outside, near the roadway, kind of close
4 to his vehicle.

5 Q. And you say his vehicle, what kind of vehicle
6 was he driving?

7 A. A gray Dodge Challenger.

8 Q. And were you in the courtroom for the previous
9 testimony?

10 A. I was.

11 Q. And was that the -- I guess it's still on the
12 screen here, State's Exhibit 21. Do you see that
13 vehicle in this exhibit?

14 A. Yes, ma'am.

15 Q. Okay. And that's the vehicle you're referring
16 to that Rodney Furtick drove?

17 A. Yes, ma'am.

18 Q. Okay. And in your -- do you recall how he was
19 dressed when you encountered him?

20 A. I believe he had possibly a black and white
21 shirt, a button down shirt.

22 Q. Okay. I believe there's already a still shot.
23 I just want to make sure the jury -- looking at State's
24 6, do you see the individual you were speaking with?

25 A. Yes, ma'am.

1 Q. Okay. And when you just told the jury you spoke
2 with him near his car, do you see the area on this
3 image, on State's 6, where you were standing when
4 you were speaking to him?

5 A. Yes, ma'am, approximately right there, maybe
6 a little closer, like, towards where Sergeant Fair
7 was, that's his body cam. It's a little closer toward
8 us.

9 Q. And you started to describe that he was frantic.
10 How else would you describe his demeanor?

11 A. Upset, just shocked.

12 Q. And you started saying that you asked him to
13 check himself. Were you able to get any information
14 prior to you saying that, or was it simultaneous?

15 A. I was able to get a little bit of information
16 at first.

17 Q. And what information did you gather?

18 A. I began asking him what happened, and he's
19 began saying the victim's cousin -- the person inside,
20 the cousin was involved.

21 Q. Okay. And when you say "cousin was involved,"
22 what does that mean? What did you -- what did he say?

23 A. Let me look at my notes momentarily. He was
24 saying his -- the cousin had shot two people.

25 Q. Okay. And in that brief conversation,

1 did you glean whose cousin it was?

2 A. Yes, Mr. Atkins. Samir Atkins.

3 Q. Okay. So you were able to determine
4 that Samir Atkins' cousin had shot two people?

5 A. Yes, ma'am.

6 Q. To include Samir Atkins?

7 A. Yes, ma'am.

8 Q. And you mentioned that you had Rodney check
9 himself. When he checked himself, what did, I guess,
10 both of you discover?

11 A. He was in shock. His adrenaline was rushing at
12 that point. From the class, you start with your limbs,
13 rub down both your legs, your arms, start checking
14 yourself for any type of hole, blood. And at which
15 point, he did -- I think it hit him, and he started
16 saying, yeah, ow, ow, my leg is hurt.

17 Q. Okay. So prior to that, did Rodney volunteer
18 to you that he was shot?

19 A. No.

20 Q. And in the initial conversation, did you then
21 glean from him from anything he said that he was shot?

22 A. No, he actually -- when I asked him if he was
23 shot, he said he didn't think so, and then I said,
24 just check yourself to make sure. And at that point,
25 he realized he was shot.

1 Q. And we know the time that Sergeant Fair
2 arrived on scene. I'm not sure if we would know yours.
3 Let me ask you this: As an investigator, do you wear
4 a body cam?

5 A. I do not.

6 Q. So you didn't have a body cam that day?

7 A. I did not.

8 Q. So we know that this was at 2:21, it looks like
9 40 seconds in the afternoon. It was moments after that
10 that he discovered that he was shot?

11 A. That's correct.

12 Q. Were you able to determine his injuries -- did
13 you see them?

14 A. I remember -- I can't recall if it's left
15 or right leg, but I remember one of his legs I did see
16 a hole in his pants at the point when I directed him
17 toward the ambulance.

18 Q. And did you accompany him on the ambulance?

19 A. I did not. I just pushed him into the direction
20 of the ambulance.

21 Q. And while you were on scene, did you gather any
22 other information from Rodney Furtick prior to him going
23 in the ambulance.

24 A. I believe he did mention a burgundy vehicle
25 that the cousin had left in, a burgundy Tahoe.

1 Q. Okay. Tell me whether or not you learned
2 any information about his phone?

3 A. He told me that his -- he thought his phone
4 was stolen by the cousin during the incident.

5 Q. And what, if anything, did you do with that
6 information as part of your involvement in this case?

7 A. I refer to my notes. Later that evening,
8 approximately 4:34 p.m., we began trying to track
9 that phone, and I called Verizon to do an exigent
10 circumstance ping to give a GPS coordinate.

11 Q. And you mentioned Verizon, and you mentioned the
12 phone. Did you, in that conversation, receive a phone
13 number that you were requesting an emergency location
14 on?

15 A. Yes, I had Rodney's telephone number.

16 Q. And what was that phone number?

17 A. It looks like [REDACTED].

18 Q. And can you explain to the jury, because
19 I realized I may know what it is, but I'm not sure,
20 what is an emergency location, and how do you go about
21 requesting that?

22 A. To request an emergency location on a phone,
23 you have to contact the carrier at that point and speak
24 to a representative who asks for reasons why you want
25 a ping for the location. On exigent circumstances,

1 they don't require a search warrant at that point.
2 So you have a form you fill out and fax over to them
3 for the exigent circumstance ping.

4 Q. And when you received that information, tell
5 me whether or not you determined that Rodney's phone
6 was pinged at the incident location on Glenn Street?

7 A. According to my notes, later I was -- either
8 I received a phone call, or I called Verizon back
9 at 5:13 p.m., and it showed at 2:17 p.m. the phone
10 was pinged off of a cell phone tower at 207 Congaree
11 [ph.] Drive in Kingstree, South Carolina.

12 Q. And so that is not Glenn Street, West Columbia?

13 A. No, ma'am.

14 Q. Did you have an occasion to speak with Rodney
15 again during the course -- while the case was being
16 investigated?

17 A. I did.

18 Q. And can you tell the jury about that. When did
19 you speak with him again?

20 A. I believe it was the following day.

21 Q. So would that be July 6th of 2018?

22 A. July 6, 2018.

23 Q. And where were you when you spoke with him?

24 A. At -- my notes reflect on 7/6/2018 at 9:52 a.m.,
25 I spoke with Mr. Furtick at Palmetto Health Richland

1 Hospital.

2 Q. I'm going to show you a couple of photographs
3 and ask you if you recognize them. This is State's 22,
4 23 and 26 for the record.

5 A. I recognize these.

6 Q. And how do you recognize those photos?

7 A. I took those photos at the hospital that morning.

8 Q. And do they fairly and accurately represent
9 or reflect the actual image that you took a photograph
10 in the photo itself, I guess? Sorry.

11 A. They do. They accurately depict them.

12 MS. FULLER: Your Honor, at this time,
13 the State seeks to introduce 22, 23 and 26.

14 THE COURT: Any objections?

15 MR. PHILLIPS: No objection.

16 THE COURT: 22, 23 and 26 are in evidence.
17 (State's Exhibit Nos. 22, 23 and 26 were entered into
18 evidence.)

19 MS. FULLER: And publishing.

20 BY MS. FULLER:

21 Q. Looking at State's 22, what is this a photograph
22 of?

23 A. That is a photograph of Mr. Furtick's left knee.

24 Q. And the injury that you noted, can you use
25 the pointer and point them out for the jury, please.

1 A. I noted the bullet hole wound to the thigh
2 and to the knee.

3 Q. Okay.

4 MS. FULLER: Permission for the witness
5 to step down for State's 23.

6 THE COURT: Sure.

7 BY MS. FULLER:

8 Q. Can you just point out for the jury on State's 23
9 the injury that you were photographing in this image?

10 A. That would be right below his right buttock
11 cheek.

12 MS. FULLER: And for the Court, I'm not
13 publishing on the overhead.

14 BY MS. FULLER:

15 Q. And then looking at 26, can you describe
16 to the jury what they're looking at in State's 26?

17 A. That is the shirt that Mr. Furtick had on when
18 I first encountered him.

19 Q. And what was the purpose of photographing this
20 shirt?

21 A. To show that it was ripped.

22 Q. Following the hospital, did you also speak
23 with Rodney Furtick upon his release?

24 A. I did. After he was released, I asked him
25 if he could come to the police department to give

1 a formal statement.

2 Q. And did he, in fact, do that?

3 A. He did as soon as he was released.

4 Q. And I'm going to hand you State's 1, and ask
5 you if you recognize this.

6 A. I do.

7 Q. And how do you recognize that?

8 A. Due to my signature and date on it.

9 Q. And what date is on the document?

10 A. July 6, 2018.

11 Q. And what is that document?

12 A. That is a photo lineup.

13 Q. And who did you present that photo lineup to?

14 A. I presented that photo lineup to Mr. Rodney
15 Furtick.

16 Q. And would that be when he came in for an
17 interview on July 6th?

18 A. Yes, ma'am. He came in after he was released
19 from the hospital, and I documented the start time
20 of the interview at 11:47 a.m.

21 Q. And can you walkthrough the jury how -- your
22 method and how you presented this lineup to Rodney
23 Furtick?

24 A. Yes, ma'am. I received the lineup from
25 the lead investigator, Investigator Deas, I believe.

1 Then, I go into the room.

2 We have -- on the back of the lineup are some
3 words printed out, and I read verbatim to the person
4 I'm showing the lineup to, and it says, "In a moment,
5 I am going to show you a group of photographs that may
6 or may not contain a picture of a person involved in the
7 crime now being investigated. The fact that photographs
8 are being shown to you should not cause you to believe
9 that anyone has been or will be arrested. Remember:
10 When viewing a group of photographs, you should consider
11 the lighting and how it may affect the complexion
12 of some persons, making them appear lighter or darker.
13 You should also consider the fact that hairstyles,
14 facial hair, scars, marks, et cetera can be easily
15 changed, added, or taken away. Finally, do not allow
16 yourself to be distracted by any background scenery
17 since photographs are sometimes taken at various
18 locations or obtained from a variety of sources.
19 Please take your time to study the photographs
20 carefully. Once you have viewed the photographs,
21 you will be asked to record your viewing."

22 Q. Okay.

23 MS. FULLER: I apologize. I should have
24 done this first, Your Honor. Seek to introduce State's
25 1 into evidence.

1 THE COURT: Subject to the hearing that
2 we had yesterday.

3 MR. PHILLIPS: Yes, Your Honor.

4 THE COURT: All right. Subject to the
5 hearing and all motions, et cetera, made yesterday,
6 State's 1 is in evidence.

7 (State's Exhibit No. 1 was entered into evidence.)

8 MS. FULLER: Thank you, Your Honor.

9 THE COURT: You may want to just go ahead
10 and staple that together.

11 MS. FULLER: It was paper clipped.

12 THE COURT: As long as the second part
13 doesn't get separated from the part he just read,
14 we're good.

15 MS. FULLER: Okay. Thank you, Judge.
16 I'll staple it once the record is closed.

17 BY MS. FULLER:

18 Q. Looking at this document, is this what you just
19 read to the jury?

20 A. It is.

21 Q. And did Rodney Furtick appear to understand
22 what you were explaining to him?

23 A. He did.

24 Q. And how did he confirm that for you?

25 A. Either by nodding his head or saying yes.

1 Q. Okay. And go ahead and explain to the jury
2 at that point, once he confirmed he understood what
3 you were explaining, what did you do next?

4 A. At that point, the paper is faced down on the
5 table. He cannot see any photos. I then flip it over
6 and show him the six photographs.

7 Q. And when you show him those six photographs,
8 who were you asking him to select out of the six
9 photographs?

10 A. The person that he was referring to as cousin,
11 and the person that he witnessed shoot Samir and the
12 other victim in the apartment.

13 Q. Okay. So it's safe to say ---

14 MR. PHILLIPS: Objection, Your Honor.

15 I let it go on a long way here. There's a lot of
16 hearsay. I know we're trying to streamline things,
17 but.

18 THE COURT: And I understand. Well,
19 he asked -- he was telling what he asked that witness
20 to do, so overruled on that. Overruled. Go ahead.

21 BY MS. FULLER:

22 Q. Publishing the second page momentarily.
23 Can you also describe to the jury -- finish describing
24 to the jury your method and what happened in this case?
25 How did you present it to Rodney Furtick?

1 A. After presenting the lineups -- the lineup
2 of the photographs, I immediately flipped it over,
3 and within seconds, he said that's him. He began
4 pointing that's him.

5 Q. And at that point when you presented it to him,
6 did you know the person's name, or did he just refer
7 to that person as cousin?

8 A. He just referred to him as cousin.

9 Q. Okay. And when you presented it to him,
10 did you suggest to him who to pick from this photo
11 lineup?

12 A. Absolutely not.

13 Q. And when you presented it him, did you even
14 tell him that the suspect, or who you guys believed
15 was the suspect, was in this photo lineup?

16 A. No.

17 Q. And publishing the photo lineup now, how did
18 Rodney Furtick indicate who the cousin shooter was?

19 A. Just like I stated a minute ago, he immediately
20 began pointing at photograph number four.

21 Q. And then did he then select, physically mark
22 the document?

23 A. He did.

24 Q. And whose marking did we see on number four?

25 A. Mr. Furtick's.

1 A. I believe I interviewed another person,
2 a witness. And I also conducted, I believe,
3 one or two search warrants on the vehicles out front.

4 Q. And can you explain to the jury what was the
5 purpose of conducting search warrants on the vehicles
6 up front?

7 A. To obtain any type of evidence that may assist
8 us in solving this crime.

9 Q. And how did you determine which vehicle to
10 search?

11 A. By running the tag and verifying with people
12 on scene whose vehicles were whose.

13 Q. And whose vehicle did you assist in processing?

14 A. I believe one was Mr. Mack's, and the other was,
15 I believe, Mr. Atkins.

16 Q. Okay. I'm going to show you a series of
17 photographs marked as State's 28, 29, 30, 31 and 37.

18 MS. FULLER: Without objection?

19 MR. PHILLIPS: Without objection,
20 Your Honor.

21 THE COURT: That'll be 28, 29, 30, 31
22 and 37.

23 MS. FULLER: Thank you, Your Honor.
24 Yes, Your Honor. First, I guess I'll ask the witness
25 if he recognizes these.

1 BY MS. FULLER:

2 Q. Do you recognize these photographs?

3 A. I do.

4 Q. And how do you recognize them?

5 A. Because I documented that I conducted the search
6 warrant on those vehicles.

7 Q. Okay. And let me ask you this: Did you actually
8 take these photographs?

9 A. I believe so, yes.

10 Q. Okay. So -- do you believe so, or do you know
11 so? I just want it clear for the record. Were you
12 present when the photographs were taken?

13 A. I was present when the photographs -- and I did
14 take some of them, and maybe one or two with another
15 investigator within my presence.

16 Q. Well, let's explain that to the jury. So are you
17 guys sharing the same camera?

18 A. Yes.

19 Q. Okay. And so explain to the jury the process
20 of searching a vehicle like this one in this case,
21 and then I'll then move it in so it's clear for the
22 record.

23 A. So to expedite the process, I would have my
24 camera or somebody else's camera that was still there.
25 I will start by taking photographs outside of the

1 vehicle. And then if, you know, I was holding
2 something, somebody else may have taken a photo so
3 I can get a better photo of it. Hence, that's why
4 somebody else may have taken the photographs just
5 so I can get a better representation of what I was
6 searching or looking at.

7 Q. So you would have been working as a team,
8 so to speak?

9 A. Correct.

10 Q. And who would you be working with while you took
11 these photographs, do you recall?

12 A. I believe Investigator Putney or Investigator
13 Deas.

14 Q. Okay.

15 A. I don't have it documented who was with me.

16 Q. Okay. But the photograph that I showed you,
17 you recognize them, and they're true and accurate
18 and appear to be the vehicle and the contents that
19 you processed?

20 A. Correct.

21 Q. Okay.

22 MS. FULLER: At this time, Your Honor,
23 the State seeks to introduce 28, 29, 30, 31 and 37
24 into evidence without objection.

25 THE COURT: Correct. They're in evidence,

1 without objection.

2 (State's Exhibit Nos. 28-31 and 37 were entered into
3 evidence.)

4 MS. FULLER: And I apologize for that,
5 Your Honor. I just wanted to make the record clear.

6 BY MS. FULLER:

7 Q. Now publishing. Looking at 28, do you recognize
8 this vehicle?

9 A. Yes.

10 Q. And whose vehicle is this?

11 A. That is Mr. Samir Atkins' vehicle.

12 Q. And looking at State's 29, go ahead and explain
13 to the jury when you were processing this vehicle where
14 did you search and the items you seized?

15 A. I began taking photographs of the vehicle when
16 I began searching the vehicle. I usually take pictures
17 before I touch anything. And then, at that point,
18 I began opening drawers or compartments within the
19 vehicle and then taking pictures of their current state.

20 Q. And in State's 29, what is the jury looking
21 at here?

22 A. That is a picture of a middle console opening.

23 Q. And then looking at State's 30, what are we
24 looking at here?

25 A. That is a jar containing a plastic baggy.

1 Q. And that was in the center console?

2 A. Yes.

3 Q. And then looking at 31, is that the same jar?

4 A. That is the same jar.

5 Q. And it's not officially contained,
6 but it contains a green leafy-like substance?

7 A. Correct.

8 Q. And then looking at 37, where in the vehicle
9 is this?

10 A. That is in the glove box on the passenger's side.

11 Q. And was the glove box closed or open when you ---

12 A. It was closed.

13 Q. Okay. And so you opened it for the purpose
14 of this photograph?

15 A. Correct, to conduct a search.

16 Q. Do you recall whether or not the vehicle
17 was locked or unlocked when you performed the search
18 of the vehicle?

19 A. I don't recall.

20 Q. Do you recall if the doors were wide open,
21 or if they were closed?

22 A. They were closed.

23 Q. Okay. There was a second vehicle there that
24 you assisted in processing. Do you recall whose vehicle
25 that was?

1 A. I believe that was Mr. Mack's.

2 Q. And I'm going to show you State's 27 and 38.
3 and ask if you recognize them?

4 A. I do.

5 Q. And how do you recognize them?

6 A. It's accurately depicted in my notes, conducting
7 that search warrant of that vehicle.

8 Q. Okay. And working as a team, present for these
9 photographs?

10 A. Yes, ma'am.

11 Q. And you may or may not have taken it,
12 but you guys were sharing a camera?

13 A. Yes, ma'am.

14 MS. FULLER: At this time, Your Honor,
15 the State seeks to introduce 27 and 38.

16 MR. PHILLIPS: Without objection,
17 Your Honor.

18 THE COURT: Without objection, those are
19 in evidence.

20 (State's Exhibit Nos. 27 and 38 were entered into
21 evidence.)

22 BY MS. FULLER:

23 Q. Looking at 27, just so the record is clear,
24 you identified this vehicle belonging to Elzie Mack?

25 A. Yes, ma'am.

1 Q. And how would you describe this vehicle?

2 What kind of vehicle is it?

3 A. It's a gold Honda Accord.

4 Q. And is it an older model, or a newer model?

5 A. I would say that's an older model.

6 Q. And what, if anything, do you notice about the
7 wheel?

8 A. That it has aftermarket rims on it.

9 Q. And in processing this vehicle, you were able
10 to collect an item, correct?

11 A. Correct.

12 Q. And looking at 38, is that the item you
13 collected?

14 A. That's correct.

15 Q. And was that compartment opened or closed
16 when you took the photograph?

17 A. It was closed.

18 Q. I apologize. Prior to taking the photograph?

19 A. It was closed; I opened that compartment.

20 Q. And did you seize any other items from the
21 vehicle?

22 A. The baggy right there containing a green leafy
23 substance.

24 Q. Okay. And nothing else from this vehicle that
25 was ---

1 A. I did take a water bottle, looks like I dusted
2 it for latent prints, may have gotten two. I took
3 a DNA swab of the steering wheel and of the anterior
4 door handles of the driver's side and passenger's side.

5 Q. And what was the purpose of doing that?
6 What were you -- what was your mindset at that point?

7 A. Just to have it, better safe than sorry to have
8 that evidence and to link it back to Mr. Mack in case
9 there was an argument whether or not it was his car
10 or not.

11 Q. Okay. Now looking at, it's already in evidence,
12 State's 19. I'm going to approach you first and ask
13 if you recognize the vehicle driving on the road there?

14 A. Yes.

15 Q. And how do you recognize that vehicle?

16 A. That's the same vehicle I conducted a search
17 warrant on.

18 Q. Okay. I'm going to publish 19 now. And do you
19 recognize -- were you in the courtroom when this video
20 was published?

21 A. I was.

22 Q. And do you recognize it to be Glenn and Sox
23 Street?

24 A. Yes, ma'am.

25 Q. And the same surveillance camera that we were

1 talking about previously?

2 A. Yes, ma'am.

3 Q. Now that vehicle when I approached, you indicated
4 whose vehicle did that -- whose vehicle is that?

5 A. Mr. Mack's.

6 Q. And looking at the time on this camera,
7 what time is that vehicle captured?

8 A. 2:13:05 p.m.

9 MS. FULLER: Beg the Court's indulgence.

10 BY MS. FULLER:

11 Q. Switching to the video that we just watched,
12 do you also see that time on the video that's now
13 projected?

14 A. I do.

15 Q. And what time is that?

16 A. 2:13:05 p.m.

17 Q. And so this is a -- essentially on the document
18 reader, and I'll put it on the left display. Back
19 there, this is essentially a still shot on the left
20 display TV back there, as what's on the overhead
21 projector?

22 A. They appear to be a screen shot, yes, ma'am.

23 Q. And I'm going to play it for just two seconds.

24 If you can watch it for me, please. I apologize.

25 I played it for ten seconds. And what direction

1 was that vehicle traveling?

2 A. Towards Airport Boulevard.

3 Q. And what of significance is that direction?

4 A. That is the incident location or apartment
5 complex.

6 Q. And I'm going to back it up and play it again.
7 I played it for ten seconds until we see the vehicle
8 go out of frame. And do you agree you see the vehicle
9 go out of frame just past ten seconds?

10 A. Yes, ma'am.

11 Q. And how far from Glenn and Sox -- and I believe
12 we have a map in evidence. How far from Glenn and Sox
13 is the apartment driving?

14 A. Driving, probably 10 to 15 seconds.

15 Q. And if you can use the pointer here and show
16 on this map, State's 8, approximately where you see
17 Elzie Mack's vehicle go out of frame, or pass the camera
18 and then go out of frame?

19 A. (Indicating.) It appears probably somewhere right
20 in here.

21 Q. And then I'll move the map up. And where on
22 the map are the apartments where the incident occurred?

23 A. (Indicating.) Right here.

24 Q. Thank you. And so that is at 2:13 and 5 seconds?

25 A. Correct.

1 Q. I think just a few more witnesses -- a few
2 more questions for you. On July 5th, did you have
3 an opportunity to go back to the crime scene?

4 A. I did.

5 Q. And when you went -- what was the purpose
6 of going back to the crime scene when you did?

7 A. During the interview with Mr. Furtick,
8 he had revealed some of the shooting occurred outside,
9 and that cousin had shot from ---

10 MR. PHILLIPS: Objection, Your Honor.

11 MS. FULLER: I can get there. Thank you.

12 THE COURT: Sustained.

13 BY MS. FULLER:

14 Q. Based on the information you received, what were
15 you going back to the crime scene to do?

16 A. To collect a piece of evidence.

17 Q. And where were you looking to collect this
18 evidence?

19 A. Near the roadway on Glenn right outside of the
20 apartment complex.

21 Q. And that is based on information you received
22 during the course of the investigation?

23 A. Yes.

24 MS. FULLER: Any objection?

25 MR. PHILLIPS: No objection.

1 BY MS. FULLER:

2 Q. 32, 33, 34, 35 and 36, I'm going to hand you
3 and ask you if you recognize them.

4 A. I do.

5 Q. And how do you recognize those photographs?

6 A. I got it reflected in my notes, and I remember
7 taking these photographs.

8 Q. Okay. And what are these photographs of?

9 A. Of a shell casing.

10 Q. As well as the roadway?

11 A. And the roadway, yes, ma'am.

12 MS. FULLER: Your Honor, at this time,
13 the State seeks to introduce 32, 33, 34, 35 and 36
14 into evidence.

15 MR. PHILLIPS: No objection.

16 THE COURT: Without objection, those are
17 in evidence, 32 through 36.

18 (State's Exhibit Nos. 32 through 36 are entered into
19 evidence.)

20 BY MS. FULLER:

21 Q. Looking at State's 32, I'm going to zoom in,
22 what is the jury looking at here?

23 A. That is outside of the apartment complex halfway,
24 almost in the roadway, and that's another parking lot,
25 just you're looking at the apartment towards the right

1 side.

2 Q. And pointing to this caution tape, what is that?

3 A. That's where the crime scene was roped off.

4 We had set an officer there throughout the night
5 to secure it, and we roped that section off to keep
6 anybody from entering that area.

7 Q. And I'm pointing up here. What is this?

8 A. The patrol car.

9 Q. Okay. And we say roped off. I'm going to use
10 the word secure. Can you tell me whether or not the
11 scene was secured overnight?

12 A. It was.

13 Q. To include, I'm zooming in here, the vehicle
14 that you processed that are parked right here?

15 A. Yes, ma'am.

16 Q. And would that also include the actual apartment
17 as well where the incident occurred?

18 A. Yes, ma'am.

19 Q. Zooming out, can you please explain to the jury
20 what the purpose of taking such a wide angle?

21 A. To give a better perspective of where this
22 occurred at, and from what I was told to look at that
23 shell casing.

24 Q. And now going to 33, what are we looking at here?

25 A. That is just a little tighter angle of the same

1 area, just basically started wide and coming in to where
2 I'm focusing.

3 Q. And then looking at 34, what are we looking
4 at here?

5 A. That is a close-up shot of the shell casing
6 I located.

7 Q. And looking at 35, what are we looking at here?

8 A. Same and just even a tighter shot, a closer shot.

9 Q. And looking at 36, what are we looking at here?

10 A. And that is the shell casing laying in the
11 position that I located it from a ground level.

12 Q. I'm going to hand you what's marked as State's
13 Exhibit 45 and ask if you recognize this.

14 A. I do.

15 Q. And how do you recognize this?

16 A. My signature is on the back, and my initials
17 are on the back tape.

18 Q. And what exactly is that item?

19 A. That is the shell casing I photographed.

20 MS. FULLER: At this time, Your Honor,
21 the State seeks to introduce State's Exhibit 45 into
22 evidence.

23 MR. PHILLIPS: No objection, Your Honor.

24 THE COURT: Without objection, 45 is in
25 evidence.

1 (State's Exhibit No. 45 was entered into evidence.)

2 BY MS. FULLER:

3 Q. There's handwriting on this side. Can you go
4 ahead and explain to the jury the evidence collection
5 process?

6 A. After photographing the evidence in its current
7 state, I put on a pair of gloves and at that point
8 retrieved a clean bag that has no writing on it.
9 I put it in there. I will seal the bag with tape,
10 initial it, date it, and I will fill out the front
11 of the bag with the information; where, when I recovered
12 it, and what it is and also the chain of custody,
13 or where after I take it where I put it.

14 Q. Since you mentioned chain of custody. Can you
15 point it out to the jury so they know what you're
16 talking?

17 A. So the chain of custody, we have to document
18 that I'm the one who collected it, sealed the bag
19 and everything, and then I drop it into our drop box,
20 which is like a safe box, kind of similar to the mailbox
21 at the post office. And I drop it in there, and nobody
22 can get into it, can't reach it. It's got metal prongs.

23 Q. And, Investigator Morris, I'm -- don't take
24 offense to my next question. Your handwriting,
25 just so we're clear, what date does this say?

1 A. It's 7/6. I know it says 15, but it's actually
2 18. My pen died out.

3 Q. Okay. But up here, you wrote the date there?

4 A. Correct. And you can see where the 18, going
5 back up connecting to the ---

6 Q. And up here as well, correct?

7 A. Correct.

8 Q. Okay. So this is the -- these photographs that
9 you collected as it relates to this case?

10 A. Correct.

11 Q. On Glenn Street?

12 A. Correct.

13 Q. And I apologize for having to do that.

14 A. That's all right.

15 Q. While you were there, did you go into the
16 residence as well?

17 A. I did.

18 Q. And based on information you received in
19 the course of the investigation, what were you going
20 in there to look for?

21 A. Any additional evidence, or to look for anything
22 that I was told about in the interview.

23 Q. Specifically, what were you looking to see was
24 there?

25 A. Any other firearms, a safe, any more phones,

1 any blood, fingerprints, anything else that could
2 be pertinent.

3 Q. So you mentioned the safe.

4 A. Correct.

5 Q. And based on information you received, you were
6 going back to look for a safe?

7 A. To see if it was there, correct.

8 Q. And what type of safe were you going back to look
9 for?

10 A. The way it was described, just a small --
11 a fairly large safe that, like, fit at the bottom of
12 your closet. And I was told heavy enough that probably
13 more than one person it would take to carry it.

14 Q. And when you went back into the apartment,
15 did you find that safe?

16 A. No, we did not.

17 Q. What, if anything, did you find?

18 A. We did find in the closet where it appeared --
19 because of the carpet being smashed down where a heavy
20 object was sitting, appeared that a safe would have been
21 sitting there.

22 Q. Okay. I'm going to show you 42, 43 and 44.
23 I'm going to ask you if you recognize this.

24 A. I do.

25 Q. And what do you recognize these photos to be?

1 A. These are inside of Mr. Atkins' apartment,
2 the closet in the hallway.

3 MS. FULLER: At this time, Your Honor,
4 State seeks to introduce 42, 43 and 44.

5 MR. PHILLIPS: Without objection,
6 Your Honor.

7 THE COURT: Without objection, 42 through
8 44 are in evidence.

9 (State's Exhibit Nos. 42 through 44 were entered into
10 evidence.)

11 BY MS. FULLER:

12 Q. Looking at State's 43, can you tell the jury
13 what they're looking at here?

14 A. That is the closet, going down the hallway
15 towards the rear of the residence -- of the apartment.

16 Q. And then looking at 42, what's the jury looking
17 at here?

18 A. That is the floor of that closet.

19 Q. Now going back to 43, when we look at 43 there
20 are things on the floor there. It looks like -- can you
21 describe what we're seeing where I'm pointing at here?

22 A. That appears to be a target -- practice target.

23 Q. Okay. And tell me whether or not that's
24 on the floor?

25 A. In that picture, it is on the floor, yes.

1 Q. Now looking at 42, that is no longer this image?

2 A. Right.

3 Q. Can you explain to the jury what happened there?

4 A. Probably moved it out of the way, because it
5 was covering the floor, to get a picture of the carpet
6 underneath that target.

7 Q. And you described, prior to showing you
8 the photograph, an area on the carpet that appeared
9 to be indented to you. Do you see that in this
10 photograph?

11 A. I do.

12 Q. And where do you see that?

13 A. If you look here where the shading of the carpet
14 is darker, it's darker on this side, and in this area
15 right here where you can see the outline.

16 Q. And looking at 44, what is this?

17 A. That is a brochure for a safe.

18 Q. And where was that located?

19 A. I believe that was in the same closet.

20 Q. Okay. And what was the purpose of taking this
21 photograph?

22 A. To show there more than likely was a safe there.

23 MS. FULLER: Beg the Court's indulgence
24 for a few seconds, Judge.

25 THE COURT: Sure.

1 BY MS. FULLER:

2 Q. Investigator Morris, in my effort to try to get
3 through things because there's so much, I forgot to ask
4 you one question about this. Going back to July 6th,
5 when Rodney Furtick made the identification of number
6 four, who did he identify? Who is number four?

7 A. Number four is a photograph of Mr. Damien Ritter.

8 MR. PHILLIPS: Renew the objection.

9 THE COURT: Subject to the earlier hearing
10 objection.

11 MS. FULLER: Thank you, Your Honor.
12 No further questions at this time.

13 THE COURT: All right. Ladies and
14 gentlemen, I anticipate the cross with this witness may
15 take a little bit of time, and you guys have been out
16 there, by my watch, for about an hour and 50 minutes.
17 So we're going to go ahead and take a mid-afternoon
18 break for about 10 or 15 minutes. And I see some
19 of y'all need to stretch around, or walk around
20 and stretch or something like that, so refreshen
21 yourselves. Don't talk about the case.

22 If any of you smoke just let the bailiff
23 know, and they'll take you outside for a cigarette.
24 I forgot to mention that earlier, okay? Y'all take
25 care, and see you back in a few minutes. We'll be

1 at ease for about 10 to 15 minutes, okay, everyone.
2 And, obviously, you can step down, just don't talk
3 about your testimony with anyone.

4 (Jury exits the courtroom at 4:05 p.m.)

5 (Recess taken.)

6 (Back on the record.)

7 THE COURT: Thank you. Please have a seat.

8 MR. BROWN: Your Honor, if I may have one
9 more moment with co-counsel.

10 THE COURT: Sure.

11 (Pause.)

12 THE COURT: All right. Let's go ahead
13 and get back on the record quickly since we're burning
14 daylight here. Ms. Fuller, the record will reflect
15 that she did have a sidebar with the Court concerning
16 your motion in limine. I indicated that after hearing
17 the opening argument, I'm inclined to believe that
18 a lot of the material that I think Ms. Fuller ultimately
19 elicited from the witness was something that I was going
20 to permit Mr. Phillips or Mr. Brown to elicit.
21 And so I just wanted that put on the record. Was there
22 anything else on that?

23 MS. FULLER: Yes, Your Honor. Specifically,
24 part of the motion in limine included the AR-15
25 semi-automatic pistol that was under the bed.

1 Yesterday, I sent you photographs of where it was
2 when law enforcement initially went into the room.
3 It's important to note on the record that for the
4 bedroom, and I'll hand up for reference, Your Honor,
5 this photograph that I e-mailed last night.

6 THE COURT: Right. I saw all of those, yes.

7 MS. FULLER: That specific firearm was
8 located the second day in the search going back to
9 the home. That's the search that this officer that's
10 on the stand participated in. So, I anticipate them
11 going there. All the other ones, he did not participate
12 in the search.

13 So that's why I approached to see how far
14 we were going on this because I truly, truly believe
15 that this one is only being introduced solely to attack
16 the deceased victim's character, like, it's under
17 the bed and the sheet.

18 If they're intending to have the Defendant
19 testify, which they haven't indicated, and he says
20 that he knew that this was there -- depending on which
21 direction they're going, you know. Their opening,
22 they can go in different directions based on their
23 opening argument. We have a general idea, but they
24 can go a different direction.

25 So, at this time, I do not believe this is

1 relevant. I think it's improper 404(a)(2), as well as
2 403. This would be highly prejudicial to the deceased
3 victim, who is not here to testify. And the probative
4 value, at this time, I don't believe there is any.

5 And so I did want to make a record of
6 that because I do not see how these -- the other items
7 that were included, I don't believe they're relevant;
8 I don't believe they've been made relevant. The other
9 items included Item C, not by this officer, but I don't
10 know if that will allow them to open the door to whether
11 or not he knew that they were -- those line of
12 questioning. And so that would be the actual crime
13 scene investigator who actually collected the others.
14 But this specific one, he didn't collect this,
15 but he was present. And so that's why I approached
16 really to see how far he goes.

17 The items in the car were part of my
18 motion in limine, but they were outside of the vehicle,
19 so outside of the residence. I believe I can handle
20 that in my case presentation. But this one I just think
21 would be highly prejudicial.

22 And, Your Honor, just for the record,
23 I'm going to go ahead and mark those four -- attach
24 Exhibit G from my motion, and I also made my e-mail
25 part of the record as well.

1 THE COURT: That's fine, if you wish.
2 Mr. Phillips.

3 MR. PHILLIPS: I mean, specifically,
4 we argued that it's highly relevant. On direct, he said
5 he went inside and looked for anything pertinent,
6 anything relevant. Obviously, that was taken into
7 evidence. They considered it relevant, obviously,
8 given the defense's theory and the State's opening
9 statement as well. I think when we look at this,
10 they asked what did you find? That was an open-ended
11 question on direct. I think that opens the inventory.
12 I think it's highly relevant, given the theory
13 of the defense that's been presented.

14 At this point, I think as we argued
15 at sidebar, there's a lot of cases that I've read
16 as a defense attorney when we have motion in limine,
17 and the defense attorney doesn't make that
18 contemporaneous objection, and then the appellate court
19 says it's cumulative. In other words, it's already
20 happened. The prejudice already occurred. The State
21 failed to object in the other times we referenced
22 firearms. And so we would say, at this point, the train
23 is moving.

24 THE COURT: I understand, but speak
25 specifically to the firearm found in the child's room,

1 and her objection that it's not relevant.

2 MR. PHILLIPS: So that also we would argue
3 -- I mean, we can go over a bunch of different issues,
4 but one specifically would be Kyles v. Whitley.
5 As you understand, we're attacking the integrity of
6 the investigation as far as touch DNA, fingerprints,
7 with the fact that there is a drum with the same
8 ammunition that would go to that AR-15 that's found
9 in another location in the residence that we will
10 tie in, obviously, hopefully. We will see.

11 And so it's not isolated. And it may
12 be found under the child's bed. But, again, we can't --
13 until the State does further, we can't present -- it's
14 not the defense's case in chief yet, so we can't.

15 THE COURT: I don't disagree with you,
16 but I'm trying to understand how the firearm found
17 in the child's room -- and that's what I'm focusing
18 on at this point in time, okay? We haven't gone there.
19 She didn't elicit that testimony.

20 The marijuana and the firearm found in the
21 car so far as I'm concerned is somewhat of a nothing
22 burger, especially in light of the fact that the
23 potential self-defense that I'm hearing from the
24 defense, if you got a gun in the glove box that means
25 that obviously it wasn't on the person, the decedent,

1 at the time of the shooting. So he, obviously, was not
2 armed with that particular weapon.

3 Talk to me about the gun that's found
4 in the child's room. How does that duck tail into
5 defense ---

6 MR. BROWN: If I may, Your Honor?

7 THE COURT: Sure.

8 MR. BROWN: There's a red bag.

9 MS. FULLER: So two people are going
10 to argue?

11 THE COURT: Stop.

12 MR. BROWN: Well, I would like to argue
13 the motion. He's doing the witness.

14 THE COURT: All right. Right. I just want
15 to know -- right. Red bag. You mentioned a red bag.

16 MR. BROWN: Yes, sir. The red bag had 223
17 ammunition and a drum magazine and a clip that appears
18 to fit. When we inspected it, we weren't actually able
19 to assemble the two together. First, the AR-15 was not
20 actually in the evidence room. We've never actually
21 physically put eyes -- literally, put our eyes on that
22 weapon. But it's our understanding that it all fits
23 together.

24 Interestingly, the red bag was not taken
25 into evidence. But from the photo, the red bag appears

1 to be clearly big enough that it would have, at some
2 point, been able to hold that AR-15 and the magazines.
3 We've already clearly laid out a theory that somebody
4 policed the brass.

5 And, Judge, there's nothing else improper
6 found under the girl's bed or in the girl's bedroom.
7 The only thing in there, which is right underneath
8 it, like they said, like somebody just ran in there
9 and threw that AR-15 under the bed after it was taken
10 out of the red bag, which is directly on the other side
11 of the front door.

12 So the front door was shut. Somebody
13 sitting anywhere in the house could have seen the red
14 bag that's unzipped that has AR-15 ammunition in it at
15 the time the photos were taken. And there's an AR-15,
16 the only gun in the house that will fire that
17 ammunition, Judge, is found in the back bedroom all
18 by itself.

19 All the other drugs and money are found
20 somewhere else. They don't have drugs in the girl's
21 room; they don't have a ledger that says murder in
22 the girl's room; they don't have a scale or an empty
23 holster. All that is back in the front room.

24 All the other guns, the 223 ammunition,
25 the empty holster, the scales, all of that is in the

1 front room, except that AR, which is consistent with
2 what we have suggested, that somebody has gone back
3 in, or went back through the house, and it's not the
4 way it was at the time they alleged Mr. Ritter left.

5 THE COURT: Okay. Inform me or educate me
6 on the red bag. How does that tie in? What is all that
7 about? Because that's news to me, and I have not heard
8 about a red bag before today.

9 MR. BROWN: Yes, sir. Yes, sir. All right.
10 There is a very small table that you can only see
11 the two chairs. For what it's worth, that's the only
12 furniture in that room, but for a TV stand and a TV.
13 So there's, what I'm going to call, a coffee table.
14 It's not a living room table; it's a coffee table
15 and two chairs. There's not a sofa or anything else.

16 There is a photo that shows at one point
17 three chairs. And I could just tell you, it's not in
18 evidence yet, but there's a discussion about the three
19 of them in the room, and Mr. Atkins hugs Mr. Ritter,
20 and Mr. Furtick hugs Mr. Ritter, and they all three
21 sit down, and then two of them walk away.

22 Judge, that's the room that we mentioned
23 some dimensions, and I've got a handicap -- I mean,
24 respectfully, it's a small apartment, Judge. I mean,
25 it's small enough that three chairs and a coffee table

1 and a TV stand pretty much fill up the entire living
2 area of the house, besides the two bedrooms, kitchen
3 and bath.

4 And so I say that, Judge, you can't miss
5 the red bag. It's a red bag that's big enough to hold
6 100 and some ammo drum, that's open in the photos
7 because we don't know -- we don't have a video.
8 We just have the bag open, and you can see the drum
9 in it. And, Judge, if you're sitting watching TV,
10 the bag is besides the TV stand. So the three chairs
11 are looking at the TV, looking at an assault rifle.

12 MR. PHILLIPS: The bag is missing.

13 MR. BROWN: The bag is in the photos;
14 it's not in evidence.

15 THE COURT: Okay, so the bag is now missing.

16 MR. BROWN: Yes. And the drums ---

17 MS. FULLER: Judge, may I be heard, please?

18 THE COURT: Well, I mean, before you speak
19 -- I will call on you when I'm ready for you to speak,
20 please. I need education. So the bag is now missing.
21 It had ammunition in it. Is the ammunition missing?

22 MR. PHILLIPS: No, the ammunition is in
23 evidence.

24 THE COURT: So we've got the ammunition.
25 What's the theory about what was in the bag, aside from

1 the ammo and the AR?

2 MR. BROWN: We don't know.

3 MR. PHILLIPS: The ammo links to the AR.

4 THE COURT: Right.

5 MR. PHILLIPS: Goes to touch DNA and
6 fingerprints.

7 THE COURT: Okay. The wound suffered
8 by the decedents, was it with 223?

9 MR. BROWN: No -- well, we don't know,
10 but probably not.

11 MR. PHILLIPS: It's inconclusive.

12 THE COURT: Okay. Any other ---

13 MR. BROWN: But they're saying our client
14 shot that weapon because they're trying to say --
15 but you had mentioned before that if somebody saw
16 the gun, and then the gun he's armed with -- that
17 was Your Honor's comments yesterday about it vaguely,
18 that if he testified that he saw that weapon.
19 But, Judge, the three chairs face the TV stand
20 and the red bag beside it is opened.

21 THE COURT: Let me ask you -- I need
22 education; I don't need argument. I'll tell you when
23 I need argument, please.

24 MR. BROWN: I apologize.

25 THE COURT: Help me understand the evidence

1 that you guys have been looking at for four years,
2 and I've had the benefit of maybe 40 hours total.
3 So you guys are a lot more up to date on this.
4 Don't argue the law until I ask you to, please,
5 anybody, okay? So red bag we got missing. Any rounds
6 in the AR, live rounds, found in the chamber of the AR
7 in the back bedroom?

8 MR. PHILLIPS: There's a photograph where
9 the AR has a clip in it that's separated in evidence.

10 MR. BROWN: That's not the drum magazine
11 clip; that's a different clip.

12 THE COURT: So the clip was in it, or was
13 not in it?

14 MR. BROWN: There was a clip in it, but not
15 the drum clip.

16 THE COURT: Was there a live round in the
17 chamber?

18 MR. BROWN: We didn't open up that clip.
19 I mean, we haven't -- we can only look at it in the bag.

20 THE COURT: I mean, when they seized --
21 when they took the AR from that child's room, they're
22 going to clear it and check to see if there's a live
23 round in the chamber. And if you fired an AR, it
24 automatically re-chambers the next round if you've got
25 a clip. So was there a live clip in the chamber?

1 If there was, that would tend to go to
2 a theory that you're espousing that the gun could have
3 been involved in this homicide in some way, either
4 an offensive -- perhaps in an offensive manner because
5 you obviously don't store an AR-15 with a clip in the
6 chamber. It automatically feeds in, you pull the bolt
7 back, the round goes into the chamber, fire, fire, fire,
8 fire. So do we know when they seized the AR what's ---

9 MR. BROWN: We don't know.

10 MR. PHILLIPS: We don't know.

11 THE COURT: Okay. Missing bag.

12 What happened to the bag?

13 MR. PHILLIPS: As far as we know, it wasn't
14 taken into evidence.

15 THE COURT: Okay.

16 MR. PHILLIPS: So we classify that as
17 missing.

18 THE COURT: Okay. But the drum was?

19 MR. PHILLIPS: At least one you can see.
20 There's picture where you can see the drum on top,
21 and then we believe there's ammo kind of below.

22 MR. BROWN: And then the evidence bag say
23 that the drum and the loose ammo, which is in a Ziploc
24 bag.

25 THE COURT: Okay.

1 MR. BROWN: Which is all downstairs, Judge.

2 THE COURT: So how again does the gun
3 in the back bedroom further the defense's case?
4 It's your theory that the decedents were wielding
5 the weapon, and that Furtick then placed it in the back
6 bedroom.

7 MR. BROWN: Well, we're not that far yet,
8 Judge. But let me tell you what we have argued.
9 We did argue that the scene has not been -- the
10 integrity of the scene was compromised by somebody
11 prior to law enforcement showing back up.

12 THE COURT: I don't disagree. I'm trying
13 to understand.

14 MR. BROWN: Well, somebody moved the gun.

15 THE COURT: Okay. That is your theory,
16 that someone moved the gun?

17 MR. BROWN: That's right. From the red bag
18 to under the bed with the brass, et cetera.

19 THE COURT: But the AR was never actually
20 used ---

21 MR. BROWN: We don't have any evidence
22 of that. No, we don't, Judge, and I'll be honest.

23 THE COURT: Okay.

24 MR. BROWN: That it was used because
25 it fired. Used for other purposes, we don't know.

1 THE COURT: The clip found with the AR,
2 did it have rounds in it?

3 MR. BROWN: I don't know because it's
4 in the bag. It's downstairs.

5 MR. PHILLIPS: We have to go unseal it.

6 MR. BROWN: Yeah, we haven't unsealed
7 anything.

8 THE COURT: I'm -- all right. Well, I think
9 I initially -- if you're saying that there was simply --
10 you can testify about a red bag, maybe failure to
11 preserve the red bag. I'm struggling, if you're not
12 saying that the AR was in any way connected to the
13 homicide, and it wasn't brandished by someone or used
14 by someone, and that it just happened to be there,
15 I'm starting to agree with her, even though my default
16 setting is let it all in -- you know, let it all in and
17 let the jury sort it out. That's generally my approach
18 to this thing.

19 Now, at the same time, we do have 223
20 ammunition and a big clip and a big bag that we're going
21 to be talking about, maybe it's only logical that we let
22 in evidence of the AR that's found in the kid's bedroom.

23 MR. BROWN: 223 ---

24 MR. PHILLIPS: And the drum does have
25 ammunition. You could see that.

1 THE COURT: The firearm -- the shell casing
2 that was recovered in the parking lot, was that a 9 mil?

3 MR. BROWN: That was 9 mil.

4 THE COURT: That was a 9. All right.
5 All right.

6 MR. BROWN: And there were 9 millimeter --
7 two found in the kitchen, and there were a bunch
8 of 40 calibers found outside, and one 40 caliber found
9 in a kitchen drawer, which they said is not related.

10 THE COURT: You said there were 40 calibers
11 found outside and one in the drawer?

12 MR. BROWN: That's correct, yes, sir.

13 THE COURT: And then the 9 mils, you got how
14 many 9 casings out there?

15 MR. BROWN: One they claim they found
16 the next day, the crimped one in the parking lot.

17 THE COURT: Right.

18 MR. BROWN: And two inside in the kitchen.

19 THE COURT: Two inside, one crimped.

20 And, obviously, the State's theory is those are the ones
21 that Furtick fired into Ritter's car. The 40 -- talk
22 to me about the 40.

23 MR. BROWN: They're saying the 40 outside
24 were fired by Furtick into the Tahoe.

25 THE COURT: The 40s were fired by Furtick.

1 MR. BROWN: That's what they're saying
2 because they matched his gun.

3 THE COURT: Oh, okay. How about the 9s?
4 What's the theory on the 9s?

5 MR. BROWN: They're saying our client used
6 the 9 millimeter.

7 THE COURT: To return fire. Okay.

8 MR. BROWN: Well, we're saying at least
9 three shots inside the kitchen with two shells.

10 THE COURT: Ballistics doesn't give us
11 any help on the caliber of the firearms that were used
12 to kill the decedents? No help? Either one? Anybody?
13 Anybody on that side of the room?

14 MS. FULLER: The ballistics, it's more
15 likely a 9 millimeter.

16 THE COURT: More than likely a nine.

17 MS. FULLER: Yes, Your Honor.

18 THE COURT: Okay.

19 MR. BROWN: And that's on one projectile.
20 They only have one projectile.

21 MS. FULLER: The projectile that exited
22 Samir Atkins is likely a 9 millimeter.

23 THE COURT: Atkins, 9 millimeter. Did they
24 recover the one that was used to kill Mack?

25 MS. FULLER: No, Your Honor, it's still

1 in him.

2 THE COURT: Okay.

3 MR. BROWN: But we don't have the one from
4 his wrist.

5 MS. FULLER: It's the same one.

6 MR. BROWN: Well, she's saying it's double
7 through and through.

8 THE COURT: Gotcha.

9 MS. FULLER: Single through.

10 MR. BROWN: Or a single through and through,
11 or a single through and end. Well, then we still
12 have Mr. Furtick, which, Judge, for what it's worth,
13 on Page 20 of Volume 1 in the prosecutorial summary,
14 they describe three shots, including the one Furtick
15 fired before he left. That's three. And, by the way,
16 Judge, the one in Furtick is either two through
17 and through, or a double through and through,
18 and that's still three casings.

19 THE COURT: Okay. So we're obviously
20 dealing with 40 automatic. And you said one was found
21 in the kitchen drawer?

22 MR. BROWN: That's correct. They say it's
23 not related.

24 THE COURT: Is there anything ballistics
25 wise matching the 40 calibers located outside and the

1 one found in the drawer?

2 MS. FULLER: No, Your Honor, it's excluded.

3 THE COURT: Excluded?

4 MS. FULLER: Yes, Your Honor.

5 MR. BROWN: But there are other 40 calibers
6 in the house, a lot, like, four of them.

7 THE COURT: Are there 40-caliber shells
8 or live ammo?

9 MS. FULLER: No, they're 45s.

10 THE COURT: They're 45s?

11 MR. BROWN: I apologize.

12 MR. PHILLIPS: There's a lot of guns.

13 MR. BROWN: Yeah. There's no link to that
14 casing to another gun, Judge.

15 THE COURT: Okay.

16 MR. BROWN: I will concede that.

17 THE COURT: But the one that's found
18 in the drawer, there's nothing definitively linking
19 it to the 40-caliber shells found outside. In fact,
20 it is excluded, and there's no other firearm that
21 was recovered that would tool mark and would indicate
22 that it fired that 40 in the drawer?

23 MS. FULLER: That's correct, Your Honor.
24 It was found in the bottom drawer under an oven mit.

25 THE COURT: Under a?

1 MS. FULLER: An oven mit, like a ---

2 THE COURT: Oh, oven mit. Okay. All right.
3 Bottom drawer. Great.

4 MR. BROWN: And, Judge, again Mr. Philips
5 mentioned that he -- Officer Morris, Investigator
6 Morris, testified about going back the next day,
7 and, of course, he's inside listening, so I'm just
8 going to leave it at this. I wrote it down because
9 this was a great statement for us for this issue.
10 He was back there looking for anything pertinent.
11 I mean, I put it down as a quote.

12 THE COURT: How long is your cross going
13 to take?

14 MR. PHILLIPS: I don't anticipate --
15 it's not going to go on for an hour, if that's what
16 Your Honor is worried about.

17 THE COURT: All right.

18 MR. BROWN: But it is strange that there's
19 a jar of marijuana in a locked car that -- and we didn't
20 object to it. It's in evidence, and there's an AR
21 that matches the ammunition in the bag in the room that
22 everybody can see, that looks out of place, I don't know
23 how else to say it, besides a girl's jelly shoes.
24 That's what we used to call them. I mean, one of those
25 rubber, like, crop-type shoes. I'm dating myself.

1 THE COURT: There was a minor child that
2 lived at this residence ---

3 MR. BROWN: Yes, sir.

4 THE COURT: --- or stayed there
5 periodically?

6 MR. BROWN: That's what I was saying.
7 And the AR is right directly -- the photo, that's
8 the bed frame. And there's no other activity evidence
9 there. There's no cocaine in there. There's nothing
10 else in that room like in the other rooms. They say
11 30 grams of cocaine in a bag they find. There's ---

12 THE COURT: Hold on, hold on. All right,
13 stop.

14 MR. BROWN: Yeah.

15 THE COURT: Is it a child's room? Tell me
16 about this bedroom.

17 MS. FULLER: Yes, Your Honor. Thank you so
18 much. This is the photograph of the room. If you'll
19 notice, Samir did have a daughter. She lived primarily
20 with her mother. So this is the room we're talking
21 about. The things on the bed clearly a child was not
22 staying in this room at the time. This is the sheet
23 that's touching the ground.

24 In terms of tossing something, you'll see
25 here, there's shoes, there's, I don't know, applesauce

1 cup maybe, I'm not sure, another thing here, and you
2 still don't see the firearm. It's back behind this,
3 under there.

4 And so to suggest that it was tossed
5 there, I would strongly disagree. It looks like --
6 I'm not sure what that thing is, but it's behind this.
7 So to suggest it was tossed there that means everything
8 in front of it was also tossed in front of it, Judge,
9 just going off of what was said. And this is --
10 I believe it's 30-223, none in the chamber.

11 THE COURT: All right.

12 MS. FULLER: And the red bag, Judge,
13 there's an unintentional slight mischaracterization.
14 The bag was closed.

15 MR. BROWN: Not in the other photos
16 it's not.

17 MS. FULLER: The bag -- thank you.
18 The bag was closed, and crime scene testified they first
19 do an exterior photo before they go into compartments
20 and things of that nature. Once they open the bag,
21 and it is in here next to the TV stand, and that's
22 the bag on the ground with these items in front of it.
23 Once they go into the bag, they do recover these items,
24 and those items are seized, and the bag was left behind.

25 It wasn't as if the bag disappeared or

1 someone hid it. They just -- law enforcement decided
2 not to seize the whole bag. They seized the ammunition
3 in it, and that's what I believe is important for the
4 Court to note is where this bag was, and that it was
5 closed.

6 Same thing with the bedroom. It's under the
7 bed with a sheet dragging on the ground. And there's
8 no indication or any suggestion that something was just
9 tossed there that day.

10 MR. PHILLIPS: And our position would
11 be that would be for the jury to decide.

12 MR. BROWN: And, Judge, I want to say this.
13 Let's say our client rummaged through the house and
14 stole a safe and took -- in a closet that's in the hall
15 right beside this bedroom, and we've got these two items
16 on either side of it, and they get to talk about all the
17 other stuff, but not those two items. And we'll agree,
18 they're inflammatory. I mean, in some ways they're
19 not. I mean -- but the bag is unzipped too, Your Honor.
20 I mean, I will agree the flap was closed in that
21 photo ---

22 MS. FULLER: And, Judge ---

23 MR. BROWN: --- but it is unzipped.

24 MS. FULLER: I apologize. Judge, my motion
25 included the drum as well. The motion in limine

1 included the two 1911 45 calibers that were found in
2 the residence, and just showing you here where they are.
3 Like, this is the kitchen area that you've seen already
4 where the bodies were over here.

5 Those are two boxes on the ground there next
6 to the Spalding ball. If you zoom in, they're closed
7 boxes, and they were opened for the sole purpose
8 of taking a photograph. And so these were also included
9 in my motion in limine, Your Honor.

10 But I figured -- I was trying to streamline
11 because this witness can't testify. He wasn't present
12 and didn't seize the other weapons, the ones that day,
13 just the AR. He had no -- he wasn't there, or did not
14 collect the contents of the red bag, that would be
15 another witness, and so I was just focusing on that.

16 But I do want the record to be clear
17 that the motion in limine is for all of these items.
18 I don't believe they're probative; I believe they
19 are prejudicial.

20 THE COURT: And, Solicitor, you just helped
21 me make up my mind on what I'm going to do. I don't
22 think it's necessary for this witness to go into the
23 AR since, obviously, he was only present when it was
24 seized by another officer who will be testifying later,
25 which means I can kick the can down the road, bring

1 the jury back, think about this overnight, and give
2 you all a decision as to what I'm going to do as
3 it relates to the ammo, the little red bag, the AR-15.
4 Last question.

5 MR. PHILLIPS: Very brief. If they don't
6 call that witness, we obviously ---

7 THE COURT: If they don't call that witness
8 -- I think they're going to have to call that witness.
9 I'm assuming other stuff was seized, so.

10 MS. FULLER: Judge, all the blood swabs,
11 everything, he's the crime scene ---

12 THE COURT: Right. They're calling that
13 witness.

14 MR. PHILLIPS: Perfect. Thank you,
15 Your Honor.

16 THE COURT: Go ahead and get the jury
17 moving while I ask the last question. I'm assuming
18 that the AR-15, there was nothing linking it to any
19 specific individual, and, of course, it was lawfully
20 bought at the local gunsmith, and there's a receipt
21 and everything, right?

22 MS. FULLER: Your Honor, Page McGraw,
23 the custodian there, she would have taken the gun,
24 and it was cleared. She would have logged it in
25 evidence, so they do have their procedure there.

1 THE COURT: Right. I mean -- but is there
2 anything that ---

3 MR. BROWN: Is it stolen?

4 MS. FULLER: It's not -- it's not stolen.

5 THE COURT: It's not stolen.

6 MS. FULLER: None of the weapons were
7 stolen. My understanding is Samir was a CWP holder.

8 THE COURT: Okay. But there's nothing --
9 so it did not come back as stolen, the serial numbers
10 were still on it. Could it be traced to any specific
11 gun store or a gunsmith or anything?

12 MR. BROWN: It says Palmetto State Armory
13 on it.

14 THE COURT: Okay. But they do know it was
15 purchased at an armory -- at the armory legitimately,
16 apparently, at some point.

17 MR. PHILLIPS: We don't know that.
18 Palmetto State Armory is local.

19 MR. BROWN: It's stamped on it.

20 MS. FULLER: Yeah. I have no reason --
21 there's been nothing suggesting that it was stolen,
22 and I would have turned that over.

23 MR. BROWN: And my understanding is ATF
24 are the only people to have those purchase records.

25 MS. FULLER: But ---

1 THE COURT: If it was stolen, it wouldn't
2 have the serial numbers. If it's got serial numbers,
3 it's not stolen. That's the assumption I am making.

4 MR. BROWN: We don't disagree with that.

5 THE COURT: Right. If you're going to
6 possess a stolen firearm the first thing you have to do
7 is get rid of the serial numbers in order to demonstrate
8 it is not stolen in the event that you're caught with
9 it. So if it had serial numbers, it's not stolen
10 or hot.

11 MS. FULLER: And, Judge, I'm just making
12 this -- putting it back together and making it up
13 for a court's exhibit all together.

14 THE COURT: We can do that later.
15 Last witness that we had if he could come back up,
16 please.

17 (Jury enters the courtroom at 4:53 p.m.)

18 THE COURT: The jury is back and seated.
19 Ladies and gentlemen, a ten-minute break I promise
20 did not turn into a 30-minute or 40-minute break
21 for the people in here. We've been addressing
22 a few other matters that I needed some education
23 on. We're, of course, continuing with the questioning
24 of Investigator Morris. I anticipate that this will
25 be the last witness for the day. Mr. Phillips, you may

1 proceed, sir.

2 MR. PHILLIPS: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. PHILLIPS:

5 Q. Good afternoon, Investigator Morris.

6 A. Good afternoon.

7 Q. Good to see you again.

8 A. You too.

9 Q. I guess we'll kind of start where you left off.
10 You were talking about this safe. Based on the
11 investigation of the West Columbia Police Department,
12 there was information given that this was a fairly heavy
13 safe?

14 A. That's correct.

15 Q. That at least two people needed to carry it?

16 A. At least, yes, sir.

17 Q. And you had the brochure?

18 A. I didn't look at it.

19 Q. But you know there was a brochure in there for
20 the heavy safe?

21 A. Yes, sir.

22 Q. This wasn't the small safe that was collected
23 in there?

24 A. No, sir.

25 Q. This is a different safe?

1 A. Correct.

2 Q. And it's never been found?

3 A. Correct.

4 Q. But what we do know is -- what's been provided
5 is, at least in the brochure, it's, like, 85 pounds,
6 two people -- I mean, it's a big safe. It wouldn't
7 be something you put under your arm and walk out?

8 A. From my understanding, no.

9 Q. Now with that, you said you went back into the
10 residence looking for anything pertinent. So what
11 specifically, you know -- you were looking for firearms?

12 A. Could have been firearms, DNA, cell phones,
13 anything that had evidentiary value.

14 Q. Got it. Talking about DNA and fingerprints.
15 So whose decision is it to put in the order for touch
16 DNA and fingerprints?

17 A. That would be the lead investigator,
18 Investigator Deas.

19 Q. Okay. And this is Investigator Deas?

20 A. That's correct.

21 Q. And, you know, you went to the academy,
22 you've done your training. And through your experience,
23 what all should be touch DNA in a case like this?

24 A. It varies. It depends on what's collected.
25 From talking to people at SLED, touch DNA doesn't

1 always result in anything.

2 Q. So you don't do it?

3 A. We do it, but sometimes it results -- it's just
4 not likely to get something from touch DNA.

5 Q. So if there were, say, items in the residence
6 that would be pertinent, as you said, relevant
7 as we talked about, to this, those should be touch DNA?

8 A. It depends on the item.

9 Q. Like a gun?

10 A. Possibly.

11 Q. Or a bag someone used?

12 A. Are you asking -- what are you asking?

13 Q. Okay. So if you're looking for something
14 pertinent, and there's evidence there that you deemed
15 pertinent because you've taken it into evidence,
16 you know, you decided that it was relevant, and you
17 took it into evidence, most of it you would argue
18 would be relevant to do touch DNA, to see who touched
19 it, potentially, to identify who was the one using it?

20 A. Right. Not always touch DNA. It could be ---

21 Q. Okay.

22 A. --- fingerprints or something else.

23 Q. So fingerprints, you would argue that would be
24 good too. We need to run both of those. We're trying
25 to make sure we lock down who had what in their hands,

1 who brought what, who did what, right? I mean, if you
2 did touch DNA and fingerprints that would be the best
3 way for us to know who the identity of the person who
4 was messing with that item?

5 A. That would be part of the purpose of collecting
6 it.

7 Q. Did y'all collect some of that?

8 A. I'm not sure. I did not process the crime scene
9 initially.

10 Q. All right. Now as far as inside the residence,
11 you didn't make any determination about touch DNA
12 or fingerprints? You said you were just going to look
13 for things that would be pertinent to have that?

14 A. Specifically, the shell casing, yes.

15 Q. Okay. Well, talking about the shell casing
16 outside, specifically, that was found, you said,
17 the next day?

18 A. Correct.

19 Q. So that accurately depicts the shell casing you
20 found?

21 A. Yes, sir, it does.

22 Q. Now, the location of where that was found was
23 in the side parking lot. I'll pull it up in a second.

24 A. Correct.

25 Q. Okay. And it's not in the roadway?

1 A. No, it was not in the roadway.

2 Q. And it's not found in front of the apartment
3 complex?

4 A. No.

5 Q. And it wasn't found the day of?

6 A. No.

7 Q. Okay. Now you can't tell the age of that bullet,
8 can you?

9 A. I cannot.

10 Q. And that's crimped. I mean, you've been to the
11 academy, you're a police officer, you're very familiar
12 with guns, right?

13 A. Somewhat, yes, sir.

14 Q. Yeah. I mean, you own guns?

15 A. Yes, sir.

16 Q. You've gone through gun training. It's not easy
17 to crimp a bullet like that, is it?

18 A. You probably could step on it to do that.

19 Q. That type of crimp, you said if you stepped
20 on a bullet?

21 A. I'm no expert, so I don't know.

22 Q. Okay. Fair enough. Now going to -- what I have
23 showed you for the record was State's Exhibit 45?

24 A. Yes, sir.

25 Q. Now looking at State's Exhibit No. 3, you found

1 that shell casing somewhere around here, give or take?

2 A. Yeah, right there, yes, sir.

3 Q. Okay. And the apartment is over here?

4 A. Yes, sir.

5 Q. Apartment ■?

6 A. Yes, sir.

7 Q. Okay. There's no evidence that's been presented
8 in your investigation that anybody drove through this
9 sidewalk, right? There wasn't tire tracks or anything
10 like that?

11 A. Not that I know of.

12 Q. Right. And so when you come out onto Glenn
13 Street here, when you come down, if you were going
14 to go back towards Airport Boulevard, you would be
15 on this other side of the road, right? You wouldn't
16 be in this parking lot?

17 A. If you're traveling in the right direction, yes.

18 Q. Yes, so if you're going to Airport Boulevard?

19 A. Right.

20 Q. You were talking about all the discussions you
21 had with Mr. Furtick, right?

22 A. Right. But he explained he was not on the right
23 side of road.

24 Q. Right. Well, he was saying that Mr. Ritter went
25 towards Airport Boulevard?

1 A. Not forward. You want me to explain?

2 Q. Sure. Absolutely.

3 A. From my understanding, he reversed trying to get
4 out of there, and he was also shooting.

5 Q. How about this: Let me give you this because
6 I don't want to be confused myself, and I definitely
7 don't want them to be confused. This will help you.
8 Oh, you've got your own. You're good.

9 A. Give me one second to look at my notes.
10 From my understanding -- and honestly you may want
11 to ask Mr. Furtick exactly.

12 Q. Oh, we will.

13 A. But my understanding, we were both on the same
14 page that he was -- the Tahoe was backing out some sort
15 of way and got fired at, and the shot was fired back
16 toward Mr. Furtick from this area back this way, which
17 would put the passenger's side of the Tahoe on this side
18 of the road.

19 Q. Okay. So you're saying that they backed out here
20 and then went back up towards ---

21 A. No.

22 Q. No?

23 A. That they backed the back end to turn.

24 Q. You're saying they pulled a big reverse?

25 A. Correct. Trying to get out, they backed and then

1 turned.

2 Q. Okay. And so, at that point, they're saying
3 that he shot from which side? Just trying to nail down
4 the facts, that's all.

5 A. He would have been shooting as he was trying
6 to get to the passenger's side of the vehicle.

7 Q. All right. So you're saying he's in the
8 vehicle, or outside of the vehicle? No trick questions,
9 just trying to lay it down here.

10 A. From my notes, he fired another round while
11 running toward Rodney.

12 Q. You said running toward?

13 A. Turned around, fired another shot while running.
14 Yeah, I put in my notes fired another shot while running
15 toward Rodney. And I may have -- I think -- he might
16 more accurately depict this because it was ---

17 Q. Bottom line, you're not clear of what happened
18 based on what you were told?

19 A. I'm clear that the vehicle was backing up,
20 and that he said that the Defendant shot from the
21 passenger's side while trying to get in.

22 Q. Okay.

23 A. I'm not sure of the angle of the car and the
24 trajectory.

25 Q. So was he carrying the 85-pound safe at that

1 point as he's running towards him while getting in the
2 passenger's seat?

3 A. He did not -- he didn't indicate that he was
4 carrying that safe at that time.

5 Q. And then he's firing back, so he's holding
6 an 85-pound safe ---

7 A. My understanding ---

8 Q. --- while running towards him?

9 A. My understanding, the safe was already loaded
10 into the vehicle.

11 Q. By who?

12 A. I don't know, apparently the other person that
13 was there with him.

14 Q. Why would you say you thought it was loaded
15 in the vehicle? That's your report. Not what you're
16 thinking; not a speculation. What made you think that
17 it was already loaded in the vehicle?

18 A. Well, Mr. Furtick stated that he heard a second
19 person that was with Mr. Ritter.

20 Q. Did he describe a second person?

21 A. No, but he distinctly heard a different voice.

22 Q. And who was that?

23 A. We don't know.

24 Q. Is it true that Mr. Mack was listed as a second
25 suspect in search warrants, initially?

1 A. I'm not sure.

2 Q. Now going through the residence, there was drugs
3 that were found, correct? There was evidence of illegal
4 activity?

5 A. Yes.

6 Q. Okay. Did you charge Mr. Furtick with any
7 crimes?

8 A. No.

9 Q. Okay. You said that Mr. Furtick told you that
10 cousin was involved, that's the way he described it?
11 Cousin was involved, I think that's kind of your ---

12 A. That's how he was introduced to him, yes.

13 Q. Okay. Now, you spoke with Mr. Furtick at least
14 three times, right?

15 A. That's right. Initially and also in a formal
16 interview.

17 Q. Okay. And so each time you met with him,
18 you got, you know, no tricks, you got additional
19 evidence from him?

20 A. I wouldn't say additional evidence. I would
21 say it's a consistent statement. And as time goes on,
22 it's proven you remember more after a traumatic event.

23 Q. You just got more and more?

24 A. Same story, more details.

25 Q. Okay. And that was over a course of how long?

1 What was the period of time?

2 A. A 24-hour period, roughly.

3 Q. For all three?

4 A. Yes.

5 Q. And as we've discussed, I know you're familiar
6 with it. So if someone is going in this direction,
7 they're going to Airport Boulevard, and if they're
8 going in this direction, is going to Platt Springs.
9 And you've been in here, I believe, the whole time;
10 is that right, Investigator Morris, or most of the time?

11 A. Yes, sir.

12 Q. And you're familiar with the case. So when
13 Mr. Furtick goes in this direction, and he's seen
14 at the hardware store at 2:15, and, of course,
15 a colleague of yours is behind him six minutes later,
16 do you know what he did for six minutes? We know
17 he ends up going to a specific place for a 911 call
18 that's far down the road, but in between that time?

19 A. No, I can only assume he was driving.

20 Q. It would take six minutes to go where he went?

21 A. The 911 call, it could be a little delayed
22 at times, slightly off, but pretty accurate.

23 Q. Okay. When you were processing the vehicle,
24 you found guns, ammo drums; is that right?

25 A. Which vehicle?

1 Q. I'm sorry. I'll be more specific. When you
2 processed Mr. Furtick's vehicle.

3 A. Let me refer to my notes real quick.

4 Q. Or is that Officer Putney?

5 A. That is ---

6 Q. That's Putney?

7 A. Yes, sir.

8 Q. All right. You were there when Officer -- when
9 Investigator Putney processed it?

10 A. He was processing that vehicle while I was
11 processing the other two vehicles, so I wasn't paying
12 attention to what he was doing.

13 Q. Fair enough. Fair enough. Are you aware
14 of what he obtained or seized out of that vehicle?

15 MS. FULLER: Objection, Your Honor.

16 MR. PHILLIPS: We've already gotten it out
17 through another witness.

18 THE COURT: You're talking about Furtick's?

19 MR. PHILLIPS: Yeah, the -- Mr. Miles
20 testified that he saw Mr. Furtick pull a gun out
21 of the ---

22 THE COURT: I don't think -- we haven't
23 gotten that out yet. No. You can deal with that with
24 a later witness, not him.

25 MR. PHILLIPS: Fair enough, Your Honor.

1 THE COURT: Correction. The CPW guy did
2 say he saw Mr. Furtick, I believe, brandish a weapon.
3 So, you're right.

4 MR. PHILLIPS: I wasn't going to argue with
5 you, Your Honor.

6 THE COURT: I understand that. You can
7 ask him if he's aware of what was ultimately discovered
8 in Mr. Furtick's car because that evidence has already
9 been produced by the State. It has been elicited.

10 MS. FULLER: Your Honor, may we approach,
11 please?

12 THE COURT: Sure.

13 (Off-the-record conversation held at sidebar.)

14 (Back on the record.)

15 THE COURT: Please continue, Mr. Phillips.

16 MR. PHILLIPS: Thank you, Your Honor.

17 BY MR. PHILLIPS:

18 Q. So there was a gun found in Mr. Furtick's car,
19 to your knowledge?

20 A. I'm not sure. I didn't search the vehicle.

21 Q. Fair enough.

22 MS. FULLER: Objection, Your Honor.

23 (Off-the-record conversation held at sidebar.)

24 (Back on the record.)

25 THE COURT: Please continue, Mr. Phillips.

1 BY MR. PHILLIPS:

2 Q. Do you know who processed the fingerprints
3 on scene?

4 A. What do you mean by processed?

5 Q. Who took fingerprints on scene?

6 A. The crime scene is kind of broad. Can you narrow
7 down where?

8 Q. Were any fingerprints taken?

9 A. I took some fingerprints off of the gold Honda,
10 I believe.

11 Q. Did you do the door of the closet where the safe
12 was?

13 A. No, I wasn't processing, I was just present.

14 Q. Okay. Were those sent?

15 A. I don't know.

16 Q. Okay. You just took them. Last thing here,
17 you discussed the cell location, this pinging, right?
18 Did you put that in your report?

19 A. I've got it in my handwritten notes. I'm not
20 sure if I did a supplemental indicating that.

21 Q. Did you get any records from this service?

22 A. No, I didn't send off any search warrants
23 for this case for any cell phone records.

24 Q. Right. So what I'm saying is Investigator Deas,
25 he could have done a cell site location data or search

1 warrant and been able to track that phone from the phone
2 records?

3 A. He may have. I don't know.

4 Q. Okay. But there's no other records in there
5 showing, as far as the pinging, from the -- whoever does
6 the pinging?

7 A. Can you repeat?

8 Q. There's a company, I assume, right, like if you
9 call somebody?

10 A. Yeah, Verizon.

11 Q. Right. And they make records?

12 A. Correct.

13 Q. Did you get those records?

14 A. Again, I wasn't the lead investigator on the
15 case. That would have been something that he requested.
16 He would have requested it.

17 Q. Did you tell him about it, that you did that?

18 A. About the ping?

19 Q. Sure.

20 A. Yes, he knew about the ping.

21 Q. Okay. So if he doesn't have any records on it --
22 fair enough.

23 MR. PHILLIPS: Just a moment, Your Honor.
24 We're trying to make sure we tie up one loose end.

25 THE COURT: Certainly.

1 BY MR. PHILLIPS:

2 Q. Do you have your notes with you?

3 A. I do.

4 Q. Okay. And the ping is written in your notes?

5 A. Yes, sir, on the additional discovery pages,
6 88 of 451.

7 Q. Oh, perfect. What's the date on it?

8 A. That would have been on 7/5/2018. Looks like
9 I initially called at 16:34 hours, and then I also
10 called Sprint at 16:39 hours with Samir's phone number.
11 At 17:13 hours, it did ping. At 14:17 hours, 2:17 p.m.,
12 at 207 Congaree Drive in Cacey, South Carolina.
13 That's their cell phone tower at that location,
14 and it was .83 miles northwest of that tower.

15 Q. Okay.

16 A. Looking at a map, is roughly on I-26.

17 Q. Have you converted it through the UTC time?
18 That's something we have to deal with all the time.

19 A. That was eastern standard time.

20 Q. That's eastern standard time?

21 A. Yes, sir.

22 Q. And so it's definitely in there, and it would
23 definitely be -- is that wrong? So bottom line,
24 it's definitely in discovery, and he would know about
25 it, and he could get those records?

1 A. That's correct.

2 MR. PHILLIPS: No further questions,
3 Your Honor.

4 THE COURT: Any brief redirect?

5 MS. FULLER: Yes, briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. Investigator Morris, do you recognize this?

9 A. Yes.

10 Q. And what do you recognize this to be?

11 A. It was a rough sketch during the interview
12 with Mr. Furtick about placements of the bodies
13 and where he was and the direction of the Tahoe.

14 Q. Okay. And pointing here, what is this a symbol
15 of?

16 A. That would be representing the Tahoe.

17 Q. And what would this area be?

18 A. That's the roadway.

19 Q. And this line going like this, what does that
20 represent?

21 A. Him backing into the roadway.

22 Q. And then the line going this way, what does that
23 represent?

24 A. Would be driving that way.

25 Q. And then this dotted line running like this

1 to the roadway, what does that represent?

2 A. That -- okay. That was Mr. Ritter running
3 to the vehicle.

4 Q. Okay.

5 MS. FULLER: At this time, Your Honor,
6 I'm going to move into evidence, I will mark as State's
7 Exhibit 47.

8 THE COURT: State's 47 will be in evidence.
9 He just verified it.

10 (State's Exhibit No. 47 was entered into evidence.)

11 BY MS. FULLER:

12 Q. And you can use the laser point, and I'll use my
13 pen just to go over what I asked you when I was standing
14 up there looking at State's ---

15 MS. FULLER: I apologize, Your Honor.
16 Did I say 49 or 47?

17 THE COURT: You said 47.

18 MS. FULLER: Okay. It's 47. I just want
19 to make sure. I apologize.

20 BY MS. FULLER:

21 Q. I pointed to this when I was up there. What does
22 this symbolize?

23 A. That's the Tahoe.

24 Q. And what -- I asked you what is this area,
25 and what is this area?

1 A. That would be the roadway, Glenn Street.

2 Q. And I've pointed to this line. What does that
3 represent?

4 A. The Tahoe reversing.

5 Q. And reversing from where?

6 A. From the parking lot.

7 Q. Okay. And then the line going this way,
8 what does that represent?

9 A. Him heading toward Airport.

10 Q. And then this dotted line here, what does that
11 represent?

12 A. Mr. Ritter running toward that vehicle.

13 Q. And what's in this area?

14 A. That would be that parking lot.

15 Q. And this is a sketch that you developed based
16 on a conversation you had with Rodney Furtick on July
17 6th of 2018?

18 A. That's right.

19 Q. And just as it's published, I can cover
20 everything else that's on here. What are we looking
21 at here?

22 A. That is the kitchen and the placements of the
23 bodies and where he was.

24 Q. Okay. And so you have one body here, another
25 body here, and then a body here?

1 A. That's correct.

2 Q. And then this is the living room?

3 A. Correct.

4 Q. And then is this just a rough -- it's not to
5 scale, clearly.

6 A. Correct. It's not to scale at all.

7 Q. And you're authoring this during the
8 conversation?

9 A. Yeah, just trying to picture it in my mind's eye,
10 was trying to sketch it out what he was talking about.

11 Q. And over here I see another symbol, what's this?

12 A. I believe that's where he was firing toward
13 the Tahoe, firing shots toward the Tahoe.

14 Q. And these dots, do you remember what that
15 represent?

16 A. I'm not -- I can't remember. But I do remember,
17 I believe, where he retrieved his firearm from his
18 vehicle. When he was firing toward the Tahoe, he had
19 to run out to get his firearm.

20 Q. And I apologize, I know that we didn't cover
21 this. And then over here, this is a sketch, and there's
22 a line here, what does that represent?

23 A. I believe that was either the TV or the stand.

24 Q. Okay. And then over here?

25 A. That would have been the table and the chairs.

1 Q. Okay. Any reason why you only wrote two verses
2 three? It was just a rough sketch?

3 A. It was just a rough sketch.

4 Q. Okay. And what do these represent?

5 A. That's just showing a doorway.

6 Q. Okay. And that would be the same for right here?

7 A. Correct, front door.

8 Q. Okay.

9 A. It was just kind of on the fly.

10 Q. Okay.

11 A. Getting a picture in my head of what occurred.

12 Q. Okay.

13 MS. FULLER: I believe that's all I wanted
14 to cover. Thank you, Your Honor.

15 RECROSS-EXAMINATION

16 BY MR. PHILLIPS:

17 Q. And I'll take that. Thank you. So you just
18 testified a minute ago that here's the front door,
19 he backed out and reversed and into this lot, right?

20 A. Right. And I stand corrected on that because
21 there was some confusion about that initially,
22 and that's when the diagram came into play, was to get
23 that representation. And now that I've seen it,
24 I remember it. It was three years ago.

25 Q. Okay. So what you testified to first, and what

1 the jury heard, where he was pulling and shooting
2 in this parking lot, and the passenger's side is facing
3 the door, that's not true based on this sketch?

4 A. Right. And I stand corrected. Because,
5 like I said, there was initial talk that he had backed
6 out, and that's when I then drew the diagram because
7 I was unclear of what he was talking about because
8 he said the Tahoe backed out, and I said, well,
9 did it back out this way? Did it back out this way?

10 And I think me and him were having -- it was
11 confusing at the time, and that's why I did the sketch.
12 And I said show me which way and then -- so that sketch
13 is an accurate depiction of what actually occurred,
14 yes, sir.

15 Q. And you do the sketch because years passed,
16 people's memories change or fade, and so this would
17 be the accurate of what you were told?

18 A. That's correct.

19 Q. Okay. So your testimony just a minute ago that
20 he backed up in a U fashion into this lot right here,
21 and that the passenger's side was facing right here,
22 that's not true?

23 A. That was the first way I interpreted it when
24 he talked to me, yes.

25 Q. Okay. But that's not accurate?

1 A. That is not accurate.

2 Q. That's not true?

3 A. Not accurate.

4 Q. Okay. Because what really -- well, I guess,
5 first, let me look at the actual thing. What really
6 happened based on that is that they were here,
7 and they backed out this way, and then they drive
8 this way, right? I will pull this up. No tricks,
9 right, because that lot would be here?

10 A. Yes.

11 Q. Okay. And he's shooting there. So the
12 passenger's side is actually on the other side,
13 not facing him at all? Yeah, the other way you
14 testified was a clear line of fire?

15 A. Right.

16 Q. Now this time it's not?

17 A. That's correct.

18 Q. And they're actually turning in an entirely
19 different direction as far as backing up before they
20 drive out?

21 A. Right.

22 MR. PHILLIPS: No further questions,
23 Your Honor.

24 THE COURT: All right. Sir, thank you
25 very much. You can step down. Have a good night.

1 Ladies and gentlemen of the jury, I don't know about
2 y'all, but I'm done. Stick a fork in me. We're going
3 to go ahead and break for the evening, okay, and try
4 to maybe pick up the pace and catch up a little bit
5 sometime tomorrow. I do hope that you'll enjoy your
6 evening.

7 Please be back in the jury room tomorrow
8 morning, again at 9:30. I do not intend to keep you
9 waiting like we did this morning, but I do plan
10 on having you back up here as soon as all 15 of you
11 are present tomorrow morning. So enjoy your evening.
12 Don't discuss the case with anyone. Have a great night,
13 and I'll see y'all tomorrow. Thank you.

14 Go ahead and put your jury number
15 on the back of your pad, if you don't mind, and hand
16 it to the bailiff as you all pass them, and he'll secure
17 them for the night, okay, or your name if you can't
18 remember your number.

19 (Jury exits the courtroom at 5:29 p.m.)

20 THE COURT: All right. Before we break
21 for the evening, I'm going to have to request, I'm sorry
22 to be giving Ms. Fuller so much homework, but if you
23 wouldn't mind in an effort to try to see if perhaps
24 we can do away with some of the witnesses that the State
25 intends to call tomorrow, because I think in light

1 of the fact that the defense didn't cross the owner
2 of the hardware store that they may be willing
3 to stipulate, I don't know, perhaps not.

4 But if you could, just give them a heads
5 up on, let's say, the next 15 witnesses that you're
6 planning on calling, and see if they would be willing
7 to, like, if it's another video witness like the
8 hardware store guy, or something else, or a minor
9 witness, perhaps, they would be willing to stipulate
10 to that instead of us needing to call that witness,
11 and maybe that could help get us back on track a little
12 bit.

13 But go ahead and give them a heads up to
14 the next 15 people you anticipate calling, so we can
15 see if it's necessary that those folks really testify,
16 okay? All right. I'll see you all tomorrow morning
17 about 9:30, and have a good evening. Thank you.

18 MR. BROWN: Thank you.

19 MR. PHILLIPS: Thank you, Your Honor.

20 (Proceedings adjourned until 9:30 a.m.)
21
22
23
24
25

CERTIFICATE OF REPORTER

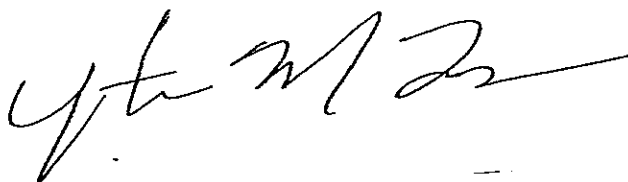
State of South Carolina)

County of Lexington)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Lexington County, South Carolina, on the 22nd of June, 2021.

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

October 30, 2021



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

2019-GS-32-02887-2893

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) June 23, 2021 - Vol 3 of 5

Damien Lavar Ritter)

) Lexington, South Carolina

B E F O R E:

The Honorable Frank R. Addy, Judge

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

Sutania A. Fuller, Esquire
Shawn Graham, Esquire
Attorneys for the State

Jim Brown, Esquire
Dayne Phillips, Esquire
Attorneys for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
First Judicial Circuit

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-11	Phone Photos		710
S-24	Photo		545
S-25	Photo		545
S-39	Photo		650
S-40	Photo		650
S-41	Photo		650
S-48	Photo		537
S-49	Photo		537
S-50	Photo		683
S-51	Photo		683
S-52	Photo		683
S-53	Photo		683
S-54	Photo		537
S-55	Photo		683
S-56	Photo		683
S-57	Photo		683
S-58	Photo		683
S-59	Photo		634
S-60	Photo		537
S-61	Photo		537
S-62	Photo		537
S-63	Photo		537

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-64	Photo		537
S-68	Tahoe DMV Records		679
S-69	DMV Insurance		679
S-70	Current DMV Plates		679
S-72	Map		742
S-73	Wound Photo		657
S-74	Wound Photo		657
S-75	Wound Photo		663
S-76	Wound Photo		663
S-77	Phone Photo		531
S-78	Phone Photo		742
S-80	Phone Photo		742
S-82	Phone Photo		742
S-85	Phone Photo		742
S-89	Phone Photo		742
S-97	Phone Photo		742
S-101	Phone Photo		742
S-105	Street View		636
S-106	Injuries Photo		650
S-107	CT Scan Photo		663
S-109	Injuries Photo		650
S-110	Photo		708

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-111	Photo		708
S-112	Photo		708
S-113	Photo		708
S-114	Photo		708
S-115	Photo		708
S-116	Photo		708
S-117	Photo		708
S-118	Photo		708
S-119	Photo		708
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S-121	Photo		708
S-122	Photo		708
S-123	Photo		708
S-124	Photo		708
S-125	SLED Item 5		651
S-126	SLED Item 5.1		651
S-130	SLED Item 35		660
S-131	Bag Photo		687
S-132	SLED Item 1		687
S-133	SLED Item 6		687
S-134	SLED Item 2		687
S-135	SLED Item 3		687

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-136	SLED Item 7		687
S-137	SLED Item 5		687
S-138	Photo		710
S-139	Photo		710
S-140	Photo		710
S-141	Photo		710
S-142	Photo		710
S-143	Photo		710
S-144	Photo		710
S-145	Photo		710
S-146	Photo		710
S-147	Photo		710
S-148	Photo		710
S-149	Photo		710
S-150	Photo		710
S-151	Photo		708
S-152	Photo		710
S-155	Photo		723
S-156	Photo		731
S-157	Photo		731
S-158	Bag for Swabs		750
S-159	SLED Item 34		750

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-160	SLED Item 31		750
S-161	SLED Item 33		750
S-162	SLED Item 32		750
S-163	SLED Item 30		750
S-164	SLED Item 29		750
S-165	SLED Item 28		750
S-166	SLED Item 27		750
S-167	SLED Item 26		750
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S-170	SLED Item 9		751
S-171	SLED Item 10		751
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1 THE COURT: Good morning. Thank you.
2 Have a seat, please. We'll get back on the record.
3 I'm informed that the jury is here, and, of course,
4 the record will reflect that the Defendant is present
5 with counsel. Was any -- were we able to cull the herd
6 a little bit, perhaps?

7 MR. BROWN: We offered, they suggested
8 that we could stipulate regarding the admission of two
9 of the surveillance video witnesses related to two other
10 surveillance cameras, similar to the hardware store
11 camera. And we told them we did not believe there would
12 be a problem.

13 I think the testimony would be establishing
14 that one of them, that there was a time -- I believe
15 this is right -- one of that time was right, or
16 something to that effect. And we offered that we would
17 stipulate to that, and then that was all they said that
18 they would be willing to take a stipulation to, which,
19 I guess, we're not withdrawing our offer to stipulate
20 to that.

21 MR. PHILLIPS: We don't know who they're
22 going to call.

23 THE COURT: Okay. Well ---

24 MR. BROWN: Nothing else was stipulated to.

25 THE COURT: Okay.

1 MR. BROWN: Well, that I guess we would
2 be willing to.

3 THE COURT: But it's just two witnesses --
4 and I don't want to burn too much time on this,
5 of course, if they're going to be short witnesses.
6 But it's just two witnesses who would lay foundation
7 for admissibility or authentication of a couple of
8 videos from businesses. Is that what we're doing?

9 MS. FULLER: That's correct, Your Honor,
10 just two of them. They did -- I'm not sure if they're
11 withdrawing, but they did indicate that they were going
12 to do it, that the time is accurate. The owner would
13 say he set it himself, if you want it to be right,
14 do it yourself. So that would have been the testimony
15 on that one, and the other one is the video capturing
16 the red Tahoe in West Columbia.

17 THE COURT: Okay. So we do have an
18 agreement that we can introduce that video without the
19 need for that witness to testify? We're good on that?

20 MR. BROWN: That's correct.

21 THE COURT: All right. That's at least one.

22 MR. BROWN: We're willing to stipulate to
23 those two.

24 MS. FULLER: Those two.

25 MR. BROWN: We've already got a brownie

1 point.

2 THE COURT: All right. We got two.
3 All right. Very good. We've eliminated two witnesses.
4 They're stipulating to them, so we should be in good
5 shape.

6 MR. BROWN: Judge, we have a matter.

7 THE COURT: Sure.

8 MR. BROWN: Investigator Morris testified
9 that there was a cell phone that pinged to 207 Congaree
10 Drive in Cacey. That cannot be correct because that
11 is not a true address. However, we located a cell tower
12 at 2207 Congaree Drive in Cacey. We would ask that he
13 corrects his testimony because that cannot be truthful,
14 and that address doesn't exist.

15 THE COURT: Is there any issue from the
16 State with simply informing the jury that the address
17 was incorrect, and that the ping actually was to 20 ---

18 MR. BROWN: Twenty-two. There's a two
19 missing. He said 207; it's 2207.

20 THE COURT: 2207 Congaree.

21 MR. BROWN: Congaree Drive, Cacey. He made
22 a point of distinguishing between Congaree Drive, Cacey
23 and Congaree Drive, West Columbia, which not being
24 from here, I understand those are two different roads,
25 obviously, two different municipalities.

1 THE COURT: Okay.

2 MS. FULLER: Your Honor, I can't answer
3 that right now. I know when I checked it, I zoomed
4 in on Goggle, and I found the tower myself when I typed
5 in that address that he testified to. So, I will have
6 to -- I would need to. But we do have a cell phone
7 mapping expert that will testify later, so it will
8 be cleaned anyway. But I would need time to actually
9 do that. But when I checked it last week, I actually
10 could zoom in and see the actual tower.

11 MR. BROWN: Yeah, we zoomed in and saw the
12 tower. There's only two blocks; there's a 2100 block
13 and a 2200 block, and there's no 200 block at all.
14 But there is a cell tower at 2207 Congaree Drive,
15 Cacey, which, you know, if it's a tenth of a mile
16 a block, that's two miles.

17 THE COURT: I'm very sure that at some
18 point in time everybody is going to be able to agree
19 that an address either does exist, or it does not exist.
20 This is not rock science, so let's go ahead and get the
21 jury moving, please.

22 MR. BROWN: Yes, sir. Thank you.

23 MS. FULLER: And, Judge, a matter of
24 housekeeping, did you decide on our motion in limine?
25 Just need to know where we can go today.

1 THE COURT: Is the next witness going
2 to allude to that?

3 MS. FULLER: I mean, I think it's still fair
4 game for -- but if they're going to cross-examine any
5 witnesses, need to know, but, yeah, today we're going
6 to get into it. We're not specifically -- with the next
7 witness, so I could anticipate cross. I e-mailed this
8 photograph this morning, Judge. I'm not sure if you got
9 it.

10 Judge, I spoke with crime scene this
11 morning and -- the photographs once they were seized
12 on the 6th. So this is the photograph from that actual
13 5th, and I will add to the exhibits for my motion in
14 limine.

15 THE COURT: Okay.

16 MS. FULLER: To show you the condition
17 of what -- how it actually looked actually on the 5th.
18 Then, the photos I showed you yesterday were from the
19 6th.

20 THE COURT: All right. Since the jury is
21 on the way, and I need to rule quickly, I'll tell you
22 where my default setting is. It's basically to allow
23 them to engage in that cross for the simple reason that
24 we do have a lot of ammunition.

25 It is established case law that they can

1 otherwise go after the integrity of the investigation,
2 if the firearm that was discovered under the child's
3 bed was in no way, shape or form used in this, that's
4 something that you can deal with. And, obviously,
5 you've got good evidence that, based on your theory,
6 it could not have just been thrown in there because
7 otherwise the little cup for applesauce or whatever
8 wouldn't be where it was, et cetera.

9 So, at the same time, you know, my
10 experience in the case law is pretty much replete
11 with examples where cases have been reversed because
12 the Court didn't allow the defense to explore various
13 avenues, and I only want to try this once. And I'm
14 certain that the parties here who are invested in this,
15 both sides, do not want to have to go through this
16 again. So ---

17 MS. FULLER: Thank you.

18 THE COURT: --- that would be my ruling.

19 MS. FULLER: Thank you, Your Honor.

20 And then just a matter of housekeeping, I neglected
21 to mention this on the record. Like I normally do,
22 we did serve a simple Rule 5 in this case multiple
23 times, and we haven't received anything. So, I would
24 just make that part of the record now, another request
25 if there's any exhibits or anything that the defense

1 seeks to introduce that it be provided to the State.

2 THE COURT: I understand your position.

3 We'll see where we go.

4 (Jury enters the courtroom at 9:42 a.m.)

5 THE COURT: Ladies and gentlemen of
6 the jury, welcome back. Thank you for being here.

7 And, of course, we're still on the State's case-in-chief
8 in the State v. Mr. Ritter. So, at this point,
9 Solicitor, if you will call the next witness.

10 MS. FULLER: Thank you, Your Honor.

11 The State calls Rodney Furtick.

12 MR. RODNEY FURTICK was called as a witness,
13 being duly sworn, was examined and testified as follows:

14 THE CLERK: State your name, and spell your
15 last name for the record.

16 THE WITNESS: My name is Rodney Furtick,
17 F-U-R-T-I-C-K.

18 DIRECT EXAMINATION

19 BY MS. FULLER:

20 Q. Good morning, Rodney.

21 A. Good morning.

22 Q. It's okay if I call you Rodney?

23 A. It's fine.

24 Q. I'm going to ask you if you can pull
25 the microphone closer to you just a little bit.

1 Okay. I want you to go ahead and introduce yourself
2 to the jury. Do you live here in Lexington County?

3 A. No, I don't. I live in Richland County.

4 Q. In Richland. And are you from South Carolina?

5 A. Yes, I am.

6 Q. And were you born here?

7 A. Yes.

8 Q. And so you've lived here your entire life?

9 A. Yes.

10 Q. And what do you do for a living?

11 A. Right now, I drive trucks.

12 Q. And how long have you been doing that?

13 A. Two years.

14 Q. Back on -- in July of 2018, were you driving
15 trucks then?

16 A. No.

17 Q. What were you doing then?

18 A. At the time, I lost my job, like, maybe, like,
19 a month before, you know, this incident. So, I think
20 I was going in the National Guard.

21 Q. Okay. So the National Guard, what is the
22 National Guard?

23 A. It's a part of the Army.

24 Q. And how long have you been in the National Guard?

25 A. I served seven years in the National Guard.

1 Q. And so when this happened on July 5th of 2018,
2 were you still serving?

3 A. Yes.

4 Q. And what was your position and your
5 responsibilities in the National Guard?

6 A. I was a sergeant; I was a team chief from my
7 position.

8 Q. Okay. What's that?

9 A. It's pretty much just we have crews that we
10 run together, like -- it's pretty much -- we mobilize
11 up to D.C., and we, like, pretty much watch over
12 the national capital in the D. C. area, the Pentagon,
13 and all of that.

14 Q. Okay. I want to talk about Samir Atkins.
15 Who was Samir Atkins to you?

16 A. I called -- we called each other, you know --
17 to y'all, he was a friend, but to me, he was a brother.
18 That's what we called each other, brothers.

19 Q. But you guys weren't blood brothers?

20 A. We weren't blood.

21 Q. You just called each other brother?

22 A. Yes.

23 Q. How long have you known Samir?

24 A. Since the seventh grade.

25 Q. What school did you guys go to together?

1 A. We went to Busbee, and then we went to
2 Brookland-Cacey.

3 Q. Okay. Now, I'm going to -- I can hear okay,
4 but I do want you to try to keep your voice up just
5 so I can hear completely, okay?

6 A. Okay.

7 Q. So you said you went to Busbee?

8 A. Yeah, Busbee Middle School.

9 Q. Okay. And were you guys, I guess, friends
10 or brothers, ever since the seventh grade?

11 A. No, eighth grade that's when we really got real
12 tight, from eighth grade until he passed.

13 Q. How about Elzie Mack? Who's Elzie Mack?

14 A. He was a friend of Samir's. I didn't really know
15 Elzie.

16 Q. Okay. So when you say know, had you met him
17 before?

18 A. I had met him a few times.

19 Q. Okay. And so you were familiar with who he was?

20 A. Yeah, I was familiar with who he was.

21 Q. Okay. So he wasn't like someone you considered
22 a brother?

23 A. No.

24 Q. Okay. But he was a friend of Samir?

25 A. Yeah.

1 Q. So, I want to talk about why we're here.
2 July 5th of 2018, kind of walk me through your morning
3 that day.

4 A. Well, that morning I had an interview.
5 It was actually an interview at the job that Samir
6 had originally got fired from.

7 Q. Okay. And where was that job interview?

8 A. I can't -- I know it was, like, a tire company,
9 but I can't think of the name of the company. I can't
10 remember the name of the company.

11 Q. Was he working there at the time that you
12 scheduled your interview?

13 A. No, he wasn't.

14 Q. Okay. Well, when you went for your interview,
15 he was no longer an employee?

16 A. He was no longer an employee.

17 Q. Okay. I just want to make sure I understand.
18 But you knew about the place because of Samir?

19 A. Because of Samir, yeah.

20 Q. Okay. And so do you know before the 5th when
21 exactly he lost his job?

22 A. I want to say -- I want to say no longer than
23 a week.

24 Q. Okay. So within a week of this happening.

25 Okay. So do you remember approximately what time

1 was your interview roughly?

2 A. It had to be before noon.

3 Q. Okay.

4 A. I want to say 11.

5 Q. So take me from there. So after your interview,
6 what did you do?

7 A. I went to each lunch with my ex-fiance at Mai
8 Thai.

9 Q. And where is that? What's the name of the
10 restaurant?

11 A. Mai Thai.

12 Q. Okay. And where is Mai Thai?

13 A. It's off 378, like, not too far from Lexington
14 Hospital.

15 Q. Okay. And then after that what did you do?

16 A. I went to Samir's house because he had left
17 his phone in my car a few days prior.

18 Q. Okay. And do you know what phone that was?

19 A. It was a blue iPhone.

20 Q. So your purpose of going to Samir's that day was
21 to return the phone?

22 A. Yes.

23 Q. And did you end up actually going there?

24 A. Yeah, I went straight there. I went straight
25 there after I left Mai Thai.

1 Q. Okay. So after you leave the restaurant,
2 you go to Samir's. What happened when you get there?

3 A. When I got there -- I called him because I didn't
4 see his vehicle. I only saw Nikki's car, so I called
5 him, and he told me he was still in there. So, I just
6 proceeded to go in his house. When I got there,
7 we went inside, and we sat down. We were watching ESPN,
8 and he asked me about the job interview and how it went,
9 and I told him.

10 Q. Okay. And then what happened next?

11 A. He received a phone call, but he declined it.
12 And he got another phone call. He answered, and he
13 was, like, oh, you got a new number, and I'm just still
14 watching ESPN. I'm not really paying no attention.
15 And then he was like -- he hung up. He was, like,
16 I'm still here. You can pull up. And when he got off
17 the phone, he was, like, it's my cousin, and I was,
18 like, okay, and then we just finished watching ESPN.

19 Q. Okay. How long have you been there when he got
20 the phone call?

21 A. How long have I been ---

22 Q. How long were you guys hanging out prior to the
23 phone call?

24 A. I want to say ---

25 Q. If you don't remember, that's okay.

1 A. Yeah, I don't know.

2 Q. Okay. Did anyone end up showing up after that
3 phone call?

4 A. Yes.

5 Q. Okay. Take me through that.

6 A. His cousin actually came through, and he knocked
7 on the door. Samir answered the door, you know, he let
8 him in. And then he was, like, Rodney, this is my
9 cousin. Cousin, this is my brother, Rodney. And then,
10 you know, they came in, and, you know, Samir gave him
11 a dap, I gave him a dap. And they came in and sat down
12 in the living room.

13 Q. Okay. You're saying "they." So that it's clear,
14 who is "they"?

15 A. Samir Atkins and Damien Ritter.

16 Q. Okay. But the person you're referring to is
17 cousin?

18 A. Yeah.

19 Q. Okay. So just -- so when the cousin entered,
20 it's just you in the apartment and Samir; is that
21 correct?

22 A. Yeah, it's just the three of us.

23 Q. And when you say you dapped him up, what does
24 that mean?

25 A. I just -- you know, we gave each other

1 a handshake and embraced each other.

2 Q. Is that like a typical motion of, like,
3 right hand connected ---

4 A. Yeah.

5 Q. --- and coming in, maybe left hand hitting the
6 back?

7 A. Yeah, just that.

8 Q. Okay. So that's considered a dap what I'm
9 demonstrating?

10 A. Yeah.

11 Q. Sometimes the shoulder maybe?

12 A. Yeah.

13 Q. Okay. So after that happened, you said they
14 came in. But did Samir ever step out of the apartment?

15 A. No, he never left out of the apartment.

16 Q. Okay. And who opened the door?

17 A. Samir opened the door.

18 Q. Okay. And so take me through what happened next.

19 A. They sat in the living room for a brief second.
20 And then -- we didn't really talk about nothing.

21 The cousin was, like, let's go in the kitchen.

22 They walked into the kitchen, moments later a gunshot.

23 Q. And what did you do next?

24 A. I paused for a second, and then I got up
25 and I ran to, like, down the hallway, close to his

1 daughter's bedroom. But when I got there, the cousin
2 was already around there, like, with a gun pointing
3 on me, made me go back to the kitchen.

4 Q. Okay. What happened after that?

5 A. After that, when I walked in the kitchen,
6 I looked to the right, and I saw Samir laying on
7 his back with a bullet wound in his head. And, like,
8 he, you know, he wanted me to lay down. So after
9 I laid, I just turned my head. I looked in the opposite
10 direction, like, towards the table and the window.

11 Q. Okay.

12 A. I was laying flat.

13 Q. And then what happened next?

14 A. After that, he must have proceed to like -- oh,
15 he was, like, where it's at? And I was, like, check
16 the closet and stuff, like, you know, I'm on the ground,
17 check the closet and stuff. And, I guess, he must have
18 let someone else in there because it was, like, the
19 person ---

20 MR. BROWN: Objection. Speculation.

21 MS. FULLER: I can move on.

22 BY MS. FULLER:

23 Q. So what happened?

24 A. Well ---

25 Q. You're on the ground, were just in the apartment,

1 Samir's body is in the kitchen. You're on the ground
2 also in the kitchen area?

3 A. Uh-huh.

4 Q. And the cousin is still in the apartment?

5 A. Yeah.

6 Q. And then what, if anything, did you hear next,
7 or what happened next?

8 A. Someone else -- I heard someone else's voice
9 saying don't move, you won't get hurt.

10 Q. Okay. And you said someone else's voice,
11 and this is different than the cousin's voice?

12 A. Yeah, it's a different voice.

13 Q. Okay. And then what happened next?

14 A. Like, moments later, like, I heard him tell
15 somebody -- the cousin tells someone else to get
16 on the ground, get on the ground. The person was,
17 like, I'm getting down, I'm getting down, and there
18 was a gunshot.

19 Q. Okay. And then what did you do?

20 A. I looked in the direction of the gunshot.
21 And I'd seen the gun pointing at me, and I heard
22 it click. I think it jammed.

23 Q. And he said, I think it jammed?

24 A. Yeah.

25 Q. And who had that gun?

1 A. His cousin.

2 Q. And his cousin, meaning Samir's cousin?

3 A. Yeah, Samir's cousin.

4 Q. Okay. So once the gun -- you heard a click,
5 what happened? What did you do then?

6 A. I grabbed his -- he had a backpack on. I grabbed
7 his shirt, and I used him as a shield because it was --
8 like, I saw other feet in there, but he told that person
9 to shoot, and I heard a gunshot go off.

10 Q. And then what happened?

11 A. The gun the other person had must have
12 malfunctioned ---

13 Q. You don't have to guess. Just say what happened,
14 you know.

15 A. Well, the other person's gun had malfunctioned
16 or something because he didn't shoot anymore, and he
17 told him to come grab his gun.

18 Q. Okay.

19 A. And as he started walking towards where we were,
20 I threw Damien into the person, and I got up, and I got
21 out of there.

22 Q. Okay. So just to walk through a couple of
23 things. When you see the cousin point the gun at you,
24 and you hear the click, are you still on the ground?

25 A. Yeah, I'm still on the ground.

1 Q. Okay. And were you faced down on the ground?

2 A. I was -- I looked in the direction of where he
3 was when he shot the other person. And then as the gun
4 clicked, I grabbed him, and I turned on my back.

5 Q. Okay. So initially when you're laying down,
6 you said -- where's Samir's body, to your left or to
7 your right?

8 A. I'm laying faced down, so Samir's body is to my
9 right.

10 Q. Okay.

11 A. And the other person's body is to my right
12 as well.

13 Q. To your right, okay. So you're here, and you
14 testified that you turned you head away from him.
15 So would you have turned your head to the left?

16 A. Yeah, I turned my head to the left.

17 Q. Okay. And then at that point when you hear the
18 second gunshot ---

19 A. I turned my head to the right.

20 Q. And that's when?

21 A. That's when I looked up and seen a gun in my
22 direction. I heard click, and then I grabbed him,
23 and I fell -- I laid on my back.

24 Q. Okay.

25 A. And I used him as a shield.

1 Q. Gotcha. And so you're down and that's when
2 you turned around, and grabbed him since the gun jammed
3 or clicked?

4 A. Uh-huh.

5 Q. You said there was -- you heard different voices
6 in the apartment ---

7 A. Yeah.

8 Q. --- is that correct?

9 A. Uh-huh.

10 Q. And you just testified that you saw other feet?

11 A. Yeah.

12 Q. Okay. Did you ever get a look at that person?

13 A. No. No, I didn't.

14 Q. Okay. And this is while you're on the ground,
15 can you still see the person's feet?

16 A. Uh-huh.

17 Q. And so take me through what you did after that.
18 You pushed?

19 A. I pushed Damien into the person that was walking
20 in my ---

21 Q. You pushed who?

22 A. Damien.

23 Q. Okay.

24 A. Into the person that was walking in my direction.

25 Q. And then what did you do then?

1 A. I got up, and I got out of there, and I ran to my
2 car.

3 Q. And where was your car parked, do you remember?

4 A. My car was parked along the street, not directly
5 in front of Samir's apartment.

6 Q. Okay. And still in the parking lot?

7 A. But still in the parking lot.

8 Q. Okay. And what did you do then?

9 A. I got in my car. I reached in -- I got in my car
10 through the driver's side, and I reached across in my
11 glove box, and I grabbed my gun.

12 Q. And what kind of gun did you grab?

13 A. A Glock 23, which is a 40.

14 Q. And when you say a 40, are you talking 40
15 caliber?

16 A. 40 caliber.

17 Q. Okay. I just want to make it clear for the
18 record. And then can you tell me whether or not it was
19 loaded already?

20 A. It was already loaded.

21 Q. Okay. And how do you know that?

22 A. Because I made sure of that.

23 Q. Okay. So once you grabbed the gun, what happened
24 next?

25 A. I started shooting at the vehicle that they were

1 in.

2 Q. You mentioned a vehicle, what kind of vehicle
3 was it?

4 A. It was, like, a maroon burgundy Tahoe type with
5 tinted windows.

6 Q. And how do you know that that was the vehicle
7 that, you say they, they were in?

8 A. Because when I got there, that vehicle --
9 it wasn't there, and then -- you could see a vehicle
10 approaching his apartment through the windows when
11 we were sitting in the living room.

12 Q. Okay. And so when you say approaching,
13 there are parking lots -- parking spots that kind
14 of face his apartment?

15 A. Yeah.

16 Q. Okay. And so from there, the vehicle, what,
17 if anything, happened next?

18 A. Could you say that one more time?

19 Q. Like once you saw the vehicle, what was
20 happening? When you started shooting at the vehicle,
21 was it still parked?

22 A. Oh, no. The vehicle, it was backing out into the
23 roadway. It backed out into the roadway, and then went
24 in the direction of Airport Boulevard.

25 Q. Okay. And then where -- did you see the cousin

1 get in the vehicle?

2 A. I saw the cousin get in the vehicle when it was
3 on Glenn Street, like, on the same road. He run out
4 of the apartment at an angle, and he met the vehicle,
5 like, a little further down to street.

6 Q. So let me make sure we flush that out. Just tell
7 me if I got it wrong. Some of it got a little -- just
8 confusing for me, but I think I jumped head. I'm sorry.
9 So you got your gun out of the car, and you started
10 shooting at the vehicle?

11 A. Yeah.

12 Q. When you started doing that, was the vehicle
13 in motion?

14 A. Yes.

15 Q. Okay. And at what point did you see the cousin
16 come out of the apartment?

17 A. I've seen the cousin come out of the apartment
18 as, like, the vehicle was backing out into the street.
19 And it backed out, and then it went in the direction
20 of Airport Boulevard. And he ran at an angle to catch
21 up with the vehicle.

22 Q. Did you ever see the other person run out of the
23 apartment?

24 A. No.

25 Q. And when you ran out of the apartment, did you --

1 tell me whether or not you knew you left those two
2 individuals, along with Samir and Elzie, in the
3 apartment?

4 A. Yeah, I was the first one out of there.

5 Q. Okay. And so you run to your car that's across
6 the parking lot ---

7 A. Uh-huh.

8 Q. --- is that correct? And do you recall what,
9 if anything, the cousin was doing when he was running
10 out of the parking lot -- running out of the apartment?

11 A. His gun was jammed up, so he was trying to
12 chamber a round. He was running trying to chamber
13 a round.

14 Q. So the gun was still in his hands?

15 A. Yes.

16 Q. Okay. Did you see anything else in his hands?

17 A. No.

18 Q. Backing up for a moment. While you were in the
19 apartment prior to hearing the cousin tell someone to
20 get on the ground, what, if anything else, was he doing,
21 or did you hear in the apartment?

22 A. I know I heard him tell -- he was, like,
23 come help me. I heard him say come help me.

24 Q. Could you tell how far he was?

25 A. I can't tell.

1 Q. But he wasn't in the kitchen?

2 A. He wasn't in the apartment.

3 Q. And how big is the apartment?

4 A. It's not that big.

5 Q. I'm not asking square footage because that's
6 difficult, but in terms of spacing. So you've been
7 in the kitchen before?

8 A. Yeah.

9 Q. So you know where the stove is and ---

10 A. Yeah.

11 Q. --- the layout of it?

12 A. I know the layout of it.

13 Q. And so the far cabinet, and we'll use the diagram
14 shortly, is there. About how long would you say, or how
15 far apart -- how far away am I standing to where the
16 cabinet would be? And you could stop me. So guess
17 an idea of how big the space is.

18 A. The cabinet would be from where?

19 Q. From the back wall.

20 A. From the -- oh.

21 Q. Yes. So if you're coming to the kitchen, you're
22 looking, and I will go ahead, and I can use the diagram
23 just so it's clear. I'll come back and ask you that
24 shortly. But you did say the space is not a big space?

25 A. Yeah, it's not.

1 Q. Okay. Once the car backed out -- once the car
2 backed out of the parking lot and started heading toward
3 Airport Road, what did you do?

4 A. I got in my car, and I tried to follow it for
5 a second just to get the tag number.

6 Q. Okay. And when you say for a second, what does
7 that mean?

8 A. Like, I didn't -- I followed him, like -- I was,
9 I don't even want to say halfway down the road.

10 Q. And did you see?

11 A. I didn't see the tag number.

12 Q. Okay. But that was your purpose?

13 A. Yeah, that was my purpose.

14 Q. And when you -- you said you followed him halfway
15 down the road. What did you do then?

16 A. I turned around.

17 Q. Okay.

18 A. I turned around. I turned around to go get help
19 or find somebody.

20 Q. Okay. Do you recall where they -- what direction
21 they turned on Airport Boulevard?

22 A. They made a right onto Airport Boulevard.

23 Q. Okay. So you followed them enough to see that
24 and then turned around?

25 A. Uh-huh.

1 Q. And then when you say you turned around to go get
2 help, do you recall where you went?

3 A. I went down Platt Springs Road by a restaurant
4 and a little local store, and there were some guys
5 working on the road, construction workers, you know.

6 Q. Okay. Do you recall whether or not you pulled
7 in to the construction zone?

8 A. Yeah, I pulled right over there in the area.

9 Q. And tell me whether or not did you call law
10 enforcement or speak to ---

11 A. Yeah, I asked them could I use their phone to
12 call police. I told them that someone had been shot,
13 and they let me use the phone.

14 Q. And where was your phone?

15 A. Oh, yeah, they had stolen my phone. I heard
16 them say grab all the phones as well. So that's what
17 -- that's why I didn't go back into the house because
18 I was, like, ain't no phone in there. So that's what
19 made me go to go find help elsewhere.

20 Q. Okay. Bear with me one moment. I'm going
21 to look for a couple of exhibits. I'm going to show
22 you what's already in evidence, State's Exhibit 4.
23 Do you recognize this?

24 A. Yes.

25 Q. And there should be a laser pointer there.

1 Do you see it? On here what I was asking you earlier,
2 you acknowledge that this is the kitchen area?

3 A. Yes.

4 Q. And when I was talking about the back cabinets
5 and the sink, I was talking about this area here.
6 Just to get an idea, you said -- let me ask you this
7 question. You said Samir's body was in the kitchen.
8 Do you recall where it was?

9 A. (Indicating.)

10 Q. Okay. I'm going to show you what, I believe,
11 is State's 12 already in evidence. Can you point
12 out Samir?

13 A. (Indicating.)

14 Q. And is that where he was when you first saw him
15 when you walked into the kitchen?

16 A. Yes.

17 Q. And so from where his feet lay, which is this
18 area over here, approximately -- I guess you can use
19 me just to get an idea or frame of how big that space
20 is. So that's the back wall I was talking about it.
21 Just tell me when?

22 A. I would say to that podium right behind you.

23 Q. And are you talking about from the back to the
24 kitchen -- the window.

25 A. Yeah, the window.

1 Q. And so going back to State's 4, you're talking
2 about from here to here?

3 A. Yeah.

4 Q. And that would be from there?

5 A. Uh-huh.

6 Q. When you were made to come into the kitchen,
7 can you show the jury on here -- we know that this
8 individual was not there when you first came in the
9 kitchen. Can you point out where you were made to lay
10 down, and if you see it on this image?

11 A. (Indicating.)

12 Q. And what direction was your head pointing?

13 A. In this direction.

14 Q. And just so we're clear for the record, the laser
15 pointer is pointing towards the fridge?

16 A. Yeah.

17 Q. When -- and in that image, we acknowledge that
18 the window is this way, right, going back to State's 4,
19 in front of the apartment. So you're laying here,
20 and you're turning this way?

21 A. Yes, my head is this way facing this window.

22 Q. Okay. Can you also show the jury on here where
23 you were in the apartment when the cousin initially came
24 into the apartment?

25 A. I was in the living room, like, right here.

1 Q. And Rodney, if you can, keep the mic in front
2 of your ---

3 A. I'm sorry. I was in the living room right here.

4 Q. Okay. And you talked about that you all sat
5 down?

6 A. Yes.

7 Q. I'm going to show you State's 7, and then I'll
8 show you another image shortly. I'm going to approach
9 and show you State's 7 because it looks dark on the
10 projector. Do you recognize this?

11 A. Yes.

12 Q. And how many chairs do you see there?

13 A. Two -- oh, three. There's three of them.

14 Q. Okay. And do you recall where you were sitting?

15 A. Yeah, I was in the first chair.

16 Q. Okay. And you're pointing to which one?

17 A. The first chair as you're entering the apartment.

18 Q. Okay. I'm going to try to put it back on
19 the overhead and have you point to it for the jury.
20 It's a little dark. And that's where you were pointing?

21 A. Yes.

22 MS. FULLER: Permission for the witness
23 to step just so it's clear?

24 THE COURT: Sure.

25 MS. FULLER: Because it's a little dark

1 on the overhead. I apologize.

2 THE COURT: Step down. You're going to need
3 to speak up though once you're down there and project
4 your voice so that she can take down everything that's
5 being said, please.

6 BY MS. FULLER:

7 Q. Can you point out for the jury where you were
8 sitting?

9 A. (Indicating.) Right here.

10 Q. I'm going to turn this way so the court reporter
11 can see your mouth just in case. And then where -- when
12 they sat down, where was -- where did the cousin sit?

13 A. The cousin ---

14 Q. Actually, let me ask you this. Did the
15 chairs look like this when you were sitting in
16 the apartment ---

17 A. No.

18 Q. --- before it happened?

19 A. No.

20 Q. Okay. But there were three chairs there?

21 A. There were three chairs.

22 Q. Okay. And then -- so what position, I guess,
23 did the cousin sit in?

24 A. The cousin was sitting on this side of the --
25 you can barely see the table, but he was on that side,

1 like, right across. Samir was sitting right there,
2 and the cousin was sitting over there.

3 Q. Okay. You can take your seat. Thank you
4 so much. I'm going to show you what's been marked for
5 ID as State's 77. I'm going to ask you if you recognize
6 this.

7 A. Yes.

8 Q. And what do you recognize this to be?

9 A. Samir's living room.

10 Q. Okay. Did it look like this prior to everything
11 happening, generally?

12 A. Yes.

13 Q. Okay. Are the chairs that you were talking about
14 where they were positioned in this photograph?

15 A. Say that one more time.

16 Q. The chairs that you mentioned that you guys sat
17 in, are they in the same position they were in when you
18 originally came into the apartment?

19 A. No.

20 Q. Okay. But the TV and table?

21 A. Everything else.

22 Q. Okay.

23 MS. FULLER: At this time, Your Honor,
24 State seeks to introduce State's 77.

25 MR. BROWN: Without objection.

1 THE COURT: 77 is in evidence.

2 (State's Exhibit No. 77 was entered into evidence.)

3 BY MS. FULLER:

4 Q. The other exhibit that I was showing you,
5 looking at this, is that the table you were referring
6 to? Can you point it out for the jury?

7 A. (Indicating.)

8 Q. Okay. And on this image, can you explain
9 to the jury where you were sitting around the table?

10 A. I was sitting right here.

11 Q. And keep your voice up, Rodney.

12 A. I was sitting right here.

13 Q. Okay. And then where was the cousin sitting?

14 A. He was over here.

15 Q. And where was Samir sitting?

16 A. Right here.

17 Q. Okay. And -- I apologize. And just so it's
18 clear, the living room that we're referring to is the
19 same here in State's 4?

20 A. Yes.

21 Q. And then, in terms of what I want to be clear
22 too, this area here is it a similar style to the area
23 of the kitchen?

24 A. A little bit.

25 Q. Okay. But it's still a small area?

1 A. Yeah, it's still small.

2 Q. Okay. When you testified, you testified that
3 you ran towards the back?

4 A. Yes.

5 Q. The door is right here, why didn't you run
6 through the door?

7 A. Because the cousin was still in the kitchen,
8 and he had a gun.

9 Q. Okay. And then what led you towards the back
10 of the apartment that you thought you could -- what
11 were you trying to do when you ran to the back of the
12 apartment?

13 A. I was running.

14 Q. Okay.

15 A. Jump out the window. There's a window in the
16 bedroom right here.

17 Q. Okay.

18 A. But I just -- I ran down the hallway, and I made
19 it to the door, but he was already around there.

20 Q. Okay. Looking at State's 33, I'm just going
21 to ask if you recognize this -- I mean, three. On this
22 image, do you recall where you were parked when you were
23 talking about running outside to your car?

24 A. Yes, I was parked where this vehicle right here
25 is.

1 Q. Okay. And do you recall where the Tahoe was
2 parked, approximately?

3 A. Like, right here where this vehicle is.

4 Q. And then where is Samir's apartment?

5 A. Right here.

6 Q. And when you described running out of the
7 apartment, do you remember exactly where you were,
8 approximately, when you started shooting at the vehicle?

9 A. Yeah, I ran out to my vehicle, and I was in this
10 area.

11 Q. And I'm going to find the other aerial. Looking
12 at State's 9, do you see the apartment on here as well?

13 A. Yes.

14 Q. Okay.

15 MS. FULLER: Beg the Court's indulgence.

16 I apologize, Your Honor. All right. I apologize.

17 BY MS. FULLER:

18 Q. Looking at 32, do you recognize this area?

19 A. Yes.

20 Q. Okay. And when you talk about the Tahoe backing
21 out the parking lot, can you describe on here where
22 it backed out and how?

23 A. The Tahoe was in this area.

24 Q. Okay.

25 A. It backed out onto the road in this angle,

1 backed out, and heading in this direction going out --
2 going towards Airport Boulevard.

3 Q. Okay. And so if I have it right, you're
4 describing that it came out this way out of the
5 apartment?

6 A. Uh-huh.

7 Q. And then into the roadway and then this way?

8 A. Yes.

9 Q. When you saw the cousin, can you tell us here
10 where he was when you first saw him -- when he started
11 running to the apartment -- I mean, to the car?

12 A. He ran out of the apartment, and he ran in this
13 direction.

14 Q. Okay. And did the car stop for him?

15 A. The car stopped for him.

16 Q. And do you recall how he got in the vehicle?

17 A. He ran around the front of the vehicle.

18 He opened the passenger door, the front passenger door.

19 Q. And what, if anything, did he do then?

20 A. He was able to chamber one more round, and then
21 he let off one shot.

22 Q. Okay. And approximately where were you standing
23 when that happened?

24 A. It's kind of hard to see with this cop car right
25 here and this right here. But I was, like, in this

1 area.

2 Q. Okay. And that parking lot is kind of like
3 a slight angle to come out?

4 A. Yeah.

5 Q. What kind of car were you driving that day?

6 A. A Dodge Challenger.

7 Q. And is that your vehicle?

8 A. Yes.

9 Q. I'm going to show you what's been premarked
10 as State's Exhibits 61, 62, 63 and 64. I'm going to ask
11 you to look at State's 48, 49, 54 and then 60 through
12 64 and ask you if you recognize them. And you can take
13 your time to go through each other. And, Rodney, do you
14 recognize those photos?

15 A. Yes.

16 Q. And how do you recognize them? Do you know
17 the contents of each of those photos?

18 A. Yeah, that's my car and my gun.

19 Q. Okay. And looking at State's 48, do you
20 recognize your vehicle?

21 A. Yes.

22 Q. And 49?

23 A. Yes.

24 Q. And looking at 54, what are we looking at here?

25 A. That's my holster.

1 Q. Okay. And 60?

2 A. Yes.

3 Q. What's this vehicle?

4 A. My car.

5 Q. And then 61?

6 A. My gun.

7 Q. Sixty-two?

8 A. My gun.

9 Q. And then what's in 63 and 64?

10 A. A jar with marijuana.

11 Q. And then whose jar is this?

12 A. That's Samir's.

13 Q. And where was this?

14 A. It was in my car.

15 Q. Okay. Did you know it was in your car?

16 A. Not at the time.

17 Q. Okay. You found out after?

18 A. Yes.

19 Q. By looking at the photograph?

20 A. Yes.

21 Q. Okay. And where in the car was it?

22 A. They said it was under the passenger seat.

23 MS. FULLER: And I apologize for the
24 hearsay, Your Honor.

25 MR. BROWN: No objection.

1 BY MS. FULLER:

2 Q. But you never saw it in there?

3 A. No.

4 Q. I apologize for asking the question.

5 MS. FULLER: I apologize, Your Honor.

6 States seeks to introduce -- move into evidence 48,
7 49, 54 and 60 through 64.

8 THE COURT: All right, 48, 49, 54, 60
9 through 64 are in evidence without objection.

10 MR. BROWN: Without objection, yes, sir.

11 (State's Exhibit Nos. 48, 49, 54, 60 through 64 were
12 entered into evidence.)

13 BY MS. FULLER:

14 Q. Looking at State's 48, can you use the laser
15 and point to your vehicle in this?

16 A. (Indicating.)

17 Q. And looking at 49, do you see your vehicle
18 as well?

19 A. (Indicating.)

20 Q. Now looking at 60, when you testified earlier
21 about your car being parked on the street, what did
22 you refer to?

23 A. Like, this parking spot close to the street.

24 Q. And ---

25 A. Instead of being parked in front of his

1 apartment.

2 Q. And when you initially came prior to the shooting
3 where were you parked using this photograph?

4 A. (Indicating.) Right here.

5 Q. So when you came back, you pulled into the same
6 spot?

7 A. Yes.

8 Q. So now looking at 54, what is that?

9 A. That's my holster.

10 Q. And do you know how your holster got there?

11 No guesses. Do you know?

12 A. No.

13 Q. Okay. But you do recognize that to be your
14 holster?

15 A. Yes.

16 Q. And now looking at 61, where in the car is this?

17 A. My glove box, and that's my gun.

18 Q. And so when you were testifying when you said
19 you grabbed your gun, was it in the glove box?

20 A. Yes.

21 Q. And when did it end up back in the glove box?

22 A. Once I got back to the scene.

23 Q. Okay. Did you have the gun out prior to getting
24 back to the scene?

25 A. Yes.

1 Q. Okay. And why did you put it in the glove box?

2 A. I was -- when I got back to the scene, there were
3 officers already on the scene, so there was no need for
4 me to have my gun on me.

5 Q. Okay. And then looking at 62, is that your gun?

6 A. That's my gun.

7 Q. And now we're looking at 63 and 64, and you don't
8 recognize this item?

9 A. No.

10 Q. Okay. But it was found in your car?

11 A. Yes.

12 Q. And you came to learn this?

13 A. Yes.

14 Q. When you testified, you said you were coming back
15 to give Samir his blue phone. Do you know when you hung
16 out with him, and how long you had his phone?

17 A. We hung out the 3rd and 2nd -- on the 2nd,
18 we went to the gun range; on the 3rd, we went to a club.

19 Q. Okay. And then on the 4th, did you see Samir?

20 A. I didn't see him on the 4th.

21 Q. Were you supposed to see him?

22 A. Yes.

23 Q. And why didn't you see him that day?

24 A. I just didn't feel like leaving the house,
25 so I stayed home.

1 Q. Okay. Did you have a late night out on the 3rd?

2 A. Yeah.

3 Q. How did he communicate with you to bring back his
4 phone?

5 A. He texted me or called me from his other phone.

6 Q. You said his other phone?

7 A. Yeah.

8 Q. So you knew Samir had more than one phone?

9 A. Yeah, he had more than one phone.

10 Q. So looking at State's 77, this is the table
11 you guys were sitting at, and there appears to be three
12 phones, one, two, three on the table. Do you know
13 who those phones belonged to? Do you know personally?

14 A. I know that I bought him this phone, so that
15 phone belongs to him, and this phone right here belongs
16 to him.

17 Q. Okay. Do you know the black phone?

18 A. No.

19 Q. Okay. And when you said you went to call for
20 help because your phone was missing, was your phone on
21 your person when it was taken, or where was your phone
22 in the apartment when it was taken?

23 A. My phone was on the corner of the table.

24 Q. In front of where you were sitting?

25 A. Yes.

1 Q. Do you -- let me ask you this first. Tell
2 me whether or not you recognize this phone number,
3 [REDACTED].

4 A. Yes.

5 Q. And whose phone number is that?

6 A. That's Samir's.

7 Q. And of the phones here, do you know which phone
8 that was?

9 A. (Indicating.)

10 Q. And you're pointing to the phone at the end?

11 A. Yeah.

12 Q. Do you know the phone number to the blue phone?

13 A. No, I don't know that.

14 Q. Okay. If he communicated with you on any of the
15 other phones, and your phone number is in the record --
16 I won't ask you to speculate, but you may not know the
17 number. But if your number is in the contacts in that
18 phone, you're not denying that you may have communicated
19 with that phone number?

20 A. No, I'm not denying.

21 Q. Okay. And that's the blue phone you brought back
22 to him?

23 A. Yeah.

24 Q. Just wanted to make sure that's clear. Looking
25 at a couple of other exhibits that's already in.

1 Looking at 20, do you recognize this?

2 A. I recognize my car.

3 Q. Okay. And do you -- can you tell from here what
4 direction you were heading in?

5 A. I was heading towards Platt Springs -- Platt
6 Springs Road.

7 Q. And you're still on Glenn Street?

8 A. Yes, I'm on Glenn Street.

9 Q. And the time on there is 2:15:50; is that
10 correct?

11 A. Yes.

12 Q. And now looking at 21, do you recognize your
13 vehicle here again?

14 A. Yes.

15 Q. How did you get in front of the police officers,
16 do you remember that?

17 A. Yeah. When I went to go use the phone, when
18 I went to go find help to use the phone, I was on the
19 phone with the dispatcher, and I saw -- I heard sirens,
20 and I saw the police coming in that direction.
21 So, I hopped in my car, and I cut my flashers on,
22 so I could lead them to where the scene was, or what
23 have you, took place.

24 Q. Okay. So did you basically, like, pull out in
25 front of them?

1 A. Yeah, I pulled out in front of them.

2 Q. And what made you turn your flashers on?

3 A. Just so he could be aware, just to give him
4 a warning to let him know.

5 Q. How fast were you going?

6 A. I can't tell you.

7 Q. Okay. But you were probably -- tell me whether
8 or not you were traveling a similar speed as the police?

9 A. Yes.

10 Q. Okay. Looking at State's 8, do you recognize
11 this area?

12 A. Yes.

13 Q. Okay. And do you see the apartment on this map
14 as well?

15 A. (Indicating.) Right here.

16 Q. And then do you see approximately where you
17 stopped to get help?

18 A. (Indicating.) In this area right here.

19 Q. And then after you saw law enforcement,
20 you immediately headed back towards the crime scene?

21 A. Yeah.

22 Q. Do you know where you traveled?

23 A. Yeah, I came -- I pulled back out, came in this
24 direction, straight down Glenn Street.

25 Q. Now, Rodney, I want to ask you a couple

1 of questions because we talked about it with other
2 witnesses. When law enforcement came on scene they
3 asked you to check yourself.

4 A. Yes.

5 Q. Do you remember doing that?

6 A. Yes.

7 Q. And prior to them asking you to do that,
8 did you know that you were injured in any way?

9 A. No.

10 Q. Do you even know when you got shot?

11 A. No. Well ---

12 Q. You would be guessing?

13 A. I would be guessing.

14 Q. Okay. Did you ever feel the gunshot?

15 A. After he told me to check myself, that's when
16 I realized.

17 Q. But prior to that, like, when it actually
18 happened, did you ever feel it connect with your body?

19 A. No.

20 Q. We already have a few of the photos in evidence.
21 But looking at 22, that is your leg?

22 A. Yes.

23 Q. And then looking at, I don't believe it's in yet,
24 a couple of additional photos, I'm going to ask you
25 if you recognize them. Looking at State's 24 and 25,

1 and ask you if you recognize them.

2 A. Yes, I do.

3 MS. FULLER: At this time, Your Honor,
4 State seeks ---

5 BY MS. FULLER:

6 Q. And what is this? How do you recognize this?

7 A. It's my leg.

8 MS. FULLER: Your Honor, State seeks to
9 introduce State's 24 and 25 into evidence.

10 MR. BROWN: Without objection.

11 THE COURT: Without objection, 24 and 25
12 are in evidence.

13 (State's Exhibit Nos. 24 and 25 were entered into
14 evidence.)

15 BY MS. FULLER:

16 Q. And looking at 24, do you know where you were
17 when this photograph was taken?

18 A. In the hospital.

19 Q. You were in the hospital already for this one?

20 A. Yeah, I think so, yeah.

21 Q. Okay. And then this one, the same place?

22 A. Yeah.

23 Q. Do you notice the clothes you were wearing?

24 A. Yeah.

25 Q. Were your clothes like that before this happened?

1 A. No.

2 Q. Like your pants leg?

3 A. Before ---

4 Q. Let me ask you this. Your pants appeared to be
5 cut. When were they cut?

6 A. I can't tell you.

7 Q. You don't remember?

8 A. No.

9 Q. Okay. But you do know that's your leg?

10 A. That's my leg.

11 Q. But they weren't -- let me show you this picture
12 first. Looking at State's 6, do you see yourself in
13 this image?

14 A. Yes.

15 Q. Okay. And were your pants complete? They were
16 whole in this image?

17 A. Yes.

18 Q. Okay. And what were you doing in this image?

19 A. I was explaining to the officer what apartment
20 the situation occurred.

21 Q. You had just got out of your vehicle?

22 A. Yeah.

23 Q. And then I see your lights are on. Is this your
24 brake light?

25 A. My flashers.

1 Q. Okay. And then when you got back to the scene,
2 did you ever go back in the apartment?

3 A. No.

4 Q. Have you ever been back in the apartment?

5 A. No.

6 Q. And just so here, just so it's clear that your
7 pants weren't like this prior to treatment?

8 A. No.

9 Q. Okay. With -- and just so it's published by you,
10 do you recall your phone number of the phone that was
11 missing?

12 A. Yes.

13 Q. And what was that?

14 A. [REDACTED].

15 Q. Okay. And do you know what kind of phone it was?

16 A. It was an iPhone.

17 Q. Now, Rodney, the glass jar that was found in your
18 car that you didn't know was there, I'm going to ask you
19 this question, back in July -- on July 5th of 2018 --
20 I'm going to ask you the right way. Did you smoke
21 marijuana?

22 A. No.

23 Q. Okay. And why didn't you smoke marijuana?

24 A. Because I was in the military, and I had my job
25 -- and I was searching for a job at the time as well.

1 Q. You just had a job interview that day?

2 A. No -- well, yeah, yeah.

3 Q. And when you ran outside of the apartment,
4 the Tahoe, when you initially ran by it, could you
5 tell if anyone was inside the vehicle?

6 A. No, I couldn't tell.

7 Q. Do you recall hearing if it was on?

8 A. No, I can't.

9 Q. Did you ever hear it start up?

10 A. No, I can't.

11 Q. Okay. And when you went to the city workers for
12 help, do you remember that the lane was blocked off that
13 you pulled into?

14 A. I don't even remember that.

15 Q. Okay. You just know you went and got help?

16 A. Yes.

17 Q. Okay. I'm going to show you what's in
18 evidence ---

19 MS. FULLER: Beg the Court's indulgence.

20 BY MS. FULLER:

21 Q. Okay. I'm going to show you State's 1 and ask
22 you if you recognize this.

23 A. Yes, I do.

24 Q. And how do you recognize this?

25 A. It's my name and signature.

1 Q. Okay. And what exactly is this?

2 A. It's a photo lineup.

3 Q. And do you remember being presented this photo
4 lineup?

5 A. Yes.

6 Q. And when law enforcement presented it to you,
7 you may not remember everything they said, but did they
8 ever tell you that the cousin would be in the photo
9 lineup?

10 A. No.

11 Q. When they presented the photo lineup to you,
12 did you know that name of the cousin?

13 A. No.

14 Q. And when they presented the photo lineup to you,
15 and they -- who were you asked to identify?

16 A. The shooter.

17 Q. Okay. And is the shooter and the cousin one
18 in the same?

19 A. Yeah.

20 Q. Looking at the second page of State's 1, do you
21 recognize your initials?

22 A. Yes.

23 Q. And when they presented this lineup to you,
24 did you have any hesitation making the identification?

25 A. No.

1 Q. And did you circle who you identified?

2 A. Yes.

3 Q. And did you also initial it?

4 A. Yes.

5 Q. And then on the first page, did you also sign it?

6 A. Yes, I signed it.

7 Q. And you initialled it and put the -- today in
8 the courtroom, do you recognize the person that you've
9 identified in this photo lineup?

10 A. Yeah.

11 Q. Do you recognize the person referred to as
12 cousin?

13 A. Yes.

14 Q. And do you recognize the person that shot Samir
15 Atkins?

16 A. Yes.

17 Q. And do you recognize the person that shot Elzie
18 Mack?

19 A. Yes.

20 Q. And do you recognize the person that attempted
21 to kill you?

22 A. Yes.

23 MS. FULLER: Your Honor, at this time,
24 I will request that the Defendant stand and remove
25 his mask for an identification.

1 THE COURT: If he could just remove his
2 mask, he doesn't have to stand.

3 MR. BROWN: We don't mind if he stands up.

4 THE COURT: Very good. All right.

5 BY MS. FULLER:

6 Q. Can you identify the person that committed these
7 two homicides in this courtroom?

8 A. Yes.

9 Q. Can you point him out?

10 A. (Indicating.)

11 THE COURT: The gentleman in the white
12 shirt.

13 THE WITNESS: Yes, the gentleman in the
14 white shirt.

15 THE COURT: The record will reflect that
16 the witness has identified the Defendant.

17 MS. FULLER: Thank you, Your Honor.

18 BY MS. FULLER:

19 Q. When you spoke with law enforcement -- or let's
20 talk about that day. Do you remember what he was
21 wearing?

22 A. Yes, I remember what he was wearing.

23 Q. Do you still remember it today?

24 A. Yeah.

25 Q. And what was he wearing?

1 A. He had on a red shirt. He had on black shorts,
2 like, cargo type, and he had on Jordan 14s on.

3 Q. Okay. And did you pass that on to law
4 enforcement?

5 A. Yes.

6 Q. And did you tell law enforcement whether he was
7 black or white?

8 A. Yeah, black.

9 Q. Okay. Did you have an approximate age?
10 Did you tell law enforcement?

11 A. Yeah.

12 Q. Okay. And did you remember anything significant
13 about his facial features?

14 A. Yeah, I know he was dark skinned with a low
15 haircut, and he had a gold grill.

16 Q. And when you say a gold grill, what does that
17 mean?

18 A. He had gold on his teeth.

19 Q. And just so it's clear for the jury, how do you
20 put gold on your teeth?

21 A. Well, I'm guessing he had it molded in.

22 Q. Okay. So it wasn't just white teeth,
23 it was actually gold teeth?

24 A. Yeah, gold.

25 MS. FULLER: No further questions at this

1 time.

2 THE COURT: I assume this may take you
3 a little while.

4 MR. BROWN: Yes, sir.

5 THE COURT: Ladies and gentlemen, we're
6 going to go ahead and take a break because I know y'all
7 have been out there for about an hour. I've been on
8 the bench for about an hour and 15, I could use a break,
9 so maybe you could too. So we're going to be at ease
10 for about ten minutes. We'll reconvene at 11 o'clock,
11 adjourn, make yourselves comfortable, get maybe a little
12 something to drink, use the facilities, whatever.
13 Don't talk about the case. So see you back here in ten
14 minutes, all right. Mr. Furtick, you could step down,
15 just don't talk to anyone about your testimony while
16 on break, okay, sir.

17 THE WITNESS: Yes, sir.

18 (Jury exits the courtroom at 10:47 a.m.)

19 THE COURT: Okay, we'll be at ease.

20 (Recess taken.)

21 (Back on the record.)

22 THE COURT: Thank you. Please have a seat.
23 All right. The jury is back, and we're still continuing
24 with the examination of Mr. Furtick at this point in
25 time. Mr. Brown, Mr. Phillips?

1 MR. BROWN: May it please the Court.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. BROWN:

5 Q. Mr. Furtick you mentioned interviewing for a job,
6 the interview was on July 5th?

7 A. Yes.

8 Q. All right. And that was the same job that
9 Mr. Atkins had?

10 A. Yes.

11 Q. Same job, same company?

12 A. Yeah.

13 Q. And did he tell you that he had that job?
14 You knew that?

15 A. Yes.

16 Q. And he told you he lost that job?

17 A. Yes.

18 Q. Okay. And you applied for that job because
19 he told you he lost it?

20 A. No, I applied before he lost it.

21 Q. Okay.

22 A. He told me about it because I had lost my job.

23 Q. Okay. Why did you lose your job?

24 A. Safety incident.

25 Q. Okay. Fair enough. And so y'all had some

1 interests in common. You said you didn't smoke
2 marijuana, but y'all had some interests?

3 A. Said ---

4 Q. You and Mr. Atkins had some things in common,
5 some interests. Y'all went to the gun range?

6 A. Yes.

7 Q. All right. Y'all had guns in common,
8 y'all enjoyed guns?

9 A. Yeah.

10 Q. Y'all went to the club?

11 A. Yes.

12 Q. Strip club?

13 A. Yes.

14 Q. All right. Y'all had girls, guns, girls?

15 A. Girls?

16 Q. Strip club, y'all both enjoyed the ladies?

17 A. Yeah.

18 Q. Okay. And making money, was that one thing?

19 A. Who doesn't?

20 Q. Okay. And one of the things y'all talked about
21 was flipping houses?

22 A. Yeah, we wanted to get into flipping houses.

23 Q. Did y'all text about flipping houses?

24 A. We talked about it, maybe texted about it.

25 Q. A guy named Rob Wilson maybe too?

1 A. Yeah.

2 Q. What's Rob's nickname?

3 A. Rob.

4 Q. Rob Killa?

5 A. Rob.

6 Q. You never heard Rob Killa?

7 A. I mean, I heard it, but I knew the person as Rob.

8 Q. But Rob Killa is also the same guy as Rob Wilson?

9 A. Yes.

10 Q. Okay. All right. And so you and Samir go shoot
11 guns together, look at girls together?

12 A. Yeah.

13 Q. Talk about flipping houses together?

14 A. Yes.

15 Q. Talk about flipping houses with ---

16 A. Rob.

17 Q. --- Samir's gun guy? Did y'all text, between you
18 and Rob Killa and Samir, about flipping houses and using
19 money from Samir Atkins' gun guy?

20 A. I don't know what you're talking about.

21 Q. You've never texted ---

22 A. I don't know what you're talking about.

23 Q. --- on that thread?

24 A. I know about the flipping houses, but I don't
25 know about using money for ---

1 Q. What do you know about Samir's gun guy?

2 A. We go to the armory.

3 Q. You go to the armory. And let me ask you,
4 in your car you had mentioned -- they went through it,
5 and you mentioned you had a gun in the glove box?

6 A. Yes.

7 Q. And you keep it loaded?

8 A. Yes.

9 Q. Just in case?

10 A. Yeah.

11 Q. Okay. All right. And the marijuana though you
12 said was in your car, but you didn't know it was there?

13 A. I didn't.

14 Q. Did you know the 40-caliber magazine,
15 drum magazine, was in the car?

16 A. Yes.

17 Q. Because that was your drum magazine?

18 A. Yes.

19 Q. Was it in the car the day the police searched it?

20 A. Yes.

21 Q. Did they see it?

22 A. Yes.

23 Q. Did they take it into evidence?

24 A. Yes.

25 Q. You've never gotten it back?

1 A. Never.

2 Q. They told you that it had some evidentiary value
3 to this case, and they wouldn't let you take it back?

4 A. Yes.

5 Q. Now, y'all talked about things like events
6 in Samir's life, him wanting to buy a home?

7 A. Yes.

8 Q. All right. And about him losing his job?

9 A. Yes.

10 Q. And he tells you he was kind of down because
11 Nikki Hicks had broken it off with him for good?

12 A. No.

13 Q. He never told you that?

14 A. No.

15 Q. He never said that she broke it off?

16 A. No.

17 Q. That's not in any text?

18 A. No.

19 Q. Now, I want to ask you about when you said
20 Damien came over to the house. You said he gave
21 you an embrace?

22 A. Yes.

23 Q. And it's kind of like sometimes called a bro hug?

24 A. Yes.

25 Q. All right. One hand and then one hand over you?

1 A. Yes.

2 Q. All right. And did you feel the hand he shook
3 your hand with?

4 A. Yes.

5 Q. And did you feel the other hand on your back?

6 A. I don't recall that, but, like, I know I shook
7 his hand.

8 Q. Okay. And the other hand, you see that too?

9 A. Did I see it, yes.

10 Q. Okay. And that's when he came in the door?

11 A. Yes.

12 Q. And there was not a gun in either one of those
13 hands when he came in?

14 A. No.

15 Q. Fair enough. You saw him coming with a backpack?

16 A. Yes.

17 Q. All right. Now, you're in the living room,
18 you said for, like, three seconds. I want to put one
19 of these photos back up. It's the living room table.
20 For the record, it's State's Exhibit 77, and I put
21 it right here. Do you recall this photo being presented
22 to you ---

23 A. Yes.

24 Q. --- on direct? And let me see if I can zoom
25 in a little bit, and you had talked about where you

1 were located. And you said that this blue phone right
2 here that's Samir's phone?

3 A. Yes.

4 Q. All right. And you said that black phone right
5 there was Samir's phone?

6 A. Yes.

7 Q. All right. Now you knew you had contacted him
8 on the black phone because that's the phone you called
9 him on, or talked to him about bringing the blue phone
10 back?

11 A. The black phone -- well, the white phone with
12 the black case. That's what you're referring to, right?

13 Q. Okay. I apologize. The one on the end right
14 there.

15 A. Yes.

16 Q. All right. So that's the phone you talked
17 to him about because you couldn't talk to him on
18 this blue phone because you had it?

19 A. Well, yeah, it was in my car.

20 Q. All right. And if we went through the phone
21 records for this blue phone, there's not going to be
22 any records of you ever talking to him on the blue phone
23 too?

24 A. Possibly.

25 Q. Possibly?

1 A. Yeah, I don't ---

2 Q. So you have communicated with him on two
3 different phone numbers?

4 A. Yeah.

5 Q. Was there a rule about which one you would use
6 for what purpose?

7 A. No. I just know his main line was the white
8 phone with the black case.

9 Q. Okay. And that's where he was sitting?

10 A. Yes.

11 Q. All right. Let me try to magnify this just
12 a little bit more and ask you do you see the white
13 cup right here?

14 A. Yeah.

15 Q. All right. I'm going to refer to that as like
16 a big gulp cup?

17 A. Yeah.

18 Q. All right. And do you see what's underneath that
19 cup?

20 A. Now I do, yeah.

21 Q. And that's a scale, isn't it?

22 A. Yeah.

23 Q. All right. Did you ever see Samir weighing
24 postage or envelopes to put in the mail with that scale?

25 A. No.

1 Q. Did he weigh drugs with that scale?

2 A. I didn't see him weigh anything with that scale.

3 Q. All right. Do you know why the cup would be
4 on top of the scale?

5 A. No.

6 Q. And that's not where he put the thing that he's
7 weighing into?

8 A. I didn't see him do anything with the scale,
9 so I can't ---

10 Q. Do you -- okay, I'm sorry.

11 A. I can't tell you why it was there.

12 Q. Do you recall there being a vacuum sealer in the
13 kitchen?

14 A. No.

15 Q. You've never seen a vacuum sealer on the counter?

16 A. I didn't see it.

17 Q. And then we move over -- because you were on this
18 side, correct?

19 A. Yes.

20 Q. On the other side. It looks like there's
21 an ashtray there and a lighter?

22 A. Yeah.

23 Q. All right. Get closer on this photo, if you can.
24 We may have to go to another one. But do you see this
25 black object right between the lighter and the ashtray?

1 Actually, a little bit more visible on the TV.
2 And, in fact, if you'll hand me that laser pointer,
3 I'm going to try to show you on the TV set because
4 the resolution is a little better.

5 Do you see -- and that will show up on that
6 screen, right here on this screen. And if you look
7 over there on this one, do you see that item?

8 A. Yeah, I see it.

9 Q. Is that a holster?

10 A. It is.

11 Q. It's an empty holster, isn't it?

12 A. Yeah.

13 Q. All right. Now you talked about how they were
14 in the kitchen for two minutes.

15 A. I don't recall giving a ---

16 Q. No time estimate?

17 A. No.

18 Q. All right. Let's talk about the interviews you
19 had with the police because you think maybe you said
20 that in one of those interviews, two minutes in the
21 kitchen?

22 A. You've got the interview?

23 Q. Okay. Well, we'll talk about that; we'll talk
24 about that. Were you interviewed on the 5th, first,
25 by law enforcement at the scene?

1 A. At the scene, yeah.

2 Q. And did you get interviewed by Investigator Deas
3 here in the middle?

4 A. Yes.

5 Q. Okay. All right. And what did you tell him
6 about a safe in that interview?

7 A. It was in his closet.

8 Q. You told him about a safe in the first interview?
9 Maybe not?

10 A. I'm not sure.

11 Q. And that was on July 5th, right?

12 A. I don't recall.

13 Q. Did you get interviewed briefly at the hospital?
14 You got interviewed on the 6th at West Columbia Police
15 Department?

16 A. Yes, I did.

17 Q. All right. And they interviewed you -- and do
18 you recall part of that interview being unrecorded?

19 A. No, I don't recall that.

20 Q. You don't recall an unrecorded portion?

21 A. No.

22 Q. Do you recall them recording the interview?

23 A. Yes, I recall them recording it.

24 Q. Fair enough. And do you recall telling them
25 that they were in the kitchen for two minutes during

1 that time when you were in the living room area?

2 Do you recall making that statement?

3 A. I don't recall.

4 Q. Okay. And how about do you recall telling them
5 that you didn't hear anything in there until you heard
6 the gunshot?

7 A. Yes.

8 Q. And is that correct?

9 A. Yes.

10 Q. And you didn't hear a bag unzip?

11 A. I didn't hear anything. All I heard was
12 a gunshot.

13 Q. No unzipping of a bag?

14 A. No.

15 Q. Okay. And when they walked in there,
16 was the door opened, the front door of the house?

17 A. No, it wasn't.

18 Q. All right. Because they didn't go in there
19 with marijuana and the front door open, did they?

20 A. No.

21 Q. Okay. So the door was shut?

22 A. Yes.

23 Q. All right. When do you recall hearing that door
24 open?

25 A. I don't recall hearing it open.

1 Q. All right. And you ran to the back, you said,
2 after the shot?

3 A. Yes, I ran to the back.

4 Q. All right. To the girl's bedroom?

5 A. I didn't go in any bedroom.

6 Q. You ran towards the girl's bedroom?

7 A. Towards.

8 Q. Okay. And they've got a schematic on the
9 house, and I just want to put this up there quickly.
10 All right. You ran to the back. You said that
11 Mr. Ritter chased you?

12 A. Yeah, he came around.

13 Q. He chased you down that way?

14 A. Yes.

15 Q. All right. And he made you go back in the other
16 direction?

17 A. Yes.

18 Q. And the door was opened or closed at that time?

19 A. At that time, it was closed.

20 Q. Okay. And where was Mr. Mack at that time?

21 A. He wasn't there.

22 Q. And so at that time, you're saying it's just
23 still the three of you in that house with the door shut.

24 A. Yes.

25 Q. All right. Now from that time until the time

1 you ran out of the house, how long would you believe
2 that is?

3 A. I can't tell you.

4 Q. How about seconds?

5 A. I can't tell you.

6 Q. How long were y'all in the kitchen before
7 Mr. Mack came in?

8 A. I don't know because I didn't know that was
9 Mr. Mack.

10 Q. Okay. Until you heard somebody say get down
11 on the ground?

12 A. Yes.

13 Q. How long between the time you walked back to the
14 kitchen and you heard a voice tell another person to get
15 on the ground?

16 A. I can't give you an answer to that because I ---

17 Q. Seconds?

18 A. It wasn't seconds, but.

19 Q. It was minutes?

20 A. Yeah, I would say minutes.

21 Q. Minutes?

22 A. Yeah.

23 Q. So if there's a video showing Mr. Mack driving
24 by the hardware store, and then showing you driving back
25 to go call the city police, and it's two minutes total,

1 do you think it was longer than that for Mr. Mack
2 to come and come back a second time? You might have
3 to see that video to see how long that was?

4 A. Can you ask that again?

5 Q. Sure. Let me ask you a different way. So y'all
6 may have been in there for minutes before Mr. Mack was
7 told to get on the ground?

8 A. It's a hard time frame because I'm witnessing
9 a body on the floor, and that's -- I'm not ---

10 Q. Well, let me do this. Let me start a little
11 timer here, and I'm going to start it right now,
12 and this is going to be the time that you've been put
13 back into the kitchen by Mr. Ritter, okay? And then
14 what I want you to do is to give me the best estimate
15 you can until the time it took for Mr. Mack to be told
16 to get on the floor.

17 So we'll start it right now, and you just tell
18 me when you think it's about the right amount of time,
19 and you're welcome to tell us what was going on because
20 Mr. Ritter has got a gun on you, right?

21 A. At that time, someone else had the gun on me.

22 Q. Let me stop this clock. Let's try this again.
23 So he orders you back. He orders you back down the
24 hallway?

25 A. Yes, back down the hallway into the kitchen.

1 Q. And the door was shut? I mean, I asked you that
2 question. You said the door was shut when he took you
3 back down there.

4 A. Yeah.

5 Q. So he takes you back down this hallway,
6 right here to the door, the door is shut?

7 A. Yes.

8 Q. All right. And at that point in time --
9 I'm going to come back and start this timer. And how
10 long between that time and the time Mr. Mack was ordered
11 to the ground? And so you're back in the kitchen,
12 and you tell me how long.

13 A. I heard a bunch of noise moving around.

14 Q. Which way were you facing?

15 A. I was facing the window.

16 Q. You were facing out the window?

17 A. Like, I can't see the window, like, I'm on the
18 ground, so I'm facing towards the window.

19 Q. So he put you on the ground in this kitchen?

20 A. Yeah.

21 Q. And what do you hear during that time? How about
22 the door opening?

23 A. I heard a bunch of stuff, like, moving around.

24 Q. All right. And you said check in the closet?

25 A. I can't -- yeah. I told them -- yes, I told

1 them check in the closet probably because -- he asked
2 me where stuff was, and I heard him say where's the
3 guns and all that stuff. But I can't say when the door
4 opened. I know the door was open when I ran out of it.

5 Q. Fair enough. And did you run out by now?
6 Was this about the length of time?

7 MS. FULLER: Objection, Your Honor.
8 He's already said he doesn't know, and he's asking
9 to actually guess, like, I am not trying -- I'm okay
10 with the testimony, it's just he's forcing him to lock
11 in a time when he said he doesn't know.

12 THE COURT: Let's do this because I think
13 part of the problem is that you're starting the timer,
14 and then y'all are continuing to talk. So ask the
15 question for him to estimate. And, again, we agree
16 this is an estimate. Ask him what time frame, you know,
17 how long, and then start the clock, from event A to
18 event B and then start the clock.

19 BY MR. BROWN:

20 Q. Let's try this. So you've been to the kitchen,
21 he takes you in there, he tells you to get -- he walks
22 you in the kitchen. I'm going to start the timer,
23 and you tell me the amount of time until Mr. Mack
24 is told to get on the ground.

25 A. I can't give you a time frame. I don't know.

1 Q. Longer than this? To give you some estimate,
2 22 seconds. You think it was a little bit longer?
3 I started it back. And you don't hear a door open.
4 Longer than this? 42 seconds. Longer than that?
5 Let me back you up then. Let's talk a little bit more
6 about that. Who's holding the gun on you when you hear
7 somebody in the back?

8 A. I don't know.

9 Q. And do you know that they had a gun?

10 A. They told me don't move, you won't get hurt.

11 Q. All right. And so you've got two people in
12 there, and you said that one of them fired the shot
13 that hits Mr. Mack?

14 A. No, it isn't one of them. Damien fired the shot
15 that hit Mr. Mack.

16 Q. Damien fired the shot that hit Mr. Mack,
17 and you were looking in which direction?

18 A. I was looking towards the window, but after
19 I heard the shot, I looked at the shooter.

20 Q. Okay. And what happened to the gun then?

21 A. It clicked.

22 Q. All right. Clicked. But you said jammed?

23 A. Clicked, jammed.

24 Q. All right. And you said there was a second
25 person with another gun?

1 A. Yes.

2 Q. And that gun fired a shot?

3 A. Yes.

4 Q. And it hits you?

5 A. Yeah, it had to have hit me because that was
6 the only ---

7 Q. Okay. And so we've got one shot for Atkins
8 you heard before you ran down the hall?

9 A. Yes.

10 Q. You've got one shot for Mack while you were
11 looking the wrong way?

12 A. Yes.

13 Q. You've got one shot ---

14 A. Wouldn't say the wrong way.

15 Q. Looking the other way?

16 A. Yes.

17 Q. To the window?

18 A. Yes.

19 Q. And you've got one shot that the second gunman
20 shot?

21 A. Yeah.

22 Q. All right. And you were in the military,
23 you fired a gun before?

24 A. Yes.

25 Q. All right. Three shots, three casings?

1 A. Yes.

2 Q. Fair enough. All right. And then the guy went
3 to kill you, the second suspect, and what happened then?

4 A. Well, the second suspect went to retrieve
5 the gun that Damien had in his hand because Damien
6 told him to come get it. As he was walking towards
7 us, I tossed Damien into him, and I ran out the door.

8 Q. So the second gun jammed too?

9 A. Yeah, it jammed on him or had a malfunction.

10 Q. All right. And so let me ask you, when the gun
11 jams, how do you clear the jam out?

12 A. You normally would, you know, chamber a round.
13 But he dropped the magazine.

14 Q. So it expelled an unspent casing?

15 A. Yeah.

16 Q. So when you go to clear the jam, an unspent
17 casing comes out?

18 A. In normal casings, unless you know how to ---

19 Q. And get it out some other way?

20 A. Yeah.

21 Q. Do you know any other way to get it out?

22 A. I mean, if it jammed, and you just examine
23 it, you could, you know, cock it back a little bit,
24 see where it is, and try to, I'm guessing, but ---

25 Q. But we know that you're saying two guns

1 malfunctioned in there?

2 A. Yes.

3 Q. And then somebody still fired a shot while
4 running out?

5 A. No, nobody fired a shot while running out
6 of the house. While I was running out of the house,
7 nobody fired a shot.

8 Q. While you were running out, running out of the
9 house?

10 A. No, nobody fired a shot at me while I was running
11 out of the house.

12 Q. Did you fire a shot when they were running out
13 of the house?

14 A. No, Damien fired a shot as he was getting into
15 the vehicle.

16 Q. You identified a gun, was it the same gun
17 he fired that fourth shot from?

18 A. It was -- he shot two shots in the house,
19 one outside.

20 Q. You were the first one out, right?

21 A. Yes, I was the first one out.

22 Q. All right. Let's talk about that for a second,
23 okay? You were the first guy outside. Your car,
24 is anything blocking the view of your car from that
25 Tahoe?

1 A. Blocking the view?

2 Q. Between your car and the Tahoe. Marked as
3 State's Exhibit 3, ask you to take a look at this.
4 And correct me if I'm wrong, but you placed your car
5 approximately right here; does that sound right?

6 A. Yes.

7 Q. Okay. And then you've got Damien's car pulled
8 up in front here?

9 A. Yes.

10 Q. All right. Pulled right up to the front,
11 you said?

12 A. Yes.

13 Q. You saw it pull up from the living room window?

14 A. Well, I've seen the shadow of a vehicle pull
15 up right in front.

16 Q. Shadow of a vehicle because the blinds are closed
17 in those photos, aren't they?

18 A. Yeah.

19 Q. And if you go back and look, the blinds aren't
20 opened. You just saw a shadow pull in?

21 A. Yeah, I've seen a shadow.

22 Q. But you knew it was a Tahoe because you saw
23 a Tahoe when you went out to your car here? You were
24 the first one in the Tahoe -- first one to your car,
25 first one out?

1 A. I'm the first one out of the house, yes.

2 Q. All right. And your car is parked,
3 so the passenger's side is closest to the door?

4 A. No, the way that it's angled, I was -- I ran
5 to my driver's side.

6 Q. You ran to your driver's side to get the gun
7 out of the glove box?

8 A. Yes.

9 Q. All right. And here at the driver's side looking
10 over through that window is the front door of the house,
11 right?

12 A. No, I'm parked across the -- like from the
13 street. I can't -- I'm not.

14 Q. Okay. Let me just put this one up. Is that
15 approximately where you were parked?

16 A. No, that's after everything had happened.

17 Q. Right.

18 A. Yes.

19 Q. And you said you pulled back in the same spot,
20 didn't you, on direct?

21 A. No, that's ---

22 Q. You did not pull back up in the same area?

23 A. If you park -- I can't park like that with
24 it being a residential area where people live.

25 Q. Did you park in that same spot?

1 A. Yes, but ---

2 Q. Okay. Fair enough.

3 A. --- I could not park like that.

4 Q. All right. So you didn't park like that.

5 You instead parked like this; does that sound right?

6 A. Just like the vehicle is parked in the image.

7 Q. Right. And so the orientation of your car is the
8 same way, isn't it? The driver's side is on the road
9 side; passenger's side is on the apartment's front door
10 side?

11 A. No, because ---

12 Q. Which door is closer to the road when you were
13 parked?

14 A. My -- me coming out of the apartment, the closest
15 -- my driver's side is the closest.

16 Q. You were backed in?

17 A. No.

18 Q. All right, let's try it again. If we're looking,
19 the apartment is right here, is it not?

20 A. Yes.

21 Q. And you're parked, like, right here?

22 A. Yes.

23 Q. That's at an angle, aren't they? The spot is not
24 parallel or perpendicular; it's at an angle?

25 A. Yes.

1 Q. All right. And so you've got to run around
2 the trunk of the car to get to the driver's door,
3 don't you?

4 A. No, I don't have to run around.

5 Q. And you reach in your glove box?

6 A. Yes.

7 Q. And the door is right through that window?

8 A. What door?

9 Q. The front door of the apartment is right through
10 the window.

11 A. No.

12 Q. Let's go back and look at this. How is your car
13 -- which side is closest to the road?

14 A. That's not how I was parked when I pulled in.

15 Q. Are you saying your car is parked more at an
16 angle like this?

17 A. Yes.

18 Q. Okay. And approximately this angle here was this
19 other car?

20 A. Yes.

21 Q. All right. So you go into the glove box,
22 and you see the people run out?

23 A. No.

24 Q. Which one did you see run out?

25 A. I've seen Damien run ut.

1 Q. All right. But you ran out before the second --
2 the guy you said was the second person?

3 A. Yes.

4 Q. All right. And how did he run -- that other
5 person, how did he come out with the safe and get
6 in that door without you seeing him?

7 A. I can't say that he ran out with the safe.
8 They probably had already taken it before I ran out
9 of the house.

10 Q. So during all that time that somebody is holding
11 a gun on you, you don't hear the door open?

12 A. I also can't see them. So, I just -- I was also
13 told don't move. I was also told, you know, don't move,
14 you won't get hurt.

15 Q. You heard three voices or two?

16 A. Two. But I didn't move, so, therefore, he could
17 have done anything at the time.

18 Q. And so it's during that time that somebody went
19 to the closet and pulled out the safe?

20 A. The safe is gone.

21 Q. Did you see the safe there that day?

22 A. No, I didn't.

23 Q. All right. Did you tell them the safe is in the
24 closet?

25 A. I said check the closets.

1 Q. You didn't tell law enforcement on July 6th,
2 on an interview that's recorded, that you told them
3 the safe is in the closet in the hall?

4 A. Yeah.

5 Q. You did tell them that?

6 A. When we were talking -- when you're referring
7 to them, are you referring to law enforcement?

8 Q. You told law enforcement ---

9 A. You said them, so I'm not sure if you're talking
10 about Damien and who was with him.

11 Q. Fair enough. You told law enforcement on July
12 6th, on a recorded interview, that you told Damien
13 and another person to check the closet for the safe?

14 A. Yeah. If I told them to check the closet
15 then ---

16 Q. But my point is you had to know the safe was
17 in the house to know that the safe was in the closet?

18 A. Yes -- well ---

19 Q. So you knew there was a safe in that house?

20 A. I knew there was a safe in the house.

21 Q. You knew that there was a safe in the house.

22 Is that the safe where Samir kept the guns that
23 he was selling to flip houses?

24 A. I don't know what you're talking about.

25 Q. You don't know about that?

1 A. No.

2 Q. Why did you think there would be anything --
3 passport, life insurance, what did you think was
4 in the safe that they would want?

5 A. I don't know. It's not my safe.

6 Q. Okay. You thought they just want the safe
7 because there might be something in it? You just
8 guessed that there would be something good in the safe
9 they want?

10 A. I guess.

11 Q. What did you think they want?

12 A. I don't know. They came in asking for all kinds
13 of stuff.

14 Q. I'm going to approach and show you what's been
15 marked as State's Exhibit 44 and ask to look at that
16 brochure and see if that looks like the safe that you
17 have seen at that house before.

18 A. I had only seen the safe, like, once.

19 Q. Okay. Is that a brochure for Sentry safe?

20 A. Yes.

21 Q. Okay. And do you see a gloved hand holding it?

22 A. Yeah, holding a -- yeah.

23 Q. Is that similar to the prophylactic gloves that
24 the police were using when they processed the scene?

25 Well, you were out there, they had it taped off,

1 and they were talking to you, right?

2 A. Yeah, they were talking to me.

3 Q. And they went through your car?

4 A. They went through my car.

5 Q. And they had gloved hands on?

6 A. I wasn't there when they went through my car.

7 Q. You never saw them with gloves like that?

8 A. No, I've never seen them with gloves.

9 I never ---

10 Q. All right. I'm sorry.

11 A. I never went back into the apartment.

12 Q. You didn't see anybody out there with gloves?

13 A. No, I didn't.

14 Q. All right. Now let me ask you, do you see

15 a photo in that brochure for a Sentry safe?

16 A. Yes.

17 Q. And does that photo look like the safe that you
18 saw at that house?

19 A. I can't answer that because I don't remember
20 what the safe looked like.

21 Q. I'm going to ask you to take a look at that photo
22 first.

23 A. I saw the photo.

24 Q. Okay. And you don't know whether that's the same
25 one.

1 A. I don't know what it looked like. I only saw
2 it once.

3 Q. You mentioned that it would probably take two
4 people to carry.

5 A. He told me it was heavy.

6 Q. Who told you that?

7 A. Samir. At the time when he purchased it, he told
8 me it was a heavy safe.

9 Q. Who helped him move it in there?

10 A. He told me somebody helped him move it,
11 but I didn't know who.

12 Q. Samir is an able-bodied fellow?

13 A. Yes.

14 Q. Okay. Not handicapped?

15 A. No.

16 Q. Same size as Damien?

17 A. Yeah, maybe a little shorter.

18 Q. Samir is even smaller?

19 A. Maybe a little shorter.

20 Q. All right. And then he and another person had
21 to move that safe?

22 A. That's what he told me, yes.

23 Q. All right. But it still fit in the hallway
24 closet?

25 A. Yes.

1 Q. All right. The hallway closet, three foot,
2 four foot?

3 A. I don't know.

4 Q. Small, you don't know. All right. Is it as big
5 as the door into the child's bedroom? Go back to this
6 drawing here. If we look, entrance to the closet?

7 A. Yeah.

8 Q. Smaller closet than that though, isn't it?
9 But it's still where you had seen that safe before?

10 A. Yes.

11 Q. You saw it in that closet?

12 A. Yes.

13 Q. But you didn't see it that day?

14 A. No, I didn't see it that day.

15 Q. All right. Now you knew Samir since the seventh
16 grade?

17 A. Uh-huh.

18 Q. Did you know his family?

19 A. His mother and his grandmother?

20 Q. Yeah.

21 A. Yeah.

22 Q. All right. How often had you seen them
23 in the year before this, one time, ten times?

24 A. I can't really say. His grandmother lived right
25 there by him, so I would normally see her almost every

1 time I went over there.

2 Q. And you knew she lived upstairs?

3 A. She didn't live upstairs.

4 Q. Lived in the apartment?

5 A. She lived in the apartment complex.

6 Q. You knew she lived in that apartment complex?

7 A. Uh-huh.

8 Q. And you had seen her there before?

9 A. Yes.

10 Q. Okay. And did she work or her husband work?

11 A. No.

12 Q. Okay. So they're not going to work during
13 the day?

14 A. No.

15 Q. No. All right. I'm going to walk through some
16 questions here and ask you a couple of things about you
17 saying you followed him -- before I do that, I'm going
18 to come back to this second person. When you turned
19 around you've seen his feet?

20 A. Yeah, I saw, like, a glimpse of his feet.

21 Q. A glimpse of his feet. Okay. And you mentioned
22 that Mr. Ritter had on cargo pants?

23 A. Yeah, black shorts, yeah.

24 Q. Cargo pants?

25 A. Shorts.

1 Q. Shorts. And this fellow had on shorts or long
2 pants?

3 A. I don't know.

4 Q. You don't know. And this person, you heard his
5 voice?

6 A. Yes.

7 Q. What do you believe his gender was?

8 A. It was a male.

9 Q. Male. And what do you believe his race was?

10 A. He was black.

11 Q. How do you know that?

12 A. Just by the tone of his voice.

13 Q. So from his voice, you think he's a black male?

14 A. Yeah.

15 Q. All right. And what kind of pants?

16 A. I don't know.

17 Q. All right. And you told that description
18 to Officer Deas, that he was a black male? They asked
19 you for a description, didn't they, and you didn't tell
20 them a black male, did you?

21 A. They didn't -- no, I didn't because I just
22 assumed -- I didn't tell them that.

23 Q. Okay. Because the gun guy is white, isn't he?
24 Samir's gun guy is a white guy, isn't he?

25 A. I don't know who -- like, I don't know who this

1 gun guy is.

2 Q. They didn't ask you if he was a black male?

3 Let me ask you this question. Did they ask you
4 for a clothing description of the second suspect?
5 Did you give them a clothing description?

6 A. No, I didn't.

7 Q. All right. And how about those Jordan 14s,
8 they were on which person?

9 A. They were on Damien.

10 Q. And the other person's shoes were?

11 A. I don't know.

12 Q. Because I don't know what Jordan 14s are,
13 but you knew those?

14 A. Yeah.

15 Q. And the other guy's shoes were work boots,
16 tennis shoes, flip-flops?

17 A. I don't know.

18 Q. But you saw his shoes, but you don't remember?

19 A. At the time, like, there was a lot going on.
20 So, I'm not focused on it.

21 Q. Okay. And let me come back and ask you.

22 Look on here, if you're standing here, can you touch
23 this wall and this wall at the same time?

24 A. If I'm standing where?

25 Q. Standing near the entranceway to the kitchen,

1 can you touch the two walls?

2 A. Yeah, I think it's possible.

3 Q. All right. And you've got two grown men laying
4 on the floor in the kitchen area?

5 A. Three grown men.

6 Q. Before you -- at the time you stand up to run
7 out, there are two grown men on the floor?

8 A. Yeah, two deceased men.

9 Q. Two men laying on the floor; Mr. Mack
10 and Mr. Atkins?

11 A. Yes.

12 Q. And you're in that area?

13 A. Yes.

14 Q. And Damien is supposed to be in that area?

15 A. Yes.

16 Q. And this other guy is supposed to be in that
17 area?

18 A. After he shot, he walked in that area.

19 Q. Okay. And you run by him?

20 A. I threw Damien to him, so then I got out
21 of there.

22 Q. Okay. So he walks into the area when you throw
23 Damien back into him?

24 A. Yes.

25 Q. All right. And five adult men in that area,

1 and the description you gave of the other suspect
2 was nothing, even though it's the middle of the day,
3 and you can see light coming into the apartment?

4 A. I didn't see him.

5 Q. You didn't see him?

6 A. I didn't -- like, I didn't look back to see him.

7 Q. And you were the first person out?

8 A. Yes.

9 Q. And you were making sure you take fire back
10 on them?

11 A. I got to my car -- after I got to my car, yes.

12 Q. And you looked, and you saw the car back up?

13 A. Yes.

14 Q. And you're firing shots as it is backing up?

15 A. Uh-huh.

16 Q. Let me go back to the photo of your car.

17 So we've got a photo of your car. Are you standing
18 back at the trunk of the car when you're firing shots?

19 A. You keep putting this photo up, and that's not
20 how I parked into the parking lot.

21 Q. I understand that. Let's use this photo then.
22 And you said that you were parked essentially where
23 this is?

24 A. Yes.

25 Q. All right. And so you're firing back at this

1 direction at this time?

2 A. The car was moving.

3 Q. All right. And the car was, you said, backing
4 up this way?

5 A. Yes.

6 Q. And was that car parked -- it pulled in, right?

7 A. It pulled in.

8 Q. It didn't back in?

9 A. No.

10 Q. So he's backing up, and you're firing at him?

11 A. Yes, I had to -- you have to take into
12 consideration, like, as I was running out to get to my
13 car and get my -- I had to also reach over and get my
14 gun. The car is moving at that time. So that's how,
15 you know.

16 Q. You're firing at that car, and that car is
17 backing out?

18 A. Yeah.

19 Q. The driver's side is on your side, isn't it?

20 A. Yes.

21 Q. And what did the driver of that car look like?

22 A. I don't know.

23 Q. And you didn't give a description?

24 A. I didn't give a description of what the driver
25 looked like in the car.

1 Q. Did you fire shots at that car?

2 A. Yes, I did.

3 Q. All right. And you don't recall what the driver
4 looked like, even though you were firing at the car that
5 the man was driving in the front seat?

6 A. Yeah, because it had dark tint on the window.

7 Q. Dark tint. So you never saw that other people?
8 No description?

9 A. No.

10 Q. All right. And then how many shots did
11 Mr. Ritter fire at you as he's running out of this
12 house?

13 A. He didn't fire a shot as he was running out
14 of the house. He only fired a shot when he made
15 it to the vehicle to get in the vehicle.

16 Q. But he made it to the vehicle to get in?

17 A. Yeah.

18 Q. Did he fire the shot before or after he was
19 getting in the door?

20 A. He fired a shot before he was getting in.

21 Q. Before he's getting in the door?

22 A. Before he got in the car, yes.

23 Q. Okay. And the car is still moving?

24 A. No, it's at a standstill at that point.

25 Q. So they had stopped the car?

1 A. For him to get in.

2 Q. And then did he stop and turn around to keep --
3 to fire while he was running?

4 A. He ran around to the passenger's side.

5 Q. Okay. He ran around the passenger's side of the
6 Tahoe. And at that point in time the Tahoe was facing
7 and going in this direction?

8 A. Yes.

9 Q. All right. And he's on the passenger's side
10 firing?

11 A. Yeah.

12 Q. All right. And that would put Mr. Ritter on this
13 side?

14 A. You've got to move your hand.

15 Q. It would put him on the passenger's side over
16 here?

17 A. On that side.

18 Q. Okay. And not over here with the manhole cover?

19 A. No.

20 Q. Make sure we're talking about the same manhole
21 cover. That manhole cover right there, not on the side?

22 A. He did not fire from right there, no.

23 Q. Okay. And so not on that side with that manhole
24 cover?

25 A. No, he did not fire where that is.

1 Q. Now let me ask you -- let me go back and ask
2 you now about -- let me ask you about the casings
3 that the police collected from underneath your car.
4 Do you remember them moving your vehicle to get more
5 casings out?

6 A. No, I wasn't on the scene.

7 Q. You weren't on the scene. You didn't park
8 it back exactly right there? You didn't park exactly
9 how you had parked before, did you?

10 A. I don't recall.

11 Q. But you mentioned you had pulled in the spot
12 before?

13 A. Yeah, when I first got there, yeah.

14 Q. Right. And then you pulled back, you're not
15 parked exactly in the spot; is that correct?

16 A. No.

17 Q. All right. And the police had your keys?

18 A. Yeah.

19 Q. Now let me ask you, do you still have that same
20 Dodge Challenger?

21 A. I still have it.

22 Q. Parked out front the last couple of days?

23 A. Yes.

24 Q. All right. You met with these folks late
25 at night, your car is here after 6:30, seven o'clock

1 when we left?

2 A. Yeah, same car.

3 Q. Because you were meeting with them?

4 A. Yes.

5 Q. All right. Y'all are talking about the testimony
6 from the previous days?

7 A. Yes.

8 Q. Y'all go over -- because you said you didn't
9 listen to all of this too, didn't you? You heard the
10 discussions in opening statement made by Mr. Phillips?

11 A. Yes.

12 Q. And his examination and our examination of the
13 witnesses?

14 A. Yes.

15 Q. And then y'all went back and talked about that?

16 A. No.

17 Q. Y'all didn't go over your statements again?

18 A. Oh, my statements, yeah.

19 Q. With all three of those people at the table?

20 A. Yes.

21 Q. All right. Fair enough. For hours after court?

22 A. No, not hours, no.

23 Q. How long?

24 A. Like, 30 or 45 minutes.

25 Q. Your car was parked outside after six o'clock,

1 at least, almost seven o'clock, both days; that sound
2 about right?

3 A. Not both days. I met with them last night,
4 yesterday.

5 Q. And it wasn't there the day before on Monday?
6 If we pull the security footage in that parking lot
7 at the end of court on Monday, we're not going to see
8 your Challenger parked right there in the same spot
9 it was yesterday?

10 A. No.

11 Q. Okay. Do you remember there being a red bag?
12 Do you remember there being a red bag at the front door?

13 A. No.

14 Q. Never saw a red bag?

15 A. I don't remember.

16 Q. You don't remember. I'm going to ask you to take
17 a look at some photos. You had been in the house,
18 right?

19 A. Can you ---

20 Q. You've been in that apartment before, right?

21 A. Yes.

22 Q. I'm going to ask you to take a look at some
23 photos and ---

24 MR. BROWN: Beg the Court's indulgence
25 while I get this set up. Beg the Court's indulgence.

1 My computer is asleep, not anyone else.

2 BY MR. BROWN:

3 Q. And what I'm going to ask you to do, Mr. Furtick,
4 is to take a look at this laptop so we can walkthrough
5 some photos. These photos are not in evidence, so we're
6 going to try to do it this way.

7 MR. BROWN: And, Judge, I've got those
8 photos on an exhibit. We're going to mark, I think
9 it would be Defendant's Exhibit ---

10 MS. FULLER: Are you moving it forward?

11 MR. BROWN: No, I'm marking it for ID
12 in case Your Honor would like to take a look at it.

13 MS. FULLER: Can I see the photos, please?

14 MR. BROWN: You got it. Sure.

15 (Defendant's Exhibit No. 11 was marked for
16 identification.)

17 MR. BROWN: And I will hand that to
18 the judge in case he would like to look at them.
19 They're marked for ID as Defendant's 11. The photos
20 are on there. And, Ms. Fuller, if you would like
21 to look at it on my laptop, or we can do it this way,
22 or you can look at it with him, or I will show it to --
23 just going to walkthrough and ask him ---

24 MS. FULLER: I want to see the photo.

25 MR. BROWN: You got it.

1 (Pause.)

2 BY MR. BROWN:

3 Q. Okay. And, if you can, did you see --
4 and I actually have a little pointer if you want
5 to use, or it's a touch screen.

6 MR. BROWN: If I may approach the witness,
7 Your Honor?

8 BY MR. BROWN:

9 Q. And there's a stylus right here you could just
10 go through, or you can touch it with your finger.
11 Either way ---

12 A. What do I do?

13 Q. Well, I'm going to go through each photo with
14 you, if you don't mind. And we don't need to look
15 at the blinds because -- unless you think the blinds
16 were open. You agree they were closed?

17 A. Yes.

18 Q. Okay. So we don't need to look at the folder
19 that's got blinds in it. But let's briefly look
20 at the folder, holster.

21 A. Holster.

22 Q. And just open that up, the photo that's in there.
23 And there shouldn't be anything. It's a clean computer.
24 You see that photo?

25 A. Yes.

1 Q. And you can clearly see the holster right in that
2 photo?

3 A. Uh-huh.

4 Q. And it is in front of the chair that you were
5 sitting in?

6 A. The chair that I was sitting in is ---

7 Q. It's on the side of the table you were sitting
8 on?

9 A. It was on the side of the table, yeah.

10 Q. Okay. On that corner. All right. Now, you had
11 mentioned, if you open the folder, it says phones.
12 If go back and open that folder it says phones.

13 A. How far do I ---

14 Q. No problem.

15 MR. BROWN: If I may approach again?

16 THE COURT: Sure.

17 MR. BROWN: There we go.

18 BY MR. BROWN:

19 Q. And I'm going to walk you through. You mentioned
20 that you had to drive off because there were no phones
21 left in the house. I'm going to ask you if you'll
22 click on the image. It says 6472, and does that appear
23 to have two telephones in that photograph?

24 A. Can you say that again?

25 Q. Yes, sir. Photograph 6472, how many phones

1 do you see in that photo?

2 A. No. Can you say what you said before that?

3 Q. Yeah. You mentioned that you drove off because
4 you didn't have any phones to call 911?

5 A. Oh, yeah, because I heard him say grab all
6 the phones.

7 Q. All right. You heard those people, they're were
8 grabbing the safe and running in and out, and still
9 holding you on the ground, say grab all the phones,
10 wanting to know where all the guns were?

11 A. Yeah, that's why my phone wasn't there.

12 Q. Well, let me ask you. These two phones --
13 and let me ask you is that where ---

14 A. I'm looking at that picture, and you got
15 me on the ---

16 Q. 6472. They're numbered.

17 A. Yeah.

18 Q. Okay. How many phones in that photo?

19 A. Two.

20 Q. Two phones in that photo. Is that the
21 entranceway to the kitchen?

22 A. Yes.

23 Q. All right. And then if you'll just -- there's
24 an arrow on the right, and you can actually go to the
25 next photo that way, and that photo is 6492.

1 A. Yeah.

2 Q. All right. And you see on the desk, do you see
3 what looks like an iPhone box?

4 A. Yeah.

5 Q. Do you see beside it?

6 A. Yes.

7 Q. All right. Looks like a telephone?

8 A. A cell phone.

9 Q. A cell phone. You're right. Cell phone.

10 And we can skip the next one because that's the same
11 table. And do you see the photo 6539?

12 A. Yeah.

13 Q. All right. And is that the back bedroom?

14 A. Yes.

15 Q. And do you see a pair of woman's sandals?

16 A. Yes.

17 Q. And you see something plugged into the wall?

18 A. Yes.

19 Q. And what is that?

20 A. Looks like a tablet or something. I'm not sure.

21 Q. Another device?

22 A. Yeah.

23 Q. Let's go to the next one, 6790.

24 A. Yes.

25 Q. And you see that?

1 A. Yes.

2 Q. And that appears to be an iPhone?

3 A. Yes.

4 Q. It's a black iPhone?

5 A. Uh-huh.

6 Q. And you see, is that the back end of the same
7 lighter?

8 A. Yes.

9 Q. Is that the same lighter we see in State's 77?

10 A. Yes.

11 Q. All right. That's this phone right here?

12 A. Uh-huh.

13 Q. All right. And then that photo, you see the back
14 of that phone, and then the two phones that you
15 mentioned on the other end of the table?

16 A. Yeah.

17 Q. All right. And the blue -- the next one
18 is a blue iPhone turned over?

19 A. Uh-huh.

20 Q. All right. 6793. And then what you referred
21 to as a white iPhone with a black cover on it?

22 A. Yeah.

23 Q. All right. And then on the TV stand in photo
24 6804, do you see an iPhone on the left of the TV?

25 A. An iPhone? I see a ---

1 Q. Phones. Excuse me. Not iPhone. A flip phone,
2 maybe?

3 A. Yeah.

4 Q. All right. And then the next photo, do you
5 see on the other side of a -- and I can't read the name
6 of the game, but it's something commuter?

7 A. Yeah, I see it.

8 Q. Okay. And that's a different phone?

9 A. Yes.

10 Q. All right. We have two on the floor,
11 one in the back, that's three, three on the table,
12 six, two on the TV stand, makes eight telephones.
13 So they didn't take eight telephones; that sound
14 about right?

15 A. Yeah.

16 Q. All right. Let me go over and ask you to take --
17 well, let me ask you to go back to 6805. And do you see
18 a white sneaker down -- when you're facing the TV stand;
19 it's on the photo you got.

20 A. Okay.

21 Q. 6805. You're looking at the TV, on the right
22 side, do you see a white sneaker?

23 A. Yeah.

24 Q. You see a glimpse of red between the TV stand
25 and the speaker?

1 A. Yes.

2 Q. The sneaker, excuse me. All right. And that's
3 on the side of the TV stand you're on, right?

4 A. Yeah.

5 Q. And that's between the TV stand and the door?

6 A. Yeah.

7 Q. All right. And what I'm going to do is get
8 you to X out of that and go to the next folder down
9 that says red bag. Tell me when you're there.

10 A. You want me to go to the first image?

11 Q. Yes, sir. And that image is 6811?

12 A. Yeah.

13 Q. All right. There we go. And does that look like
14 a red bag?

15 A. Yeah.

16 Q. And do you see the white sneaker there?

17 A. Yes.

18 Q. And does that look like it's on the same
19 right-hand side of the TV stand?

20 A. Yes.

21 Q. All right. And you can take your hands ---

22 A. Oh, yeah.

23 Q. And so that's a red duffel bag?

24 A. Yes.

25 Q. All right. And if you'll go to the next photo,

1 6812, do you see the lid to that bag, the zipper open
2 up on it?

3 A. Yes.

4 Q. All right. And do you see a metallic camouflage
5 green item in there?

6 A. Yes.

7 Q. All right. I'm going to go to the next photo,
8 6813, and do you see a Ziploc being held up above
9 the red bag?

10 A. Yes.

11 Q. Does that appear to have at least eight rounds
12 of unspent 223 ammunition?

13 A. Yes.

14 Q. You're familiar with that caliber ammunition?

15 A. I know about it.

16 Q. That's a pretty substantial size ammunition,
17 isn't it?

18 A. Yes.

19 Q. All right. That's the size of my finger?

20 A. Yeah.

21 Q. And do you see the next photo, 6814?

22 A. Yes.

23 Q. And does that appear to be a double drum
24 magazine?

25 A. Yeah.

1 Q. It's got two drums?

2 A. Yes.

3 Q. All right. You're familiar with that?

4 A. No.

5 Q. Okay. Let's go to 6815, and does that double
6 drum magazine appear to be loaded with unspent
7 ammunition?

8 A. Yes.

9 Q. And if you had to guess, would you say you could
10 see about 40 to 50 rounds of 223 ammunition loaded into
11 that double drum magazine?

12 A. Yeah.

13 Q. And if you'll flip through the next photo,
14 6816, and you see a clip. If you ping the screen,
15 make it a little bit larger.

16 A. Yeah, I don't know what that is.

17 Q. And I'll help you, if you need it. And I'm going
18 to ask you to read what's on that clip.

19 A. M-16 style magazine.

20 Q. Can you say that one more time for anybody
21 that didn't hear it?

22 A. M-16 style magazine.

23 Q. So in that red bag is an M-16 magazine?

24 Do you know if that's the same thing as an AR-15?

25 Is that another name for M-16?

1 A. I think that's the -- yeah.

2 Q. That's the more standard name. The military
3 calls it an M-16, but it's a standard citizen, civilian
4 name?

5 A. Yeah.

6 Q. The AR-15. All right. Now, let me -- and let
7 me go back for a better photo. Click on the one
8 that says safe. My computer is taking a second.
9 And do you see the brochure, the same brochure that
10 was depicted in the photo that I showed you earlier?
11 Do you recall that? The one that's right in front
12 of you, as a matter of fact. Same photo.

13 A. Yes.

14 Q. All right. And you can try to make it larger.
15 Again, do you see actually a photo of the safe that's
16 on the brochure, correct?

17 A. Yes.

18 MR. BROWN: If I may beg the Court's
19 indulgence. And I'm going to show you -- I'm going
20 to publish what's already been entered by the State,
21 Your Honor. It's State's Exhibit 44.

22 BY MR. BROWN:

23 Q. And is that the same photo we're talking about?
24 I'm going to back out real quick so we get a little
25 better resolution. Is that the same photo you and

1 I are looking at right now?

2 A. Yes.

3 Q. All right. See the black gloved hands?

4 A. Yes.

5 Q. Okay. All right. And I'm going to focus
6 in and see if you can see that sight. And you see
7 it appears to have a shelf in the middle?

8 A. Yeah.

9 Q. And it appears to have four pins, four locking
10 bolts?

11 A. Yeah.

12 Q. Okay. Two compartments, one shelf, four locking
13 bolts?

14 A. Yeah.

15 Q. Sentry safe?

16 A. Yes.

17 Q. All right. Thank you, sir. And then I'm going
18 to ask you to look at what's referred to as trunk
19 contents.

20 A. Yes.

21 Q. And do you recognize what's in photo 2338?

22 A. Yeah, that's the drum for my AK.

23 Q. That's the drum for your ---

24 A. AK-47.

25 Q. Your AK-47. So it's not a drum for your

1 40 that's in the glove box?

2 A. No.

3 Q. It's a different drum?

4 A. Yes.

5 Q. All right. Where is the AK?

6 A. It's home.

7 Q. You've got it right now?

8 A. Yes.

9 Q. Okay. Did they return this to you?

10 A. No.

11 Q. They kept it as evidentiary value?

12 A. Yes.

13 Q. And next picture, if you go through 2339,
14 is that the same?

15 A. Yes.

16 Q. And 2340, is the same?

17 A. Uh-huh.

18 Q. And 2349, is that that jar of marijuana?

19 A. Yes.

20 Q. Okay. And out of curiosity, when did Mr. Atkins
21 leave that marijuana in your car?

22 A. You said when?

23 Q. Um-hum.

24 A. We were together on the 3rd; we went to the club
25 together.

1 Q. It was in the car two days?

2 A. Yeah -- well, no. You said it was in the car
3 two days?

4 Q. Uh-huh.

5 A. You're saying was it in the car two days?

6 Q. Yes, sir. I apologize.

7 A. Yeah.

8 Q. When would it have been -- how long would it have
9 been in your car?

10 A. It would have been in my car on the 3rd
11 and the 4th.

12 Q. Okay.

13 A. And ---

14 Q. I'm sorry?

15 A. The 3rd and the 4th.

16 Q. So at least 48 hours?

17 A. Yeah.

18 Q. All right. And why was he driving marijuana
19 around in your car for?

20 A. Personal use, I guess.

21 Q. Was he smoking it in your car?

22 A. No, he wasn't smoking in my car.

23 Q. Did he smoke it in the strip club?

24 A. I can't recall.

25 Q. Did he smoke marijuana before you would go shoot

1 guns?

2 A. No, I don't think so.

3 Q. Okay. Where else did y'all -- did y'all drive
4 other places beside those two places?

5 A. We didn't go shoot guns -- we went to the strip
6 club. So we went to the strip club, I took him home.
7 Didn't go any place other than the strip club.

8 Q. Okay. So you think he had it when he went
9 to the strip club?

10 A. Yes.

11 Q. And are you familiar with, like, a mason jar?

12 A. Yeah.

13 Q. Or a jelly jar?

14 A. Yeah.

15 Q. Okay. And that's what that is, right?

16 A. Yeah.

17 Q. All right. And was he carrying that jelly jar
18 around in his pocket when you're at the strip club?

19 A. That's why he probably put it under my seat.

20 Q. Okay. So he's carrying it, but he's only
21 carrying it in your car. So when is he taking it
22 out and using it? I mean, how is he carrying that
23 jar around -- I mean, he didn't have, like, a little --
24 he's got a jelly jar?

25 A. I can't ---

1 Q. You never saw it?

2 A. I didn't -- I'm telling you I saw it, but I can't
3 tell you why he had it. Like, I can't tell you when
4 he was going to smoke. I don't smoke, so I can't tell
5 you when he would use it.

6 Q. All right. And they wouldn't find your DNA
7 on this if they tested it?

8 A. No, they can test it right now.

9 Q. All right.

10 A. And they can test me.

11 Q. And test you too? Well, let me ask you this.
12 Can you smell it?

13 A. Can I smell it? I can't smell it. If I would
14 have smelled it, I would have told him that he left
15 it in my car.

16 Q. Okay. But you're letting him drive around
17 in your car with you knowing that you've got the guns,
18 and he's got the drugs?

19 A. I didn't know, no.

20 Q. You wouldn't have let him bring that marijuana
21 in the car. So there were some things you might not
22 have even known about Samir?

23 A. Yeah.

24 Q. And we flip to the next picture. That shows
25 the door open right there?

1 A. Yes.

2 Q. And that's just in a regular sandwich bag,
3 isn't it?

4 A. Yeah.

5 Q. That's not vacuum sealed?

6 A. No.

7 Q. All right. And then we flip again, got two
8 unspent cartridge casings they found in your car?

9 A. Yeah.

10 Q. Okay. And that's the last photo.

11 MR. BROWN: And, Judge, if I may retrieve
12 the laptop. And certainly if Ms. Solicitor wants
13 to question from it, I have no problem with that.
14 Judge, at the Court's indulgence, I do have co-counsel
15 that has some questions for me, and I don't know --
16 I have to look at the time.

17 THE COURT: A quarter after twelve.
18 I have been.

19 MR. BROWN: If you want to proceed,
20 it is going to be a little disjointed while I go to him
21 to see what I might have missed. Obviously, the State
22 is -- there's a reason this is an important witness.
23 It will take some time.

24 THE COURT: All right. Y'all have been
25 there for about an hour and 15 minutes. We'll take

1 a ten-minute break. We'll finish up cross of this
2 witness and redirect, and then we'll go to lunch around
3 one o'clock, okay? So you guys go ahead and take
4 a ten-minute break, and we'll be back on the record
5 at 25 after 12, all right. Don't talk about the case
6 yet. Thank you.

7 (Jury exits the courtroom at 12:16 p.m.)

8 THE COURT: Feel free to step down, okay?
9 Don't talk to anybody about the case. We will be
10 at ease for a few moments.

11 (Recess taken.)

12 (Back on the record.)

13 (Jury enters the courtroom at 12:31 p.m.)

14 THE COURT: Mr. Brown, are you able to
15 continue, even though ---

16 MR. BROWN: I sure am, Your Honor.
17 In fact, seems to be one of the last items.

18 THE COURT: Sure. Go right ahead.

19 MR. BROWN: Yes, sir. Thank you so much.

20 BY MR. BROWN:

21 Q. Mr. Furtick, let me ask you about a couple
22 of things and ---

23 MR. BROWN: Your Honor, I just -- my
24 co-counsel -- let me get to the chair.

25 MR. PHILLIPS: I apologize, Your Honor.

1 THE COURT: That's okay. No worries.

2 MR. BROWN: Then we'll just get that exhibit
3 ready.

4 BY MR. BROWN:

5 Q. I just want to ask you a few things to follow up.
6 We talked about you and Atkins talking, and we mentioned
7 that y'all talked on two different phones, sometimes
8 y'all sent texts to each other, does that sound right?

9 A. Yeah.

10 Q. Okay. And y'all talked about things. I talked
11 about your interests. We kind of started with that,
12 and, you know, I mentioned guns, sometimes girls,
13 making money.

14 A. Yeah.

15 Q. All right. Did you ever hear about Atkins going
16 gangsta on Damien?

17 A. No.

18 Q. Never heard that from Nikki Hicks?

19 A. No.

20 Q. Never heard Nikki and Samir say that they're
21 going to go gangsta on him?

22 A. No.

23 Q. Let me ask you about some items in the home.
24 Did you ever see a tan and black AR-15 in which that
25 drum magazine would fit into?

1 A. No.

2 Q. It wasn't in the bedroom with Mickey Mouse sheets
3 and the Peppa Pig doll?

4 A. I never went in there.

5 Q. You've seen those sheets in that bedroom?

6 A. From the images that you posted yesterday,
7 but I never went in there.

8 Q. And did you ever see that AR-15 somewhere else
9 in the house?

10 A. No, I never.

11 Q. Never saw a black and tan AR-15?

12 A. No.

13 Q. And that red bag with that AR-15 wouldn't have
14 your DNA on it?

15 A. It would not.

16 Q. Did you ever see a bag with approximately 30
17 grams powdered cocaine ---

18 A. No.

19 Q. --- in that house?

20 A. No.

21 Q. Now, you mentioned that you took chase after
22 the Tahoe; that sound right?

23 A. Briefly, yes.

24 Q. All right. And when you fired shots at the
25 Tahoe, is it leaving?

1 A. Yes.

2 Q. All right. And did they ever tell you that you
3 might face criminal liability for shooting at the car
4 as people were leaving?

5 A. No.

6 Q. All right. Did you tell them that you were
7 trying to do a citizen's arrest?

8 A. No.

9 Q. All right. And you weren't trying to retreat
10 and hide somewhere else when you were shooting at them
11 when you were outside, did you?

12 A. No.

13 Q. All right. Did you not run maybe because you
14 can't outrun a bullet? Why didn't you run and hide
15 instead of staying out there and engage in a fire fight
16 with them?

17 A. Self-defense.

18 Q. Why didn't you run and hide?

19 A. Self-defense.

20 Q. You're saying that you can't run faster than
21 a bullet, is that why you didn't run and hide from them?

22 A. Yeah.

23 Q. Well, you were the first one out, right?

24 A. Yes.

25 Q. All right. So, I'm going to ask you again.

1 Why didn't you run and hide because you were the first
2 one out, and both guns were jammed inside?

3 A. Self-defense.

4 Q. Because you can't outrun a bullet?

5 A. I can't outrun it.

6 Q. You can't outrun a bullet, you said it, I think.
7 Is that what you said? I'm sorry? I just need you
8 to repeat that.

9 A. I told you self-defense.

10 Q. All right. And I said is that because you were
11 defending yourself because you can't outrun a bullet?

12 A. Self-defense.

13 Q. And what's defending yourself instead of hiding
14 by shooting back?

15 A. Protecting myself.

16 Q. Okay. Because you can't outrun a bullet?

17 A. I was protecting myself.

18 Q. Let me ask you, can you outrun a bullet?

19 A. No, I can't.

20 Q. All right. Now, did they ever tell you you'd
21 be arrested for sitting in that home with illegal drugs
22 in front of you?

23 A. No.

24 Q. Did you know the drugs were there?

25 A. No.

1 Q. You didn't know that this marijuana grinder,
2 that whole thing right there, beside the scales?

3 A. No, I didn't.

4 Q. Or the marijuana that was in your car, you didn't
5 know that was there either?

6 A. I didn't know.

7 Q. Or this red bag with ammo drums right there?

8 A. No, I didn't know.

9 Q. Didn't know any of those things. And so they
10 never said, hey, when you talk to us don't worry because
11 we're not charging you with it?

12 A. No.

13 Q. And you never worried about it because even
14 though you could have run away, you sat out there
15 and shot bullets back because that's self-defense?

16 A. Yes.

17 Q. And they never said, hey, don't worry about
18 it, that's self-defense if you shoot bullets back?

19 A. They never told me that.

20 Q. They never talked about what your activity
21 was at all? I need an answer.

22 A. No.

23 Q. They never said don't worry about being charged,
24 tell us the truth?

25 A. They just -- they wanted me to tell the truth.

1 Q. But they didn't go back and see if your touch
2 DNA was on any of those things, did they?

3 A. I can't answer that.

4 Q. Well, let me ask you this ---

5 MR. BROWN: Judge, at this time, we would
6 like to mark Defense Exhibit 12, and we have shown it
7 to opposing counsel, and if we could have them bring
8 it in. And we're going to mark this item as Defense's
9 Exhibit 12, and I'm just going to put it on top.

10 THE COURT: One second. It just occurred
11 to me. If you mark it, even if we don't introduce it,
12 the clerk still has to take possession of it. I'm sure
13 that you're going to be trilled to have a safe down
14 there.

15 Can we simply use it -- can we agree
16 to use it as a demonstrative evidence instead of having
17 it marked, so that we can save the clerk the hassle
18 of having to figure out where they're going to store
19 something that's roughly three feet by two and a half.
20 Are we cool with that?

21 MS. FULLER: Not really, Your Honor.

22 THE COURT: All right. Well, I'm ---

23 MS. FULLER: But ---

24 THE COURT: Your objection is noted;
25 it's overruled. We're going to use it as

1 a demonstrative exhibit, and we're not going to mark
2 it because I'm not going to inconvenience the clerk
3 with it. So just keep it available for this trial.
4 And the record will reflect -- I assume the record
5 will reflect -- I assume that's the same sort of safe
6 that was in the brochure; is that correct?

7 MR. BROWN: And I was going to ask him
8 if that's the one with a shelf and looks like locking
9 pins, yes, sir.

10 THE COURT: But I assume that you acquired
11 this safe after looking at the exhibit of the brochure,
12 right?

13 MR. BROWN: That's correct. And, in fact,
14 the brochure in 44 is actually in evidence itself.

15 THE COURT: All right. And as an officer
16 of the court, you're representing that that's ---

17 MR. BROWN: Yes, sir.

18 THE COURT: --- an identical sort of model
19 number of the safe?

20 MR. BROWN: That's correct.

21 THE COURT: Very good. All right.

22 MR. BROWN: Thank you.

23 THE COURT: Go ahead. Continue.

24 MR. BROWN: If I may have the witness step
25 down?

1 THE COURT: Sure.

2 BY MR. BROWN:

3 Q. And, Mr. Furtick, if you can come down here
4 and look, and I'm going to ask you to look at two
5 characteristics of this safe. And, one, do you see
6 a shelf in there?

7 A. Yes.

8 Q. Does that look like a shelf, the one shelf that's
9 in that photo? Best I can get that image. You see that
10 one shelf? Look on that screen.

11 A. Yeah.

12 Q. Okay. And you see the four locking pins?

13 A. Yes.

14 Q. All right. And you see the word Sentry on it?

15 A. Yes.

16 Q. All right. Can you demonstrate how a person
17 would pick that up and run out of the house while having
18 a gun?

19 A. No, I don't ---

20 MS. FULLER: Objection, Your Honor.

21 THE WITNESS: I don't want to do that.

22 BY MR. BROWN:

23 Q. Can you try to pick it up?

24 A. No, I don't want to.

25 Q. I will ask that you try.

1 MS. FULLER: Objection, Your Honor.

2 That's ---

3 MR. BROWN: Well, they did ask my client
4 to stand up and remove his mask, and we had no problem.

5 THE COURT: Well, that's true.

6 MS. FULLER: Rodney Furtick is not on trial.

7 THE COURT: Are you ---

8 MR. BROWN: Well, I don't know about that.

9 THE COURT: Are you -- do you suffer from
10 any back problems, sir?

11 THE WITNESS: No.

12 THE COURT: No? Would you mind just trying
13 to pick it up? I'm not going to ask you to run with
14 it. They're just attempting ---

15 THE WITNESS: Judge, I don't want to.

16 THE COURT: Well, he's refusing to pick
17 it up. I guess that goes in your favor.

18 MR. BROWN: Thank you, Your Honor.

19 MS. FULLER: Your Honor, the objection
20 is he never testified to that. They're asking him
21 to do something and demonstrate something he didn't
22 witness and didn't even see or testify, and that's
23 the basis, Your Honor.

24 THE COURT: I understand. I'm assuming
25 that they were asking because he is in the Guard,

1 he is presumably physically fit, and he's a good,
2 relatively young ---

3 THE WITNESS: I'm not in the Guard anymore,
4 sir.

5 THE COURT: All right. I'm sorry.
6 Was in the Guard, presumably, as a young person,
7 physically fit, as opposed to my old self, who has
8 a sciatic nerve issue and back problems and will
9 not even attempt it. So, I'm not going to try.
10 Good enough. Anything else?

11 MR. BROWN: Judge, I think I have one other
12 question, Your Honor, and I apologize.

13 BY MR. BROWN:

14 Q. Mr. Furtick, you mentioned you knew Nikki, right?

15 A. Yes.

16 Q. All right. What did you do on July 18th when
17 they found the \$5,000 in drugs on Nikki Hicks in Pine
18 Ridge, South Carolina, in Lexington County?

19 A. What did I do?

20 Q. What did you do when they found her with
21 the drugs and the \$5,000 in that safe, and they
22 found it on Ms. Hicks on July 18th in Pine Ridge,
23 South Carolina, Lexington County?

24 A. I didn't know about that.

25 Q. She didn't tell you she had the money?

1 A. I don't know anything about that.

2 Q. You don't know anything about that. And you
3 don't know this prosecutor's office cut a deal with
4 her on that money, do you?

5 A. I don't know anything about that.

6 Q. And they gave \$1,000 ---

7 MS. FULLER: Objection.

8 BY MR. BROWN:

9 Q. --- of the \$5,900 back to Nikki Hicks?

10 MS. FULLER: Objection, Your Honor.

11 THE COURT: Let's see -- what is the
12 objection?

13 MS. FULLER: May we approach on this because
14 I'm not sure what this is?

15 MR. BROWN: And, Judge, this might take some
16 argument.

17 THE COURT: Hopefully, it won't.

18 (Off-the-conversation held at sidebar.)

19 (Back on the record.)

20 MR. BROWN: And if I may, Your Honor ---

21 THE COURT: The objection is sustained.

22 MR. BROWN: And, Your Honor, if we may just
23 mark it?

24 (Defendant's Exhibit No. 12 was marked for
25 identification.)

1 MR. BROWN: And, for the record, we're using
2 the same label as 12, at the court reporter's request.
3 So now 12, of course, is not the exhibit safe.
4 It is now the document that we've shown Your Honor.

5 THE COURT: Defendant's 12 has been
6 marked. It is for identification purposes only.
7 It is a document I have referred to and reviewed
8 at sidebar, and the State's objection is sustained.

9 MR. BROWN: Because he doesn't know anything
10 about it, Your Honor?

11 THE COURT: Correct.

12 MR. BROWN: Okay. Thank you. And we're
13 going to mark this other court document as 13.

14 (Defendant's Exhibit No. 13 was marked for
15 identification.)

16 THE COURT: Tracking sheet.

17 MR. BROWN: Yes, sir. And then we also
18 have 14 and 15, which are other related documents.

19 (Defendant's Exhibit Nos. 14 and 15 were marked for
20 identification.)

21 THE COURT: Those are ID only.

22 MR. BROWN: Yes, sir.

23 THE COURT: 12 through 15. They are not
24 in evidence. Objection is sustained. Please continue.

25 MR. BROWN: Your Honor, we have no further

1 business with this witness.

2 THE COURT: Very good. Thank you.

3 Redirect.

4 MS. FULLER: Thank you, Your Honor.

5 THE COURT: Yes, ma'am.

6 MS. FULLER: Beg the Court's indulgence.

7 REDIRECT EXAMINATION

8 BY MS. FULLER:

9 Q. Rodney, just a few quick questions to clarify
10 a few things. Starting with the safe, did you see how
11 it came in the courtroom?

12 A. Yes.

13 Q. And it's on wheels?

14 A. Yes.

15 Q. Did you see how many people pushed it in?

16 Did you see two people roll it in?

17 A. Yes.

18 Q. Okay. And it's still here on wheels?

19 A. Uh-huh.

20 Q. Going back to cover just a few things just
21 to make sure it's clear, when you were on the ground --
22 I apologize. These exhibits are out of order.

23 When you were on the ground in the home, when you were
24 made to lay on the ground, was Elzie Mack laying here?

25 A. No.

1 Q. Okay. And when you laid on this ground here,
2 it was in this area about?

3 A. Yes.

4 Q. And when you heard someone say, I'm getting down,
5 I'm getting down, where were you at that point?

6 A. On the ground.

7 Q. In the same position I just pointed to?

8 A. Yes.

9 Q. And when you heard someone say, I'm getting down,
10 I'm getting down, is that when you heard the gunshot?

11 A. Yes.

12 Q. And in terms of laying on the ground, if you can
13 tell me, when you say you turned around ---

14 A. Uh-huh.

15 Q. --- when you were laying on the ground, can you
16 tell -- this is Donte [ph.], one of our law clerks.
17 I apologize. I didn't tell him I was going to do this.
18 Please tell him what you did next when you heard the
19 gunshot.

20 A. I lift up -- a little higher. A little lower,
21 like, right in a push-up position, turn to your right,
22 and that's when I saw Damien pointing the gun at me.
23 And once ---

24 Q. Hold on for one second, please. I'm Damien.
25 Where was Damien standing?

1 A. Like, he was, like, kind of, like, kneeled down.

2 Q. And the gun was like this?

3 A. Yeah.

4 Q. And this is right after you heard ---

5 A. Yeah, laying down some. I'm laying down,
6 leaned over like that, yeah.

7 Q. Okay.

8 A. And the gun was like that, yeah.

9 Q. And that's your head?

10 A. Yeah.

11 Q. Okay. And then what happened?

12 A. It clicked.

13 Q. And you heard it click?

14 A. Uh-huh.

15 Q. And then what did you do?

16 A. I grabbed him.

17 Q. And how did you do that? Tell Donte what to do.

18 A. Like, yeah, you're on your knees, you're on your
19 knees, yeah, and then, like, turn towards her and grab
20 her jacket like this right here. And, like, I pulled
21 down.

22 Q. So now you're on your back kind of?

23 A. Yes, uh-huh.

24 Q. Okay.

25 A. Which is -- he is short -- like, I'm shorter than

1 you, so. And I grabbed him, and I pulled him down
2 towards the ground. Now ---

3 Q. I'm on the -- does he go to the ground?

4 A. No, I go to the ground. Lay on your back,
5 and he would be on top of me that way.

6 Q. Okay.

7 A. Yeah.

8 Q. And where's the other person, do you know?

9 A. He's behind him, like, in, like, the living room,
10 like, between, like, the living room ---

11 Q. So Damien Ritter is over you like this?

12 A. Yes.

13 Q. And you say he had a bookbag?

14 A. Yes.

15 Q. So, were you grabbing ---

16 A. I grabbed the bookbag and his shirt. It was,
17 like, together like that.

18 Q. And Donte's knees are kind of propped up.

19 Were your knees flat?

20 A. You would -- my legs were in between his legs.

21 Q. Well, I'll make him put it to the side.

22 I'm wearing a skirt.

23 A. Like that. And I was on my back.

24 Q. Okay. So over ---

25 A. Yeah. And I could like, see like, a little bit

1 between his legs.

2 Q. Okay.

3 A. To try to, like, use him as a shield.

4 Q. Okay. So at this time his chest is over your
5 face?

6 A. Yes.

7 Q. But ---

8 A. And his hands are on the ground, with a gun
9 in his hand.

10 Q. Okay. So the gun is still in his hand?

11 A. Yes.

12 Q. Here and all this?

13 A. Yes.

14 Q. Are you struggling?

15 A. Not really. I wasn't struggling.

16 Q. Okay. So at what point did you hear shooting?
17 Is this all happening at the same time?

18 A. Yeah, all at the same time, yeah.

19 Q. Okay. And then once that happened, what do you
20 do?

21 A. After he shot -- after the other person shot,
22 I didn't hear anything else. He was, like, he told
23 him to come get his gun. So as the person was walking
24 up coming to get his gun, I took him, and I threw him
25 towards that person because he was coming up, like,

1 on the right side.

2 Q. So this side? So you were able to push him off?

3 A. It would be his right, yeah. I pushed him in
4 that direction and towards, like, I pushed him towards
5 the right.

6 Q. Towards -- okay, how about this. Towards where
7 Samir was ---

8 A. No.

9 Q. --- or towards the window?

10 A. Towards the window. Towards the window.

11 Q. Okay.

12 A. With the table and everything.

13 Q. Okay. Got it. So you pushed out of the way,
14 and then you got up?

15 A. Got up and ran out the house.

16 Q. And ran out the house, so towards the entryway?

17 A. Yes.

18 Q. Thank you, Donte, and I'm so sorry. In that
19 whole -- while that was happening, did you ever get
20 to see the person's face?

21 A. No.

22 Q. Did you ever get to see anything besides
23 a glimpse of some shoes?

24 A. That's it.

25 Q. There was a previous exhibit of a photograph

1 of your shirt. Do you remember wearing a dress white
2 shirt?

3 A. Yes, yes.

4 Q. Give me a second. I'm going to find it.
5 State's 26. Is this it?

6 A. Yes.

7 Q. And this is what you were wearing?

8 A. Yes.

9 Q. Did you know that it was ripped?

10 A. No, I didn't.

11 Q. Okay. So this was what you were wearing?

12 A. Yes.

13 Q. And law enforcement took this photograph?

14 A. Yes.

15 Q. The position of the car ---

16 MS. FULLER: I apologize. All of the
17 exhibits are out of order, Judge. Please give me
18 one second.

19 THE COURT: Quite all right.

20 BY MS. FULLER:

21 Q. Okay. Looking at State's 60, your car is parked
22 where I'm pointing.

23 A. Yes.

24 Q. Is this where you parked?

25 A. Yes.

1 Q. Not here where you stopped when law enforcement
2 pulled in?

3 A. No.

4 Q. Do you remember whether you pulled your car
5 in or law enforcement?

6 A. I can't remember.

7 Q. Okay. But when you testified on direct, you were
8 just explaining that that's the similar or same position
9 parking spot that you parked in?

10 A. Yes.

11 Q. And in terms of the apartment, I'm going to show
12 you another angle of the parking lot, just so it's
13 clear, 59, and ask you if you recognize this.

14 A. Yes.

15 Q. Okay. And that's just another angle of the
16 parking lot?

17 A. Yes.

18 Q. Okay. Do you see Samir's apartment on this
19 angle?

20 A. (Indicating.) This one right here.

21 Q. Okay.

22 A. You can barely see it.

23 Q. Okay. And do you see where the Tahoe would have
24 been parked in this angle?

25 A. On the next spot.

1 Q. The next spot. So this apartment is off camera?

2 A. Yeah, off camera.

3 Q. Okay.

4 MS. FULLER: At this time, Your Honor,
5 State seeks to move 59 into evidence.

6 THE COURT: Without objection? Was it 59
7 or 69?

8 MS. FULLER: I'm sorry, Your Honor,
9 did I say 69? I meant 59.

10 THE COURT: I think you said 59. I just
11 didn't hear you right. I'm sorry.

12 MS. FULLER: Okay.

13 THE COURT: In evidence, without objection.

14 MR. BROWN: Without objection.

15 MS. FULLER: Thank you, Judge.

16 (State's Exhibit No. 59 was entered into evidence.)

17 BY MS. FULLER:

18 Q. Looking at 60, this is your car?

19 A. Uh-huh.

20 Q. You see this gold Honda?

21 A. Yeah.

22 Q. Do you know whose car that is?

23 A. Now I do.

24 Q. Okay. That's fine. Now looking at 59,
25 do you see that gold Honda?

1 A. Yes.

2 Q. And whose car is this?

3 A. That was Nikki's car.

4 Q. Okay. And this -- when you testified, you said
5 you called because you didn't see Samir's normal car
6 out there?

7 A. Yes.

8 Q. Okay. So going back, gold Honda, your car?

9 A. Yes.

10 Q. Back to 59.

11 A. Uh-huh.

12 Q. Can you use the laser pointer and point to where
13 Samir's apartment was? Is it on this photograph?

14 A. No, it's slightly ---

15 Q. So it's off camera at this angle?

16 A. Uh-huh.

17 Q. So looking at 60, you can see your car and the
18 gold Honda?

19 A. Yes.

20 Q. So when you ran out of the apartment, what side
21 of your car would your -- what side of your car was
22 closest to the apartment door?

23 A. Driver's.

24 Q. I'm going to show you what's been premarked
25 as State's 105.

1 MR. BROWN: Without objection, assuming
2 she's entering it.

3 BY MS. FULLER:

4 Q. I ask you if you recognize this.

5 A. Yes.

6 Q. And what do you recognize this as?

7 A. Glenn Street.

8 Q. Okay.

9 MS. FULLER: Your Honor, State seeks
10 to introduce 105 into evidence.

11 THE COURT: 105 is in without objection.
12 (State's Exhibit No. 105 was entered into evidence.)

13 BY MS. FULLER:

14 Q. Just to keep everyone's bearings, back to 60,
15 okay? Now looking at 105, what area on 60 do you see
16 also on 105?

17 A. Can you put 105 back on there? This area.

18 Q. And then point to it on 60.

19 A. (Indicating.)

20 Q. This vantage point, would it be the vantage point
21 of where approximately you were when you were shooting?

22 A. Yes.

23 Q. And it also would be the vantage point of where
24 you were when you saw the Tahoe on the roadway?

25 A. Yes.

1 Q. And if you can, using this vantage point,
2 explain to the jury -- you're probably a little off
3 camera here, but where the Tahoe -- how it backed out?

4 A. The Tahoe was, like, in this area, backed out,
5 and went up Glenn towards Airport Boulevard.

6 Q. Okay. And where were you standing when you
7 saw Damien Ritter get in the Tahoe?

8 A. (Indicating.) In this area.

9 Q. And you can see the roadway?

10 A. Yes.

11 Q. The Tahoe, fully describe the Tahoe. How did
12 it look?

13 A. It was, like, maroon, tinted windows.

14 Q. And when you say tinted windows, how many windows
15 where tinted?

16 A. All of them.

17 Q. Okay. Talked about some items in your car;
18 ammunition, different drums, things of those nature.

19 A. Yes.

20 Q. You testified that you were a CWP holder.

21 A. Yes.

22 Q. Any concerns with having guns?

23 A. No.

24 Q. Okay. You testified you're in the National Guard
25 as well?

1 A. Yes.

2 Q. Why do you have those guns -- why did you have
3 those ammunitions in your trunk?

4 A. I went to the range with Samir on that Monday.
5 I went to the range.

6 Q. Okay. And then they asked about the -- forgive
7 me, I don't know guns that well. But I think they said
8 the AR. Were those the drums that ---

9 A. No, that was an AK drum.

10 Q. I apologize.

11 A. In my trunk, that was an AK drum.

12 Q. I apologize. My fault. An AK drum that went
13 to the AK. Where was the AK at the time?

14 A. At the house.

15 Q. Okay. And why were those separated?

16 A. Well, I took the guns out of the car because
17 we took them to range, and I was going to clean them.

18 Q. Okay. And approximately how often would you
19 go shooting?

20 A. We would go shooting together three or four
21 times.

22 Q. Okay. And then how about you, do you have
23 to carry a weapon in the National Guard?

24 A. No.

25 Q. No, okay. Do you have training with firearms?

1 A. Yes, but we have to qualify with the ---

2 Q. I can't hear you.

3 A. I said, yes, we have to qualify with the 9-mill
4 and AR -- I mean, M-16.

5 Q. An M-16?

6 A. Yeah.

7 Q. Okay. And when you mean qualify, what ---

8 A. Just go to the range and shoot.

9 Q. Okay. So you had to do that when you first
10 joined?

11 A. No, during. During.

12 Q. This is constantly?

13 A. It's not a constant thing, like, once a year.

14 Q. Once a year, okay. During cross, defense counsel
15 gave you that laptop.

16 A. Yes.

17 Q. And was showing you photographs of -- from the
18 home, from the residence.

19 A. Yes.

20 Q. They showed you pictures of a red bag. Have you
21 seen those photographs before?

22 A. Not until we got here.

23 Q. Okay. And the other photographs they were
24 showing you, had you seen those before?

25 A. No.

1 Q. Okay. At the time, on July 5th, 2018, did you
2 notice any of those items, per se, that they were
3 showing you?

4 A. No.

5 Q. Okay. And so what they were asking you to do
6 was the first that you were being asked to do that?

7 A. Yes.

8 Q. In terms of the red bag -- I don't think they
9 moved any of them in. I think they said some were over
10 here. While you were in the living room, did you go
11 in that bag?

12 A. No.

13 Q. Did you know what was in it?

14 A. No.

15 Q. Okay. And they talked about the back bedroom.
16 Did you go in there?

17 A. No.

18 Q. Did you know what was there?

19 A. No.

20 Q. Okay. So what you were asked, was just kind
21 of guessing and answering their questions that they
22 asked you?

23 A. Yes.

24 Q. Because you didn't see it that day?

25 A. I didn't see it.

1 Q. Okay. I just wanted that to be clear. Did you
2 see any of the ammunitions and the firearms that they
3 were asking you about ---

4 A. No.

5 Q. --- that day?

6 A. No.

7 Q. Okay. Looking at State's 9, you testified
8 that -- okay. So this is Airport, you would agree?

9 A. Yes.

10 Q. And this is Platt Springs?

11 A. Yes.

12 Q. And so you testified that they did kind
13 of, like, a reverse back up and then started going?

14 A. Yes.

15 Q. You followed them until you saw them turn
16 on Airport?

17 A. Airport.

18 Q. And you said they made a right?

19 A. They made a right.

20 Q. And then you turned around?

21 A. Yes.

22 Q. Okay. Where did you turn around, do you
23 remember?

24 A. I pulled out, and I turned around, like,
25 up in this area.

1 Q. So you never went to Airport?

2 A. No, I never made it there.

3 Q. I believe that's all I wanted to clear up.

4 Thank you so much.

5 MS. FULLER: No further questions at this
6 time, Your Honor.

7 MR. BROWN: I do have one question.

8 THE COURT: Go right ahead. One is perfect.

9 RECROSS EXAMINATION

10 BY MR. BROWN:

11 Q. I didn't ask you about one firearm. When did
12 you first see Atkins' gun that he was wearing on July
13 5th?

14 A. As he was walking into the kitchen.

15 Q. You saw it -- you didn't see it when you came
16 over?

17 A. No.

18 Q. All right. So, Mr. Atkins didn't have the
19 firearm when you came over, but he put it on before
20 Mr. Ritter did?

21 A. I'm not saying -- no, I'm not saying that
22 he didn't have it on him. I just didn't see it.

23 Q. You just didn't see it until then. He didn't
24 make it visible until Mr. Ritter came up?

25 A. I can't answer that.

1 MR. BROWN: Your Honor, I don't need any
2 more questions. Thank you.

3 THE COURT: Sir, thank you very much.
4 You can step down. Ladies and gentlemen, we're on
5 our lunch break. It's becoming quite apparent that
6 we may not be able to -- that we likely will not be able
7 to conclude this case by the weekend. I'm just giving
8 you a heads up. I know one of you has travel plans.
9 I'll discuss with the attorneys all about that.
10 But I, of course, did protect you on your travel plans,
11 but we need to talk about that at some point in time
12 between me and the lawyers.

13 Go ahead and enjoy your lunch. Be back,
14 if you could -- try to be back in the jury room about
15 a quarter after two. That should, hopefully, give you
16 enough time to grab a bite. Don't talk about the case,
17 and we will keep at it. Thank you so much for your
18 patience and your continued attention.

19 (Jury exits the courtroom at 1:04 p.m.)

20 THE COURT: All right. The jury is out.
21 Before we take our lunch break, I think it was juror
22 number 169, Tavy Shealy, who indicated she had a family
23 vacation starting this Saturday. I may just release
24 her when we come back and pick an alternate because
25 I don't see any reason in continuing to waste her time

1 when there's no -- I don't see us finishing this case
2 by Friday. Does anyone disagree?

3 MR. BROWN: Can we wait one more day
4 and see?

5 THE COURT: One more day. Les Miserables
6 what a lovely song. We'll see how the afternoon goes.
7 She's already here; she's already committed today.

8 MR. BROWN: Yes, sir.

9 THE COURT: We'll see how the afternoon
10 goes. We still have one forensic pathologist, a couple
11 of doctors from a hospital, we've got the SLED people
12 with ballistics. We haven't even gotten ourselves down
13 to the lower part of the state yet. And for all intents
14 and purposes, we haven't left a one-quarter square mile
15 radius of the incident location, and it's Wednesday
16 at one o'clock.

17 So, I think there's still, literally
18 and figuratively, a great detail of ground that
19 has to be covered. See y'all back in about an hour
20 and ten minutes. Thank you.

21 MR. BROWN: Thank you, Your Honor.

22 (Recess taken.)

23 (Back on the record.)

24 THE COURT: Thank you. Please have a seat.

25 MS. FULLER: May I put something on the

1 record briefly, Your Honor? This is State's 104,
2 which is all the -- our next witness is the coroner.
3 It's all the photos. This is the exhibit for just ID.
4 And then we'll be introducing just prop photos just
5 to show the Court and the record that they ---

6 THE COURT: Gotcha. I'm going to go ahead
7 and staple 104 together, and it's just a Court's
8 exhibit, not in evidence.

9 MS. FULLER: And just for the record --
10 I'll show you as well, Judge, just to show you what
11 we did to eliminate as much as possible.

12 THE COURT: That will work. Looks good.

13 MS. FULLER: Thank you.

14 (Jury enters the courtroom at 2:25 p.m.)

15 THE COURT: The jury is back and seated.
16 The record will, of course, reflect that the Defendant
17 is present with counsel. We're still in the State's
18 case. So, Solicitor, if you will go ahead and call
19 your next witness, please.

20 MS. FULLER: Thank you, Your Honor.
21 State calls Andy Taylor.

22 MR. ANDY TAYLOR was called as a witness,
23 being duly sworn, was examined and testified as follows:

24 THE CLERK: Once you have a seat, if you'll
25 take your mask off, state your first and last name,

1 spelling your last name for the record.

2 THE WITNESS: Andy Taylor, T-A-Y-L-O-R.

3 DIRECT EXAMINATION

4 BY MS. FULLER:

5 Q. And, Mr. Taylor, where are you currently
6 employed?

7 A. Lexington County Coroner's Office.

8 Q. And how long have you been employed there?

9 A. Approximately three and a half years.

10 Q. And can you tell the jury what exactly the
11 coroner's office do?

12 A. Is to investigate any deaths not under the care
13 of a doctor to determine the cause or manner of death.

14 Q. And what is your position at the coroner's
15 office?

16 A. Deputy coroner.

17 Q. As it relates to this case, do you recall being
18 involved?

19 A. Yes.

20 Q. And how do you remember this case?

21 A. I was requested to respond to the hospital
22 in reference to the death of Mr. Elzie Mack.

23 Q. And what date did you respond to the hospital?

24 A. On the 6th of July.

25 Q. And what year?

1 A. 2018.

2 Q. Okay. And what was the purpose of responding
3 to the hospital?

4 A. It was an inpatient death from the result
5 of a possible gunshot wound.

6 Q. Okay. And when you arrived at the hospital,
7 please explain to the jury what you did.

8 A. I arrived at the hospital and met with the AOD,
9 who then took me to the floor where Mr. Elzie Mack
10 was located, and I started my assessment of him.

11 Q. And when you say AOD, just so the jury is clear,
12 what's an AOD?

13 A. It's the administrator on duty.

14 Q. Okay. And is this a general procedure when
15 there's a death at the hospital?

16 A. Yes.

17 Q. Okay. I know it's common to you, so just making
18 sure it's clear for the jury. And once you -- did you
19 actually go to the room?

20 A. Yes.

21 Q. Okay. And what, if anything, did you do?

22 A. Once I got to the room, I met with the clinical
23 staff who gave me an update on how they received
24 Mr. Mack at the hospital. And they advised that he
25 had been pronounced brain dead; therefore, he was still

1 on the monitors and the life support. I entered into
2 the room, and did an assessment of Mr. Mack.

3 Q. And do you know why he was still on life support?

4 A. They had requested to have his organs donated.

5 Q. And did that happen in this case?

6 A. Yes.

7 Q. And then what, if anything, else did you do?

8 A. I took photographs of his entire body and of the
9 wounds that he had sustained.

10 Q. And based on your recollection or your report,
11 what wounds did he sustain?

12 A. He had what appeared to be a gunshot wound
13 to the left and right side of his head, and then
14 appeared to be a gunshot wound to the outer wrist
15 of his right arm.

16 Q. I'm going to show you what's been marked for --
17 as State's 39, 40, 41 and 106.

18 MS. FULLER: Beg the Court's indulgence.

19 THE COURT: Yes, ma'am.

20 MS. FULLER: I apologize. I have it
21 and 109.

22 BY MS. FULLER:

23 Q. I'm going to hand you these exhibits and ask you
24 if you recognize them. You can take your time to look
25 through them.

1 A. Yes.

2 Q. Okay. And how do you recognize them?

3 A. Those are pictures I took during my assessment
4 of Mr. Mack.

5 Q. Okay. And in terms of 39 and 40, for the record,
6 are these cropped images?

7 A. Yes.

8 Q. Okay. But they're not altered in any way,
9 other than that?

10 A. Correct.

11 Q. Same for 41?

12 A. Yes.

13 Q. 106?

14 A. Yes.

15 Q. And then in terms of 109, it's the same images as
16 106 -- well, not the same image, but it's a brightened
17 image?

18 A. Correct.

19 Q. Okay.

20 MS. FULLER: At this time, Your Honor,
21 the State seeks to introduce 39, 40, 41, 106 and 109.

22 THE COURT: Without any objection?

23 MR. BROWN: Without objection, Your Honor.

24 THE COURT: Those are in evidence.

25 MS. FULLER: Thank you.

1 (State's Exhibit Nos. 39-41, 106 and 109 were entered
2 into evidence.)

3 BY MS. FULLER:

4 Q. In terms of the coroner's office involvement
5 with Samir Atkins, are you familiar with that as well?

6 A. No, I'm not.

7 Q. Okay. Did you bring with you to court today
8 a vial?

9 A. I have a DNA of Mr. Atkins.

10 Q. Okay. So the coroner did -- was involved in the
11 case of Samir Atkins?

12 A. Yes, the coroner's office was, correct.

13 Q. Okay. I apologize if I asked the question
14 incorrectly. And what item did you bring with you
15 to court today?

16 A. I brought a DNA swab of Mr. Atkins and a serology
17 tube of Mr. Atkins.

18 Q. Okay. Where have those items been stored?

19 A. They have been secured in a refrigerator
20 at the coroner's office.

21 Q. Okay. Thank you.

22 MS. FULLER: And we'll go ahead -- I believe
23 it's no objection.

24 MR. BROWN: No objection.

25 MS. FULLER: Your Honor, for the record,

1 this was previously agreed upon. Thank you. So for
2 the record, Item 5 is 125, and Item 5.5 -- 5.1 will
3 be Item 126. And I have no further questions.

4 THE COURT: And those are in evidence
5 without objection?

6 MR. BROWN: Without objection, Your Honor.
7 (State's Exhibit Nos. 125 and 126 were entered into
8 evidence.)

9 THE COURT: Yes. Mr. Brown.

10 MR. BROWN: Very briefly.

11 CROSS-EXAMINATION

12 BY MR. BROWN:

13 Q. Did you note in your observations whether there
14 were three independent wounds?

15 A. Yes.

16 Q. Fair enough. Gunshot wounds?

17 A. Appeared to be.

18 Q. Yes, sir. Thank you.

19 MR. BROWN: I don't have any further
20 questions, Your Honor. Thank you.

21 MS. FULLER: One brief thing, Your Honor.
22 I apologize.

23 REDIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. In looking at Item 106 ---

1 MS. FULLER: I apologize. The power went
2 out, Judge, earlier.

3 BY MS. FULLER:

4 Q. In looking at Item 106, what is this an image of?

5 A. The inside of Mr. Mack's right wrist.

6 Q. And what was the purpose of photographing this?

7 A. Indicating that there was no wounds on the inside
8 of his wrist or hand.

9 Q. Okay. As opposed to Item 141, what is this?

10 A. That's the outside -- a picture of the outside
11 of his right wrist.

12 Q. Okay. And what was the purpose of this
13 photograph?

14 A. To show the wound on his right wrist.

15 Q. Okay. And if there was a wound on the back
16 of his right wrist, would it have been in this
17 photograph?

18 A. Yes.

19 Q. And would you have photographed it?

20 A. Yes.

21 Q. Okay. Thank you.

22 MS. FULLER: No further questions,
23 Your Honor. And I'll publish briefly.

24 BY MS. FULLER:

25 Q. Looking at 41, this is the image we were

1 just talking about; is that correct, Mr. Taylor?

2 A. Yes.

3 Q. And then 106?

4 A. Yes.

5 MS. FULLER: Thank you, Your Honor.

6 MR. BROWN: No further questions.

7 THE COURT: Very good. Sir, you could
8 step down. Thank you very much for coming, Mr. Taylor.

9 THE WITNESS: Thank you.

10 THE COURT: Call your next witness,
11 please.

12 MS. FULLER: Thank you, Your Honor.

13 The State calls Dr. Ross.

14 DR. JANICE ROSS was called as a witness,
15 being duly sworn, was examined and testified as follows:

16 THE CLERK: State your name, and spell your
17 last name for the record.

18 THE WITNESS: Janice Ross, R-O-S-S.

19 DIRECT EXAMINATION

20 BY MS. FULLER:

21 Q. Dr. Ross, can you please just introduce yourself
22 to the jury?

23 A. Yes, I am a doctor, a physician. I went to the
24 University of South Carolina, got my bachelor's degree,
25 and then I did four years of medical school, received

1 my MD in 1972, and then four years plus of training
2 in the field of pathology. Field of pathology,
3 as opposes to something like surgery or pediatrics,
4 trains us how to identify diseases by using the
5 microscope and using laboratory work. We also learned
6 how to do an autopsy to identify cause of death.

7 I did further training in the field of forensic
8 pathology, where we do further study in causes of death
9 and manners of death and identifying patterns of injury
10 when dealing with things like suicides, homicides,
11 and accidents. Most of our cases are natural deaths,
12 but we need to identify the cause of death and then find
13 -- figure a manner of death. I've been board certified
14 in three areas of pathology, including forensic
15 pathology.

16 Q. Thank you, Your -- I'm sorry. Thank you,
17 Dr. Ross. And have you testified in court before?

18 A. Yes.

19 Q. Approximately how many times?

20 A. Close to 300 times in South Carolina.

21 Q. And approximately how many autopsies have you
22 performed?

23 A. About 14,000.

24 MS. FULLER: And, Your Honor, at this time,
25 I would offer Dr. Ross as an expert in forensic

1 pathology.

2 MR. BROWN: Clearly, without objection.

3 THE COURT: All right. Ladies and
4 gentlemen, just to caveat with regard to expert
5 testimony, I'll let you know that normally under the
6 rules of evidence witnesses cannot or are not permitted
7 to testify as to opinions or conclusions or things
8 like that. They have to limit their testimony to things
9 that they saw, heard, smelled, something they observed
10 with one of their five senses. And that does not
11 apply -- that rule for ordinary witnesses does not apply
12 to expert witnesses.

13 In this case, the parties agree that
14 Dr. Ross is an expert in the field of forensic
15 pathology, so she can give opinion testimony in that
16 area that you can use as you deem appropriate.

17 I anticipate that other witnesses will
18 be qualified as experts as this case goes forward.
19 They'll be qualified as experts in other fields,
20 and the same will go for them. They'll be allowed
21 to give opinion testimony that you can use as you deem
22 appropriate. They're not simply limited to something
23 that they observed with their eyes, or heard with the
24 ears, or smelled with their nose, okay? You may
25 continue, Ms. Fuller.

1 MS. FULLER: Thank you, Judge.

2 BY MS. FULLER:

3 Q. Dr. Ross, can you explain in general terms the
4 procedure in conducting an autopsy?

5 A. Yes. The coroner of the county will call
6 our office and schedule an autopsy. At the time
7 of this occurrence in 2018, I was working in Newberry,
8 South Carolina out of the hospital there.

9 So, the patient comes to us through the morgue
10 in the hospital. We observe the patient outside
11 externally, clothed and unclothed. In this case,
12 it was a gunshot wound, so we did X-rays to identify
13 whether or not there was any metal left in the patient.
14 And we looked all over the body for other injuries.
15 Then, we do our internal injury -- internal examination
16 to identify any kind of problems with any of the organs.

17 Q. Thank you, Dr. Ross. And you said in this case,
18 and specifically speaking about Samir Atkins, is that
19 the individual you performed the autopsy on?

20 A. Yes.

21 Q. And that procedure that you described is what
22 you performed on Samir Atkins?

23 A. Yes.

24 Q. And do you recall what date you performed the
25 autopsy?

1 A. It was on July 6, 2018.

2 Q. And during the external examination what,
3 if anything, did you notice of significance?

4 A. A gunshot wound to the head, an entrance
5 and an exit.

6 Q. And so that would be -- would that be classified
7 as two wounds?

8 A. It could be, but it's from one incident.

9 Q. One incident. Can you go ahead and describe
10 for the -- well, I'll show you a photograph. I'm going
11 to approach and show you what's been marked as State's
12 73 and 74.

13 MS. FULLER: Your Honor, I'll be moving
14 these in, apparently without objection.

15 MR. BROWN: Without objection.

16 (State's Exhibit Nos. 73 and 74 were entered into
17 evidence.)

18 BY MS. FULLER:

19 Q. And I'm going to ask if you recognize them.

20 A. Yes.

21 Q. And are these photographs that you took ---

22 A. Yes.

23 Q. --- during the autopsy? Publishing now.

24 Looking at State's 73, can you describe to the jury
25 what they're looking at here?

1 A. Yes, you see the right side of the victim's head.
2 In order to identify and thoroughly examine the entrance
3 wound -- entrance and/or exit wound, we need to shave
4 the hair around it. So that's after we had shaved the
5 head around the wound. So you can see this is the right
6 ear, and then this is the entrance wound. And I don't
7 know if you can see, but there's little tiny dots around
8 the entrance wound. The tiny dots are what we call --
9 we refer to as stipplings.

10 In other words, when a bullet comes out of the
11 muzzle of a gun, so does soot and powder. But the soot
12 and powder only goes a certain distance, whereas,
13 obviously, the bullet goes further. So if you see
14 evidence of powder on the skin, we call it intermediate
15 range wound, meaning that the muzzle of the gun was
16 within inches of the victim.

17 Q. And in this case, with this entrance wound,
18 what is the distance? You said inches. Generally
19 speaking, how many inches approximately?

20 A. If you want an exact number, you would have to
21 take the same gun with the same ammunition, et cetera,
22 and do target practicing to see because as this powder
23 comes out, it goes out like a cone. So to get an exact
24 -- this was about an inch in diameter. To get an exact
25 distance, you would have to do that target practicing.

1 But this would be probably within a few inches.

2 You can see it up to about 18 inches.

3 Q. And then just so we're clear on the record,
4 this is what you would consider the back of the head?

5 A. Yes.

6 Q. And then looking at State's 74, can you describe
7 to the jury what they're looking at here?

8 A. Yes. This is the left side of the head.
9 Then, you can see the exit wound, which is what
10 we call stellate shaped here.

11 Q. And what does that indicate?

12 A. Just the laceration of the skin as the bullet
13 came out.

14 Q. And, Dr. Ross, in this case, were you able
15 to recover the bullet in this case?

16 A. Not the bullet. There was a small fragment
17 that we were -- that was near the exit wound that
18 we recovered.

19 Q. Okay. I'm going to show you what's going
20 to be marked as State's Exhibit 130, and it's still
21 in the packaging, but essentially let me know if there's
22 any way for you to recognize it.

23 A. Yes. That's our label from the morgue,
24 and my initials on the package.

25 Q. Okay. And you would have turned this over

1 to law enforcement that was present?

2 A. Yes.

3 Q. Okay.

4 MS. FULLER: At this time, Your Honor,
5 the State seeks to introduce State's 130 into evidence.

6 MR. BROWN: Without objection.

7 THE COURT: 130 is in evidence without
8 objection.

9 (State's Exhibit No. 130 was entered into evidence.)

10 BY MS. FULLER:

11 Q. And, Dr. Ross, can you describe the bullet --
12 the path of the bullet for the jury in this case?

13 A. Yes. The bullet went in the right part of the
14 head towards the back, and it went towards the front,
15 from right to left, and slightly upward.

16 Q. As it relates to this autopsy, were you asked
17 to create a demonstrative aid for the jury, or to review
18 a demonstrative aid for the jury?

19 A. Yes.

20 Q. And can you describe for the jury how you
21 go about verifying a demonstrative aid?

22 A. You go by measurements. When we deal with
23 a gunshot wound, we measure -- have two measurements.
24 We measure the number of inches from the top of the
25 head to the injury, and then the number of inches

1 to the wound from the midline of the head. So going
2 by my measurements, this is the path that it went.

3 Q. And when you testified that the approximate
4 distance would have been within 18 inches, were you able
5 to verify that this length here would be approximately
6 18 inches?

7 A. Yes.

8 Q. And, Dr. Ross, as it relates to Samir's death,
9 can you describe the actual injury caused by the bullet?

10 A. It lacerated the brain, part of the right side,
11 right back of the brain called the occipital lobe, going
12 to also the right parietal lobe, which is the middle
13 lobe, and then it went through the left frontal lobe.

14 Q. And with this type of injury, can you -- do you
15 have an opinion as to whether or not, or how long death
16 would have been -- would have resulted?

17 A. The patient would have been unconscious fairly
18 immediately within seconds and irreversibly dead within
19 minutes.

20 Q. During your external examination, did you note
21 any other wounds on the body?

22 A. No, I did not.

23 Q. Okay. Dr. Ross, there was another victim in
24 this case named Elzie Mack. Did you have an opportunity
25 to do a medical review in that case?

1 A. Yes.

2 Q. And can you explain to the jury, generally,
3 what is a death investigation and how that relates
4 to a medical review?

5 A. I'm very often asked to review medical records,
6 photographs, whatever, for traumatic injuries because
7 I am trained to be -- to know the pattern of injuries.
8 So, we look at the medical records to identify that
9 pattern of injury and what it might have caused,
10 if there's no autopsy.

11 Q. Thank you, Dr. Ross. And as it relates to
12 Elzie Mack, did you have an opportunity to review
13 some records in this case?

14 A. Yes.

15 MS. FULLER: At this time, Your Honor,
16 the State seeks to move into evidence, pursuant
17 to statute 15-5-520, the radiology scan of Elzie Mack.

18 THE COURT: Without objection?

19 MR. PHILLIPS: May we approach real quick?

20 MR. BROWN: Yes, sir.

21 (Off-the-record conversation held at sidebar.)

22 (Back on the record.)

23 THE COURT: At the next break, I'll put
24 the subject matter of the bench conference on the
25 record. Time marked per my watch is 2:53, and I'll

1 put the subject of that conversation on the record.
2 You may continue, and you may -- at your leisure,
3 you may introduce those after she talks about them.

4 MS. FULLER: Thank you, Your Honor.

5 BY MS. FULLER:

6 Q. I'm going to hand you this, and ask you if you
7 recognize it.

8 A. Yes, this is a review for a CAT scan,
9 specifically, identifying the injury to the head.

10 Q. Okay. Thank you.

11 A. Of Elzie Mack.

12 Q. I'm going to hand you what's been marked
13 as State's 75, 76 and 107. I'm going to ask if
14 you recognize these.

15 A. Yes, these are some of the sections from the
16 CAT scan on Elzie Mack.

17 MS. FULLER: At this time, Your Honor,
18 State seeks to introduce 75, 76 and 107 into evidence.

19 MR. BROWN: And, Your Honor, we have
20 no objection, as noted in the bench conference.

21 THE COURT: Exactly. Subject to our
22 discussions at the bench conference, which will be
23 placed on the record later, no objections to 75, 76,
24 107. They are in evidence.

25 (State's Exhibit Nos. 75, 76 and 107 were entered into

1 evidence.)

2 MS. FULLER: Thank you, Your Honor.

3 BY MS. FULLER:

4 Q. Publishing now 75. Can you please describe
5 to the jury what they're looking at in State's Exhibit
6 75?

7 A. Yes. In the CAT scan -- sorry. We take
8 serial sections of images from the head, obviously.
9 So to orient you, this is the front of the head,
10 these are frontal sinuses. And this is the patient's
11 left, L, and this is the patient's right. So it's
12 as if you're looking at the patient, the left side
13 of the patient is on your right.

14 When a bullet goes through a bone, when it goes
15 in, it forms a round hole, and when it passes through
16 the bone, it caused the cone-shaped fragment of the bone
17 coming out so that the hole on the inside of the bone
18 is larger than the outside. So we call it -- we refer
19 to it as beveling, and this is called inward beveling,
20 and this shows that this is the entrance wound.

21 Q. And so let the record reflect that State's
22 75 is the entrance wound. And now looking at 76.

23 A. Again, this is the right side of the head.
24 You can see the bullet would have gone on the inside
25 of the bone and out, so that the inside of the bone,

1 the hole on the inside of the bone, is smaller than
2 the inside of the bone. Plus, the fragments of bone
3 are pushed out, so this is consistent with an exit
4 wound.

5 Q. And that's State's 76. And now looking at 107;
6 it's a different image. Can you describe to the jury
7 this image?

8 A. Yes, this is just a different orientation.
9 But, again, this is the right side of the head.
10 And this is a good, maybe a better example, of an exit
11 wound, when they enter where the bullet first hits the
12 bone, have a smaller hole than the outside of the bones,
13 and then all these fragments of bones being pushed
14 outward.

15 Q. And that was 107. Dr. Ross, you referred
16 to beveling. Can you explain to the jury, or give
17 them an example of what exactly beveling is?

18 A. It's just, like I said, if the bullet goes
19 through a hard surface, like the bone, when it goes
20 in it forms a nice round hole usually, unless it's
21 tumbling. But as it exits that piece of bone, the exit
22 wound -- the exit hole is larger than the entrance.
23 So it forms like a cone-shape wound.

24 Q. So based on your review, what, if any, opinion
25 regarding the manner of death can you offer in this

1 case, as it relates to Elzie Mack?

2 A. And as it was verified and documented in
3 the medical records, he had anoxic encephalopathy,
4 which means that he was brain dead, basically, because
5 as bullets goes through and lacerates the brain it
6 causes swelling. And then the swelling pushes on the
7 vital parts of the brain that help with things like
8 respiration, breathing and heartbeat. So it causes
9 laceration of the brain, which causes the brain death.

10 Q. And then ultimately resulted in the death?

11 A. Yes.

12 Q. And from your baseline review, can you tell
13 the path of travel for the bullet?

14 A. That wound went left to right and back to front,
15 slightly upward.

16 Q. In evidence already and just publishing,
17 looking at State's 39, did you review this photograph?

18 A. Yes, this shows a gunshot wound. This would
19 be the left ear, gunshot wound here.

20 Q. And were you able to determine solely looking
21 at -- based on solely looking at the photograph,
22 were you able to determine the entrance wound?

23 A. No.

24 Q. Okay. And that's when you relied on the
25 radiology scan?

1 A. Yes.

2 Q. And based on looking at the photograph after
3 reviewing the radiology scan, is it your opinion of this
4 wound, that we see in coroner's photo 39 the entrance
5 wound?

6 A. Yes.

7 Q. And similar question for 40. Looking at this
8 alone, and it is slightly discolored on the projector.
9 But looking at this alone, were you able to determine,
10 solely based on the photo review, that this was the exit
11 wound?

12 A. Not solely just by the photograph, no.

13 Q. Did you also have an opportunity to review
14 State's 41?

15 A. Yes.

16 Q. And now looking at State's 109, which is another
17 image of it, what, if any, opinion can you offer
18 regarding this injury?

19 A. This wound is not quite round. It's a little
20 bit oval shaped almost, which can be -- is consistent
21 with a reentry wound, in other words, a bullet that
22 already went through the head and hit bone, may have
23 started to tumble, and then reenter the wrist.

24 Q. And looking at State's 106, were you able
25 to note, based on the photograph, any exit wound?

1 A. No, there are no exit wounds.

2 Q. Is it possible for a bullet to essentially lose
3 velocity as it's traveling through the brain?

4 A. Well, yes, because it went through the bone.

5 Q. And so in this case, is it possible for the
6 gunshot wound that entered and exited the head to enter
7 into the right hand?

8 A. Yes.

9 MS. FULLER: Beg the Court's indulgence.
10 Just checking my notes. I believe that's it.
11 Thank you, Dr. Ross.

12 THE COURT: Cross.

13 MR. BROWN: May it please the Court.

14 THE COURT: Yes.

15 CROSS-EXAMINATION

16 BY MR. BROWN:

17 Q. Dr. Ross, I'm not going to try to spar with
18 you, or anyone whose got more education than I do.
19 But I do want to see if I can get you to lend some
20 of your education, training, experience to assist
21 this jury in evaluating a couple of other photos.

22 MR. BROWN: And I beg the Court's indulgence
23 while I rummage through the photos.

24 BY MR. BROWN:

25 Q. Now, I'm going to ask you to take a look

1 at a series of photos, and I may confirm that they're
2 already in evidence first. I'm just going to ask
3 you to look, and I'm going to put this right up here,
4 and look at the Elmo, what is in picture -- State's 22.
5 I'll get you to look at that. And you've got a pointer,
6 and I had one, and I lost it in the last 24 hours.
7 So, out of curiosity, could that be a through and
8 through there?

9 A. Yes, it could.

10 Q. All right. And then I'm going to ask you to take
11 a look at State's 23, and do you see that, a crease on
12 the back of the leg? I apologize. But in State's 23,
13 do you see another?

14 A. Right there?

15 Q. Yes, ma'am.

16 A. Yeah -- yes.

17 Q. Okay. And if that also had another hole
18 somewhere on the other side, could that also be
19 a through and through?

20 A. That's just one hole, so it could be an entrance
21 wound or a reentry wound.

22 Q. Okay. Now can you opine whether or not either of
23 the shots into Mr. Atkins, how would that one projectile
24 have gone either through this leg and into his head,
25 or in and out of Mr. Atkins' head and into that leg?

1 Is that really practical?

2 A. I don't ---

3 Q. You would have to have somebody's head in
4 somebody's leg path or near it? It's not likely
5 to take some kind of curve or something on the pathway.
6 Y'all assume it's a straight pathway, don't you?

7 A. Yes, bullets go straight, yes.

8 Q. Okay. Fair enough. So the only way that
9 the same projectile would have made the wounds in 22,
10 and then the wounds on your demonstrative aid was
11 if there had been a straight path between the head
12 and the leg, kind of like this, I guess? I don't
13 want to cut any jurors out. But it would have to kind
14 of be somewhere like this?

15 A. Well, the bullet -- to me, the bullet is going
16 upward from the knee and up.

17 Q. Okay. So it would have to be even -- let me see.
18 I'm not that limber. Maybe like this?

19 A. No, oh ---

20 Q. It's kind of awkward maybe?

21 A. It's possible.

22 Q. Okay. Or maybe this way? And the head would
23 have to be here because you wouldn't have the stippling
24 if it went this way, right?

25 A. Right.

1 Q. And then that stippling wouldn't make sense?

2 A. You have to know ---

3 Q. The positions of the bodies?

4 A. The position of the body. And it's my
5 understanding that the bullet was found in the cupboard
6 in the kitchen or somewhere.

7 Q. Okay.

8 A. So ---

9 Q. And then, likewise, if you look at 22, and you
10 try to line that up with the injuries that Mr. Mack
11 suffered, again you would have to place the head
12 somewhere aligned with that thigh?

13 A. Looks like it's coming out of the upper thigh.

14 Q. Okay. And did you see whether there was any
15 stippling on Mr. Mack?

16 A. No.

17 Q. Okay. So it was further than 18 inches?

18 A. Yes.

19 Q. Okay. So it could have gone in and out of
20 the thigh and into his head maybe? I'm just asking.

21 A. The head would have to be behind him.

22 Q. Okay. All right. So if we consider, I guess,
23 the lesson taught with Occam's razor, the simplest
24 explanation would be that there were three projectiles
25 to get these three different wounds; isn't that correct?

1 A. On this person?

2 Q. No, the three wounds, this one and the two head
3 wounds. The simplest explanation would be three
4 projectiles?

5 A. Correct, yes.

6 Q. Thank you.

7 A. Thank you.

8 MS. FULLER: Briefly. Thank you,
9 Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. FULLER:

12 Q. Looking at State's 43, you described, as compared
13 to 109, you indicated that this was a reentry wound
14 based on the fact that it was not round; is that
15 correct?

16 A. Yes, reentry wounds are very consistently
17 irregular in shape.

18 Q. Okay. And so if you're looking at, first,
19 we'll take Samir Atkins, the autopsy you did perform,
20 did you notice any irregularity in this entrance wound?

21 A. Reentry wounds after they go through bone
22 or something hard can be irregular in shape. If they're
23 just going through soft tissue, like the skin, they
24 don't necessarily start tumbling or get irregular.
25 I'm sorry, what was the question?

1 Q. Okay. And so, like I said, in State's 73,
2 is this wound irregular or round?

3 A. It's round.

4 Q. Okay. And with your testimony, in terms of your
5 opinion, in terms of the path, it was back to front,
6 slightly upwards?

7 A. Correct.

8 Q. Okay. Looking at Elzie Mack's entrance wound,
9 could you tell from here whether it was irregular?

10 A. That's the exit wound.

11 Q. That's the exit wound. I apologize. I leave
12 it to the expert. 75?

13 A. That's the entrance wound.

14 Q. Okay. Can you tell whether or not this was
15 irregular?

16 A. No. You know, you've got a good picture with his
17 hair shaved -- I can just say it's an entrance wound.

18 Q. You can say it's an entrance wound. Now, defense
19 counsel asked you about the surviving victim here.
20 Looking at the first injury here, what does that appear
21 to be consistent with?

22 A. A through and through wound, entrance and exit.
23 Entrance on the -- towards the knee here.

24 Q. Okay. And now looking at 23 -- trying to get
25 the lighting right. Is this consistent with an entrance

1 or exit?

2 A. It could be an entrance or a reentry. You have
3 to go by the X-rays to see if there's any bullet in
4 there.

5 Q. Okay. And the projectile was still in the
6 surviving victim. What, if anything, would that
7 indicate?

8 A. That's either a second shot or a reentry.

9 Q. Okay.

10 MS. FULLER: And, Donte, can you come here
11 for a second. Dr. Ross, if you don't mind stepping down
12 for a moment. Donte, I apologize, if you don't mind
13 just laying this way on your back, put your head this
14 way, and then get your knees up.

15 BY MS. FULLER:

16 Q. Dr. Ross, looking at 22, your opinion is that --
17 what leg would that be?

18 A. That's the left leg, left thigh.

19 Q. This is your left leg, Donte, okay?
20 And so pointing to Donte right here, this would be
21 approximately the entry?

22 A. Yes.

23 Q. And then point -- Donte, point. Thank you.
24 That would be the exit?

25 A. Yes.

1 Q. And then, Donte, if you could point to your
2 right. Can you tell me whether or not this path,
3 if someone is standing here or here, depending on
4 where they're standing, is it possible as the person
5 is on the ground that this is one shot, one projectile,
6 going from entry, exit, to reentry?

7 A. It's possible, yes.

8 Q. From this angle?

9 A. Yes.

10 Q. Okay. Thank you, Dr. Ross.

11 MR. BROWN: Very briefly.

12 RECROSS EXAMINATION

13 BY MR. BROWN:

14 Q. And if that same projectile went in the knee
15 and out the thigh, and then back into the torso
16 and out just below the buttocks, that projectile would
17 no longer be in the body, correct?

18 A. I'm ---

19 Q. Yes, ma'am. Let me start with this.

20 A. It would not ---

21 Q. If you have it entering here ---

22 A. Went in there.

23 Q. And it's traveling towards the pelvis?

24 A. Correct.

25 Q. And this would be the other side of the pelvis?

1 A. It's -- yes. The bullet goes straight,
2 and it was demonstrated that's a possibility of the line
3 of the bullet.

4 Q. And whether it's a fragment or not, to get
5 this exit something actually had to exit, right,
6 or projectile?

7 A. That's probably a reentry or a second entrance.

8 Q. So then that entrance didn't come through
9 to knee, did it?

10 A. The one just above the knee is an entrance wound.

11 Q. Traveling toward ---

12 A. And underneath the skin and comes out.

13 Q. So this one comes into the knee on 22?

14 A. Yes.

15 Q. And out the thigh?

16 A. Yes.

17 Q. And going towards the pelvis?

18 A. Correct.

19 Q. And then on 23, we have a shot coming in,
20 you're saying, into the backside and out front?

21 A. Yes, it's possible.

22 Q. Is there a way that that's a straight line
23 resulting the same projectile causing the injury on
24 State's 22, and it's the projectile causing the injury
25 on State's 23?

1 A. Yes, and I -- as was demonstrated, I think it was
2 very good, but you also have to see if there's a bullet
3 in him, if there's a bullet in the floor that count for
4 the bullet.

5 Q. Could they be two separate bullets?

6 A. It could be.

7 Q. And that would mean four projectiles fired?

8 A. Correct.

9 Q. Okay. And what you want to look for is something
10 like a projectile on the floor?

11 A. Yes.

12 MR. BROWN: No further questions.

13 Thank you.

14 THE COURT: Dr. Ross, thank you very much
15 for coming. You're free to go. Hope you are enjoying
16 your retirement.

17 THE WITNESS: I'm not retired.

18 THE COURT: I thought you were retired.

19 THE WITNESS: No, I work in Charleston.

20 THE COURT: I knew you were in Charleston.
21 I figured you retired to Charleston.

22 THE WITNESS: No.

23 THE COURT: Thanks for what you do.

24 Take care of yourself, all right. Good to see you
25 again. A brief witness you've got before we take

1 a break, or is the next one going to be kind of long?

2 MS. FULLER: I can swap the order, yes.

3 THE COURT: Call your next one, then.

4 MS. FULLER: Thank you, Your Honor.

5 State calls Clarissa Dubard.

6 MS. CLARISSA DUBARD was called as a witness,
7 being duly sworn, was examined and testified as follows:

8 THE CLERK: When you have a seat, please
9 take your mask off. State your name, first and last,
10 spell your last name for the record.

11 THE WITNESS: Clarissa Dubard, D-U-B-A-R-D.

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. And, Ms. Dubard, where are you employed?

15 A. South Carolina Department of Motor Vehicles.

16 Q. And what are your responsibilities there?

17 A. We are the keepers of all titles and
18 registrations that are processed at the DMV
19 in South Carolina.

20 Q. Okay. Were you requested to pull a few records
21 in this case?

22 A. Yes.

23 Q. Okay. I'm going to hand you now 68, 69 and 70.
24 I'm going to hand you these records and ask if you can
25 verify them.

1 A. Okay. The first one we have is the current title
2 printout of a 2007 Chevrolet Tahoe ---

3 Q. Okay. Hold on one second?

4 A. Okay.

5 Q. I have to move them in. I apologize.

6 A. Okay.

7 Q. Do you recognize these are the records that you
8 pulled?

9 A. Yes.

10 Q. Okay.

11 MS. FULLER: Your Honor, at this time,
12 the State seeks to introduce 68, 69 and 70 into
13 evidence.

14 MR. PHILLIPS: No objection.

15 THE COURT: Without objection, they're
16 in evidence.

17 (State's Exhibit Nos. 68 through 70 were entered into
18 evidence.)

19 BY MS. FULLER:

20 Q. And looking at 70, can you describe to the jury
21 what this is?

22 A. This is a current title printout that we provided
23 stating the owner's name and vehicle information.

24 Q. And what vehicle is this?

25 A. This is a 2007 Chevy Tahoe.

1 Q. And who is it registered to?

2 A. Damien Lavar Ritter.

3 Q. And owner's address?

4 A. ■ Roberts Street, in Estill, South Carolina,
5 29918. And he also has a P.O. Box on file at P.O. Box
6 ■, Estill, South Carolina, 29918.

7 Q. And looking at State's 69, what is this?

8 A. This is a verification of insurance information.

9 Q. And for the same vehicle?

10 A. Yes, the 2007 Chevy Tahoe.

11 Q. And does it indicate whether or not there's
12 insurance?

13 A. No, there's no current insurance on file.

14 Q. And then looking at State's 68, what is this?

15 A. That's the current plates printout with the
16 vehicle, 2007 Chevrolet Tahoe, with the plates on it,
17 8839LW.

18 Q. Okay. And what, if anything -- what's the
19 current status of the plates in this case?

20 A. The plates are still on the vehicle. It hadn't
21 been transferred or turned in, but they are expired
22 plates.

23 Q. And when did they expire?

24 A. This plate expired -- the plate expired January
25 31st of 2020, and the decal expired on January 31st,

1 2019.

2 Q. And when was this plate issued?

3 A. The plate was issued January 19, 2018.

4 Q. Okay. So do you expect this vehicle to still
5 be on the road?

6 A. Yes.

7 Q. Okay. It's just with expired plates?

8 A. That's correct.

9 MS. FULLER: Thank you. No further
10 questions.

11 MR. PHILLIPS: You're good to go.

12 THE WITNESS: Thank you.

13 THE COURT: Take care of yourself.

14 Thank you. You've got another short one like that?

15 MS. FULLER: You would hope so, right?

16 THE COURT: I certainly would.

17 MS. FULLER: I can try. John King.

18 MR. JOHN KING was called as a witness,
19 being duly sworn, was examined and testified as follows:

20 THE CLERK: State your name for the record,
21 spelling your last.

22 THE WITNESS: John King, K-I-N-G.

23 DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. Where are you currently employed?

1 A. The city of West Columbia PD.

2 Q. And what is your current rank?

3 A. Sergeant of patrol.

4 Q. And back in July of 2018, where were you
5 employed?

6 A. With the city of West Columbia in the detective
7 division.

8 Q. And how long have you been in law enforcement?

9 A. Ten years as of May of this year.

10 Q. Okay. Sergeant, do you recall responding to [REDACTED]
11 Glenn Street in West Columbia, here in Lexington County?

12 A. I do.

13 Q. And I'm going to hand you a few photographs,
14 two have already been in evidence, and the others
15 are 50, 51, 52, 53, 55, 56, 57, 58. I'm going to hand
16 you these photographs and ask you if you recognize them.

17 A. Yes.

18 Q. And how do you recognize them?

19 A. Those are photos I took on the scene.

20 Q. Okay. And, generally, what are they photographs
21 of?

22 A. Shell casings and a black holster that should
23 be on scene.

24 Q. And the holster was already in evidence.
25 Do you recognize that as well?

1 A. I do.

2 Q. And that's 54. And then 49 and 48 ---

3 MS. FULLER: So, Your Honor, it's not
4 in evidence. What I'm seeking to introduce now is 50,
5 51, 52, 53, 55, 56, 57, 58, I believe without ---

6 THE COURT: So 50 through 58, with the
7 exception of 54, am I right?

8 MR. PHILLIPS: I don't know. I didn't have
9 a problem.

10 THE COURT: All right. I just want to make
11 sure the pot is right for the purposes -- I thought
12 you said 50 through 53, then 55 through 58.

13 MS. FULLER: I'm just double checking.
14 Yes, Your Honor, because 54 is already in evidence.

15 THE COURT: That's right, yes. Okay.
16 So it will be, without objection, 50 through 53,
17 55 through 58 are in evidence.

18 MS. FULLER: I apologize, Judge.

19 THE COURT: No worries.

20 (State's Exhibit Nos. 50 through 53 and 55 through 58
21 were entered into evidence.)

22 BY MS. FULLER:

23 Q. Looking at 48, can you describe to the jury
24 what we're looking at here, and there's a laser pointer
25 as well.

1 A. Yes. So that's a photograph of the scene
2 as I saw it out there with -- that's one of the victims'
3 Charger -- Challenger vehicle right there, and then
4 there's two placards, labeled one and two.

5 Q. And what do the placards indicate?

6 A. Evidence that I'm going to collect. I believe
7 those are shell casings.

8 Q. Okay. And showing this one first, looking at 49,
9 is this a similar photo, just a further out image?

10 A. It is.

11 Q. Now looking at 52, is this the same vehicle?

12 A. It is.

13 Q. And a placard is there as well?

14 A. It is.

15 Q. And I'll just go through these in order.

16 Looking at State's 50, what is this?

17 A. That is a spent shell casing.

18 Q. And 51?

19 A. That is a spent shell casing also.

20 Q. 53?

21 A. Another spent shell casing.

22 Q. And then looking out at 55?

23 A. Yeah, so that's placards 5, 6 and 7, and they are
24 also shell casings.

25 Q. 56?

1 A. A spent shell casing.

2 Q. 57?

3 A. A spent shell casing.

4 Q. 58?

5 A. A spent shelling casing.

6 Q. And now looking at 54?

7 A. 54 is placard 4, and it is a black in color
8 holster for a firearm.

9 Q. Okay. Do you recall where that was located next
10 to?

11 A. It was located next to the -- on the driver's
12 side of the victim's vehicle.

13 Q. Okay. So on the other side of this image?

14 A. Yes.

15 MR. PHILLIPS: And, Your Honor, if we could
16 approach at some point. It's Mr. Furtick.

17 THE COURT: Say again? I didn't hear you.

18 MR. PHILLIPS: I said if we could approach,
19 I would have a motion in limine. It's Mr. Furtick's
20 vehicle.

21 THE COURT: Well, why don't you come on
22 down.

23 (Off-the-record conversation held at sidebar.)

24 (Back on the record.)

25 THE COURT: Please continue.

1 MS. FULLER: Thank you.

2 BY MS. FULLER:

3 Q. And, for the record, is this Rodney Furtick's
4 vehicle?

5 A. It is.

6 Q. I'm going to hand you ---

7 MS. FULLER: I apologize, Your Honor.
8 Let the record reflect that I am separating SLED Item
9 L18-10328C that contains individual -- it's packaged
10 together containing the casing.

11 THE COURT: The record will so reflect.
12 You're going to separate them, and introduce them
13 separately, I assume.

14 MS. FULLER: Yes. I'm not sure what
15 to do with the bag.

16 THE COURT: Sure. Bag, I don't know.

17 MR. PHILLIPS: I would just mark it
18 as another court's exhibit.

19 MS. FULLER: Okay. I apologize.

20 THE COURT: We'll mark the other bags --
21 yeah, that's a good idea.

22 MS. FULLER: Okay. Collectively,
23 for the record, the bag will be marked as State's 131.
24 And I'm handing 132, 133, 134 -- I apologize -- 132,
25 133, 134, 135, 136 and 137 to the witness.

1 BY MS. FULLER:

2 Q. I'm going to ask you to take your time
3 and look through those. And do you recognize them?

4 A. Yes.

5 Q. And how do you recognize them?

6 A. These are the shell casings that I collected
7 on scene.

8 Q. Okay.

9 MS. FULLER: As a whole, Your Honor,
10 I will move this bag into evidence just to be safe,
11 131 through 132. I don't believe there'll be an
12 objection to the bag into evidence.

13 THE COURT: So 131 through 132?

14 MS. FULLER: 137.

15 MR. PHILLIPS: No objection to any of those
16 items.

17 THE COURT: 131 through 137 are in evidence.
18 (State's Exhibit Nos. 131 through 137 were entered into
19 evidence.)

20 BY MS. FULLER:

21 Q. Were you -- do you recall if you were on scene
22 when first responders, EMS and firefighters were on
23 scene?

24 A. When I got on scene, yeah, they were on scene.

25 Q. Okay. And looking at this photograph, do you

1 know where those vehicles were, the first responder's
2 vehicle?

3 A. The EMS bus would have been behind me, if I was
4 taking this photo.

5 Q. Okay. And other patrol cars as well?

6 A. Yes.

7 Q. Okay. And just so it's clear for the record,
8 these photographs were taken after other vehicles were
9 removed from that area?

10 A. Yes.

11 Q. Okay. So in terms of the placards and the
12 projectiles collected, this would be the position they
13 were resting in once all the other vehicles were removed
14 from the parking lot?

15 A. Yes.

16 Q. So looking at 1 and 2 there, so the jury knows,
17 can you describe this information here?

18 A. So that's our evidence bag. And when I collected
19 the shell casing in front of placard 1, I placed
20 it in the evidence bag. I labeled the bag one placard,
21 labeled what was in it, and signed where it was from.

22 Q. And the description, you would have completed
23 those?

24 A. Yeah.

25 Q. Okay.

1 A. It's labeled as a spent shell casing, 40 caliber,
2 gold color.

3 Q. Okay. And then this is State's 32, placard 1,
4 that's reflected in photograph 48. And then 134,
5 labeled as placard 2; is that correct?

6 A. It is.

7 Q. And similar completion as viewed in State's 48
8 as well; is that correct?

9 A. Yes.

10 MS. FULLER: And I apologize, Your Honor,
11 just going through it just for the record.

12 BY MS. FULLER:

13 Q. And looking at three -- looking at State's 52,
14 and now evidence bag State's 135, is this placard 3?

15 A. It is.

16 Q. And that's where the shell casing was recovered?

17 A. It was.

18 Q. And these are all 40 caliber?

19 A. Yes.

20 Q. Four, again, is the holster. Now looking at 5,
21 6 and 7 in State's 55, State's 133, do you see placard
22 5 in 55?

23 A. Yes.

24 Q. And that's where you have collected it from?

25 A. Yes.

1 Q. And State's 133 is labeled as placard 6,
2 correct?

3 A. Yes.

4 Q. And it would have been collected from where
5 it's photographed -- seen in the photograph on State's
6 55?

7 A. Yes.

8 Q. And then 7, State's 136, and is that placard 7?

9 A. It is.

10 Q. And so it's clear, it's labeled right there;
11 is that correct?

12 A. Yes.

13 Q. And it's shown in State's 55.

14 MS. FULLER: I believe that is it for this
15 witness. Thank you, Your Honor.

16 THE COURT: Cross.

17 MR. PHILLIPS: Yes, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. PHILLIPS:

20 Q. Good afternoon, Officer King.

21 A. Good afternoon.

22 Q. Doing all right?

23 A. Yes, sir.

24 Q. Those placards, those are important, right?

25 A. Yes.

1 Q. And they're important because they show where
2 the evidence was laying when it was collected?

3 A. Yes.

4 Q. So when we come in here three years later,
5 the jurors can see exactly where the shell casings
6 were located?

7 A. Yes, sir.

8 Q. And it should be like that kind of throughout
9 the entire crime scene, right, placards everywhere
10 identifying all the evidence that was collected
11 and picked up?

12 A. Yes.

13 Q. And so, presumably, if there's hundreds of items
14 of evidence, there should be hundreds of placards
15 everywhere?

16 A. Correct.

17 Q. That's right. Now, you said cars were moved
18 around. How many cars were around that area?

19 A. I'm not sure.

20 Q. You're aware that Mr. Furtick's vehicle left
21 the scene after those shots were fired, that the shell
22 casings were already laying there?

23 A. Correct.

24 Q. Okay. And that the location of the vehicle
25 where it is now is not the location of the vehicle

1 when the shots were fired?

2 A. Now as in?

3 Q. I basically asked the same question a different
4 way, and I apologize. So he was parked there, shots
5 fired, he drives off, he parks. You're aware of that?

6 A. Yes.

7 Q. Okay. The shell casings were already there
8 whenever he drove back and parked ---

9 A. Yes.

10 Q. --- when he came back? So, the location of the
11 vehicle is not the same location it was when the shots
12 were fired?

13 A. Yes, it's my understanding he pulled into the
14 same parking space.

15 Q. Okay. I'm not trying to be confusing. I know
16 it can be. Now with placard number three, it's under
17 the vehicle, right? Right by the vehicle there,
18 here is the shell casing? Sir?

19 A. Correct.

20 Q. I apologize. It's just if we don't say it loud
21 enough, the court reporter doesn't get it. All right.
22 So another way to look at it is this right here,
23 the same thing, right?

24 A. Correct.

25 Q. That is the same as this. And so it looks

1 like when he came back and parked that he may have
2 drove over that shell casing? You can't say
3 definitively, you weren't there when he drove back,
4 right?

5 A. Yes, I was not present when he drove back.

6 Q. And when you collected that evidence, was that
7 shell casing crimped, but not like flattened, crimped
8 as a bean?

9 A. I'm not 100 percent sure; I did not notate that.

10 Q. Take a look. This is not one of those shell
11 casings, but you see that crimp in that shell casing?
12 That's State's No. 45.

13 A. Okay.

14 Q. All right. That's not one of those;
15 this is a 9-millimeter. That shell is not crimped,
16 is it? None of the 40 shells that were possibly run
17 over by that vehicle?

18 A. If I could see the shell casing.

19 Q. Sure. Well, no, that's not one of the ones you
20 collected. But I'll hand you the ones you collected,
21 and I'll let you look at this one too. Take as much
22 time as you need. These are the ones you collected.

23 A. The shell casing in placard 3 is not crimped.

24 Q. It's not crimped in any way, right? And there
25 were other emergency vehicles around, and so it's

1 possible when the emergency vehicles got there and other
2 first responders, that they could have run over some
3 shells?

4 A. That is possible.

5 Q. Now looking at this shell that looks certainly
6 different than these shells and older in the way
7 it's crimped -- you've been through the academy;
8 is that right?

9 A. I have.

10 Q. And you go through gun training?

11 A. Correct.

12 Q. And you're very familiar with guns?

13 A. I am.

14 Q. It wouldn't be ease to crimp a shell like that,
15 right?

16 A. Easy as in?

17 Q. I don't know. I was just curious. As far as --
18 like if a tire ran over it, it wouldn't crimp in the way
19 it's crimped that way?

20 A. I cannot 100 percent say that it wouldn't cause
21 something similar to that.

22 Q. Got it. But it's not flattened like a tire ran
23 over it, right?

24 A. I can't say whether or not a tire would have
25 flattened it.

1 Q. Sure, of course. I was just curious. It's not
2 like these others shells though, right?

3 A. It is not.

4 Q. First responder's vehicle ran over it, possible
5 the Dodge Challenger. It's not flattened?

6 A. It is not flattened.

7 Q. The ones you took aren't crimped?

8 A. They are not crimped.

9 MR. PHILLIPS: No further questions,
10 Your Honor.

11 THE COURT: Sir, you can step down.
12 Thank you for coming. You are free to go. Take care.
13 Ladies and gentlemen, we're going to go ahead and take
14 our afternoon break at this point in time before we
15 proceed with another witness. It will be about another
16 10, 15-minute break, refresh yourselves, get something
17 to drink, whatever you need to do, and we'll be back
18 on the record in about ten minutes or so, okay?
19 I'll have you back here in about ten minutes.
20 And, Juror Pelenski, I got your message, ma'am.
21 I got your message. Not a problem.

22 (Jury exits the courtroom at 3:40 p.m.)

23 (Recess taken.)

24 (Back on the record.)

25 THE COURT: Have a seat, please. Thanks.

1 So, I don't forget, Mr. Graham, before I turn to you,
2 the record does need to reflect, and we're going back
3 on the record. The record does need to reflect that
4 at 2:53, that was the time that I announced that was
5 the conclusion of a sidebar concerning the radiology
6 photographs that Ms. Fuller was seeking to examine
7 the doctor about, and I had a sidebar.

8 Ms. Fuller did have the requisite affidavit,
9 per the code section, which would authenticate those
10 records. There, of course, is still a confrontation
11 clause type of an issue with the substance of those
12 records.

13 But after further discussion, and out
14 of interest -- or rather in an interest in speeding
15 this case along, and instead of calling the radiologist
16 who took the X-rays, or the X-ray tech who took
17 the MRIs, or whatever it was, and adding an additional,
18 relatively unnecessary witness to these proceedings,
19 the defense kindly stipulated and made the strategic
20 decision not to object to the introduction of those
21 in an effort to, as they put it, move things along.
22 Am I correctly stating what took place at sidebar,
23 Mr. Phillips?

24 MR. PHILLIPS: Exactly, Your Honor.

25 THE COURT: Okay.

1 MR. PHILLIPS: Again, in an interest
2 of justice, we made that strategic decision.

3 THE COURT: Right. And, obviously, it would
4 easily come in, and I'm sure they had that witness under
5 subpoena, and that would have simply taken up additional
6 unnecessary time to ask somebody did you take these
7 photographs, et cetera. Mr. Graham, you had something?

8 MR. GRAHAM: Just a scheduling question.
9 I didn't know how late you were going tonight.

10 THE COURT: I was thinking maybe around --
11 definitely past five, maybe before six. You know,
12 we'll end before six is what I was thinking. Certain
13 court personnel has a substantial drive time, and then
14 maybe picking back up around 9:15 tomorrow is kind
15 of what I was thinking. The next witness is going
16 to be who?

17 MS. FULLER: Yes, Your Honor. The next
18 witness is going to be Thomas Griffin. And we were
19 asking because we have the DNA analyst here too,
20 and she can't offer opinions until Thomas Griffin
21 testifies to enter in all of the evidence. And so
22 we want to know if we should let her go and come back
23 in the morning.

24 MR. PHILLIPS: And, Your Honor, while
25 we're mulling on Griffin, we have a sidebar conference.

1 I don't think it's on the record, juror number 97,
2 Ms. Mary Jo Jenny, the prosecutor's office let us
3 know that Thomas Griffin said he knows her, and she's
4 a juror. And so we're asking for voir dire of that
5 specific juror, number 97, as well Thomas Griffin
6 on that matter. And if we're going to deal with juror
7 issues, we also have the juror that you said was going
8 on vacation.

9 MR. GRAHAM: To shed some light on that,
10 I asked Mr. Griffin about the relationship. That's
11 his high school gym teacher.

12 THE COURT: Oh.

13 MR. GRAHAM: And so they wave to each
14 other when they see each other out in the community.
15 He graduated high school 21 years ago, the class
16 of 1999.

17 THE COURT: Okay. Class of 1999.
18 And you say that they do, when they happen to bump
19 into each other on the street, they exchange
20 pleasantries, I assume.

21 MR. GRIFFIN: Yes, sir. I'm not sure
22 if she even knows my profession.

23 THE COURT: If she even knows what?

24 MR. GRIFFIN: I'm not sure if she knows
25 my profession.

1 THE COURT: Okay. She may not even know
2 that you work with West Columbia.

3 MR. GRIFFIN: Yes, sir, she may not.

4 MR. PHILLIPS: What high school?
5 Just curious.

6 THE COURT: I'm sorry?

7 MR. PHILLIPS: What high school?

8 THE COURT: Which high school?

9 MR. GRIFFIN: Chapin High School.

10 THE COURT: That was a big high school
11 even 20 years ago.

12 MR. GRIFFIN: 150 students when I graduated.
13 Now, it's massive.

14 THE COURT: It was a smaller high school
15 back then.

16 MR. GRIFFIN: Yes, sir.

17 THE COURT: All right. Go ahead and get
18 the jury moving and just let Ms. -- which juror?

19 MR. GRAHAM: Mary Jo Jenny.

20 THE COURT: Mary Jo Jenny. Just tell her
21 I need to speak with her very briefly, okay? Bring them
22 all up here, but let me speak to Ms. Jenny. Ms. Jenny,
23 I need to speak with privately before the rest of them
24 come in. And my understanding is his primary
25 responsibility was collecting the shell casings

1 and things of that nature, collect the crime scene
2 stuff.

3 MR. GRAHAM: Process the apartment.

4 THE COURT: Processing the apartment.

5 Okay. Would the defense be willing for us to take
6 the ballistics person before we take Mr. Griffin,
7 allow ballistics to go ahead and testify? But the
8 problem that we're faced with nowadays is that SLED
9 is so far behind and everything, that if I can free him
10 up for the morning, he can probably get work done back
11 in Columbia, and maybe get some other cases moved.

12 MR. PHILLIPS: I don't, you know.

13 MR. BROWN: Yeah, we don't see a problem.

14 THE COURT: Okay. Let's do ballistics guy,
15 and then do Griffin, if we could.

16 MR. GRAHAM: It's DNA, just for the record.

17 THE COURT: Oh, he's DNA. It's even better.
18 They've got more work probably than ballistics, so we'll
19 do the DNA person.

20 MR. GRAHAM: All right. And we're not
21 having physical items to show her, so we're just going
22 to agree on ---

23 MR. BROWN: Once we go through a property
24 inventory, not like all of it, but I was going to talk
25 about ---

1 THE COURT: You can ---

2 MR. BROWN: I don't have a problem with it.

3 THE COURT: All right. They won't have
4 a problem with you, we can move him at a later point
5 in time. But you can go ahead and display, and put
6 them on the Elmo, whatever it is you need to do as far
7 as the items are concerned.

8 MR. BROWN: But I would just ask this,
9 Judge, there are some items that I don't know if they're
10 up here.

11 THE COURT: I guess ---

12 MR. BROWN: --- demonstratively ask about
13 some items.

14 THE COURT: Let them know what you need,
15 and I'm sure they'll have it up here tomorrow morning.

16 MR. GRAHAM: I guess I'm confused here.
17 I don't know if they're all pulled for the DNA.
18 So if I can do her testimony without actually having
19 the physical items, I can do it. We'll do it that way.

20 THE COURT: Do you need the physical items?

21 MR. GRAHAM: I don't think I do.

22 THE COURT: Do you need them?

23 MR. BROWN: I need them, but we can do
24 direct.

25 THE COURT: Can you send somebody downstairs

1 to grab the items?

2 (Juror No. 97 enters the courtroom.)

3 THE COURT: Hey, Ms. Jenny, you're not
4 in trouble, okay, first of all. One of the witnesses
5 who's going to be testifying either this afternoon
6 or tomorrow, Thomas Griffin, and, Mr. Griffin, would
7 you just, sir, lose your mask there real quick, okay?
8 All right. He said that he recognized you, and I assume
9 that you didn't recognize the name when his name was
10 called, is that kind of how it played out?

11 THE JUROR: That would be a former student
12 from gym 21 years ago.

13 THE JUROR: Yes.

14 THE COURT: At Chapin High School.
15 He was telling me about that, okay?

16 THE JUROR: Yes.

17 THE COURT: He actually, just so that
18 you know, since apparently y'all have conversed enough,
19 that he's now working with the Columbia Police
20 Department, and he processed the actual scene there.
21 I know you taught him gym 21 years ago. For him,
22 the fact that he's going to testify, would that affect
23 your ability to be fair to either side in this case?

24 THE JUROR: No, sir.

25 THE COURT: It would not. Very good.

1 Thank you very much, all right.

2 THE JUROR: Yes, sir.

3 THE COURT: And you can stay in here,
4 and bring the rest of them in.

5 MR. BROWN: And no objections, Your Honor.

6 THE COURT: Very good. Thank you.

7 MR. GRAHAM: Judge, can we approach?

8 THE COURT: Sure.

9 (Jury enters the courtroom at 4:08 p.m.)

10 (Off-the-record conversation held at sidebar.)

11 (Back on the record.)

12 THE COURT: Our jury is back and seated.
13 Solicitor, if you'll call your next witness, please.

14 MS. FULLER: Thank you, Your Honor.

15 The State calls Thomas Griffin.

16 MR. THOMAS GRIFFIN was called as a witness,
17 being duly sworn, was examined and testified as follows:

18 THE CLERK: Once you've seated, you can take
19 your mask off. State your name, first and last name,
20 spell your last name for the record.

21 THE WITNESS: My name is Thomas Griffin,
22 G-R-I-F-F-I-N.

23 DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. Can you please introduce yourself to the jury?

1 A. Yes, ma'am. My name is Thomas Griffin.
2 I'm a detective with the West Columbia Police
3 Department.

4 Q. And, Detective Griffin, how long have you been
5 with the West Columbia Police Department?

6 A. A little over 13 years now.

7 Q. And how long have you been in law enforcement?

8 A. Thirteen years in law enforcement.

9 Q. So you've spent your entire career with
10 West Columbia?

11 A. Yes, ma'am.

12 Q. Jumping right to your role in this case.
13 Back on July 5th of 2018, did you have an opportunity
14 to arrive on scene at [REDACTED] Glenn Street?

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

16 Q. And do you recall the -- can you describe
17 to the jury the scene when you arrived?

18 A. The scene when I arrived, it was still fairly
19 active, given the fact that officers responded in
20 reference to shots fired, and that there were multiple
21 people that have been hit.

22 When I arrived on scene, first responding
23 officers were already on scene. They were inside
24 the house. I believe they were in the process
25 of removing Elzie Mack's body from the scene.

1 It was my understanding that the other victim,
2 Samir Atkins', body was still inside.

3 Q. Okay. And when you arrived on scene,
4 did you immediately enter the residence?

5 A. No, ma'am, I did not.

6 Q. And what were you doing?

7 A. When we go to the scene, typically, we establish,
8 first, a parameter. We make sure that the scene
9 is secure, that everyone that may have been in the scene
10 is out of that scene, whether it be family members
11 or friends. Once the scene is secure, prior to us
12 processing the scene of this magnitude, we would get
13 a search warrant from a judge before we went into the
14 apartment to collect evidence.

15 Q. And you mentioned quite a few things,
16 but I'll focus in on search warrant. You did obtain
17 one in this case to go into the residence?

18 A. Yes, ma'am, we did obtain a search warrant.

19 Q. And so your role this day would be different
20 than the first responding officers who were actually
21 initially responding to the emergency, and they entered
22 the residence?

23 A. It would be different from theirs, yes, ma'am.

24 Q. And they did a protective sweep prior to the
25 search warrant?

1 A. Yes, they did.

2 Q. When you arrived on scene, was it your
3 understanding that the scene was secured though prior
4 to your entry?

5 A. Yes, ma'am.

6 Q. And so you just -- you were just outside,
7 no one else entered or exited after first responders
8 finished doing what they were doing?

9 A. That's correct.

10 Q. Can you go ahead and explain to the jury
11 what would -- once you did obtain a search warrant,
12 what was your prior responsibility on scene?

13 A. Once I obtained the search warrant, primary
14 responsibility was to process the inside of the
15 apartment.

16 Q. And in terms of progressing the inside
17 -- well, let's explain that to the jury first.
18 What is processing? I apologize.

19 A. Processing ranges from quite a few things, mainly
20 photographing evidence, photographing the surroundings,
21 the collection of evidence. That can be anything
22 from photographs of something, something biological,
23 such as blood, something physical, such as a cell phone
24 or clothing.

25 Q. And when you -- in terms of processing this crime

1 scene, what all did you do?

2 A. Given this crime scene and the complexity of its
3 nature, also being that the deceased victim was still
4 located inside, the coroner's office was also on scene
5 with us. So, I initially entered into the residence,
6 I took establishing photos of each and every room.
7 We then go back, and we focus on the body of Mr. Atkins.

8 Q. And you mentioned that you take photos.
9 Is that part of protocol when someone is processing
10 a crime scene?

11 A. Yes, ma'am, it is.

12 Q. And what is the purpose of those initial
13 photographs?

14 A. Just to give a layout of the actual -- the scene
15 prior to it being disturbed in one way or another by law
16 enforcement through collection of evidence or through
17 the removal of the body.

18 Q. And so the photograph that you would have taken
19 in this case initially would have just been exactly how
20 it was after obtaining the search warrant?

21 A. Yes, ma'am.

22 Q. And when you -- prior to moving forward with
23 that, let me ask you this. How many crime scenes have
24 you processed in your career?

25 A. Hundreds of crime scenes.

1 Q. After you took the initial photographs in this
2 case, where did you -- what did you do next?

3 A. Once we took the initial photographs in the case,
4 we then, myself along with the coroner's office, we went
5 and began to examine the body.

6 Q. Okay. And can you describe to the jury the body
7 that you examined?

8 A. Yes, it was a black male, later identified
9 to be Samir Atkins. He was laying in the kitchen
10 with his head facing towards the parking lot, I guess,
11 with his feet closer to the kitchen sink counter
12 of the kitchen.

13 Q. I'm going to show you a couple of photographs.

14 MS. FULLER: Beg the Court's indulgence.

15 MR. PHILLIPS: No objection, Your Honor.

16 BY MS. FULLER:

17 Q. And, for the record, I'm going to hand you
18 State's 110, 111, 112, 113, 114, 115, 116, 117, 118,
19 119, 120, 121, 122, 123, 124 and 151.

20 THE COURT: State's 110 through 124
21 and 151 are in evidence, without objection.

22 (State's Exhibit Nos. 110 through 124 and 151 were
23 entered into evidence.)

24 BY MS. FULLER:

25 Q. If you'll take a moment to review those

1 photographs.

2 A. Yes, ma'am, I am familiar with these photos.

3 Q. And are these photographs that you -- I was going
4 to say did, but I don't know if that's the right word,
5 that you took yourself?

6 A. I did take these photographs myself.

7 Q. I apologize.

8 A. Yes, ma'am.

9 Q. That you captured?

10 A. Yes.

11 Q. Sorry. I apologize. And I believe they're
12 already admitted, but the State will potentially move
13 them into evidence. I'm going to hand you a few more
14 and hand to defense counsel. And I've handed defense
15 counsel State's 138 through 150 as well as 152 and 11.
16 I'm going to hand them to you as well and ask you
17 if you recognize them.

18 MS. FULLER: And then I'll move them --
19 seek to move them into evidence, Your Honor.

20 THE COURT: The last one, is it 111 or just
21 11?

22 MS. FULLER: The number -- I believe
23 it's the number 11.

24 THE COURT: While I was looking at it,
25 I've got 138 through 150, 152, and then I think you

1 said 11, or is it 111?

2 MS. FULLER: I believe it's 11.

3 THE COURT: Okay.

4 MS. FULLER: I'm double checking.

5 THE COURT: I think that's what you said.

6 MS. FULLER: Okay. I'll just double check.

7 It's 11.

8 (State's Exhibit Nos. 138 through 150, 152 and 11 were
9 entered into evidence.)

10 THE WITNESS: Yes, ma'am, I'm familiar with
11 these photos.

12 BY MS. FULLER:

13 Q. And how do you recognize those photos?

14 A. Because I took them.

15 Q. I'm going to hand you a few more that's already
16 in evidence. I'm doing this first, so I don't -- then,
17 I'll publish them all. Thank you.

18 A. Yes, ma'am, I'm familiar with these.

19 Q. Okay. Looking at State's 33 [sic.], are these
20 the apartments that we're referring to that you
21 processed?

22 A. Yes, ma'am, they are.

23 Q. Now, looking at -- that was State's 3.
24 Looking at State's 4, do you recognize this?

25 A. I do. It seems to be a pretty-well documented

1 drawing of the actual apartment.

2 Q. Okay. And it's not to scale, but in terms of the
3 layout of the rooms, it's fairly accurate to the scene
4 you processed?

5 A. Yes, ma'am, it does depict the layout of the
6 apartment as it was on that date.

7 Q. So taking the jury -- and we'll let the photos
8 guide us. I'm going to start from the top through
9 the exhibits so you can explain to the jury how
10 you processed the scene. Starting with State's 110,
11 what's the jury looking at here and explain why we have
12 this photograph?

13 A. They're looking to the -- you're looking
14 at the entry into the apartment from the parking lot,
15 the parking space facing the apartment, that's what
16 you're looking at.

17 Q. And that's a law enforcement officer standing
18 in front of the door?

19 A. That is.

20 Q. Just so it's clear for the record. And looking
21 at State's 111, what are we looking at here?

22 A. That's the entryway into the apartment, the only
23 means that I'm aware of, of an entry door into the
24 apartment.

25 Q. And looking at this photograph, can you tell

1 which direction the door opened?

2 A. Looking at the photograph, I can't tell.
3 I believe the door opened inward.

4 Q. And so where I'm pointing, are the hinges on this
5 side of the door?

6 A. Those are the hinges, yes, ma'am.

7 Q. And so the door opened inward towards ---

8 A. Yes.

9 Q. --- my right, now, I guess, but to the right when
10 you're walking in?

11 A. Correct.

12 Q. Okay. You had indicated that once you did the
13 initial walkthrough photographs, you went and tended
14 to Samir Atkins; is that correct?

15 A. That's correct.

16 Q. And what exactly did you do?

17 A. Like I was saying, when we first initially
18 walked through the apartment, we do establishing
19 photos to see how the scene set prior to our arrival.
20 Then, we attempt -- we do process the body, along with
21 the coroner's office.

22 Observed Mr. Atkins to be laying on his back
23 in the kitchen, with his head facing towards the parking
24 lot and his feet towards the dishwasher sink area.
25 Upon further examination of his body, it appeared

1 he suffered a gunshot wound to the rear of his head
2 and notated to come out the left side of his temple.

3 Q. Okay. Looking at State's 146, can you describe
4 to the jury what they're looking at here? And,
5 for the record, it's in black and white.

6 A. Could that be turned just for my ---

7 Q. I apologize.

8 A. That's okay.

9 Q. Tell me which direction.

10 A. Right there. Once you entered into that green
11 door that you initially saw, as soon as you enter
12 in, if you take that direct left, I won't even call
13 it a hallway, it's essentially two walls. But as soon
14 as you turn left, you see a very small dining room.
15 And if you take a right -- an immediate right once
16 you enter there, that's what you will see. This
17 is the kitchen layout.

18 Q. And looking at State's 138, does this help orient
19 the jury in terms of your description?

20 A. That does, yes, ma'am. So you enter in,
21 take that left, you have the dining area to the left,
22 and then to the right was that kitchen where Mr. Atkins'
23 body was located.

24 Q. In terms of -- tell me whether or not you know
25 this, for this item, Exhibit 138, was this a photograph

1 you took on an initial walkthrough, or after you were
2 collecting evidence?

3 A. This would have been an initial walkthrough
4 photo. This is me walking into the room and beginning
5 to take our establishing photos.

6 Q. And so no items would have been moved by law
7 enforcement here?

8 A. No, ma'am, they would not.

9 Q. And so the position of the table is where it was?

10 A. That's correct.

11 Q. As well as the items along the wall?

12 A. Correct.

13 Q. And on the floor?

14 A. That's correct.

15 Q. When you were working -- when you were in the
16 kitchen processing, what, if any -- looking at State
17 147, what are we looking at here?

18 A. That's a handgun that's on the right hip
19 of Mr. Atkins.

20 Q. And if you can use the laser pointer going back
21 to State's 146. Can you describe to the jury where
22 it is here?

23 A. Yes, ma'am. (Indicating.) The handgun would
24 have been right here located inside the waistband
25 of Mr. Atkins.

1 MS. FULLER: Permission for the witness
2 to step down. The photo is black and white, and it's
3 really dark on there.

4 THE COURT: Just be sure to project your
5 voice as best you can.

6 THE WITNESS: Yes, sir.

7 BY MS. FULLER:

8 Q. Can you point out for the jury where you were
9 describing?

10 A. (Indicating.) Right here on the right hip
11 of Mr. Atkins.

12 Q. Thank you. And it appeared the next series
13 is kind of going from out to in. So looking at 160,
14 it's still really dark there, so I apologize, but can
15 you see it?

16 A. Yes, ma'am, I can see it.

17 Q. Okay. And can you point it out for the record
18 for the jury? This is State's 160.

19 A. It's an inside the waistband holster, and located
20 inside the actual holster is a Springfield handgun.

21 Q. Okay. And is this the position that it was
22 in when you were approaching the body?

23 A. Yes, it is.

24 Q. And going in some more; this is 147. Is that
25 still the same holster?

1 A. That is the same holster, yes.

2 Q. And that's the position it was in?

3 A. That is correct.

4 Q. And now looking at 149, this is a slightly
5 different angle?

6 A. Yes, ma'am, that's the same holster from the same
7 firearm.

8 Q. And then looking at State's 148, when was this
9 photograph taken?

10 A. That photograph was taken after I removed it from
11 Mr. Atkins' body.

12 Q. Okay. And was it still in the holster?

13 A. It was still in the holster, yes.

14 Q. Were you able to remove it and keep it intact
15 in the holster?

16 A. In the waistband holster, there's essentially
17 a clip on the outside, and it connects to the belt.
18 That way when you pull the gun out, the holster stays
19 seated. So, I had to lift the clip out to pull the
20 holster out with the gun. They all came out together
21 though.

22 Q. Okay. Could you tell whether or not the clip
23 was -- or can you tell the jury whether or not the clip
24 was completely ---

25 A. Yes, ma'am.

1 Q. I don't know the word because I don't carry.

2 A. The magazine was completely seated in the weapon.

3 Q. Okay. I apologize. Thank you. Was it
4 completely seated?

5 A. It was, yes, ma'am.

6 Q. Okay. And in terms of seizing that item,
7 could you explain to the jury how you actually seize
8 it, collect it, and store it in evidence?

9 A. Yes. Any time that we collect a firearm on
10 the scene, first, establishing photographs are taken
11 of it. Given that you treat every weapon as if it
12 were loaded, we do that with every weapon we collected
13 on scene.

14 With that being the case, we then removed
15 it from the holster. I did. And then, I checked
16 the weapon to see if it's loaded or not. First, ejected
17 the magazine. When I ejected the magazine, I observed
18 that the magazine had six rounds in the chamber.
19 Then once I racked the slide to the rear, a round
20 did eject, so there was a round in the chamber,
21 and then there was six in the magazine.

22 Q. And how many rounds does the magazine carry?

23 A. That magazine held six.

24 Q. Okay. Thank you. And I asked the question
25 correctly?

1 A. Yes, ma'am.

2 Q. Thank you. And so is it safe to say the firearm
3 is fully loaded with one in the chamber?

4 A. Yes, that would be a correct statement.

5 Q. From there, where did you go -- what did you
6 do next after you removed the weapon?

7 A. Once the weapon was removed, we continued
8 to examine the body of Mr. Atkins to see if there
9 were any other injuries.

10 Q. And did you determine any?

11 A. We did not observe any other injury, other than
12 the gunshot wound to the rear of his head.

13 Q. Okay. Looking at State's 112, what's the jury
14 looking at here? And I'll flip back to the diagram
15 as well so we would fully be oriented. Looking at 4.

16 A. Yes, ma'am.

17 Q. And then looking at 12.

18 A. If you enter into the residence and take that
19 immediate left, and then turn directly to your right,
20 this is what you would see. The laundry room is
21 essentially over here. There's a washer and dryer.
22 Here is obviously the sink. Mr. Atkins' body is located
23 right below this. His feet are essentially close to
24 almost touching the dishwasher.

25 Q. Okay. And then looking at 113, what are we

1 looking at here?

2 A. At the time, it was a -- it appeared to be an
3 impact strike from a round. It was obviously disturbed
4 at some point; we don't know when. At the very moment
5 when I'm taking this picture, I don't know when,
6 but later on we did find out.

7 Q. And what did you determine?

8 A. Once we opened up that cabinet, a projectile
9 did fall from that -- from this location right here.
10 As soon as the cabinet was opened, a bullet projectile
11 did fall down onto the counter.

12 Q. Looking at 114, what are we looking at here?

13 A. That's where the handle used to be. There was
14 a handle here. That's the projectile that we believe
15 went through Mr. Atkins' head into the cabinet.

16 Q. Okay. Anything else of significant on that
17 cabinet?

18 A. There is a piece of wood missing right here,
19 and later on -- we'll get to the answers as far
20 as that wood. There was actually a piece of wood
21 found underneath Mr. Atkins' body, and it came from
22 there is what we determined.

23 Q. Okay. What, if anything, am I pointing at here?
24 And I can bring you the photograph.

25 A. Yes, ma'am, it may be easier if I can see the

1 photograph.

2 Q. Okay, I'll bring it to you. I apologize.

3 A. Yes, ma'am. What we're looking at there is blood
4 splatter.

5 Q. Okay. Can you point out to the jury what you --
6 I apologize. Looking at State's 113, what you observed?

7 A. Yes. This was blood splatter here, which is
8 essentially once a body is hit with a round, the blood
9 goes in the direction of the round, and that's the
10 direction that there was a spray or a pattern of blood.

11 Q. And that's also in 114 -- 113?

12 A. I believe it's just here.

13 Q. Okay.

14 A. Yes, ma'am.

15 Q. I'm just going through photos, and then we'll
16 work on the items of evidence. 139, what's the jury
17 looking at here?

18 A. That's when you walk directly into the residence.
19 You turn to your left, there's a little living room --
20 I'm sorry -- dining area to the left. And that's what
21 that is. It's a trash can with the dining room table
22 over here to the right.

23 Q. And 140?

24 A. Right here, it's just a closer look of the table
25 that's been pushed. If you go back to the previous

1 photo, you can see here that the trash can lid is
2 on here. Essentially, when we process the scene,
3 we check the trash cans as well to see if there's
4 anything in there, so that lid was removed. At which
5 point, it was placed on the ground. That's why that
6 next photo you see that lid there on the ground.

7 Q. Okay. And looking at 141?

8 A. That's a continuation if you're going to the
9 right of the dining area, leading back into the kitchen.

10 Q. I apologize.

11 A. That's okay.

12 Q. And then 142?

13 A. That is the entryway. If you come directly in
14 and turn to your left, that is the wall I was speaking
15 of that's possibly a hallway, but a very small one.
16 But as soon as you enter in, it's the dining room
17 to the left and the kitchen to the right.

18 Q. And then 115?

19 A. Now, this is taken from the kitchen looking
20 out into this -- this is the exit door right there --
21 that's the entry going up the residence. So, if you're
22 -- this is the laundry room here with the washer
23 and dryer in here. So, I'm in the kitchen taking
24 a photograph out to show this panel here and what ended
25 up being blood right here.

1 Q. And 151?

2 A. This is again the shot of the kitchen if you were
3 to walk in and turn to your right.

4 Q. And 144?

5 A. This is the back bedroom of the residence.
6 If you were to enter into the residence and go straight,
7 once you go straight, you can either take a left to go
8 to the bathroom and another bedroom. If you go straight
9 and look directly to your right, there's the bedroom
10 there. This is that bedroom.

11 Q. Okay. And 145?

12 A. That's the -- that is the nightstand or a TV
13 stand in that bedroom.

14 Q. Okay.

15 MS. FULLER: Beg the Court's indulgence.

16 BY MS. FULLER:

17 Q. Looking at State's 77.

18 A. Yes, ma'am.

19 Q. And where is this?

20 A. That's the living room. As soon as you walk
21 through that door I was speaking of, the living room
22 is right there to the right.

23 Q. Okay. And State's 152?

24 A. That would have been when the door opened.
25 That is behind the door. So when the door is closed,

1 it's to the right of the entertainment center in the
2 living room.

3 Q. And State's 43?

4 A. As you continue past the living room, the first
5 wall that you encounter on your right to make a hallway
6 that's going into an L shape, that first right,
7 it's a small closet.

8 Q. I'm going to approach and show you 155 and ask
9 you if you recognize it.

10 A. Yes, ma'am, I recognize it. I took that photo.

11 Q. Okay.

12 MS. FULLER: Your Honor, State seeks to
13 introduce State's 155.

14 THE COURT: That's in evidence.
15 No objection?

16 MR. PHILLIPS: Without objection,
17 Your Honor.

18 (State's Exhibit No. 155 was entered into evidence.)

19 BY MS. FULLER:

20 Q. Looking at State's 155.

21 A. Yes, ma'am. If you enter into the residence,
22 and you go down to the -- it's an L-shape hallway,
23 you would take that left down the hallway.
24 At the end of that hallway you would go -- take a right
25 to a bedroom, and that's the bedroom.

1 Q. Okay. From your report or from your notes,
2 do you know where you began processing?

3 A. We began processing in the kitchen.

4 Q. Okay. And what, if anything, did you collect
5 from the kitchen area?

6 A. The first thing that we initially, like I said,
7 was photos. That would be the first thing. As far
8 as collecting, the first thing we collected was the
9 black Springfield handgun that was on the right hip
10 of Mr. Atkins.

11 Q. And then after that?

12 A. After that, there was a 9-millimeter shell casing
13 that was collected from the kitchen, near the laundry
14 room area, that was located on the ground.

15 Q. And that was reflected in State's 119?

16 A. Yes, ma'am, right there.

17 Q. And using the diagram 4, can you show the jury
18 where that is?

19 A. (Indicating.) Located right here.

20 Q. And then what did you collect next?

21 A. Next, there was another -- it was a gold
22 9-millimeter shell casing, and it was collected
23 from underneath the dishwasher.

24 Q. Looking at State's 122.

25 A. That's the round that was collected there.

1 Q. And what did you collect next?

2 A. The next item that was collected, I spoke earlier
3 about the cabinet that we opened, and the projectile
4 falling down. That projectile was on the countertop.
5 That's the projectile that was collected next.

6 Q. And looking at the countertop -- I apologize.
7 Okay. Looking at 151 -- I apologize. I thought I had
8 a shot of it clear. Can you tell approximately where
9 it was when it fell out of the cabinet?

10 A. The projectile appears to be laying right there.

11 Q. Okay. I apologize. I thought I had a close-up
12 photograph. And that's where it fell out of the cabinet
13 once it was opened?

14 A. Yes, ma'am.

15 Q. Do you -- what was the next item you collected?

16 A. The next item essentially is when we start doing
17 the room, we try to make sure we encompass the entire
18 room. We start with the right side. So, I went
19 to the right cabinet, and that was the lower cabinet.
20 There was a clear white -- there was a clear bag that
21 contained white powder that was in the lower cabinet
22 located to the right.

23 Q. And where is that on the diagram here?

24 A. It would be the small counter area, the lower
25 portion.

1 Q. And looking at photograph 112, do you see that
2 area here?

3 A. Yes, ma'am, that would have been this cabinet
4 here.

5 Q. Okay. You said it was on the lower part.
6 In what position?

7 A. I just have it was in the lower part. As soon
8 as I opened the cabinet, you could see it, back in the
9 cabinet.

10 Q. Any other physical items collected from the
11 kitchen?

12 A. Yes, ma'am.

13 Q. Okay.

14 A. The next collected, it was that same cabinet
15 we're speaking of, the top right portion. Once I opened
16 that cabinet, there was a large bag of marijuana,
17 or appeared to be marijuana, that was located there.

18 Q. And looking at 112, where is that?

19 A. (Indicating.) Right here.

20 Q. What's the next item of evidence?

21 A. There was a broken glass pipe that was collected
22 from the cabinet, right of the sink.

23 Q. And where was that?

24 A. I believe that was the same cabinet.

25 Q. Okay. What else?

1 A. We continued our way around, noting anything
2 of importance as we were going through the cabinets.
3 The next one was a gold shell casing, 40-caliber shell
4 casing, from a drawer that was off screen.

5 Q. Looking at the diagram, do you know where that
6 was?

7 A. (Indicating.) I believe it was right here.

8 Q. And looking at State's 123, did you recognize
9 those?

10 A. Yes, ma'am, that's the drawer.

11 Q. Okay. And where is the shell casing?

12 A. When we opened the drawers, just like the crime
13 scene, we take establishing photos. So that's
14 an establishing photo of when the drawer is initially
15 opened. And then once we've removed this item,
16 that's where that 40-caliber shell casing was.

17 Q. And looking at State's 124?

18 A. That would be the shell casing.

19 Q. Okay. And you collected that item of evidence?

20 A. Yes, ma'am.

21 Q. And you can continue telling the next part.

22 Any other physical items collected from the scene?

23 A. Yes, ma'am. We then collected IRS paperwork
24 for Samir Atkins. Technically, when we go into crime
25 scenes, we like to find identifying documents

1 identifying who resides there. So that was collected
2 at that time.

3 Next, was an iPhone SE that was taken from the
4 kitchen. Once you go to the left of the refrigerator,
5 I believe there's a photo of that as well. But there
6 were two gun boxes, and that's what was collected next.

7 Q. Okay. And what you're describing, is that
8 depicted in 141?

9 A. Yes, ma'am, it's right here.

10 Q. Okay. And zooming in a little bit, is that the
11 condition they were in?

12 A. That is, yes, ma'am.

13 Q. And they were closed?

14 A. They were closed, yes.

15 Q. And what type of firearm are they?

16 A. The first one is a Palmetto State Armory 1911.
17 It was a 45-caliber handgun with two 8-round magazines.
18 I believe I had noted 17, 45-caliber rounds were in the
19 cases. It's a gun case, and when you open it up, the
20 handgun was in there with the magazines and the round.

21 The next gun, another handgun case. There was
22 a Colt Gold Cup Trophy model 45 caliber. It was in
23 the blue case, had two magazines, and eight 45-caliber
24 rounds.

25 Q. Okay. And then both of them, one was in each?

1 A. Yes, yes.

2 Q. Okay. And did they appear to be used recently?

3 A. They did not. No, they appeared like they were
4 stored there.

5 Q. I think you mentioned that you collected an
6 iPhone. Can you point to the jury where that was?

7 A. (Indicating.) I believe it's right here,
8 yes, ma'am.

9 Q. Okay.

10 A. iPhone SE.

11 Q. And then the next item of evidence?

12 A. The next item, so we moved into the entryway
13 where a black Samsung Galaxy S9 was collected. It had
14 a gold case on it.

15 Q. Looking at State's 11?

16 A. (Indicating.) It would have been this one here.

17 Q. Is that where -- is this an establishing
18 photograph?

19 A. Yes, ma'am. If you enter in the entry door
20 of the apartment, you'll essentially walk right into
21 that wall, and that's where these items were located.

22 Q. Okay. And then what was the next item
23 of evidence?

24 A. The next item of evidence was the black Samsung
25 cell phone right here, located underneath the gold.

1 Q. In the same image?

2 A. Yes, ma'am.

3 Q. I'm going to show you State's Exhibit 10,
4 and can you tell me whether or not you can see those
5 items in this image?

6 A. No, ma'am, they are not there in that image.

7 Q. I'm going to bring this to you.

8 A. I apologize. They're not in the same location
9 in this image here.

10 Q. Okay. And so that image was when you executed
11 the search warrant, but not looking ---

12 A. Not when the officers initially entered into
13 this area.

14 Q. So just looking at State's 10, so it's clear
15 from the images that's back there, this photograph,
16 State's 11, am I pointing to the correct location
17 of where it is?

18 A. Yes, ma'am.

19 Q. But it's not there in the body cam image?

20 A. No, it appears to be over here.

21 Q. And I want to back up. I'm going to show defense
22 counsel 156 and 157.

23 MR. PHILLIPS: No objection.

24 BY MS. FULLER:

25 Q. I'm going to ask you if you recognize these.

1 A. Yes, ma'am, yes.

2 MS. FULLER: Your Honor, State seeks
3 to introduce 156 and 157 into evidence.

4 THE COURT: Without objection, they are --
5 did you say 166 or 156?

6 MS. FULLER: 156 and 157.

7 THE COURT: 156 and 157 are in evidence.

8 (State's Exhibit Nos. 156 and 157 were entered into
9 evidence.)

10 BY MS. FULLER:

11 Q. Now publishing. We're backing up to that.
12 The projectile that you described, is this the image?

13 A. Yes, ma'am, that's the projectile.

14 Q. And now looking at 157?

15 A. Just a closer image of the projectile.

16 Q. Okay. Thank you, and I apologize. The next item
17 of evidence?

18 A. Was the blue MBA hat that's right there.

19 Q. And then what was the next item of evidence
20 you collected when processing the scene?

21 A. We then moved into the living room area of
22 the residence, and next what was collected was a black
23 iPhone that was sitting on the living room table.

24 Q. And looking at State's 77, can you point it
25 to the jury?

1 A. Yes, ma'am. It's kind of hard to see in this
2 photo. There's a black iPhone right there that was
3 collected.

4 Q. Can you see it?

5 A. Right there, yes, ma'am.

6 Q. Okay. The next item of evidence?

7 A. The next item of evidence was the blue iPhone
8 that's right there.

9 Q. And then next item?

10 A. It was the silver iPhone with the black-colored
11 case.

12 Q. And then the next item?

13 A. I know it's hard to see in this photo, but it was
14 a Relentless Tactical pistol holster from the living
15 room table.

16 Q. Okay. And then the next item?

17 A. The next item collected was this digital scale.

18 Q. And I don't know if I have a photograph of it,
19 but the next two items were these consistent with papers
20 on the living room table?

21 A. They were. There was a piece of paper on the
22 table as long as a green -- along with a green ledger
23 that was also on the living room table that was
24 collected.

25 Q. And then the next item?

1 A. It was a black ZTE flip phone that was located
2 on the entertainment center with the TV.

3 Q. And you see that in this image?

4 A. I believe it's over here. Yeah, I can see it.

5 Q. There's a flip phone?

6 A. It's a flip phone, yes, ma'am.

7 Q. And then the next item?

8 A. It was a black and blue Samsung Galaxy J1 phone,
9 which is located underneath this DVD.

10 Q. And then the next item?

11 A. Was a black and tan caliber drum magazine.

12 It was located in a red bag to the right of the TV.

13 Q. And the next item?

14 A. Once we come across ammunition like that, we,
15 of course, count it to make sure we have an accurate
16 count. Inside the actual drum, it was 86 556 or 223
17 rounds that were located in that bag, and that's
18 including the drum. And I believe there was a bag
19 of rounds as well.

20 Q. And looking at State's 152, can you identify
21 for the jury the red bag?

22 A. (Indicating.) This is the red bag here.

23 Q. Okay. And is that the condition it was in when
24 you photographed it?

25 A. Yes, it is.

1 Q. It was closed?

2 A. It was.

3 Q. And then the next item?

4 A. The next item was a Trans-American life insurance
5 policy. It was located in a red folder inside the
6 hallway closet.

7 Q. Looking at State's 42, do you recognize that?

8 A. I do. That's the folder I'm speaking off.

9 Q. Okay. And do you know the approximate size
10 of that folder?

11 A. It's seems to be 8 x 11, about the same size
12 as a sheet of paper.

13 Q. We will come back to that momentarily.
14 The next item?

15 A. I then entered into the bedroom. There was
16 a Sentry safe, a small safe that was located underneath
17 the bed.

18 Q. And the next item?

19 A. Once -- I don't have the photos. But once you
20 go into the hallway, once you go to the end and take
21 that left, so you come out of that bedroom. You take
22 that left, if you go to the end, there's a bathroom.
23 If you look to your right, there's a bedroom.

24 Right there on the corner of the actual bend
25 in the hallway, there's an air vent. So, I checked

1 the air vent just to see if there was anything behind
2 it. Located inside the air vent, it was a black
3 Springfield XDS case with one magazine located inside
4 the air vent.

5 Q. Did you find a matching firearm to that case?

6 A. I did. It was the same -- the serial number
7 on the case matched that of the handgun that was on
8 Mr. Atkins.

9 Q. And the next item?

10 A. This was when we went into the children's
11 bedroom, or the child's bedroom. There was a green
12 and black flip phone that was on the child's TV stand.

13 Q. And looking at State's 155?

14 A. I believe it's located right here. I know
15 it's a hard image to see, but that's where I remember.

16 Q. And can you point again?

17 A. (Indicating.) Yeah, I believe I can kind of make
18 it out.

19 Q. Are those all the physical items you collected
20 at that time?

21 A. At that time, yes, ma'am.

22 Q. Okay. What did you do next?

23 A. Next, given that there was a good amount of blood
24 throughout the residence, I then began to collect DNA,
25 being blood, throughout the residence.

1 Q. And can you describe for the jury what is your
2 method of collection?

3 A. We have Q-Tips, they're fairly long Q-Tips.
4 They're in their own sealed contained case, or they're
5 individually wrapped so as to not contaminate.
6 We're wearing gloves. So when we take these swabs,
7 you open up the Q-Tip out, you swab the blood, you ought
8 to let it dry, or at least try to let it dry to the best
9 of your ability prior to putting it in storage.
10 Then, you would have a very small box that just the
11 Q-Tip goes into.

12 Q. Approximately how many swabs did you collect
13 from the scene?

14 A. I believe I have 11 notated of blood swabs
15 that were taken throughout various locations through
16 the house -- or apartment.

17 Q. Let's see if I can do this right. Looking
18 at State's 143, did you collect a blood swab from here?

19 A. I know I collected this ring.

20 Q. Okay.

21 A. I think there's a blood swab up here on the floor
22 somewhere, but I don't see it.

23 Q. Would you prefer I go in order?

24 A. Yes, ma'am.

25 Q. Okay. I apologize.

1 A. And if not, that's okay. I can try to figure
2 it out.

3 Q. No, I can keep up too. I apologize. Where was
4 the first blood swab taken?

5 A. The first blood swab taken was from the kitchen
6 floor in front of the refrigerator.

7 Q. And looking at -- do you know where -- this way?

8 A. 180. If you could rotate it again. Yes, ma'am.

9 Q. I apologize. Do you know where you collected
10 that swab?

11 A. It would have been over here in this area.

12 Q. Okay.

13 A. A little off screen.

14 Q. And then your next swab?

15 A. The next swab was from the kitchen floor by the
16 dryer, which would have been in the ---

17 Q. Would be?

18 A. If you had the layout of the apartment, that may
19 be better to point where these others were collected.

20 Q. Okay. There you go. Where was that swab from?

21 A. That swab, I believe, was right up here.

22 Q. And you can just keep going; I'll keep up.

23 A. Okay. So that one was the kitchen floor by
24 the dryer. The next one was a blood swab from the
25 countertop, left of the sink. So it was the countertop,

1 and that's the -- yes, that's it. Correct. Right there
2 to the left.

3 Q. State's Exhibit 118?

4 A. Next was blood swab above the sink in the ceiling
5 molding.

6 Q. I will go back to this diagram.

7 A. Which -- on the diagram, it would have been
8 up here, located where the wall interacts -- touches
9 the ceiling.

10 Q. Looking at 117?

11 A. Yes, right here. The next one was a blood swab
12 from the cabinet door, left of the sink. I believe
13 that's going to be the same cabinet door where the round
14 impacted into the handle. And so it was located right
15 here in this direction or area.

16 Q. Looking at 151?

17 A. It would have been right around in here.

18 Q. And the next item, the next collection?

19 A. Was a blood swab from the laundry room trim,
20 the right side laundry room trim. There was a photo
21 that was shown earlier, a photo going out from
22 the kitchen. That was the side piece of the laundry
23 room, and there was blood on the trim piece there,
24 which was collected.

25 Q. Looking at 115?

1 A. Yes.

2 Q. And the next swab?

3 A. The next swab was from between the kitchen
4 and the living room. This was from the wall. When you
5 entered into wall, that wall -- as soon as you enter
6 into the residence, you essentially can walk directly
7 into that wall. That's the blood that was collected.

8 Q. And the next one?

9 A. That was from the front door seal, the actual
10 door entryway.

11 Q. 120?

12 A. Yes, right here.

13 Q. And the next one?

14 A. It was a swab of blood from the front porch ---

15 Q. 121?

16 A. --- out here.

17 Q. And then what was the next item?

18 A. The next item that was collected was the silver
19 ring that was on the floor. That item there.

20 Q. 143?

21 A. Yes, ma'am.

22 Q. And the next item?

23 A. There was loose marijuana throughout the house
24 in the living room and the kitchen, so those items were
25 collected.

1 Q. And that's going back to 146?

2 A. And I'm sorry. I misspoke. There was loose
3 marijuana in the kitchen. There was a blunt that was
4 collected from the living room.

5 Q. Okay. So marijuana was just in the kitchen ---

6 A. Yes, actually ---

7 Q. --- on the floor?

8 A. On the kitchen floor. There's marijuana
9 throughout this area.

10 Q. Were they on top of Samir Atkins, or next to him,
11 or underneath him?

12 A. They were underneath him and all around him.

13 Q. Okay. And the next item?

14 A. It was the splinter of wood that was located
15 under Mr. Atkins' body. The splinter of wood that came
16 from the cabinet that was impacted with the round.

17 Q. And we don't have a photo of that one.

18 A. Okay.

19 Q. And you have one more swab?

20 A. Yes, ma'am. There's a blood swab taken from
21 underneath the kitchen table that was on the floor.

22 Q. I know we've shown the kitchen table already.
23 I believe -- 142.

24 A. It's up in this area off of the screen.

25 Q. Okay. And I know we showed that photograph

1 already. And any other items?

2 A. There was a dull grinder that was on the living
3 room table that was collected.

4 Q. Okay. And approximately how long did it take
5 you to process this crime scene?

6 A. We began the crime scene, starting with the
7 walkthrough and everything, we began at 4:44 that
8 afternoon and concluded at 9:30 p.m., so approximately
9 five hours.

10 Q. Okay. And on July 5th, did you do anything
11 else in the residence? Did you process -- or that
12 was the end of it?

13 A. As far as the residence goes that night, once
14 we're done processing the scene, the scene is secure.
15 An officer stands there with the scene in case there
16 is a reason that we need to go in at a later date
17 and time, that way the scene is secure. So, the scene
18 was handed over to that officer, and all the evidence
19 that was collected was taken back to the department.

20 Q. Okay. While you were processing the scene,
21 you testified about the cell phones that you collected.

22 A. Yes, ma'am.

23 Q. Do you know whether or not those items were
24 submitted to SLED for examination?

25 A. They were.

1 Q. I'm going to show you a few more exhibits.

2 MR. PHILLIPS: No objection.

3 BY MS. FULLER:

4 Q. I'm going to hand you State's 78, 80, 82, 85,
5 89, 72, 97 and 101 and ask you if you recognize them.

6 A. Yes, ma'am, I recognize them.

7 Q. Okay.

8 MS. FULLER: At this time, Your Honor,
9 we seek to introduce those items into evidence.

10 THE COURT: All right.

11 MR. PHILLIPS: Without objection.

12 THE COURT: Without objection, 78, 80, 82,
13 85, 89, 72, 97 and 101 are in evidence.
14 (State's Exhibit Nos. 72, 78, 80, 82, 85, 89, 97 and 101
15 were entered into evidence.)

16 BY MS. FULLER:

17 Q. In preparing for today, did you have
18 an opportunity to review the cell phones collected
19 and match them up with the item numbers submitted
20 to SLED?

21 A. Yes, ma'am, I have.

22 Q. Looking at State's 101, can you publish Item 101,
23 and tell the jury where that device is?

24 A. That's Item No. 9.

25 Q. I apologize. Thank you. Item 9 ---

1 A. I'm sorry?

2 Q. --- in 101.

3 A. I'm sorry? Please say again.

4 Q. I apologize. I think I said one, but Item 9
5 in 101.

6 A. Yes, ma'am. That's going to be the iPhone
7 SE that was collected from the kitchen.

8 Q. Okay. Looking at Exhibit 97, what item number
9 is depicted on the left side of 97?

10 A. Item 8, which is the ZTE flip phone.

11 Q. And looking at item -- State's Exhibit 92,
12 what item numbers are depicted here?

13 A. Item 7 was the Samsung cell phone with the gold
14 case, and Item 6 was the other Samsung cell phone.

15 Q. And looking at 89, State's Exhibit 89, what item
16 number is depicted here?

17 A. It was the blue Samsung.

18 Q. And looking at this blue Samsung, Item 5
19 in State's Exhibit 89, is that the position that
20 it was in?

21 A. That is, yes, ma'am.

22 Q. Okay. And, for the record, it's underneath
23 a Blu-Ray?

24 A. That's correct. It was located underneath
25 the Blu-Ray.

1 Q. Looking at State's Exhibit 85, what item number
2 is here?

3 A. That's Item No. 4, which is the green and black
4 in color flip phone.

5 Q. And looking at State's 82, the item on the left
6 side?

7 A. That's going to be the white phone or silver --
8 white and silver phone with the black case.

9 Q. And State's 80?

10 A. Is the blue cell phone.

11 Q. In the center in Item 2?

12 A. Yes, ma'am.

13 Q. And State's 78?

14 A. That's going to be the black cell phone that's
15 located furthest to the right if you're looking at it.

16 Q. And what item number?

17 A. Item No. 1.

18 Q. Did you have an occasion to go back to the
19 residence?

20 A. We did, yes, ma'am.

21 Q. And when did you return to the residence?

22 A. We returned to the residence the next day.

23 It was the 6th -- excuse me -- it was the 6th, returned
24 at 2:34 p.m.

25 Q. And what was the purpose of going back to the

1 residence?

2 A. In the course of the investigation, obviously,
3 the day before was the first initial day of the actual
4 case. An interview had been conducted with Nikki Hicks,
5 who was the girlfriend of Samir Atkins. In that
6 interview, she advised that there was a larger safe
7 in the house as well as two rifles. So we went back
8 in the house in attempt to locate those items.

9 Q. And where did you look to attempt to locate those
10 items?

11 A. We looked all through the house in attempt
12 to locate those items. So taken during that search
13 warrant were photos. We again take establishing photos.
14 And upon searching further throughout the house,
15 there was a rifle located underneath the child's bed
16 in that bedroom.

17 Q. And going back to State's 155, is this the room
18 you're talking about?

19 A. Yes, ma'am. The rifle was located back here
20 underneath the bed.

21 Q. Okay. Did -- tell me whether or not it appeared
22 to be freshly placed there, or did it look like it
23 was ---

24 MR. PHILLIPS: Objection. Speculation.

25 THE COURT: Sustained.

1 BY MS. FULLER:

2 Q. Based on your observation, is this the way
3 the room was when you took the photograph?

4 A. That's the way the room was.

5 Q. And do you see that firearm in this photograph?

6 A. I do not.

7 Q. And when you retrieved the item, what did you
8 have to do to retrieve it?

9 A. I had to move the couch out of the way and get
10 up underneath the bed to actually obtain the item.

11 Q. And were the sheets touching the ground as well?

12 A. They were.

13 Q. Okay. And there were other items under the bed?

14 A. Yes, ma'am, I believe so. I would have to see
15 a photo to know for certain.

16 Q. Okay. And then where else did you look for --
17 where else did you go in the residence ---

18 A. I went -- we continued to search the area for the
19 safe. We went back into that closet, but we were unable
20 to locate the safe.

21 Q. Looking at State's 43, that's the closet you're
22 referring to?

23 A. Yes, ma'am, it is.

24 Q. What, if anything, did you locate in that closet?

25 A. It was the same items from the previous day.

1 There was, like, a shooting range target that was there.
2 That's the same closet where, I believe, that red folder
3 -- there was a picture of a red folder. I think it was
4 either the IRS paperwork or life insurance paperwork.

5 Q. Okay. To make sure that we have it correctly,
6 how it looks right now is how it looked on the first
7 day?

8 A. I'm not sure when that photo was taken.
9 I would have ---

10 Q. Do you remember if the IRS paperwork was on top
11 of the target?

12 A. I don't know -- it was underneath the target.

13 Q. It was underneath?

14 A. Yes, ma'am.

15 Q. So you had to move that to take the photograph
16 of the insurance paperwork?

17 A. That's correct.

18 Q. And looking at 42, that's the same closet
19 we're talking about?

20 A. Yes, ma'am, that's the same closet.

21 Q. What, if any -- what of significance did you note
22 in that closet?

23 A. There was a shaded area right here where
24 it appears there may have been something in the closet
25 at one time. It was darker right here.

1 Q. And -- I'm sorry. Looking at it, where's the
2 shaded area?

3 A. It's a little bit lighter carpet in this area
4 here.

5 Q. Okay. Did you note the approximate width
6 and length of the shaded -- would it be the shaded
7 or unshaded? Just to make sure we're on the same page,
8 which part is shaded?

9 A. I'm sorry. I guess, this is shaded.

10 Q. Okay.

11 A. So the lighter carpet is this area here.

12 Q. Okay. Did you note the approximate width
13 and length of the lighter portion of the carpet?

14 A. I would say it's from 12 to 16 inches in width.

15 Q. I guess for demonstrative purposes, defense has
16 this here. Based on your view of that area -- I don't
17 want to pick it up, but I probably can.

18 A. I can see it.

19 Q. You can see it?

20 A. Yes, ma'am.

21 Q. Did it appear to be the approximate width
22 and length of that shaded area?

23 A. It's possible.

24 Q. Okay. Or the lighter portion?

25 A. Yes, ma'am.

1 Q. But in your second search of the residence,
2 you didn't locate the larger safe?

3 A. We did not.

4 Q. I'm going to show you what's been marked
5 collectively as State's 158 and ask you if you recognize
6 them. You can take your time to look through all the
7 contents of 158.

8 A. Yes, ma'am, I'm familiar with these.

9 Q. And how are you familiar with them?

10 A. I've placed these items in the bag as well
11 as filled out the information on the front on the
12 5th of July.

13 Q. Did you initial it, or put your name on it?

14 A. I did. On the front, you can see the name.
15 It says T. Griffin, logged into evidence on July 5,
16 2018. It has the appropriate information up here saying
17 what was actually logged. And on the back of each
18 piece, there's a piece of evidence tape that goes on.
19 At which point, I will initial between the evidence
20 tape and the bag, just showing that it is sealed,
21 with the appropriate date of July 5, 2018.

22 Q. Okay. Thank you. I will take this.

23 MS. FULLER: At this time, Your Honor,
24 State seeks to introduce the bag as a whole, which
25 is State's Exhibit 158. And it looks like we're going

1 -- 159, 160, 161, 162, 163, 164, 165, 166, 167.

2 MR. PHILLIPS: No objection.

3 THE COURT: 158 through 167 are in evidence.

4 MS. FULLER: And, for the record, Your
5 Honor, these are blood swabs subject to the previous
6 stipulation of chain.

7 THE COURT: Very good.

8 (State's Exhibit Nos. 158 through 167 were entered into
9 evidence.)

10 BY MS. FULLER:

11 Q. And just so all the jury can see what you were
12 pointing at. When I was up there, you were pointing
13 at your name, evidence collection, the date?

14 A. Yes, ma'am.

15 Q. And for all the bags, who recovered it is listed
16 there and where, correct?

17 A. Yes, that's correct.

18 Q. I'm going to show you what's been marked
19 as State's 168 and ask you if you recognize it.

20 A. Yes, ma'am, I am familiar with this.

21 Q. And what is it?

22 A. It's the bullet fragment that came from
23 the cabinet once it was opened, and it was collected
24 from the countertop.

25 MS. FULLER: At this time, the State seeks

1 to move into evidence State's 168.

2 MR. PHILLIPS: No objection.

3 BY MS. FULLER:

4 Q. Looking at 169, do you recognize that?

5 A. Yes, ma'am. This is the 40-caliber spent shell
6 casing that was found in that drawer underneath the oven
7 mit.

8 Q. Okay. And looking ---

9 MR. PHILLIPS: No objection.

10 MS. FULLER: Thank you.

11 BY MS. FULLER:

12 Q. And that's 169. Looking at 170?

13 A. Yes, ma'am. This is the silver 9-millimeter
14 round that was located in the corner of the kitchen
15 nearest to the laundry room on the floor.

16 Q. Looking at 171?

17 A. Yes, ma'am. This is the gold 9-millimeter
18 shell casing that was located underneath the dishwasher
19 in the kitchen.

20 MS. FULLER: At this time, moving -- seeking
21 to introduce State's 170 and 171 into evidence.

22 MR. PHILLIPS: No objection.

23 THE COURT: All right. Those are in
24 evidence, as are 168 and 169.

25 (State's Exhibit Nos. 168 through 171 were entered into

1 evidence.)

2 MS. FULLER: I apologize, Your Honor.

3 BY MS. FULLER:

4 Q. And then showing you what's been collectively
5 marked as 172, and the contents individually marked
6 as 173 and 174, and ask if you recognize them.

7 A. Yes, ma'am, I do recognize these.

8 Q. And how do you recognize them?

9 A. I collected them and logged them and bagged them.

10 MS. FULLER: At this time, the State seeks
11 to introduce -- I forgot. I'm sorry.

12 THE WITNESS: 173 and 174.

13 MS. FULLER: And the bag?

14 THE WITNESS: I'm sorry. I apologize.

15 MS. FULLER: 172 was the bag collectively,
16 and then the contents, 173 and 174.

17 MR. PHILLIPS: No objection.

18 THE COURT: State's 172 through 174 are
19 in evidence.

20 (State's Exhibit Nos. 172 through 174 are entered into
21 evidence.)

22 BY MS. FULLER:

23 Q. I'm going to hand you, for identification,
24 State's 178. Do you recognize that?

25 A. Yes, ma'am.

1 MS. FULLER: And for identification only,
2 Your Honor, 178.

3 BY MS. FULLER:

4 Q. And what is 178?

5 A. That's the green and black flip phone that was
6 found in the child's bedroom.

7 Q. And what item number?

8 A. The SLED item number for that one ---

9 Q. It's printed on the bag as well.

10 A. I apologize. Item No. 4.

11 Q. And then for ID, State's 181.

12 A. That's the black Samsung with the gold case that
13 was collected from the entryway, Item No. 7 for SLED.

14 Q. For ID. And then Item 180?

15 A. That's the other black Samsung that was collected
16 from the entryway, Item No. 6 for SLED.

17 Q. And that's for ID. 179, do you recognize that?

18 A. Yes, ma'am. That's the blue Samsung cell phone
19 that was located on the entertainment center underneath
20 the Blu-Ray. It's Item No. 5 for SLED.

21 Q. 179 for ID. Item 183?

22 A. That's was the iPhone SE that was located in the
23 kitchen, Item No. 9 for SLED.

24 Q. And then 182?

25 A. That's the black flip phone that was located

1 on the entertainment center to the left, and Item
2 No. 8 for SLED.

3 Q. Now looking at Item 175?

4 A. That was the black iPhone that was collected
5 from the living room table, and it's Item No. 1
6 for SLED.

7 Q. And Item 2 -- I mean, Exhibit 176?

8 A. This is the blue iPhone that was located
9 on the living room table, Item No. 2 for SLED.

10 Q. Okay. And that's for ID, along with 175, 182,
11 if I didn't state that already. And now looking at 177?

12 A. This was the iPhone with the black case
13 that was located on the living room table as well,
14 Item No. 3 for SLED.

15 Q. 177 for ID.

16 MR. PHILLIPS: Without objection,
17 they can all be introduced.

18 MS. FULLER: They're for ID.

19 THE COURT: Okay. But they're okay with
20 them coming in, and I assume you want them to come in,
21 why don't we just go ahead and say they're introduced.

22 MS. FULLER: Thank you.

23 THE COURT: That would save us some time
24 tomorrow or some other time.

25 MS. FULLER: Thank you, Your Honor.

1 They're for ID.

2 THE COURT: You don't want them in
3 as evidence?

4 MS. FULLER: They're just marked for ID,
5 Your Honor.

6 THE COURT: I understand. But you're
7 not going to move them into evidence; is that correct?

8 MS. FULLER: No, Your Honor.
9 I don't believe I have to.

10 THE COURT: I understand. Okay.
11 Apparently, they're not going to introduce them
12 into evidence.

13 MS. FULLER: That's not what I'm saying,
14 Your Honor.

15 THE COURT: I'm sorry?

16 MS. FULLER: They're just for ID at this
17 time, Your Honor.

18 THE COURT: Right. But they're not
19 objecting to them coming into evidence, why wouldn't
20 you want them in evidence at this time?

21 MS. FULLER: Thank you, Your Honor.
22 I apologize.

23 THE COURT: Okay.

24 MS. FULLER: It's for identification.

25 THE COURT: I'm just trying to speed things

1 along. That's all I'm trying to do.

2 MS. FULLER: I understand.

3 THE COURT: If they're not objecting to it,
4 I don't see why you are objecting to -- but whatever.

5 MS. FULLER: Thank you.

6 BY MS. FULLER:

7 Q. Investigator Griffin, I believe just a couple
8 more. On July 18, 2018, did you have an occasion
9 to travel to Estill, South Carolina?

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

11 Q. Okay. And what was the purpose of going there?

12 A. The purpose of going there was -- at that point,
13 the Defendant had been identified as Damien Ritter,
14 and he resided in Estill, so we went there to follow
15 up on the investigation.

16 MR. PHILLIPS: We would renew.

17 THE COURT: All prior objections, all prior
18 hearings -- motions are renewed, same rulings as before.

19 MR. PHILLIPS: Just making sure we're
20 preserved on the record.

21 THE COURT: You are preserved. You have
22 a continuing objection. You do not have to renew
23 it every time they bring it up.

24 MR. PHILLIPS: Thank you.

25 THE COURT: It's noted for the record.

1 So you have a continuing objection.

2 MR. PHILLIPS: Thank you, Your Honor.

3 BY MS. FULLER:

4 Q. And what was the purpose of going -- did you
5 go to actually Damien Ritter's residence on that day?

6 A. We did, yes, myself and Investigator Deas.

7 Q. Investigator Deas is sitting here?

8 A. He is, yes, ma'am.

9 Q. Okay. And on that day, were you present when --
10 can you tell me whether or not the home had
11 a surveillance system?

12 A. It did have a surveillance system.

13 Q. And were you present for the collection of that
14 item?

15 A. I was present for that.

16 Q. Okay.

17 MS. FULLER: Thank you, Your Honor.

18 No further questions at this time.

19 THE COURT: Okay. We've been at it for one
20 hour and 25 minutes. Can y'all wrap this up in 35
21 minutes, or is there a snowball's chance of that
22 happening?

23 MR. PHILLIPS: Brevity has never been
24 a good, you know -- nobody has ever said I would
25 be brief.

1 THE COURT: Don't talk about the case yet.

2 Thanks.

3 (Jury exits the courtroom at 5:24 p.m.)

4 THE COURT: Feel free to step down.
5 Refresh yourself. You know the rules, don't talk
6 about your testimony, okay?

7 THE WITNESS: Yes, sir.

8 (Proceedings adjourned until 9:30 a.m.)
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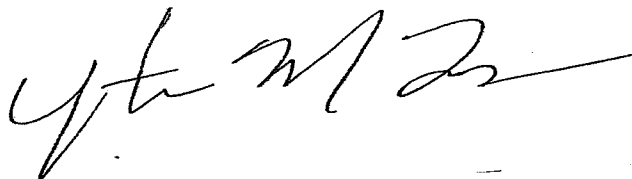
CERTIFICATE OF REPORTER

State of South Carolina)
County of Lexington)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Lexington County, South Carolina, on the 23rd of June, 2021.

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

October 30, 2021



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF LEXINGTON

2019-GS-32-02887-2893

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) June 24, 2021 - Vol 4 of 5

Damien Lavar Ritter)

) Lexington, South Carolina

B E F O R E:

The Honorable Frank R. Addy, Judge

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

Sutania A. Fuller, Esquire
Shawn Graham, Esquire
Attorneys for the State

Jim Brown, Esquire
Dayne Phillips, Esquire
Attorneys for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
First Judicial Circuit

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-13	Still Shot		820
S-16	Dispatch		870
S-65	Video Clip		856
S-66	Screen Shot		856
S-67	Screen Shot		856
S-71	Map		857
S-79	Phone Photo		985
S-81	Phone Photo		985
S-83	Phone Photo		985
S-84	Phone Photo		985
S-86	Phone Photo		985
S-87	Phone Photo		985
S-88	Phone Photo		985
S-90	Phone Photo		985
S-91	Phone Photo		985
S-93	Phone Photo		985
S-94	Phone Photo		985
S-95	Phone Photo		985
S-96	Phone Photo		985
S-98	Phone Photo		985
S-99	Phone Photo		985
S-100	Phone Photo		985

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-102	Phone Photo		985
S-103	Phone Photo		985
S-127	Disc		862
S-128	Still Shot		862
S-129	Still Shot		862
S-153	Item 10 DVR		983
S-154	Item 10 DVR		983
S-184	Testing Container		850
S-185	Buccal Swab		850
S-186	Buccal Swab		850
S-187	Container Bag		850
S-188	Buccal Swabs		850
S-189	Bag/Swabs		850
S-190	Container Bag		850
S-191	Swabs		850
S-192	Swabs		850
S-193	Swabs		850
S-194	40-cal Shell		850
S-195	40-cal Glock		850
S-196	Screen Shot		978
S-197	Screen Shot		978
S-198	Holster Photo		815

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE
S-199	Cabinet Photo		823
S-200	Cocaine Photo		823
S-201	Upper Cabinet Photo		823
S-202	Gun Box		816
S-203	Gun Photo		816
S-204	Gun w/Box Photo		816
S-205	Gun Photo		816
S-206	Shoe Photo		819
S-207	Underwear Photo		819
S-208	Bloody Shirt Photo		819
S-209	Pants Photo		819
S-210	Bloody Shirt Photo		819
S-211	Swisher Photo		823
S-212	Auto Loss Notice		992
S-213	SLED Chain of Custody		875
S-216	Cell Extraction		1013
S-217	Cell Extraction		1011
S-218	Cell Extraction		1000
S-222	Text Messages		1030
D-16	Compact AK	789	
D-17	Ammo Drum	789	

EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
D-18	Bag of Bullets	789	
D-19	Flash Drive	807	
D-20	Inventory Notes	844	
D-21	Cell Phone Extraction	768	
D-22	CellBrite Extraction	1019	
D-23	Cell Phone Extraction	1021	

INDEX

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>

Detective Thomas Griffin**Mr. Phillips****768****Ms. Fuller****808****Mr. Phillips****836****Detective Jody Putney****Ms. Fuller****852****Mr. Phillips****863****Ms. Fuller****870****Mr. Phillips****872****Paul Greer****Mr. Graham****876****Mr. Phillips****895****Mr. Graham****901****Jennifer Bartman****Mr. Graham****902****Mr. Brown****926****Mr. Graham****937**

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
2	Kenyetta Moorer				
3	Mr. Graham	968			
4					
5	Kerria Woods				
6	Mr. Graham	975			
7					
8	Sr. Special Agent Farand Wasiak				
9	Ms. Fuller/Mr. Graham	981			
10	Mr. Brown		1017		
11	Mr. Graham			1029	
12	Mr. Brown				1032
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1 (Defendant's Exhibit No. 21 was marked for
2 identification.)

3 THE COURT: Good morning. Thank you.
4 Please have a seat. All right. I do believe that we
5 have the jury here. Let's go ahead and get the jury.

6 (Jury enters the courtroom at 9:07 a.m.)

7 THE COURT: All right. Let the record
8 reflect that the jury is back and seated. The
9 Defendant, of course, is present with counsel. Ladies
10 and gentlemen of the jury, I trust you had a pleasant
11 evening last night. Thank you for being back, and thank
12 you for punctuality. We're, of course, continuing with
13 the examination of Officer King at this point in time.
14 Mr. Phillips -- of course, you're still under oath.
15 Goes without saying. Your cross.

16 MR. PHILLIPS: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. PHILLIPS:

19 Q. Good morning.

20 A. Good morning, sir.

21 Q. Good to see you again.

22 A. You too.

23 Q. So there are four guns seized in that home?

24 A. I believe so, yes, sir.

25 Q. Okay. And they're located in the kitchen, right?

1 A. There was one on Mr. Atkins' body, two in the
2 kitchen, and one in the child's bedroom.

3 Q. Right. And the one on Mr. Atkins' body
4 is holstered on his hip?

5 A. That's correct.

6 Q. Okay. It's holstered in a way that it's not
7 concealed?

8 A. That's correct. I mean, I was looking at him,
9 I could see the handgun.

10 Q. Okay. And so we know that there's nine cell
11 phones in that apartment, right?

12 A. That's correct.

13 Q. And so out of those nine cell phones that are
14 in that apartment, they're located in virtually every
15 room, they're, like, littered throughout the apartment;
16 is that fair to say?

17 A. That's correct.

18 Q. So they're in the kitchen; they're in the
19 little dining room area; they're in the living room;
20 and they're in the bedrooms?

21 A. Yes.

22 Q. Okay. And so as they're littered through the
23 entire apartment, these nine cell phones, what's also
24 important here is the fact that there's this coffee
25 table in the living room, right?

1 A. Yes, sir.

2 Q. And so on that coffee table, we have two cell
3 phones off to the left; is that right?

4 A. Correct.

5 Q. Okay. And then also on that coffee table,
6 we have an empty holster, and that's on the right?

7 A. Yes, sir.

8 Q. Okay. And so, obviously, there's pictures where
9 there was three chairs, there's pictures where there's
10 two chairs. But where the two chairs are, the chair
11 on the left is where the two cell phones are sitting --
12 are placed on the table?

13 A. Yes, sir.

14 Q. Okay. And then the chair on the right has an
15 empty holster?

16 A. I know to the right of the table there's an empty
17 holster.

18 Q. That's right. So, like, if you have a chair here
19 and a chair here, the person that's sitting in this
20 chair, the left chair, has two cell phones in front of
21 them on the table, and the person sitting in the right
22 chair, has an empty holster in front of them, if they
23 were sitting in the chairs?

24 A. If the chairs were there because in those photos
25 I don't recall the chairs being there in front of the

1 table.

2 Q. All right. Well, give me a second.

3 A. I know there was the one chair. At least,
4 that's what I remember.

5 Q. I know it's been three years.

6 A. Yes, sir.

7 Q. So, I'm going to make it more streamline.

8 I don't want to keep the jury while we're fumbling
9 through a bunch of pictures. There's over 100 of them.

10 A. Yes, sir.

11 Q. While I'm going to do that, I'm going to keep
12 walking through. But presumably we show you a picture,
13 there's two chairs there. The one that would be on the
14 left would have the two cell phones in front of them on
15 the table; is that right?

16 A. I know on the table there were two cell phones
17 to the left. There was a cell phone essentially in the
18 center to the right, and then the holster on the right
19 side of the table.

20 Q. Okay. So three cell phones on the coffee table?

21 A. Yes, sir.

22 Q. All right. And an empty holster to the right?

23 A. Yes, sir.

24 Q. All right. Now as an investigator, you go
25 through your training as far as crime scene collection,

1 and to not only secure the scene, but in this role,
2 to actually make sure that all evidence is collected,
3 right?

4 A. That's correct.

5 Q. And you want to preserve the integrity of the
6 scene?

7 A. Yes, sir.

8 Q. And in preserving the integrity of the scene,
9 you're really looking for anything that's relevant
10 possibly to the homicide?

11 A. Yes, sir.

12 Q. All right. And in doing that, did you see any
13 holes in the floor?

14 A. I do not recall seeing any holes in the floor,
15 no, sir.

16 Q. Okay. So if someone was laying down on the
17 ground, and they were shot, and there was a through
18 and through, would there be a hole in the floor,
19 presumably, or a dent in the floor?

20 A. It's possible.

21 Q. And if somebody was laying on their back,
22 and their knees are up -- I'm not going to do that.
23 I'm not going to send my law clerk down here to lay
24 on the floor. They've seen it. But if I was laying
25 on my back, and I got my knees up, and somebody shot

1 me through my leg, and it went out through my buttocks,
2 presumably, there would be a dent on the floor?

3 A. If it, in fact, went out, there could be.

4 Q. Right. So if you had a through and through,
5 there would at least be maybe a mark or a dent on the
6 floor?

7 A. It's possible, but there's been times where there
8 isn't a mark.

9 Q. Or say blood?

10 A. It's possible.

11 Q. While we're talking about blood, there's blood
12 everywhere in that kitchen?

13 A. Yes, sir.

14 Q. And we'll get those pictures up here in a second
15 too. And so there's blood all over the floor. I mean,
16 it's everywhere ---

17 A. Yes, sir.

18 Q. --- right? And so if somebody had to be laying
19 on the ground, and they're in a wrestling match,
20 it's probable that they would have blood on the bottom
21 of their shoes, wouldn't it?

22 A. It depends how long -- Mr. Atkins' body had laid
23 there for some time, from the time I went in to process
24 the scene. So the amount of blood that came out of his
25 body from the time I went to process, I would image

1 it increased in size, the blood -- the amount of blood
2 that's in the kitchen.

3 Q. That's fair. How about two bodies that are shot?
4 I mean, you've seen the pictures. I mean, you were
5 there in person. I know it's a horrific scene. I'm not
6 trying to downplay that.

7 A. Yes, sir.

8 Q. But there's a significant amount of blood,
9 not just what had came out, but splattered and drops
10 all over the floor?

11 A. Yes, sir.

12 Q. I mean, you were there taking pictures?

13 A. I was there, yes, sir.

14 Q. And so if there was this big crazy struggle,
15 a wresting match in that kitchen, it's not a big
16 kitchen, is it?

17 A. Just -- it's not a big kitchen, no, sir.

18 Q. But it's possible there could be some blood
19 on the bottom of the shoes?

20 A. Referring to the, I guess, the testimony
21 of Mr. Furtick, and that location of where he's saying
22 he was located, that's in that area where that table
23 was pushed to the side. If you look at those photos,
24 there's not much blood in that area.

25 Q. Not much blood?

1 A. There's not -- I don't believe there's really
2 any blood in that area, I mean, without looking
3 at the photos.

4 Q. Sure.

5 A. I know there was a small area of blood
6 underneath the dining room table that was photographed
7 and collected. But I don't remember a pool of blood
8 or a significant amount of blood. Most of it was in
9 the kitchen with Samir's body.

10 Q. Okay. And so while -- we're going back to
11 the guns, and we're talking about all the different
12 locations where the guns are. And, like I said, the
13 guns, there's four of them, they're found in different
14 rooms. Let's talk about the AR-15. It was found in
15 the child's bedroom?

16 A. Back child's bedroom.

17 Q. All right. And that's the bed that's got
18 the Peppa Pig pillow, the Minnie Mouse sheet?

19 A. And the couch in front of it, yes.

20 Q. And I remember you said, in fact, I wrote that
21 down. So my daughter has a very similar -- it's really
22 just a child's foam chair, right?

23 A. It is a child's foam couch, yes.

24 Q. It weighs, like, nothing?

25 A. Right.

1 Q. It's a little foam. All right. And we'll
2 get to the picture here in a second. But the front
3 of the bed is not against the wall, is it?

4 A. No, sir, it's just the right side, if you're
5 looking at it.

6 Q. That's right. Sort of like if this table right
7 here was that bed, the front of it is not up against
8 the wall?

9 A. No, sir.

10 Q. Right. So if somebody came in and threw
11 in the front of the bed an AR-15, that's possible?

12 A. I would have to see the photos again.

13 Q. That's right. Well, you found it the next day,
14 right?

15 A. Yes, sir.

16 Q. And it was put in a place to be concealed?

17 A. I'm unsure. I just know it was underneath that
18 bed.

19 Q. Is it normal to find an AR-15 under a child's
20 bed?

21 A. I have found rifles in various locations similar
22 to that in my past experience.

23 Q. Is it normal for the average person to keep
24 a compact AR-15 under their child's bed?

25 A. No, sir, I wouldn't say it's a normal person.

1 Q. They wouldn't do that?

2 A. No, sir.

3 Q. Okay. I mean, that's -- I understand. I mean,
4 your business is different.

5 A. Yes, sir.

6 Q. You know, you're processing crime scenes where
7 criminal activity happened.

8 A. Yes, sir.

9 Q. And so the front of that bed is not pushed
10 up against the wall. And, again, you said you would
11 have to have your memory refreshed, and we'll go ahead
12 and queue it up. I'm just going to keep on asking
13 questions ---

14 A. Yes, sir.

15 Q. --- to streamline it. But certainly somebody
16 could have put a gun under from the front?

17 A. It's possible, yes, sir.

18 Q. A compact AR-15, you know, a normal assault rifle
19 is longer, right?

20 A. Yes, sir.

21 Q. I mean, you've got training and gun training.
22 You ever shot an AR-15?

23 A. I have.

24 Q. Yeah, me too. And so -- but a compact one
25 is much smaller, right?

1 A. Yes, sir.

2 Q. All right. So a compact AR-15, that's not used
3 to hunt deer, right?

4 A. Typically not, no, sir.

5 Q. Right. You would have a compact AR-15 for close
6 combat?

7 A. I would say for either, just for sport as far
8 as going out and shooting, or just personal protection.

9 Q. Well, I mean, as far as personal protection,
10 you're in an apartment, and a compact AR-15, obviously,
11 is to help for the concealment of it. I mean, it's
12 possible, and I certainly have thought about this
13 before, having an assault rifle as a self-defense weapon
14 in an apartment is probably not very safe for your
15 neighbors, is it?

16 A. I think -- I know you're using the term compact
17 AR, but even a compact AR is not very compact. It's
18 still a fairly large item.

19 Q. And so with that, you're talking about the gun
20 that's not concealed on Atkins' hip, it's right here
21 on the right side?

22 A. I'm sorry. What's the question?

23 Q. Atkins' hip, the gun?

24 A. There was a gun on his right side.

25 Q. And it's not concealed?

1 A. No, sir.

2 Q. Right. I mean, he could draw it?

3 A. He could, yes, sir.

4 Q. Okay. The box for that gun, interestingly,
5 was found in an air vent; is that right?

6 A. That's correct.

7 Q. And it being found in the air vent,
8 that's unusual?

9 A. Yes, sir.

10 Q. All right. So the gun that he had on his hip,
11 we have the box of it in the air vent. I mean,
12 obviously, I'm not going to ask you to speculate,
13 but that's kind of strange, right?

14 A. Again, in my ---

15 Q. I mean, if we were to take that gun out of his
16 hip and put it back in the box, it would be in the air
17 vent?

18 A. Yes, sir.

19 Q. That's not a normal place somebody stores
20 a weapon?

21 A. It's not a normal place, no, sir.

22 Q. As far as the shell casings, you found two
23 9-millimeter shell casings?

24 A. Correct.

25 Q. All right. And so if this is -- let me make

1 sure the jury can see it well. This is the kitchen,
2 and this is the back wall, right?

3 A. With the sink and the ---

4 Q. Exactly. Like if I'm walking into the kitchen
5 from this way? Trying to make sure the jury can kind
6 of ---

7 A. Yes, sir.

8 Q. You've got the bodies that are basically blocking
9 the way to get to the -- you have to basically step over
10 them; is that right?

11 A. Correct.

12 Q. Because it's not a very big kitchen?

13 A. No, sir.

14 Q. And the way they're angled, you can't really get
15 to the back wall, without stepping ---

16 A. Without stepping in blood.

17 Q. --- blood and everything else?

18 A. Yes, sir.

19 Q. And the shells are really found on this back
20 wall, right?

21 A. Yes, sir.

22 Q. Okay. So if somebody wanted to try to go get
23 those shells, they're going to have to step in the
24 blood, step over the bodies, it would be very difficult?

25 A. It would be difficult.

1 Q. Without having incriminating evidence all over
2 them?

3 A. It would be difficult, yes, sir.

4 Q. Now based on the evidence that you have as the
5 investigator, there's at least three or four shots that
6 you know of, right?

7 A. Yes, sir.

8 Q. Okay. But there's only the two 9-millimeter shell
9 casings?

10 A. Only two 9-millimeter shell casings.

11 Q. And again that empty holster on that coffee
12 table?

13 A. Correct. There's an empty holster.

14 Q. Okay. Now as an investigator, they certainly
15 train you to look for cell phone -- I mean, in this
16 new digital age, cell phones are a treasure trove
17 of information; is that fair to say?

18 A. Yes, sir, very much so.

19 Q. And so, I mean, those could have some real
20 relevant information evidenced to a crime, right?

21 A. That's correct.

22 Q. And in this case, you seized the nine cell phones
23 that were entered into evidence -- excuse me -- all over
24 the apartment?

25 A. Yes, sir.

1 Q. And logged into evidence?

2 A. Yes, sir.

3 Q. It's possible in a murder case that those cell
4 phones would have some relevant information on them,
5 wouldn't it?

6 A. That's correct.

7 Q. Okay. And so when they're taken into evidence,
8 it would be the lead investigator's job to probably look
9 into that?

10 A. That's correct.

11 Q. Dig through them and see if there's any evidence
12 that could help this case?

13 A. Typically, those phones are sent out for that,
14 but, yes, sir. It would be looked into, yes, sir.

15 Q. And the jury will hear about all that, cell phone
16 extractions, and all that, right?

17 A. Yes, sir.

18 Q. That's right. Now as you were going through --
19 all right. We're going to kind of, since I wasn't ready
20 for the pictures, and I apologize. Caffeine hadn't
21 kicked in yet. So that's the picture with the three
22 chairs there, right?

23 A. I can see one chair, but, yes, sir.

24 Q. I'm sorry. So when we watched the body cam ---

25 A. Yes, sir, I can see it now.

1 Q. So we see that chair off to the far left in the
2 picture gets moved out ---

3 A. Yes, sir.

4 Q. --- to Mr. Atkins' grandfather?

5 A. Correct.

6 Q. And then you just have those other chairs there.
7 And the chair that if you were actually going to sit
8 in it's to the left, is where the cell phones are,
9 and the chair to the right is where the empty holster
10 is?

11 A. That's correct.

12 Q. Okay. All right. Now as you see -- so this
13 picture is not the greatest, but there's drops of blood
14 all through here, right?

15 A. I know there's a good amount of blood in this
16 area.

17 Q. Actually this picture helps. There we go.

18 A. Yes, sir, there's blood in this area.

19 Q. There you go. I mean, it's everywhere. So if
20 you're going to come to this hallway, and I think your
21 quote yesterday was, it's not much of a hallway.

22 A. No, sir.

23 Q. It's very tiny?

24 A. It's a pretty small area.

25 Q. And if you had upwards of what, four or five

1 people, a wresting match through here, and we've got
2 blood here, blood here, blood here, all through there,
3 it's possible that on their dress shoes they should have
4 some blood on the bottom of them, if they were --
5 all that was going on, right?

6 A. It's possible.

7 Q. Right. And now going back to the question
8 we talked about, those shells, where were those shell
9 casings found? Like, somebody said, man, I need to
10 get these shells. Where were they found, and they had
11 a hard time getting over the two bodies in blood?

12 A. One shell casing was found right here in this
13 corner, and the other shell casing was found underneath
14 the dishwasher right there.

15 Q. Okay. So, again, if somebody was trying
16 to get up, they would either have to try to broad
17 jump, or I mean, there was no way for them to do
18 it without kind of going through?

19 A. It would be difficult to get to those, yes, sir.

20 Q. So as you said -- so where was that blood found
21 over here, you said?

22 A. There was blood right underneath the table there.

23 Q. Did you test that -- did you know if they tested
24 that blood?

25 A. I know it was submitted. I'm unsure if it

1 was actually -- I know a good bit of those swabs
2 were submitted.

3 Q. And then down here in the corner, that's kind
4 of that other angle with all the blood?

5 A. Yes, sir.

6 Q. Okay. And that's not -- and the way that blood
7 is, I know you're not an expert or anything. But the
8 way that blood is, that's not -- isn't just pooled out,
9 that's, like, dropping straight down, wouldn't you say?

10 A. I would say that's from the removal of Mr. ---

11 Q. Possibly ---

12 A. Possibly when he was being transported.

13 Q. --- taken after where he was laying down?

14 A. Yes, sir.

15 Q. So, I mean, that area right there would have been
16 basically almost blocked?

17 A. Yes, sir.

18 Q. Okay. As far as the child's bed, you've got
19 the Frozen kid's chair. So right here, the front
20 of that bed, that's open, right, right here?

21 A. Other than being covered by the sheet, yes, sir.

22 Q. You've got a little Minnie mouse bedspread?

23 A. Correct.

24 Q. Yeah. That's where the compact AR-15 was
25 located?

1 A. Located underneath that bed, yes.

2 Q. Now in your search of the residence, you came
3 across a red bag?

4 A. That's correct.

5 Q. I think we have a picture of the red bag.
6 And so this red bag, it was unzipped?

7 A. The top was closed, but I believe it was
8 unzipped, yes, sir.

9 Q. Right. It's unzipped?

10 A. Yes.

11 Q. It's not as if it was zipped shut, but it was
12 folded over?

13 A. That's correct.

14 Q. All right. This bag right here?

15 A. Correct.

16 Q. And you found an ammo drum and bullets that
17 go to that AR-15 in that bag?

18 A. I don't know that they went to that AR. I know
19 it was an ammo drum that contained 223 or 556 rounds
20 in it.

21 Q. And that AR can take 223 bullets, right?

22 A. It can.

23 Q. Okay. So whether -- you don't know whether
24 somebody meant to put those 223 bullets into that
25 AR-15, you know that those bullets go to that AR-15.

1 They can work?

2 A. I know those bullets ---

3 Q. If I lock that clip in that ammo drum, it's two
4 big round circles, I can go shooting?

5 A. More than likely it could work, yes.

6 Q. All right. Where's that bag now?

7 A. It was left in the apartment.

8 Q. Say that again?

9 A. It was left in the apartment.

10 Q. So you left the bag with all the bullets
11 and ammo drum in the apartment?

12 A. No, sir. We collected the ammo from the bag,
13 and we left the bag there because the bag didn't present
14 any evidentiary value at that time.

15 Q. Did you fingerprint it?

16 A. No, sir.

17 Q. Did you DNA test it?

18 A. No, sir.

19 THE COURT: Before you take that out ---

20 MR. PHILLIPS: I'm not going to take
21 it out because it's not in evidence. I was just going
22 to -- I think it shows what I'm needing to present
23 without going that far, Your Honor.

24 THE COURT: That's fine. I want to make
25 sure that -- I'm sure it's already been cleared and

1 checked, but I just wanted to double or triple check
2 and make sure that there was no live rounds in it,
3 per the policy. Yeah, okay. If we are certain
4 it is good, then I am good.

5 BY MR. PHILLIPS:

6 Q. You just take a look at this bag. I'm not asking
7 you to open it.

8 A. Yes, sir.

9 Q. That's a pretty small bag, isn't it?

10 A. Yes, sir.

11 Q. And you collected that evidence?

12 A. Correct.

13 Q. And what's the contents of that bag?

14 A. It's the AR-15, the black and tan one that
15 was located underneath that bed.

16 Q. Just want you to take a look at these two items.
17 Are you familiar with these two items?

18 A. Yes, sir, I'm familiar with it.

19 Q. All right. Give me one second.

20 MS. FULLER: Judge, for the record,
21 what's the item number? Is it marked for ID?

22 MR. PHILLIPS: I'm sorry. Let's get them
23 marked for ID. I apologize, Your Honor.

24 MS. FULLER: Are they being moved into
25 evidence?

1 THE COURT: I think he's just marking them
2 for ID.

3 MR. PHILLIPS: Yeah, marking them for ID.

4 MS. FULLER: Thank you.

5 (Defendant's Exhibit Nos. 16 through 18 were marked for
6 identification.)

7 MR. PHILLIPS: Your Honor, the compact
8 AK is marked as Defendant's Exhibit No. 16 for
9 identification only. And, Your Honor, Defense's Exhibit
10 No. 17, the ammo drum, is marked for identification
11 only. And, Your Honor, Defense's Exhibit No. 18,
12 the bag of bullets, is marked as -- for identification
13 only.

14 THE COURT: All right. I got the 223s
15 is 18, the drum is 17, and the AK is 16.

16 MR. PHILLIPS: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. PHILLIPS: I apologize for that.

19 THE COURT: No worries. They're all ID.

20 MR. PHILLIPS: Thank you, Your Honor.

21 BY MR. PHILLIPS:

22 Q. And so the red bag the ammo drum bullets were
23 found in, you left at the scene?

24 A. That's correct, because there was nothing
25 in the bag, except for the magazine and the rounds.

1 Q. And did you test it for fingerprints?

2 A. Did I test what?

3 Q. The bag.

4 A. No.

5 Q. No dusting, no fingerprint. Did you do any swabs
6 for touch DNA?

7 A. No, sir.

8 Q. Okay. So possibly, if Mr. Furtick's fingerprints
9 or touch DNA is on that bag, we'll never know?

10 A. I did not process the bag.

11 Q. Okay. You just left it there?

12 A. That's correct.

13 Q. Through your training at the South Carolina
14 Criminal Justice Academy, I mean, they go through
15 evidence collection?

16 A. They do.

17 Q. And part of that training would be to make sure
18 you collect, as we discussed, every piece of relevant
19 evidence that you could come across, right?

20 A. That's correct.

21 Q. And this is a homicide?

22 A. Correct.

23 Q. Two people dead, being shot?

24 A. Correct.

25 Q. There's a bag with ammunition in it?

1 A. Correct.

2 Q. You leave the bag?

3 A. Correct. I collected the rounds.

4 Q. Okay. And you would admit that there's possible
5 evidence that could have been on that bag that could
6 have been used in this trial? There is possible
7 evidence?

8 A. I know I left the bag. I did not see it as
9 any evidentiary value at that time. So, I took ---

10 Q. How about today, not at the time? Looking back,
11 kind of hindsight 20/20. Looking back today, you wish
12 you would have took that bag in?

13 A. After speaking with you and hindsight 20/20,
14 sure. But back then at that time I was collecting
15 rounds, and the rounds were the only thing located
16 in the bag. That's the reason I removed those rounds.

17 Q. Well, I mean, look, if it had Mr. Ritter's
18 fingerprints on it or DNA, sure -- well, I've got
19 to watch my mouth -- it sure would be relevant
20 to this trial, wouldn't it, from your point of view?

21 A. It's possible, yes, sir.

22 Q. And our contention, it would be highly relevant
23 if Mr. Furtick's DNA or fingerprints would be on it?

24 A. Given that the rounds found in the bag were 223
25 and 556, and the rounds that were fired, or proven to

1 be fired on that scene, were 9-millimeter, and I think
2 40 out in the parking lot, I guess, I didn't see the
3 relevance of the 223.

4 Q. I know you have to like -- it's like links
5 in a chain, you've got to put them together. So, like,
6 when you have this compact AR-15 under a child's bed
7 that somebody could have had in the living room,
8 you see where I'm going?

9 A. Yes, sir.

10 Q. And that then makes it relevant.

11 A. Okay.

12 Q. Okay. We're on the same page. And that bag was
13 unzipped?

14 A. In that picture, yes, sir, it was.

15 Q. Did you mess with it before you took that
16 picture?

17 A. I did not, no, sir.

18 Q. So kind of the next thing we'll kind of start
19 walking through is the drugs that you found throughout
20 the apartment. There's drugs kind of littered
21 throughout the apartment as well?

22 A. Mainly in the kitchen area, yes, sir, and in the
23 living room.

24 Q. And the living room?

25 A. Yes.

1 Q. Found cocaine?

2 A. In the kitchen.

3 Q. But you didn't test it. We just assumed it was,
4 right?

5 A. It was collected. I know that.

6 Q. Why wouldn't you test it?

7 A. I'm unsure. My job that day was collect evidence
8 and submit it.

9 Q. So that would be his job?

10 A. Yes, sir.

11 Q. Okay. Marijuana?

12 A. Correct.

13 Q. Found a grinder on the coffee table?

14 A. That's correct.

15 Q. A scale?

16 A. Correct.

17 Q. A big gulp cup that's needed to weigh marijuana?

18 A. More than likely.

19 Q. It's, like, shake in the bottom?

20 A. Yes, sir.

21 Q. They're not drinking -- they don't have a slushy
22 in that cup?

23 A. No, sir.

24 Q. Okay. Vacuum sealer?

25 A. There was a vacuum sealer in there.

1 Q. What fingerprints were done in that apartment?

2 A. No fingerprints were taken.

3 Q. At all?

4 A. No, sir.

5 Q. So, like, as an investigator you've been
6 in here, we haven't sequestered you. And you,
7 of course, have been part of this case for three years.
8 A big contention is that closet. You didn't dust
9 for fingerprints on the closet door?

10 A. No, sir, I did not.

11 Q. You didn't dust for fingerprints on any other
12 part of the apartment?

13 A. No, sir, I did not.

14 Q. So the ammo drum, the AR-15, the closet door
15 handle, no fingerprints?

16 A. When you're speaking to particular items
17 of evidence, once they are collected, they could
18 be processed later for fingerprints. But at the time,
19 on the scene, no, sir.

20 Q. Okay. Oh, so that would be his job?

21 A. If they're collected, they could be processed,
22 yes, sir.

23 Q. So if he didn't do it, that would be on him?

24 A. It kind of depends.

25 Q. Does the -- whose job -- it's the lead

1 investigator's job to make that call?

2 A. Yes, sir.

3 Q. You're the quarterback; they're the coach?

4 A. Correct.

5 Q. They're making the call?

6 A. We also have a captain above us as well.

7 Q. So you're the one making -- I mean, but who would
8 normally make the call?

9 A. It's usually the lead investigator.

10 Q. No fingerprints done in this case, to your
11 knowledge?

12 A. No, sir.

13 Q. All right. Now touch DNA, there was touch
14 DNA done on some things, right, swabs?

15 A. I don't believe so, no, sir. I believe all the
16 swabs were blood.

17 Q. Oh, okay. So, like, the ammo drum, the AR-15,
18 the closet door handle, the cell phones, the holster,
19 no fingerprints, no touch DNA?

20 A. No, sir.

21 Q. And you said there were blood swabs taken, right?

22 A. There were.

23 Q. Okay. Now that empty holster that's there
24 on the table, that's a Relentless Tactical pistol
25 holster?

1 A. Yes, sir.

2 Q. Okay. Now, I know there's been a lot of talk
3 about safes, and there was a little safe in the
4 apartment?

5 A. That's correct, underneath the bed in the master
6 bedroom, yes, sir.

7 Q. But that's different than all this talk about
8 a big safe, right?

9 A. Correct.

10 Q. And you're aware of all that ---

11 A. Yes, sir.

12 Q. --- through your investigation? And when
13 we talked earlier -- I don't mean to be jumping around
14 on you.

15 A. That's okay.

16 Q. When we talked earlier about items where there
17 would be a mark on a projectile, that's a mark from
18 a projectile in this case, right?

19 A. That's correct, it is.

20 Q. All right. And so what we were saying about
21 the floor, if we've got two people shot on the floor,
22 not saying there would be a chip of wood, but there
23 could be -- should be a picture of whether it's
24 a ceiling or the floor, something like that?

25 A. It's possible there could be an indentation.

1 Q. But we don't have that?

2 A. There was none found, no, sir.

3 Q. Or you would have taken a picture of it?

4 A. Correct.

5 Q. Got it. Now the safe, you know through your
6 investigation that this other safe, not the small safe,
7 would need two people to carry, and that's what was told
8 to you?

9 A. Correct, yes, sir.

10 Q. Okay. And that's certainly -- there's two
11 different safes discussed in this case?

12 A. There are.

13 Q. Okay. And as far as what was collected, do you
14 know -- I mean, and certainly you can see this safe down
15 here, this big heavy thing right here. It's solid,
16 right? It didn't even make a noise.

17 A. That's correct.

18 Q. All right. You want to come and try to pick
19 this safe up?

20 A. I'd rather not.

21 Q. You sure?

22 A. If I'm ordered to, I will.

23 Q. No, I ain't going to push you around. It's not
24 something you normally do in PE class?

25 A. No, sir.

1 Q. All right. And so as far as that's concerned,
2 I mean, this is a heavy safe, right?

3 A. It's a substantial safe.

4 Q. Yeah, that's stuff to push on a dolly?

5 A. Correct.

6 Q. Okay. And so if -- and again, you know,
7 I'm not asking you to totally -- it would be difficult
8 for one person to carry that and shoot a weapon?

9 A. I agree with that.

10 Q. Okay. It would be difficult for somebody
11 to carry that and run?

12 A. I agree.

13 Q. Okay. Do you know whether Mr. Furtick's shoes
14 had blood all over them?

15 A. I do not know one way or the other, no, sir.

16 Q. Do you know whether they took photographs
17 of the bottom of his shoes?

18 A. I knew photographs were taken of him.
19 I know he was being tended to by Investigator Morris,
20 and I believe Investigator Deas.

21 Q. Okay. Do you have your notes with you?

22 A. I do, yes, sir.

23 Q. You did some interviews in this case?

24 A. Yes, sir.

25 Q. All right. You interviewed Nikki Hicks?

1 A. I apologize.

2 Q. You're good, you're good. Take all the time
3 you need.

4 A. I'm not seeing my notes as far as actually
5 interviewing Ms. Hicks.

6 Q. You didn't speak to her?

7 A. I think I spoke to her by telephone.

8 Q. And looking through your notes of everybody
9 else you spoke to, you wrote out kind of detailed notes
10 in your conversations with them, right?

11 A. For an actual interview, yes, sir.

12 Q. But you don't have any notes from Nikki Hicks?

13 A. I think I had only spoken to her over the phone.

14 Q. Okay. And she told you that there was a heavy
15 safe in the apartment?

16 A. I know an interview was conducted with Ms. Hicks.
17 I'm unsure as to -- by whom, or at least I thought there
18 was an interview done by Ms. Hicks. And I think that's
19 when it was relayed that there was a safe in the
20 apartment.

21 Q. You didn't speak to her, and she didn't tell
22 you that?

23 A. No, I spoke to her on the phone, looking at my
24 notes as to what I remember.

25 Q. But she didn't tell you that?

1 A. She told me that there was a safe in the house,
2 along with two rifles, yes, sir.

3 Q. That's what I was getting at.

4 A. Okay, yes, sir.

5 Q. That's the question. Thank you. So she told
6 you there's a heavy safe and two rifles and cash in
7 that safe, right?

8 A. That's correct.

9 Q. Actually, it was a heavy safe, about two people,
10 two rifles, cash and drugs?

11 A. Are you referring to some notes, or did she ---

12 Q. That's the problem. We don't have the notes.
13 That's why I was asking you about them.

14 A. Okay.

15 Q. I'm talking about your report.

16 A. The actual supplemental report that I typed?

17 Q. Or someone typed.

18 A. Yes, sir. Now, I'm referring to this report
19 that you're speaking to, yes, sir.

20 Q. Your recollection is refreshed?

21 A. Yes, it is.

22 Q. Okay. So you spoke to Nikki Hicks, and although,
23 like all the other people you interviewed in your notes,
24 and you wrote down kind of a bullet-point list of
25 everything they said, you don't have those notes for

1 Nikki?

2 A. No, sir, I don't see them, no, sir.

3 Q. Okay. But you do have in that supplemental
4 report where you spoke to her, and she told you --
5 this is, like, literally right after it happened?

6 A. Correct.

7 Q. Okay. And she immediately -- you tell her that
8 Mr. Atkins has been shot, he's been killed. And she's
9 telling you immediately that there's a safe that's
10 heavy, two people to carry it, two rifles, cash and
11 drugs are in the safe?

12 A. Correct.

13 Q. Okay. Now, at that point, by the time you're
14 speaking with Nikki, she -- I mean, she ultimately
15 spoke to police three times?

16 A. If that's what you have, yes, sir, I would image
17 that would be a correct number.

18 Q. Were you there when Investigator Aldridge spoke
19 to her the third time?

20 A. I don't believe so, no, sir.

21 Q. When she denied knowing anything?

22 A. I don't believe I was there for that interview.

23 Q. Now after the investigators had spoken to
24 Mr. Furtick several times, there was a -- you did the
25 return on the search warrant; is that right?

1 A. Correct.

2 Q. Okay. Give me one second. Take a moment and
3 kind of look through that search warrant, and then look
4 at that page, at the bottom of 141.

5 A. Yes, sir.

6 Q. All right. Let's talk about the search warrant.
7 So the investigators spoke to Mr. Furtick several times
8 at this point?

9 A. I believe so, at the time of the search warrant.

10 Q. And you spoke to Ms. Hicks?

11 A. Correct.

12 Q. Okay. And you've been able to review -- I mean,
13 you did the return, you were there for the inventory
14 of that search warrant, you signed the return. As far
15 as the affidavit, they have Mr. Mack listed as a second
16 suspect. This is a sworn statement.

17 A. That's an affidavit, yes, sir.

18 Q. An affidavit is a sworn statement under oath,
19 where a law enforcement officer says, you know, under
20 penalty of perjury, this is the information that I have,
21 this is the evidence I have, I'm swearing to this?

22 A. Yes, sir.

23 Q. So after speaking to Mr. Furtick several times,
24 and you speaking to Ms. Hicks, the police thought
25 Mr. Mack was the second suspect?

1 A. I think at the time, because you've got
2 to understand on a murder, it's a complex scene,
3 it's a complex case, especially when you have two people
4 who have been killed. So we're attempting to identify
5 everyone and everyone's job or responsibilities in
6 the role of this entire scene.

7 So, I think throughout the multiple interviews,
8 not just the two with Ms. Hicks and Mr. Furtick,
9 throughout multiple interviews at that time, because
10 this happened around, I think, 2:00 p.m. on the 5th.
11 So, we worked into that night.

12 I was at the scene processing while they
13 conducted these interviews. And I think one of the
14 ideas came to be that it was possibly -- I'm sorry --
15 Mr. Mack that was a suspect at that time, but it was
16 found out to be determined that wasn't the case.

17 Q. And that's after you spoke to Furtick several
18 times and spoke to Nikki. Is that because what he
19 was telling you wasn't matching the evidence?

20 A. I'm unsure as far as that goes.

21 Q. Because, I mean, you make logical conclusions
22 as an investigator, right?

23 A. Yes, sir.

24 Q. One plus one equals two, right?

25 A. Yes, sir.

1 Q. And so you've interviewed Mr. Furtick
2 several times. He's the only person that's alive,
3 an eyewitness to tell you what happened, right?

4 A. Correct.

5 Q. You spoke to Nikki. And there's a search warrant
6 that swears that -- your agency swears at that point,
7 after the investigation of speaking to them, that
8 Mr. Mack is the second suspect?

9 A. That's what the affidavit says.

10 Q. I'm certainly not saying that. What I'm saying
11 is what Mr. Furtick was telling you clearly was
12 confusing and didn't match the evidence, or you wouldn't
13 have -- somebody wouldn't have sworn out a warrant --
14 sworn out a search warrant saying that Mr. Mack was
15 the second suspect?

16 A. From my recollection of it, I do recall, because
17 Mr. Mack entered into the scene as it was going on.

18 Q. I'm talking about ---

19 A. I think that's where the confusion came in.

20 Q. My question specifically.

21 A. Yes, sir.

22 Q. Not kind of now, trying to piece it altogether.
23 Based on at the time, for an investigator to swear under
24 oath, and y'all are trying to piece this thing together,
25 you're trying to solve a crime, clearly the evidence

1 that Mack -- the story Mack [sic.] had told you and
2 the evidence that you had at the scene wasn't matching
3 up, and that's why you got this? I mean, that's a fair
4 conclusion?

5 A. There was a good bit going on.

6 Q. That's a fair conclusion?

7 A. Which portion? You said Mr. Mack told us.

8 Q. Mr. Furtick. I apologize.

9 A. Okay.

10 Q. I mean, that's a fair conclusion that if you
11 list Mr. Mack as a second suspect after speaking to Mr.
12 Furtick several times and Ms. Hicks, that the evidence
13 isn't matching up to what Mr. Furtick is saying because
14 it makes you conclude as an investigator to swear under
15 oath that you think it's Mr. Mack as a second suspect?

16 A. This affidavit wouldn't be drafted completely
17 on the testimony from Mr. Furtick though. There would
18 be multiple things that led to this being what was
19 thought to be true at that time.

20 Q. Okay. Okay.

21 MR. PHILLIPS: Just a moment. Your Honor.
22 All right.

23 BY MR. PHILLIPS:

24 Q. Let me show you these notes here. Are these your
25 notes or someone else's?

1 A. Those are my notes.

2 Q. Okay. And where I got it highlighted there,
3 could you just read that out loud? That's your
4 handwriting?

5 A. Yes, that's my handwriting.

6 MS. FULLER: I didn't see it.

7 MR. PHILLIPS: Oh, I'm sorry. I apologize.

8 BY MR. PHILLIPS:

9 Q. Are these your notes?

10 A. Those are my notes.

11 Q. Do they fairly and accurately depict your notes?

12 A. They do.

13 Q. Have they been altered or changed in any way?

14 A. No, sir.

15 Q. Do you read out loud?

16 A. Yes, sir. It says, "Rodney on ground, Mack comes
17 in, cuz gives gun to Mack to hold them while he gets
18 dope, comes back to get gun from Mack, puts him on the
19 ground, and shoots him. Third guy runs in, gets cuz,
20 and they shoot, and Rodney hit him in the leg -- they
21 shoot at Rodney, hit him in the leg."

22 Q. Yeah, I mean ---

23 A. I'm sorry. It says get Nikki an interview.

24 Q. Yeah, but you don't actually have the rest
25 of that, Nikki's interview, noted out?